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AUTHORITY IN LIBERAL JUDAISM

A Reconstruction Based on the Writings of Cohon, Petuchowski, and Schwarzschild

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Thesis submitted in partial fulfillment of the requirements for Ordination

Hebrew Union College-Jewish Institute of Religion

Cincinnati, Ohio

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Digest

Authority presents a difficult problem for liberal Judaism today. While almost all serious thinkers believe that some type of authority is essential for the functioning of any religious group, there is no clear agreement within even Reform Judaism on what authority is, how it works, or how it ought to function. The question of authority underlies many of the most important issues currently facing Judaism, and some contend that failure to resolve basic conflicts about authority will result in the loss of purpose within liberal Judaism, or even its fragmentation.

This thesis is a study of authority from several different perspectives. The first chapter is an exploration of some of the discussions of authority in the current philosophical literature. A vocabulary for speaking about authority is defined, and a classification system for identifying and evaluating different kinds of authority is developed and then applied in a brief evaluation liberal Jewish authority.

Chapter Two evaluates the nature of authority from a sociological perspective. A number of general principles about authority are explored, and the different means that authority is legitimated are delineated and analyzed in both a general way and as they function in liberal Judaism.

The third, fourth, and fifth chapters summarize and appraise the way three prominent theologians from the Reform Movement, Samuel S. Cohon, Jakob J. Petuchowski, and Steven S. Schwarzschild, understand authority in

Judaism. Each approaches the question in his own way, consistent with his own theology: Cohon analyzes it historically and pragmatically, Petuchowski from a religious existentialist point of view, and Schwarzschild from a neo-Kantian, rationalist perspective. Each of these chapters includes a general exposition of the individual thinker's theology and a summary and evaluation of his conception of authority.

The sixth and final chapter reaches some general conclusions about authority within liberal Judaism, and proposes appropriate ways in which authority can function effectively within a Reform Jewish context.

Preface

The question of authority can be considered the central issue facing liberal Judaism today. Many of the topics that have been hotly debated recently within the Reform Movement-- secular humanist congregations applying to join the Union of American Hebrew Congregations, the basis for Reform *Halakhah*, temple boards demanding rabbinic officiation at intermarriage, the role of the non-Jew in ritual and in synagogue leadership-- revolve, in one way or another, around authority in liberal Judaism: who or what is in a position of authority over whom and why, and whether this should be the case. Yet the public discussions of these issues have not always-- or often-- reflected the importance of authority to the debate. Unanswered questions exist in each area and for every issue: does the UAHC have the authority to determine its own membership? If not, who does, and what are the long-term consequences? If the purpose of the various guides to Reform Jewish practice is to help build a religious community, what authority may we claim for them? What are the sources of rabbinic authority in contemporary Jewish life? If a rabbi ceases to represent Jewish tradition, has he or she lost that claim to authority? Does a religion have the right to establish boundaries for itself? Who makes those determinations, and on the basis of what level of knowledge?

Answering any of these questions requires understanding and agreeing upon what it is that constitutes authority in Reform Judaism. Without a fundamental level of understanding about authority, it is very difficult to see how any productive consensus can be achieved on any of these issues, or, for that matter, on any question of belief or practice within Reform Judaism. And without

consensus in certain crucial areas, without either direction from within or borders without, the possibility exists that Reform Judaism may become a shapeless, unfocused mass of autonomous, "spiritual" individuals, and not a cohesive religious movement.

Clearly, the very idea of an authority beyond the individual within Reform Judaism has fallen into disrepute; it is even, we are told, a contradiction in terms. This attitude is often framed in jargonesque slogans rather than coherent argument: "guidance, not governance", "autonomy is the hallmark of Reform", "Pluralism is the strength of our movement". But if Jewish tradition-- including *Halakhah*-- represents for us "Guidance not governance"-- what is supposed to provide governance? If "Autonomy is the hallmark of Reform", what happens to community, which inevitably requires the sacrifice of some degree of autonomy? If "Pluralism is the strength of our movement", what are the limits on pluralistic belief and practice within the movement? Are congregations of Messianic Christians, Jewish secularists, and devout atheists who wish to be identified as Jews to be included in our pluralistic model and, if so, what sort of "Judaism" does our movement represent?[1]

In order to address such questions we first need to clarify the nature of authority in general and liberal religion in particular. We have chosen to explore the question by examining five different approaches to authority. In the first chapter we shall evaluate some of the current discussions of authority in the

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[1] These are not a series of far-fetched, unlikely questions: these are real questions being debated today in congregations, and, in some cases, by the Union as a whole. There are rabbinic students-- future rabbis-- currently attending Hebrew Union College-Jewish Institute of Religion in Cincinnati who believe that Jews who accept Jesus as Messiah and as their personal savior are simply Jews, and should be considered full members of any congregation that they will serve.

philosophical literature. In the second chapter we shall explore the nature of authority from a sociological perspective. In the third, fourth, and fifth chapters we will explicate and analyze the work that three prominent liberal Jewish theologians have done on authority in Judaism: Samuel S. Cohon, Jakob J. Petuchowski, and Steven S. Schwarzschild. Finally, in Chapter Six, we shall summarize our conclusions and outline a model of authority for Reform Judaism today.

Chapter One

The Philosophical View of Authority

In our time liberal religions have become dedicated to the concept of personal autonomy. Reform Judaism itself has made a central principle out of autonomy, and an official pronouncement of the Union of American Hebrew Congregations tells us that "...autonomy is the hallmark of Reform".[1] Since autonomy is often viewed as antithetical to authority, there are those within the movement who argue that in Reform Judaism no authority takes precedence over individual autonomy.[2] This puts into question the very concept of authority in religion, and comes close to the philosophic view of anarchists, "who claim that no type of authority is legitimate and that all exercise of authority is corrupt and fails to respect the human individual in his freedom and autonomy."[3] Judy Chicago puts this position well in a poem in the Reconstructionist prayerbook, and often used in Reform synagogues. In her vision of the new messianic ideal,

> ... all that has divided us shall merge
> And then compassion will be wedded to power
> And then softness will come to a world that is harsh and unkind
> And then both men and women will be gentle
> And then both women and men will be strong
> And then no person will be subject to another's will.[4]

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[1] Rabbi Alexander Schindler and Mel Merians, introduction to What We Believe--What We Do, UAHC, 1992, page vii.

[2] See Alvin J. Reines, Polydoxy: Explorations in a Philosophy of Liberal Religion, Prometheus Books, Buffalo, New York, 1987, page 28: "... the only ultimate form of authority that is recognized is each member's self-authority." Or page 198, where he mentions "... freedom, the highest ideal possible to the modern religious community..."

[3] Richard T. De George, The Nature and Limits of Authority, University Press of Kansas, 1985, page 10.

[4] Judy Chicago poem in Kol Haneshamah: Shabbat Eve, 2nd edition, Reconstructionist Press, Philadelphia, 1993, page 137. No title is given for this poem. It was used at HUC-JIR ordination services in Cincinnati, May 1994.

When analyzed seriously this seemingly felicitous phrase-- "and then no person will be subject to another's will"-- points directly to anarchy.

Some contend that this dislike of authority within Reform Judaism represents the last citadel of the 1960's rebellion against authority, a rebellion that ultimately returned to the acceptance of most kinds of societal authority. Others argue that the denial of religious authority is simply an acceptance of secular humanism taken to its logical conclusion, basing morality solely on human choice. As psychologist Erich Fromm put it, "only man himself can determine the criterion for virtue and sin, and not an authority transcending him."[5] Yet these explanations seem too facile, for men and women committed to belief in God often argue against the legitimacy and even the existence of any form of authority in liberal religion.

Those who challenge the validity of authority in liberal religion do so for a variety of reasons. Some attack what they view to be authoritarian excess. Some challenge the legitimacy of a particular form of authority in a system based on the recognition of openness and choice. Both of these approaches acknowledge the necessity of some form of authority in liberal religion, disagreeing with either the extent of the authority or the method of its implementation. On the other hand, some appear to believe that no legitimate authority may exist in liberal religion beyond the individual; this view is essentially that of anarchism. We will demonstrate that this last view is not well supported in serious philosophical or sociological analysis of authority.

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[5]Erich Fromm, Man for Himself: An Inquiry into the Psychology of Ethics, New York, Rhinehart, 1955, page 30.

Recently the question of authority in liberal religion and, specifically, within Reform Judaism has emerged as a crucial one. Within Reform Judaism we have witnessed seemingly opposing yet simultaneous trends towards greater religious autonomy, as evidenced in the recent debate about the Beth Adam humanist congregation,[6] and towards a more hierarchical authority construct, as in the movement to introduce some form of binding Reform *Halakha*. These debates resound with the ringing declamation of crucial words: "autonomy", "community", "authenticity", all taken to be worthy and commendable. Yet the meanings of these terms are not always carefully examined, particularly when they interact with the idea of authority. Though all are closely related to it, and all are, in one way or another, either dependent upon it or reactions against it. In this climate, it is appropriate that we try to understand what authority means for us as Reform Jews. No comprehensive analysis of the role of authority in Reform Judaism has been undertaken for many years.[7] That is the purpose of this thesis.

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[6]It must be noted that the Beth Adam group ultimately was not accepted as a Reform Jewish congregation by the Union of American Hebrew Congregations. Nonetheless, the fact that the question was debated heatedly, and that a secular humanist-- in fact, atheistic-- group was seriously considered for membership is indicative of the trend toward increased autonomy of belief and practice even on the communal level.

[7]Perhaps the most recent comprehensive, systematic treatment of the subject was Samuel S. Cohon's long essay "Authority in Judaism", Hebrew Union College Annual, XI, 1936, pages 593-646, which we shall examine at some length in Chapter Three. In 1982 the Central Conference of American Rabbis published a volume entitled Rabbinic Authority, (a reprint of the CCAR Yearbook, Volume XC, New York, 1982, edited by Elliot L. Stevens), a compendium of papers that deal with aspects of rabbinic authority. While this is a valuable volume, as Stevens notes "... the papers... were submitted in a variety of styles" (page ix), and present an eclectic collection of views on a variety of questions relating to rabbinic authority, rather than a complete analysis of even this aspect of authority in liberal Judaism. The book jacket's statement that "This volume represents the finest thinking on the dilemma of contemporary rabbinic authority available today" is probably accurate; its claim to be "A comprehensive collection of essays and papers addressing every facet of rabbinic authority" is less convincing.

In examining these recent, disparate trends in Reform Judaism, several significant questions emerge. First, in a religion dedicated to informed individual choice, is there such a thing as religious authority? If there is, what is the source of that authority, and where does that authority reside? What would the nature of that authority be, and what would be its scope? And if it exists, when can that authority be called legitimate? In the attempt to answer these questions we will first explore the treatment of "authority" in recent philosophical discussions.

Authority in Philosophy

In the current philosophical literature there is fairly broad acceptance of the need for some sort of authority in society. In general, philosophers accept both the existence of different types of authority and their necessity. Yves Simon declares that "authority is present in all phases of social life,"[8] while Richard T. De George begins his cogent analysis of the question of authority by stating that "Authority is a fact of social life," and "acceptance of a certain degree of authority...is the normal state of affairs."[9] Taking this as axiomatic, he continues that

> Legitimate authority is bounded by the extremes of anarchism and authoritarianism between which it vacillates and against which it must guard. The norm of authority is rationally defensible within certain specifiable limits... as the norm, authority need not be constantly defended. Rather, challenges to it are what require defense. Such challenges are most successful when they demonstrate abuses of the norm rather than when they attack the norm itself.[10]

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[8]Yves R. Simon, A General Theory of Authority, University of Notre Dame Press, Notre Dame, 1962, page 13.
[9]Richard T. De George, The Nature and Limits of Authority, page 1.
[10]Ibid.

Authority is a part of our lives, and we accept its existence as more or less legitimate and necessary, so long as it avoids straying into the realm of authoritarianism. There is, nonetheless, a tendency in contemporary thought to view authority as, at best, a necessary evil,[11] preferable to the anarchy that ensues if all authority is withdrawn but otherwise unattractive for its role in limiting individual freedom.

Charles Taylor offers an intriguing explanation of authenticity which sheds light on another rationale for this general dislike of authority in modernity.[12] The ethic of personal authenticity, the popularization of which he attributes to Herder,[13] maintains that each of us has an original and unique way of being human. Each of us has a moral responsibility to live our lives in one authentic way, which we must discover for ourselves, out of our own identity. This takes *im ein ani li mi li*[14] to an extreme: if I am not true to myself, says Taylor, "I miss what being human is for *me*."[15] We live in a cultural climate in which crucial moral importance is given to contact with our inner natures. Any infringement on the integrity of that process of self-examination is viewed negatively; any restriction on the unimpaired freedom to engage in self-discovery, whether by pressure towards outward conformity or through

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[11]Yves Simon explores this tendency, and the reasons behind it, in an enlightening way in his chapter "The Bad Name of Authority" in A General Theory of Authority. Although the book and the argument date from 1962, they still accurately describe crucial elements in the fairly general dislike of the concept of authority.

[12]This summary is based on Charles Taylor's The Ethics of Authenticity, Harvard University Press, Cambridge, 1992, first published in Canada as The Malaise of Modernity, Ontario, 1991; pages 28-44.

[13]Phillip Rieff believes that in the general society the popularization of this idea is much more likely attributable to a misunderstanding of Freud. See The Triumph of the Therapeutic: Uses of Faith After Freud, Phillip Rieff, Harper and Row, NY, 1966, pages 29-47, for a complete analysis.

[14]Mishna Avot 1:14.

[15]Taylor, page 29.

exposure to another's prior knowledge, is seen as an unalloyed evil. Authority of virtually any kind imaginable thus comes into conflict with the freedom to pursue "authenticity".

H. M. Kallen, in a spirited defence of non-coercive forms of authority, criticizes the prevailing convention in thought that

> freedom and authority are antithetical, that freedom is to authority like *black* to *white* or *down* to *up*. It is, I believe, true that the record counts many situations where such polarity obtains. But it also counts at least as many with no such antithesis... In the frame of reference of group dynamics, authority seems to be a name for varied ways in which free individuals, each different from the others, combine with one another.[16]

In fact, he continues, linguistically "authority" comes from the same Greek word as "author" and "authenticity". Authenticity is thus a kind of authority itself, the authority of being a creative and self-sustaining individual, and it is as such an authenticity authority that one interacts with others, perhaps forming a consensus of authorities that will lead to the formation of a general authority over all for the good of all.[17] The true meaning of authority, says Kallen, is closely related to the Hebrew *semach* meaning to support or raise up, as in the liturgical phrase *somech noflim*, "who raises up the fallen".[18] While it is not

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[16]H. M. Kallen, "Freedom and Authority", in The Mordechai Kaplan Jubilee Volume, JTS, New York, 1953, page 438.

[17]Alvin J. Reines coins the term "self-authority" for the concept of individual authenticity (see Polydoxy, page 25 and elsewhere); however, his understanding differs significantly from Kallen. He believes that the only valid organizing principle of "polydox" liberal religious groups is based in the "Freedom Covenant": each member is guaranteed the right to hold his or her own beliefs and exercise his or her own practices so long as they do not restrict another's ability to hold his or her own beliefs or exercise his or her own practices. (This is, of course, a classical liberal definition of rights.) All authority in such a system is "conditional authority", in which each individual may grant to an authority figure only the authority over himself or herself, and can withdraw that authority at any time. Reines does not recognize any basis for the majority to determine appropriate practices (or, *al akhat kama v'khama*, beliefs) for the group as a whole. (Polydoxy, page 29).

[18]Kallen, ibid., page 439. Of course, the rabbinic *s'micha* is derived from the same root, and would then confer authority in the sense that the rabbi is brought up to a certain level, and is now responsible for the support of others and for raising them to that level.

entirely clear what Kallen means by authority here, he clearly sees it as a demonstrable good which not only needn't interfere with authenticity but might actually be integral to it.

Most philosophers are not so sanguine about the benefits of authority, non-coercive or otherwise. But even for those who decry authority's influence, it is clear that "...it will always play an all-important part in human affairs."[19] Jeffrey Stout explains

> that modern thought was born in a crisis of authority, took shape in a flight from authority, and aspired from the start to autonomy from all traditional influence whatsoever; that the quest for autonomy was also an attempt to deny the historical reality of having been influenced by tradition; and that this quest therefore could not but fail.[20]

It is the moral and religious climate that exists after the "failure" to successfully flee from authority that we wish to address.

But what exactly is meant by the concept of "authority" in philosophic terms? In seeking to define authority, we immediately encounter a significant difficulty. As Iredell Jenkins points out, "*authority is clearly a relational term:* it is not a quality or power or condition... authority can be defined and explained only as a relation between other more basic terms."[21] Or as De George puts it, "In all cases authority is either a relation or a relational quality attributable to a person or office or document or set of rules"[22]; in other words, something or

[19]Yves Simon, pages 21-22.

[20]Jeffrey Stout, The Flight from Authority-- Religion, Morality, and the Quest for Autonomy, University of Notre Dame Press, Notre Dame, 1981, pages 2-3.

[21]Iredell Jenkins, "Authority: Nature and Locus" in Authority: A Philosophical Analysis, R. Baine Harris, ed., University of Alabama Press, 1976, page 36 (italics his).

[22]Richard T De George, "The Nature and Function of Epistemic Authority", in Authority: A Philosophical Analysis, R. Baine Harris, ed., University of Alabama Press, 1976, page 77. One

someone is an authority in relationship to someone or something else, or is in

authority over someone or something else. Without this relationship, authority

has no meaning. Thus,

> To be an authority or to have authority without there being a subject or
> subjects to whom, for whom, or over whom one is or has authority would
> make no sense.[23]

This has certain important implications:

> It is impossible to be an authority in general;[24] authority is always and
> necessarily related to some field or area of competence or applicability
> over which the authority is exercised. All authority is thus essentially a
> relation among a *bearer*, a *subject*, and a *field*, in virtue of a particular
> quality, attribute, or context... The core relation of authority can be put
> formally by saying that "A is an authority for B over field C in virtue of D".[25]

with C being the area of A's authority, and D being the qualifications or position

that A possesses.

Having acknowledged this relational aspect of authority-- that it exists

between two parties in certain areas because of specific reasons-- the next step

is to delineate just what it is that authority itself consists of. First, however, some

common misconceptions must be addressed. Stanley Benn, writing in the

Encyclopedia of Philosophy,[26] is helpful as he examines what authority is *not*.

"'Authority' is often defined as 'legitimate power'",[27] he notes, but agrees with de

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might choose to add "God" to this list, as De George himself does in his analysis of religious authority in The Nature and Limits of Authority, chapter 10.

[23]Richard T De George, "The Nature and Function of Epistemic Authority", page 77.

[24]Although De George later partially qualifies this in The Nature and Limits of Authority, when he says "no one, *with the possible exception of God*, is an authority in general; and even God, strictly speaking, is not authorized to do those things for which he must be elected, unless he is elected." Page 15.

[25]Ibid., page 77.

[26]Benn, Stanley, "Authority", Encyclopedia of Philosophy, Paul Edwards, Editor-in-Chief, MacMillan, NY, 1967, Volume 1, pp. 214-218.

[27]For an example of this approach to the question, see James Iverach, "Authority" in The Encyclopedia of Religion and Ethics, James Hastings, ed., New York, Charles Scribner's Sons, 1918, pp. 249-254. Authority is viewed here solely as the power to coerce action from another.

Jovenel that "power is something very different from authority."[28] "Power" is a broad term, which incorporates one kind of authority, that of the coercive authority figure, for "to have power [over others] is to be able to get what one wants by affecting the behavior of others". Yet authority is both more and less than the ability to affect another's behavior. An authority may have no capacity to affect behavior in a given situation, yet remain in a position of authority, either by official position or superior accomplishment. We speak of a person as being an authority on painting or Baroque music, for example, which does not necessarily imply the ability to change anyone's behavior. Authority is not simply either power or the ability to affect another's behavior, although it can be either, or both; but it also contains other meanings.

Similarly, De George argues that we must not limit our understanding of the scope of authority to its political dimension, which is often thought of as the right to command. Hobbes explained "By authority, is always understood a right of doing an act",[29] while anarchist philosopher Robert Paul Wolff specifies that "Authority is the right to command, and correlatively, the right to be obeyed."[30] Both of these too narrowly define what authority is. Authority in some of its forms is indeed a power; in some, a right; and in some neither. Should we wish to define authority in terms of influence we face a similar difficulty: Kurt Baier distinguishes between authority, influence, and power by saying that power is necessarily grounded, influence is necessarily effective, and authority is not

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[28]de Jovenel, Bertrand, "Sovereignty", Nomos I-Authority, Harvard Press, Cambridge, Mass., 1958, page 32.

[29]Thomas Hobbes, Leviathan (edition edited by Michael Oakeshott, Oxford, B. Blackwell, 1957, page 106). R. S. Peters begins from Hobbes' definition in his article "Authority", Proceedings of the Aritstotelian Society, supplementary volume 32, page 207.

[30]Robert Paul Wolff, In Defense of Anarchism, New York, Harper Torchbooks, 1970, page 4.

necessarily either one.[31] Authority can be influential, and being in a position to influence someone can make one an authority; but authority is not by necessity influential (although influence is always some form of authority).

Having eliminated certain simplistic definitions of authority, we can now delineate the elements in our understanding of what authority is. While the complexity of the question defies a simple definition, we begin by noting that the authority relation is an unequal one, the authority being the superior-- either in rank or office or knowledge or charisma-- and those subject to authority being the inferiors. An authority in a given area can, of course, be inferior to another higher or more competent authority in that field; but the original authority (he, she or it) remains an authority so long as there are inferiors who recognize an authority relationship for themselves, and act appropriately. "Appropriate action" takes the form of obedience to the authority's command, or intellectual or emotional acceptance of the authority's opinion as authoritative, or some other form of action motivated by the acknowledgement of that authority.

Next, authority is either *de facto* or *de jure* or both. *De facto* authority is simply a relationship that is recognized as authoritative by the inferior in the relationship: X is a *de facto* authority if he is recognized by some Y who acts appropriately in response to X. Thus, a king who usurps a throne can be a *de facto* authority for his subjects, who obey his commands; or a food critic is an authority for the readers of his column who make their reservations at restaurants that she recommends. A *de jure* authority is one who holds a

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[31]Kurt Baier, "The Justification of Governmental Authority", Journal of Philosophy 69, 1972, page 710.

position of authority and exercises that authority in accordance with a certain set of rules or specified procedures. A man elected to judicial office is a *de jure* authority, authorized to sentence convicted criminals to jail; a professor is a *de jure* authority to his students by virtue of his PhD. and his position as their instructor, with the power to assign grades.[32] This distinction applies both to the individuals (or things) in the position of authority and to the actions that those individuals (though not the inanimate objects) take. A *de jure* authority may or may not also be a *de facto* authority: the Queen of England technically must approve every British governmental change, yet in truth exercises no *de facto* authority over Parliament, although her predecessors on that same throne once held such *de facto* authority. In addition, a person may certainly be a *de jure* authority in one area while exercising *de facto* authority in a different area: a professor at HUC-JIR may have great influence not only over a rabbinic student's grade in a course (*de jure* authority), but also, through his personal relationship and professional influence, over other aspects of that student's life, such as the student's choice of a given congregation for employment (*de facto* authority).

Another distinction is crucial to the concept of authority, that of legitimacy. Any type of authority can be either legitimate or illegitimate, but not both; these terms are opposite, and mutually exclusive. Both *de facto* and *de jure* authorities can be either legitimate or illegitimate, and their actions, too, can be either legitimate or illegitimate. While this may seem clear with regard to *de facto* authority, *de jure* authorities, too, can be illegitimate if the system that

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[32]The professor, one hopes, is also a *de facto* epistemic authority for his or her students; but that is irrelevant to whether he or she is a *de jure* authority, although it may affect whether he or she remains in that position.

provides them with their qualifications is itself illegitimate. One might, for example, question the legitimacy of a government elected in a fraudulent ballot, or question the legitimacy of the Biblical patriarch Jacob's duplicitous acquisition of his brother's blessing from his father Isaac,[33] which granted him special *de jure* status. In addition to the question of the legitimacy of the authority itself, the actions of authorities can also be said to be either legitimate or illegitimate. As De George puts it, "Even if X has legitimate authority the means of its exercise may be illegitimate." A parent, by all accounts a legitimate authority for a dependent child, can either legitimately discipline or illegitimately abuse that child. The converse is equally true for illegitimate authorities. The fraudulently elected government-- an illegitimate *de jure* authority-- may even use its authority to enact election reforms preventing a repeat of its own abuse.

A further distinction of can be made: authority can be either effective or ineffective. This is true whether it is *de facto* or *de jure*, legitimate or illegitimate.

> X is an effective authority if there is an end or goal for which he is an authority or for which his authority is exercised and if that end is achieved in an appropriate manner. He (or it) is not an effective authority if there is such an end but it either is not achieved or is not achieved in an appropriate manner.[34]

This distinction will prove to be particularly significant in evaluating religious authority, and it raises a fundamental question: how ineffective can an authority be and remain an authority? Within this question of effectiveness, we can also distinguish variations of intensity. The extent and power of the authority will vary depending on the specific relationship involved. In authority relationships where obedience to command is focal, the alacrity of the subordinate's or

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[33]Genesis chapter 27.
[34]De George, The Nature and Limits of Authority, page 20.

subject's response demonstrates the intensity (or lack of intensity) of the authority. In relationships where knowledge or influence form the basis of the authority, the speed with which the authority's opinions are accepted and the depth of acceptance can be used to measure the intensity of the authority.

The Types of Authority

Conventionally, we use the word authority in two major ways: an individual can be said to be "an authority" in a certain field of knowledge, or "in authority" by occupying a position (officially designated or otherwise) which carries with it certain rights and powers. The technical terms for these different, although not mutually exclusive uses of the word, are epistemic authority and deontic authority, roughly corresponding to the ideas of being "an authority" and "in authority" respectively. De George uses slightly different terminology for this distinction, referring to "executive" and "nonexecutive" authority, with nonexecutive authority including epistemic authority. While there are instances when an authority does not clearly fit into either category, this is a useful distinction. As De George summarizes,

> In general, an executive authority has the right or power to act for or on someone else. A nonexecutive authority does not... An epistemic authority is an authority in a field of knowledge...but he does not exhaust the type.[35]

In addition to epistemic authority, he introduces into the nonexecutive category the notion of an exemplary authority, someone whose authority is based on something besides knowledge. The leader of an art movement, for example, may not know more about art or art history than the individuals that he is

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[35]Ibid., page 23.

leading, but simply have established a particular style as preferable and used his influence as its champion to rise to a position of authority in the field. He is a nonexecutive exemplary authority, but not an epistemic authority. We shall examine these categories at greater depth shortly.

Executive Authority

Executive authority, or "in-authority", is the right or power of someone (the executive authority), to do something in a certain realm or domain. The right or power involved in executive authority is always the right or power to perform some action, or to cause it to be performed, which distinguishes it from epistemic and other forms of nonexecutive authority. It is executive authority that comes closest to many of the traditional definitions of authority.

To be an executive authority one must have either the right or the power to perform an action, but not necessarily both. Not every right is a power, and not every case of having power to do something implies having the right to do it. The U.S. government may have the right (and even the economic need) to raise taxes, but be unable to do so because of popular resistance to the idea; and a bully may have the power to punch you in the nose, yet not have the right to do so. Executive authority, like all other forms of authority, may be either *de jure* or *de facto*, either legitimate or illegitimate, and either effective or ineffective.

The use of the term "power" in the definition of executive authority does not imply that such power is exercised by means of coercion or force. De George notes that

> To speak of authority as a power does not necessarily involve any notion of force or coercion... authority itself is not the same as the use of force or coercion... Executive authority, if it is effective, does not require force or coercion.[36]

Many types of authority-- including all forms of nonexecutive authority-- carry with them no element of power, and utilize neither force nor coercion. But even when we use the term in the course of exercising executive authority, as in the case of a marriage ceremony performed by a justice of the peace ("by the power vested in me by the state...") we are often speaking about a legal right which involves neither force nor coercion. There are, of course, certain times when "power" does imply the potential use of force, and the right to use coercion in a society is given to certain parties. The police and the army, for example, have the legal, limited right to use some types of force and coercion. Interestingly, notes De George, such force and coercion, if properly circumscribed, is to be used only against those over whom the state or government does not exercise effective authority. The army is employed against enemies outside the boundaries of the state; the police are supposed to enforce the law against those who are outside the law, lawbreakers. For those who obey the law and recognize the authority of government, the use of coercion is inappropriate and typically illegitimate. The police and army are authorized to keep the peace and defend the country; ideally, when their authority is truly effective it requires no use of force at all. Power is used only to establish or re-establish executive authority.

Broadly speaking, there are two forms of executive authority, which De George calls imperative and performatory.[37] Imperative authority is the right or

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[36]De George, The Nature and Limits of Authority, page 63.
[37]For a more complete analysis of executive authority see his chapter 4, "Executive Authority", pages 62-92 in The Nature and Limits of Authority.

power to command someone to act or forbear acting in certain ways; for example, when Pharaoh orders his Egyptian officers to kill all Hebrew male children[38] he is exercising imperative authority. In contrast, performatory authority is the right or power of the executive authority to perform some action himself or herself, again operating within a given field. Exercising performatory authority, a surgeon who has been authorized to do so has the right to operate on his patient, the treasurer of a company has the authority to pay the company's bills, and a justice of the peace in Ohio has the legal power to perform a marriage between two consenting adults in that state, provided they have obtained a marriage license.

As should be clear by now, executive authority of any kind cannot be understood in abstraction from a context. Why people do or should obey another's commands, why people allow others to act for them, or why people accept another's word or signature as binding for a group can be made intelligible only in terms of specified contexts. The justice of the peace performs marriages within the context of civil law, and only in the State where he has been certified to perform them; Pharaoh's command is binding only in the land of Egypt; an executive tells a secretary to take a letter by virtue of the structure of the business, their respective roles, and some agreement as to wages and duties.

Executive authorities are usually human beings, although we speak of the government-- whether the legislative, judicial, or executive branches-- as an

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[38]Exodus, chapter 1.

executive authority,[39] and we can speak of the law or of the rules of a game as being executive authorities. The law-- whether the U.S. Constitution or the *Halakhah*-- can also be viewed as a source of executive authority, which is then exercised by an individual or a group of individuals. In every case, the executive authority always acts upon a human being or a group of human beings.

De George delineates three major kinds of executive authority-- parental, operative, and politico-legal-- and one minor kind, spontaneous authority. Parental authority is the authority of the parent over a child, a complex relationship that also embraces epistemic authority. Operative authority is the authority exercised in freely formed groups, societies, and organizations, such as clubs, fraternal organizations, professional societies, and perhaps liberal religious congregations and associations. Politico-legal authority is exercised by a state or government, and by all who work for governmental or official state agencies and those legally authorized to perform official functions. Spontaneous authority is the authority that a non-official individual has by virtue of initiative or personal character when he or she takes charge in an emergency. This last requires some further explanation.

Using the famous example of a fire in a crowded theater, De George asks us to consider the authority of someone who takes charge, begins giving commands, telling people where to go and how to escape. The people do what

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[39]Of course, the government is composed of individual human beings who possess the authority to command or perform or proscribe certain acts. This is what makes political pronouncements about the evils of "government", especially when voiced by representatives of that government (Ronald Reagan or Newt Gingrich, for example) somewhat disingenuous.

they are told to do. The person giving the commands has served as a *de facto* executive authority, exercising effective imperative authority, although lacking any official position. Because of the emergency, that person is obeyed because he or she inspired the others to believe that their welfare was best served by doing so.

A similar phenomenon to spontaneous authority may take place over a longer period of time when the people of a country in crisis turn to a charismatic leader. Bar Kokhba's initial emergence as a military leader in the fight against Rome provides one such example; Spartacus' assumption of leadership in the great Roman slave revolt would be another. Closely related to such authority is what Max Weber categorized as charismatic authority. Whether used to describe a religious leader or a political revolutionary-- sometimes, of course, the two are the same person-- this is the *de facto* executive authority that a leader exercises over followers through force of personality, strength of ideals, and the followers' belief in the leader's special status. Such authority, whether spontaneous or charismatic, may be considered legitimate only because it is the right of the people to do as they wish, including the right to act as others command. In Weber's understanding of the concept, charismatic authority, if it persists for any period of time, tends to become routinized and ceases to be charismatic or spontaneous; either such authority disappears, or it is transformed into traditional or legal/rational authority.[40]

While the above categories include most types of executive authority, another case of *de facto* executive authority should be examined. That is the

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[40]We shall examine Weber's writing on the subject at greater length in Chapter Two.

authority that a doctor has for a patient, which is also similar to the authority that a lawyer has for a client. The doctor is an epistemic authority for the patient by virtue of his knowledge about medicine, and is not, in most cases, a *de jure* executive authority.[41] Nonetheless, a patient may feel that he or she must "do what the doctor tells me to do." This makes the physician a *de facto* executive authority, exercising imperative authority. Similarly, in some cases a liberal rabbi may serve as a *de facto* executive authority for a congregant who, after a death in the family, asks the rabbi "what to do". Even if the rabbi conveys the customs of the Jewish house of mourning as purely advisory and subject to individual choice, the congregant may see them as binding rules, and follow them scrupulously.

Finally, it should be noted that operative authority has relevance for the question of the locus of authority in liberal religious groups. Operative authority, either of the performative or imperative type, is granted within a voluntary group to one or more of its members so that some specific end can be achieved. In these situations, the individual members of the group subordinate their individual wills in certain specific areas so that collectively and individually they may accomplish more than would be possible if they did not do so. The source of the operative authority in such groups is the members of the group themselves, who give the bearer of that authority-- whether the president of the fraternity, the conductor of an amateur choir, the condominium association chairperson, or the president of a synagogue-- the right to act for them or to command them in appropriate ways. The authority thus given is limited to what

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[41]An exception to this would be the psychiatrist at a state mental institution who has executive authority to compel certain types of treatment, or a physician operating under hospital or state law who compels the feeding of a comatose patient.

they authorize the person to do for them, the area in which the person may act or give commands, and the general nature of those commands. Those subject to that authority may render it nonapplicable by leaving the group, or if enough of those subject to that authority are dissatisfied they may take joint action to rescind, change, or limit it. The operational authority of the leaders of such groups thus comes from the actual members, mediated through the rules, bylaws, and constitutions (if such exist) of the group. As affiliation with the group is voluntary, such authority as the members deed to a leader is legitimate, although, of course, it can be abused.[42]

As we shall see in looking at the specific question of religious authority, operative authority can be one way of understanding the nature of authority in liberal religious groups, and specifically within Reform Judaism.

Nonexecutive Authority: Epistemic Authority

Nonexecutive authority is based on the claim of the authority (which can be either a person or a text) to a higher level of knowledge, discernment, competence or successful experience than others in a specific field. It is what we mean when we say that someone is "an authority" on a given subject or in a specified area. In contrast to executive authority, nonexecutive authority does not involve the right to command or to act for or on another person. While

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[42]Superficially, this is similar to Alvin Reines' "conditional authority", with one critical difference: Reines does not believe that democratic processes may legitimately be employed to determine normative behavior (much less beliefs) in a liberal religious community, even though membership is voluntary. Operative authority is always based in some sort of democratic process in which the general will of the majority-- or, at least, the majority of the more involved members-- of the group confers authority on an individual, a subgroup, or a text.

nonexecutive authority can be the basis for conferring executive authority on an individual, in its own right it confers neither imperative nor performatory authority, and thus no right of either command over others or action on others or on behalf of others. Nonexecutive authority, like executive authority, can be either *de jure* or *de facto*, legitimate or illegitimate. Like all forms of authority, nonexecutive authority can exist only in a context.

There are several types of nonexecutive authority: epistemic authority, the authority of competence, and the authority of authenticity.[43] All are based on the authority's possession of a quality-- knowledge, competence, creativity, or self-realization-- that others do not possess to a similar degree. The most important of these is epistemic authority, authority based on knowledge. Epistemic authority comes from having knowledge in a given field. It can be possessed by an individual or a text: an English teacher is an epistemic authority on the language, but so is a good dictionary, and a rabbi would be an epistemic authority on *Halakha*, and so would the *Mishna Berurah*.

We commonly employ the concept of epistemic authority in two somewhat different ways; both have inconsistencies. First, an individual may be an epistemic authority because he or she has great knowledge, as certified by some objective source, in a specified area. This is the sort of authority a professor has by virtue of a Ph.D. He or she is considered to have great knowledge, and thus epistemic authority, by virtue of the doctorate. While not every individual with a Ph.D. may in fact be the epistemic authority he or she is assumed to be-- the Scarecrow's degree in the Wizard of Oz comes to mind--

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[43]This is De George's categorization.

the official certification provides *de jure* evidence of epistemic authority. If we were to find out later that the individual in question did not have much knowledge in his or her supposed field of expertise we would likely conclude that he or she is really not an expert, and perhaps that whoever certified expertise here had very little knowledge indeed; we could logically state that the professor had never really been an authority. This sort of distinction can also be made when the epistemic authority involved is a text. If we were to read and believe a persuasive thesis on the Book of Esther that dated it to Roman times, only to learn of the subsequent discovery of a manuscript of Esther from the Persian period the thesis would lose its status as authority. We could, in fact, prove that it had never actually been an authority. This definition of the word "authority"-- a possessor of great knowledge-- is thus applicable only to legitimate epistemic authorities, and assumes that anyone who is not legitimate is, in fact, no authority. More importantly, it assumes that we know in advance what the criteria are for someone or something to be an epistemic authority. This is problematic: how do we know how much knowledge is enough to make someone an authority?

We also think of epistemic authority as a way of emphasizing the relative knowledge of someone or something with respect to others. In this definition, an epistemic authority is an individual or text that has more knowledge about a given subject than certain others do. Of course, such an individual or text might be an authority for one person or group but not for another person or group: a graduate of a religious school in Ohio might be an authority about Hebrew for his younger sisters, but not for his Israeli-born cousins. This, however, is also a problematic usage: if the authority in question turns out not to know more than

the others in the group, we have erred in believing that he (or she or it) was ever an authority; and again, the requisite knowledge cannot be specified in advance.

This problem is highlighted in the definition of authority in The Dictionary of Theology:

> The palpable, demonstrable trustworthiness or legal claim of a person or thing (a book), capable of convincing another person of some truth or of the validity of a command and obliging him to accept it, even though that truth or valid character is not immediately evident.[44]

An inadequate definition of authority in general (and even of authority in religion), it does demonstrate the difficulty in defining epistemic authority by looking at the bearer of authority first. If the trustworthiness of the authority is not immediately evident, what makes it palpable and demonstrable? What constitutes a legal claim to authority-- a governmental position, perhaps? Further, is an authority always effective in obliging others to accept his or her opinions? According to this definition if it fails to do so it loses its claim to be considered an authority, or to ever having been an authority.

A definition of epistemic authority that avoids these difficulties is based on a reversal of the pattern: an epistemic authority is anyone or thing that is taken to be an authority in the area of knowledge by another. Thus, as De George puts it,

> A person is a *de facto* epistemic authority if he or she is considered to be an authority by others with respect to some field or area of knowledge. Thus X is a *de facto* epistemic authority if there is some Y who considers

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[44]The Dictionary of Theology, 2nd Edition, Karl Rahner and Herbert Vorgrinder, translated by Richard Strachan, Crossroad Publishing, New York, 1988, page 35.

X an authority for Y in some realm. With respect to that realm, Y considers X his superior in knowledge.[45]

X can be either a person or a text; X can also be a tradition, oral or written. As Barry S. Kogan puts it, the bearer of epistemic authority "... may also be a written document, a set of rules, or the fund of knowledge in a discipline which the subject wishes to know about."[46] As with executive authority, those subject to the authority must be human beings. Even more essentially than in the case of executive authority, the epistemic authority is an authority only in the field of his expertise.

It is also true that others in addition to Y can designate X as an authority in a field of knowledge. But if Y does not accept that X has the knowledge to back up that designation, it will ultimately collapse. A broadcaster may introduce a guest to his audience as an authority on the economy, or a political pundit as an authority on government; but if the audience does not believe what the authority says, he or she is not a *de facto* epistemic authority. A teacher may be introduced by a principal as an authority, but if none of her students believe that she is knowledgeable in her field, she is also not a *de facto* epistemic authority.

By this definition some unexpected people become epistemic authorities, at least temporarily. A child who is asked by a doctor "where does it hurt?" is being treated as an epistemic authority in the area of his own body and, in fact,

[45]De George, The Nature and Limits of Authority, page 27; this chapter is an amplification of his own article, and this statement an expansion of De George, "Epistemic Authority" in Authority: A Philosophical Analysis, R. Baine Harris, ed., page 80.

[46]Barry S. Kogan, "Reason, Revelation, and Authority in Judaism: a Reconstruction", in Studies in Jewish Philosophy: Collected Essays of the Academy for Jewish Philosophy, 1980-1985, Norbert M. Samuelson, ed., University Press of America, New York, 1987, page 150.

is an epistemic authority in that field. Almost everyone is an epistemic authority to someone in some area. By contrast, no individual is an epistemic authority in every area, which would require omniscience, a property typically reserved for God.[47]

By its nature, epistemic authority is substitutional, that is, it substitutes the knowledge of one person in a field for the lack of knowledge of another. The epistemic authority serves as a source of information for others who lack that information. This implies no right to command or to act upon others simply because of superior knowledge in a given area.

Epistemic authorities can be identified and certified by groups of previously certified authorities: this is how doctors are approved by medical boards, lawyers upon passing the bar, rabbis upon receiving *s'mikhah*. While this may grant them *de jure* recognition as authorities, it does not necessarily make them *de facto* epistemic authorities: unlike the Wizard of Oz conferring a degree on the Scarecrow, epistemic authority cannot be conveyed merely by the granting of a degree. While a PhD may be an excellent symbolic certification of an individual's knowledge in a certain field-- Deconstructionist Literary Theory, for example-- it is the possession of more and deeper knowledge than his or her students that will make the professor an epistemic authority for students.

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[47]To Orthodox Jews, the Torah (both written and oral) may in fact be perceived as such a universal epistemic authority: Ben Bag Bag's famous comment in Avot 5:25, *hafakh bah hafakh bah dikholah bah*, "turn (the Torah) again and again, everything is within it" would imply as much.

What makes an epistemic authority legitimate? According to De George, the general justification of epistemic authority is based on certain premises, the primary one being

> the fact that people are unequal in ability, some being more capable intellectually than others; the fact that some people know more than others; the fact that some data are available only to certain persons who are appropriately located in space and time; and the fact that there is so much that can be known that no one can know it all... Reliance on authority is a way in which knowledge can be transmitted and shared so that more people may use this knowledge than would otherwise be the case... The argument is a pragmatic one, and it claims that in some cases it is reasonable and rational to accept the word of someone else...[48]

Although we commonly think of epistemic authorities as possessing great knowledge, "the criteria we should use in evaluating any individual epistemic authority is similar, whether the case be a trivial instance... or the authority of Einstein on physics."[49] De George highlights four universal criteria: knowledge, induction, relevance, and trustworthiness.

The criterion of knowledge is relative to the knowledge possessed by those who perceive the individual as an authority, although as Kogan notes

> The presence of a field... provides independent grounds to check the content of an authority's claims to knowledge... designating the field implies that knowledge of it is generally attainable, and once the contours of the field have been recognized... the subject is in a position to evaluate someone's claims to have mastered it.[50]

Nonetheless, there is a leap of faith required in this process, for at the time when the authority is recognized as such, those who recognize him (or her or it) are doing so because he knows more than they do.[51] While this requires some

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[48]De George, The Nature and Limits of Authority, page 38, based on his earlier article "Epistemic Authority" in Authority: A Philosophical Analysis, page 82-83.

[49]De George, The Nature and Limits of Authority, page 34.

[50]Kogan, "Reason, Revelation, and Authority in Judaism: a Reconstruction", page 151.

[51]It should be noted that one may leap back across the "chasm of faith" if circumstances warrant.

minimal knowledge in the field, they must assume that his knowledge is more extensive than their own, something they are apparently in no position to test thoroughly, or they would be the authorities. Only by this act of faith in the epistemic authority's knowledge can the individual subject to the authority

> bridge the gap between the demonstrated mastery the bearer has already shown and the as yet undemonstrated knowledge which the subject wishes to acquire from him.[52]

While we should trust our experience and our reasoning processes when their results conflict with what epistemological authorities tell us, our own knowledge is in fact acquired through the teaching of others. None of us is a pure autodidact, and we must be nurtured on current beliefs before we can begin to challenge them, especially if we expect to challenge them successfully. "The process of developing knowledge is social, not an isolated individual exercise. Even the individual thinker... is bolstered in his beliefs when others... agree with him and so reinforce his beliefs."[53] This communal understanding of knowledge has important implications for religious authority in liberal religion.

A similar process is at work in the area of faith. Our early religious beliefs are derived from our educational processes, whether at home, in school, or in the larger society. These common understandings of faith help shape individual patterns of belief or practice. As individuals develop, they employ reason and personal preferences in accepting or rejecting elements of their familial, religious, and societal faith traditions. The initial basis for that process,

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[52]Kogan, ibid, page 152.
[53]De George, The Nature and Limits of Authority, page 39.

however, is their religious education.[54]   There is a continuously evolving communal understanding of faith which undergirds all religious authority.

The second criterion for legitimacy in epistemic authority is induction. This is a sort of additive principle of belief: the greater the number of accurate claims made by the epistemic authority in a given field, the more justified one is in accepting the authority's other statements as true.   Presented with verified testimony that Joseph accurately interpreted the baker's and cupbearer's dreams, Pharaoh had an inductive reason to believe that Joseph possessed special knowledge in the area of dream interpretation; after seven good and seven lean harvests, he had even greater reason to accept Joseph's epistemic authority in the field of dreams.   On the other side of the ledger, it takes comparatively fewer instances of erroneous statements to undermine the epistemic authority's status.

There is a major difficulty with this description of induction as central to epistemic authority, however.   Authority is not simply a numbers game: it is not the volume of correct statements that verify an epistemic authority for most of us, it is the quality of the correct statements that are made.   A great number of correctly listed minor facts will not raise an authority to a higher status than if that same authority had demonstrated a profound grasp of the central issue, the *ikar*, of a matter, even if he or she were unaware of all the details, the *tafeil*.   To put it another way, it is not the mastery of the multitude of minutiae that matters

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[54]Societal factors play a major role in this educational process. This is true not only in theocracies, but in a reverse form in secular, Western societies, as well. Where religious education ceases at an early age-- say, at the age of *Bar Mitzvah*-- the individual may retain a thirteen year-old's conception of God, while his or her intellectual development continues in other areas.

most, it is the demonstrated knowledge of the main issues. We are more justified in believing in the authority of a teacher who shows deep knowledge rather than the teacher with broad-based but shallow knowledge. A mechanic who can tell us many true things about our car-- the special design of the transmission, the complex way the fuel injection functions, and such-- is not as great an epistemic authority to us as the mechanic who can tell us why it isn't working. Thus, it is not simply the number of claims that the authority gets right that counts-- for bits of knowledge, like people, are unequal in utility-- but the quality of the important claims that are made and verified.

The third criterion, relevance, is well stated by Kogan:[55] when epistemic authority is granted, it extends only to the field of demonstrated competence, even though the transfer of epistemic habits from one field to another may have considerable value. It should be noted that often it is not demonstrated competence we are speaking of but indicated competence, or even assumed competence. We accept some epistemic authorities because we believe they have superior knowledge to us in a specific area. Having made that assumption in one area does not oblige us to accept the epistemic authority as competent in any other field.

The final criterion for considering someone to be an epistemic authority is the area of trustworthiness. This is a matter not of knowledge per se, but of character, and it has to do with the leap of faith we must take in accepting an epistemic authority. If we have no way of judging the full extent of the authority's knowledge, we may nonetheless have prior experience or a personal

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[55]Kogan, ibid, page 153.

reputation to rely upon in making our judgement as to whether we will accept them as an authority or not. If a scientist claims to have new knowledge of the inner workings of the atom, we are more likely to believe her if she has a fine reputation for intelligence, hard work, and professional brilliance than if we have good reason to doubt her intelligence or diligence, or if her previous pronouncements sounded like they were borrowed from the cover of the National Enquirer. In addition, we are well-advised to consider the source: if the epistemic authority has a personal stake in the issue, it is possible that such involvement may interfere with his or her objectivity.

If our goal as liberal Jews is to gain knowledge of God-- *Da' lifnei mi 'ata 'omed*, "know before Whom you stand"-- and then act accordingly, then epistemic authority must play a substantial role in religious authority.

Other Nonexecutive Authority

The authority of competence is related to but somewhat different from epistemic authority. Competence is the ability to perform certain tasks in certain areas in such a way that one is an authority to others in that field. A person who is competent to perform these tasks has the knowledge necessary to do so, but does not necessarily make any statements or claims that are to be believed. Put formally, a person or thing, X, is a *de facto* competence authority for Y in a given field if Y is inferior in skill to X in that field and either imitates X or takes instruction from X in that field.

For X to be a competence-authority, Y must know what X does but not necessarily how or why. When Jeff Blake of the Cincinnati Bengals watches film of Joe Montana playing quarterback and then attempts to imitate both his techniques and his success, Montana is serving as a *de facto* competence authority for Blake. When a parent actually reads and follows the directions for assembling a child's Chanukah present, the directions are serving as a competence authority for the parent; or, more precisely, the author of the instructions is serving as a competence authority and the instructions are the means of conveying that to the parent.[56] The distinction between an epistemic authority and a competence authority is subtle, but real: for the subject of the authority, effective epistemic authority involves believing in what the authority claims; effective competence authority involves doing something in addition to believing. As with epistemic authority, there is no executive relationship. Although it is reasonable and appropriate to do so, we are under no obligation to obey the directions on the toy box, nor is there any command relationship between Montana and Blake. The competence relationship is that of master to apprentice, but without any coercive implications.

De George also specifies an authority of authenticity, an authority based on an individual's perceived mastery of his or her own self and abilities.[57] It is a demonstrated competence in the art of living, or self-mastery or originality in any form of human endeavor. Like competence authority, this is a form of exemplary authority. Unlike competence authority, the subject is not imitating an authority

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[56]As anyone who has ever assembled a toy-- especially one manufactured abroad-- knows, the author of the instructions may be a competence authority in the area of the toy but may not be much of one in the area of the writing of instructions.

[57]De George, The Nature and Limits of Authority, page 45.

in accomplishing the same task, but attempting to imagine how the authority would react creatively under new circumstances. The authority of authenticity creates his or her own lifestyle or trend or art form, and when he or she performs an action it is considered authoritative simply because the authenticity authority has done so.

While we can think of many examples authenticity authorities in the fields of popular music, art, and fashion, this type of authority also plays a large role in traditional religious authority-- from Madonna to the Madonna, as it were. If a holy figure performs a certain act, those who follow him or her perceive it as authentically integrated with the authority's personality, and imitate it in other contexts. Jesus, Buddha, even Chasidic rebbes are emulated for their unique spiritual qualities. The authenticity authority's way of doing something is imitated, not in the desire to accomplish a specific task, but in hopes of becoming more like the authority.

There is another sort of authenticity authority to consider, the authority of creativity. Although De George sees this as a distinct category of authority,[58] it seems more likely that it is another sort of authenticity authority. The authority that is granted to creative geniuses in art, science, and religion is based on both their novelty and their talent, and they are imitated in professional style and lifestyle. Often they possess an added measure of authority, for they have done something substantive and new; on the other hand, they may face great resistance and even hostility which will limit their authority in their own time: as

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[58]See De George, The Nature and Limits of Authority, pages 270-283.

Matthew says, "a prophet is not without honor, save in his own country".[59] Creative authority is also similar to the authority of competence, but it goes beyond that. Subscribers do not read People magazine to learn how John Travolta acts in films, but how he acts in life.

Finally, to these forms of nonexecutive authority we should add another, that of economic accomplishment authority or, put more bluntly, authority based on money. Those individuals who possess considerable fortunes are sometimes viewed as having a kind of authority that is unrelated to either their actual economic control over others (which would be a form of executive authority) or their actual knowledge or competence or even authenticity. This tendency is most obvious in the extreme levels of respect and attention paid even to those who have inherited (rather than earned or created) large fortunes, and have previously demonstrated no particular competence. This might be described as the authority of economic independence, or the cupidity effect; but I believe that it is a form of authority, tendered by those who have less money on those who have more, regardless of their personal authenticity or accomplishments. As Sheldon Harnick and Jerry Bock put it in the song "If I Were a Rich Man" from Fiddler on the Roof, "... when you're rich they think you really know..." This is a separate category of nonexecutive authority, based on the belief that because X has far more money than Y, X is an authority for Y in any number of fields.[60]

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[59]Matthew 15:53.

[60]This is a phenomenon noted primarily in the United States, although we suspect that it can be observed elsewhere in the world. The European corollary might be the notion that because one is of noble birth one automatically has a certain measure of nonexecutive authority over one's inferiors. While this is based on an ancient feudal system that conferred executive authority for the nobility over the peasantry, today it is manifest in the authenticity authority that the nobility hold in the areas of fashion or charitable causes.

Moral Authority

Both morality and authority are necessary for any society and help constitute it as a human society. Without one or the other, society breaks down. According to De George, the relationship between the two, while complex, has three aspects: the authority of morality (also called the authority of moral obligation), the concept of moral authority, and the function of authority within morality itself. Each has relevance for the question of the authority for morality in liberal religion, although we will be most interested in the last of these, the function of authority within morality itself. In addition, we will appraise what it is that makes someone or something a moral authority for a person.

Morality is the set of norms and rules which all people should follow, and it incorporates within it the goods and values worth pursuing in life. What constitutes morality varies somewhat at different times and in different places, but all known societies have recognized some set of rules and norms, the most basic of which form their morality. As De George puts it, "The existence of morality is not a matter of serious doubt or debate."[61]

For some contemporary authorities, however, the concept of morality is under attack and is in fact endangered. According to Alasdair MacIntyre, under the assault of subjectivism, "we have-- very largely if not entirely-- lost our

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[61]De George, The Nature and Limits of Authority, page 188. It must be noted, as alluded to above, that the existence of a common morality for all societies is a matter of debate at the moment. This is a complex problem, worthy of more attention than we can give it here. Dennis Prager speaks to the issue of multi-moralities in his article in Moment magazine (June 1994, page 22) we shall examine this short essay further in Chapter Two.

comprehension, both theoretical and practical, of morality."[62] Phillip Rieff sees it endangered by a related-- or, perhaps, identical-- trend, the rise of a therapeutic model for all behavior, "beyond the old deception of good and evil" to an ideal "with nothing at stake beyond a manipulatable sense of well being."[63] This debate, although fascinating, is beyond the scope of our topic, if not of our interest. We must be content, at present, to accept the existence of some form of morality as a philosophic given. With that in mind, we must also note that the degree of relativity among the moralities found in various cultures is not of central importance to the analysis of the authority of morality itself. What is of central importance is the conceptual idea of morality, and of moral obligation.

The authority of moral obligation is the requirement of each person to act as he or she is morally obliged to act. All persons have the moral obligation to act as morality commands, and each should do so. This can be seen as a Kantian categorical imperative, or as an individual's moral responsibility. Similarly, groups of people, organizations, and states act within the authority of moral obligation when they do what is morally required of them. While everyone is obligated to act as morality demands, no individual or collective is infallible as to what these demands are. Even when a clear description of an overall moral imperative is available, it too is subject to some interpretation. In Micah's description of morality, *higid lekha, adam, ma tov uma Adonai doresh*

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[62]Alasdair MacIntyre, After Virtue, page 2.

[63]Phillip Rieff, The Triumph of the Therapeutic, page 13. Although the message is reversed, the tone of Rieff's analysis is reminiscent of Robert Browning's poem "A Toccata of Galuppi's", written from the other side of the scientific divide, as 19th century Victorian progress was driving out the old frivolity: "Dear dead women with such hair, too, what's become of all the gold/ use to hang and brush their bosoms?/ I feel tired and grown old." To oversimplify his argument, for Rieff the old order of moral connections has been lost to a new ideal of ephemeral happiness.

mim'kha: ki im asot mishpat, v'ahavat hesed, v'hatzne'a lekhet im Elohekha,[64] it has been told to humanity that God requires that we do justice and love mercy and walk humbly with our God; but who can infallibly determine what justice, mercy, and humility are? Thus, we are enjoined to use our reason and whatever moral guidance is available to us to choose only moral actions if we wish to live morally.

Accepting the authority of morality as an established principle, we move next to the concept of moral authority. A person who acts in accordance with the demands of morality is acting with moral authority. His or her actions are authorized by the demands of morality, and thus that individual is a legitimate moral authority. Note that the more successful the person is at satisfactorily resolving apparent conflicts between the demands of conflicting moral claims, the more legitimate his or her moral authority will be.

We also use the term "moral authority" to describe a psychological state. A person may act as though he or she were acting in accordance with the demands of morality, may in fact believe that to be the case, and others may believe that he or she is a moral authority, without that necessarily being true from an objective standpoint. The authority's assurance and strength of conviction may be sufficient to render him or her a *de facto* epistemic or exemplary moral authority and for others to consider that authority's actions as having moral authority, and accept them. Such a *de facto* moral authority may perform actions or successfully attempt to persuade others to share his or her

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[64]Micah 6:8.

view. If the basis for the bearer of this authority is unsound, the authority may be said to be illegitimate.

In addition, certain offices in society are said to confer a certain measure of moral authority on the officeholder. We expect Justices of the Supreme Court to be moral authorities by virtue of their position.[65] But in addition to the way that an office conveys a sense of moral authority, the conduct and character of the officeholder can either amplify or damage the moral authority that he or she bears. A Justice of the Supreme Court who is suspected of sexual harassment or tax fraud would lose moral authority; one who had an impeccable reputation for decency and morality would gain moral authority in this sense. As with the inductive aspect of epistemic authority, many moral acts may be necessary to establish moral authority, while very few-- or, occasionally, just one-- immoral acts are necessary to destroy it.

The basis of such moral authority is the individual's exemplification of accepted moral norms, but his or her effectiveness and identity as *de facto* authority comes from his or her position. The moral authority of officials thus results from individual virtue in combination with public position. Without that public position the individual would not have the same moral authority, although he or she would possess exemplary moral authority.

What is the function of authority within morality itself? In the traditional understanding of moral authority, someone is a *de facto* moral authority if he

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[65]Or we did before Robert Woodward's The Brethren exposed the inner workings of the Supreme Court in tawdry detail.

she dictated what was right or wrong for us to do, and if he or she punished us according to whether or not we observed those commands. An executive moral authority was the author of morality, whose decisions certified that an action was either right or wrong. Put formally, X is a *de facto* executive moral authority for Y if Y believes that whatever X enunciates as a command or prohibition for Y becomes Y's moral duty. In *halakhic* Judaism, God as the ultimate moral arbiter established the commandments, both *mitzvot 'aseh* and the *mitzvot lo ta'aseh*, and we will be judged (and either rewarded or punished) in accordance with how effectively we observe those positive and negative commandments. The extent of such moral authority might legitimately reach all humankind, though in a *de facto* sense it would only extend to those believers who consider him (or her or it) such an authority. This Divine Command Morality is the sense of moral authority that is most commonly criticized, but there are other ways of understanding moral authority.

If morality involves knowledge of right and wrong, then someone might be called a moral authority if he or she were an epistemic authority in the area of morality. That is, if a person knew a lot about morality-- for example, an "ethicist"-- he or she would be seen as a moral authority. This makes moral authority a subclass of epistemic authority: X would be a *de facto* moral authority for Y if Y believed that X had greater knowledge of morality; and X would be an effective *de facto* moral authority for Y if Y was more likely to believe a particular point in the moral domain because X enunciated it. If Joe writes to Dear Abby about whether to invite stepparents to a wedding, he considers her an epistemic authority on moral sources and practices; if he follows her instructions, she has been an effective epistemic authority on moral

sources and practices. In this understanding of moral authority, Y does not believe that X is the author of morality, or that X has the right to reward or punish Y for believing or failing to believe what X says. Y simply accepts that X knows more about morality, and learns from X appropriately.

In addition, X could serve as an exemplary moral authority for Y. This can be the case whether X is a saint or holy person, a moral hero, or simply a good person. X is a *de facto* exemplary moral authority for Y if some of X's actions constitute a model of appropriate or morally praiseworthy behavior for Y. This form of moral imitation is very common: Mother Theresa is an exemplary moral authority for many in the area of helping the poor, as Heschel was an exemplary moral authority in a different area when he marched with Martin Luther King. Humbler examples exist everywhere: the child who inspires classmates to contribute milk money to charity, the adult who treats a handicapped person with dignity. The exemplary moral authority has no coercive power, nor is he or she seen as necessarily having greater conceptual expertise. Moral authority is conferred by reason of demonstrated moral action. According to De George,

> though the same person may be both an exemplary and epistemic moral authority, an epistemic moral authority communicates through propositions that are to be believed, while an exemplary moral authority communicates through actions or the results of actions that appeal to the emotions and provoke a positive response.[66]

While this captures the essence of the distinction, it overstates the difference a little: exemplary moral authorities do not only appeal to the emotions. When we see someone acting morally it may well occur to us that this is not only an

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[66]De George, The Nature and Limits of Authority, page 194.

appealing form of action, but also a reasonable and logical one that we had not previously considered.

The philosophic resistance to the idea that there are moral authorities beyond the individual is very strong. As Charles Hendel put it,

> The moral philosopher will have no truck whatever with authority. For to allow any possible role for authority in the moral life of man is to take away its properly ethical character, no matter whether the authority be divine or regal, because morality consists in actions of an individual's own authentic choice, choice in the light of his own knowledge, appraisal, and conviction, without any external inducements or sanctions.[67]

This view is dependent upon limiting authority to executive authority. It defines moral authority solely as some superior authority who restricts our ability to make moral choices by means of inducements (carrots) and sanctions (sticks). Defined in this way, his attack on moral authority is reasonable: morality, in philosophy, is autonomous, and we do not require executive moral authority for it to exist.

A second effective argument is brought against the existence of moral authority, this on the basis of the freedom and autonomy of the individual moral agent. Only if the individual freely chooses an action or course of action and takes full responsibility for it is he or she a full moral agent. For Kant, this autonomy involves being one's own lawgiver, within the constraints imposed by reason and the universal laws that reason prescribes. To give up that responsibility is to cease to be a fully moral agent. For Sartre, to give up that responsibility is an act of bad faith and inauthenticity, and to act as if one were

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[67]Charles Hendel, "An Exploration of the Nature of Authority," Authority, Nomos 1, 1958, page 7. Charles Taylor argues effectively against this view of authenticity in The Ethics of Authenticity.

not free. If mature adults are to exercise their full moral capacities, they cannot do what someone else says just because he, she, or it commands it, even if the authority figure is knowledgeable and well-intentioned; this would make obedience the only criteria for action. Conformity alone cannot be the criteria for moral action: if it is, all actions become *shimiyot*.

In analyzing these objections to the concept of moral authority, it is clear that they make some valid points, but also that they prematurely eliminate the concept of authority from morality. The first objection is valid in one sense: to some degree, morality is autonomous, in that it is not simply the arbitrary fiat of some authority. Actions are not good or bad solely because of the word of an untested authority. The individual rational being is morally autonomous in the sense that he or she must decide how to act and accept the responsibility for his or her actions.

Nonetheless, it is a mistake to conclude that there is no legitimate moral authority or that authority and morality are antithetical. This is really an objection to the concept of a universal executive moral authority. While fundamentalist religions may posit such an authority-- and may successfully justify it by means of their belief in Revelation, for example-- this is far from the only way that the concept of authority is employed in morality. It fails utterly to consider either epistemic or exemplary moral authority, both of which play a central role in our understanding of moral authority. Not incidentally, it is also clear that in some areas even executive moral authority is justified, such as when a parent has executive moral authority over a child. We shall explore the question of executive moral authority in liberal religion in Chapter Six.

The second objection to the concept of moral authority was also based on the doctrine of moral autonomy, but more specifically on the difficulty raised for the morally autonomous individual by any moral authority beyond him or herself. This objection is based on the ideal of the truly moral individual, the fully realized morally autonomous person who makes moral decisions based on a complete, rational understanding of the situation, and a similar comprehension of the necessity and the moral responsibilities of autonomy. There may, in fact, be some of these rare, perfected individuals walking the streets of the world today, the fully realized *lamed vavniks* of the philosophical world; but even these extraordinary individuals did not spring into the world Athena-like, fully formed as totally rational and moral men and women. Someone or something must have served them as models and pedagogues, even as executive authorities. As De George explains,

> Autonomous morality is an achievement and the result of an individual's building upon what is supplied by conventional morality, by society, by saints, by sages and philosophers, and by one's parents, teachers, and friends... The autonomy of conscience doesn't mean that it is *sui generis* and cut off from the moral experience and knowledge of others.[68]

In this way "autonomous morality" is actually dependent upon moral authority, of the epistemic or exemplary models.

While he is addressing the question of authority in religion and, more specifically, the question of "how epistemic authority... applies to the collective traditions of reason and revelation",[69] Kogan's thesis is also applicable to the

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[68]De George, The Nature and Limits of Authority, page 201.
[69]Barry S. Kogan, "Reason, Revelation, and Authority in Judaism: a Reconstruction", page 154.

related question of authority in morality.[70] He concludes that the acceptance of epistemic authority in the area of reason and revelation need not compromise either freedom or autonomy because, for adults able to make their own decisions between conflicting claims, such acceptance is purely voluntary. Going further, he contends that the rejection of such authority actually limits our possibilities and damages our claims to authenticity, restricting our capacity to identify and evaluate the possibilities open to us. This analysis applies equally well to the acceptance of epistemic and exemplary authority in morality. We ought to embrace the idea that there are other authorities out there who can aid us by providing either knowledge of or examples in morality, for

> Instead of requiring us to become solitary and totally self-generating systems of knowledge and value, a more adequate kind of authenticity would be one that enables us to become authorities in our own right, that is, to fulfill our possibilities for knowledge of whatever may be known of truth and falsehood, good and evil... that... is precisely the purpose of epistemic authority...[71]

An epistemic authority in the moral realm is much like an epistemic authority in any field, differing only in the subject area of his (or her or its) knowledge. That knowledge may be of moral principles, it may be expertise in moral reasoning or in the application of moral reasoning to specific cases, or it may be knowledge of conventional norms held by a community or society. Thus, whether the individual is a moral philosopher serving on a hospital ethics-committee, one of the Talmudic *gedolei hador*, a mother, Dear Abby, or all of these rolled into one, he or she can serve as an epistemic authority on moral sources and practices, provided he or she is a source of reliable information on

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[70]The question of authority in morality might even be seen as a prerequisite to the question of authority in religion: "amoral religion" is, we hope, an oxymoron.
[71]Barry S. Kogan, "Reason, Revelation, and Authority in Judaism: a Reconstruction", page 155.

morality. Like any other epistemic authority, his or her pronouncements carry with them no coercive force. They provide useful information which it would be wise to consider, but the recipients are under no obligation beyond reason to utilize that information.

Epistemic authorities on moral sources function like any other epistemic authorities. They must have greater knowledge in the field of morality than those they advise, and their task is to provide information and reasoning which might lead the subject of their authority to more easily accept their statements about morality. The amount of credence the subject gives to an effective epistemic authority on moral sources and practices can vary from slight belief to complete belief, depending upon what else the subject knows, what other related moral information he or she has encountered, and the past performance of the authority in the past. An epistemic authority on moral sources and practices can be a person or a text or even a tradition; tradition also serves to build up moral authority for its advocates, and has a certain hardiness that causes many people to accept its verdicts about right and wrong unless they are vigorously challenged. For individual moral authorities a few discovered errors can undo the authority garnered by a great number of correct moral statements.

An epistemic authority on moral sources and practices can be *de jure*, *de facto*, or both. Clergy and moral philosophers, like doctors, lawyers, and accountants in their own fields, are viewed as *de jure* authorities in the area of morality, and have been certified as such through some formal training program conducted by those more expert than themselves. A congregation may accept

a rabbi's pronouncement on a particular subject solely on the basis of his or her position; but ultimately, the *de facto* status of any *de jure* moral authority is dependent on the authority's actual knowledge of morality-- and his or her conduct. De George notes that disagreements between epistemic authorities on moral sources tend to undermine their authority. Thus differences on key moral questions may weaken the moral authority of all concerned. For moral authorities this can be true on issues such as abortion and euthanasia. This tendency also has important ramifications for epistemic religious authorities who may differ on their religion's position on issues such as intermarriage or proselytizing.

An exemplary moral authority is similar to any other sort of exemplary authority. Morality is a realm of practical rather than theoretical activity, and demonstrated virtue can make one an authority. An epistemic authority on moral sources and practices must have knowledge in the area of morality, but need not be virtuous (although we would prefer that he or she be so). As De George puts it, "Weakness of will and knowledge of moral principles are compatible."[72] In contrast, an exemplary moral authority is one whose actions become a model for the behavior of others. An authenticity-moral authority is one whose actions inspire others to try to judge what the authority would do in a different situation and act accordingly. Both types of moral authority are based on the premise that some individuals live uniquely moral lives, and that we can learn from their example by emulating or imitating them.

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[72]De George, The Nature and Limits of Authority, page 204.

While an epistemic or exemplary or authenticity moral authority has no *de jure* executive authority, he or she may have *de facto* executive authority. If such an authority makes command-like statements-- such as *lo tinaf*, Thou shalt not commit adultery-- they may be obeyed.[73] But that does not mean that the subject is obliged to obey those commands solely because they are uttered by the moral authority. The position of nonexecutive moral authority carries with it no such power; it may be logical and morally right to obey that command, in which case the subject will consent to do so out of reason and morality. It may even be unreasonable and immoral to disobey that command. But the subject is not obligated to obey the command solely because it was given by a nonexecutive moral authority. Epistemic and authenticity moral authorities help the individual to see the moral and appropriate course of action in a situation; ultimately, it is morality and reason that compel right conduct.

This raises two important questions: is it rational and moral to set oneself up as the interpreter of moral law for others, even when such interpretation goes against tradition and the recognized moral authorities? And by justifying the existence of epistemic and exemplary moral authorities don't we weaken moral autonomy and allow for *de facto* (and perhaps even *de jure*) executive moral authority?

Two Biblical examples, both having to do with Abraham, illustrate the difficulty and point the way to an answer. First, in the story of Sodom and Gamorah,[74] Abraham objects to God's intended destruction of the cities as

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[73] Or at least, as Jake Barns tells Brett Ashley in the last line of The Sun Also Rises, "Isn't it pretty to think so?"
[74] Genesis 18.

unjust, first with *ha'af tispeh tzadik im rasha?*, "Would You wipe out the righteous with the wicked?", and finally with the devastating *hashofeit kol ha'arets lo ya'aseh mishpat?* "Will the judge of the entire world not do justly?" Yet later, in the story of the binding of Isaac, he meekly follows God's apparently immoral command to sacrifice his son. The former is viewed homiletically as a magnificent example of Abraham's mercy and morality,[75] while the latter is seen by Kierkegaard as a evidence that Abraham was the true "knight of faith", taking a leap that cannot be explained or justified rationally.[76] Both pose problems: if God is a universal executive moral authority, and is-- by definition-- morally infallible, what is Abraham doing arguing? But if Abraham is relating to God as part of the rational system of moral calculation, why does he silently acquiesce to the blatantly immoral act of killing his own son? As the Talmud would say, *kashya'? lo' kashya'*-- both situations can be seen as demonstrations of Abraham's moral thinking. In the face of the greatest of epistemic authorities, he initially chooses to argue with God's superior knowledge until he is finally convinced to acquiesce by his own failure to demonstrate that God had overestimated Sodom's wickedness. In the case of the *Akedah*, with the Sodom example fresh in his mind, Abraham chose to follow the dictates of a legitimate epistemic moral authority. Abraham may have been motivated by his own failure to find ten *tzadikim* in Sodom, and by the evidence that God had given previously of moral accuracy and good faith: God had previously proven to be a reliable epistemic moral authority. The key point, for our purposes, is not whether God's commands during the *Akedah* narrative were moral, but that

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[75]See Genesis Rabba 39.6 and 49.9.

[76]See Soren Kierkegaard, Fear and Trembling, translation of W. Lowrie, Princeton University Press, Princeton, 1941, page 78-84. Kenneth Seeskin has a good analysis of Kierkegaard's approach to the *Akedah* story in his Jewish Philosophy in a Secular Age, SUNY Press, Albany, NY, 1990, pages 126-137, including Buber's critique of Kierkegaard.

Abraham accepted God's statement that they were moral, and acted upon them as such. This was not a case of the autonomous individual relinquishing autonomy, but of a moral agent choosing to believe and follow a proven epistemic moral authority-- in this case, the ultimate epistemic moral authority.

The person who wishes to be morally autonomous should make every effort to establish what the moral action is, and he or she may legitimately utilize moral authorities to do so. He or she should also take into account, De George says,

> "the built up wealth of tradition which forms a backdrop for many individual moral decisions. Just as tradition represents an accumulation of authority in other branches of knowledge, so it does in morality. The tradition may be mistaken; but one should have very good reasons for countering it in the moral as in other realms... more care should be taken when one goes against the weight of tradition in practical moral matters than in theoretical moral matters.[77]

The last area of moral authority that bears scrutiny is the nagging question of whether moral authority can ever be executive in nature. We must conclude with De George that, with the sole exception of the moral authority that one exercises over children for the purpose of educating them in morality, it may not be. There is another side to the argument, however. W. H. Werkmeister, writing a spirited defence of the executive character of moral authority, takes issue with De George. He denies that moral authority can be reduced to epistemic authority, for epistemic authority, as all knowledge, is descriptive only, not normative. Morality, by contrast, is based on universal principles which are unchallengeable, and these must be seen as prescriptive. Morality rests upon

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[77]De George, The Nature and Limits of Authority, page 209.

ontologically justifiable normative ideals-- that is, universal principles-- and as such is not cognitive and epistemically derived.[78]

This objection is a strong one, but answerable, at least in a pragmatic way. Accepting that some aspects of morality may be universal, we nonetheless must depend for the vast majority of our understanding of morality upon epistemic and authenticity authorities. Our understanding of morality is thus primarily the result of education both from other individuals and from texts (and other media, including paintings and films) which contain information about morality. While we often express our moral sensibilities in non-cognitive language-- "it felt wrong"-- we nonetheless do base our morality on intellectually constructed systems which are dependent on epistemic authorities for their content.

Moral authority is in many ways similar to religious authority. It differs primarily in that religious authority makes no claims to universality, which has important implications.

Liberal Religious Authority

As R. Baine Harris notes, of the four main historical types of authority-- civil, moral, epistemic, and religious-- the last of these, religious authority, has received the greatest challenge in modern times.[79] Partly this is due to a

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[78]This is a brief summary of the arguments of W. H. Werkmeister, "The Function and Limits of Moral Authority" in R. Baine Harris' Authority: a Philosophical Analysis, pages 94-100. This position is supported by Harris himself on page 138 of the same volume.
[79]R. Baine Harris "The Function and Limits of Religious Authority" in Authority: A Philosophical Analysis, Harris, ed., University of Alabama Press, 1976, pages 132-134.

changed understanding of the warrant for traditional religious authority. The other part of the explanation has more to do with confusion over the meaning of religious authority. We begin by examining the traditional understanding of authority in religion.

Many religions view God as the creator of the universe and as the source of morality. In these roles God serves as an executive authority over the earth and all humanity. God is the author not only of life and death but also of good and evil, which become so because God has described them as such. God's commands are binding because God is omniscient, and omnipotent. This classical understanding of religious authority-- known as theistic voluntarism, and exemplified by such liturgy as Yom Kippur's *ki hinei kakhomer*[80]-- sees God as a universal executive authority in the world. All is in the hands of heaven, we are told, except the fear of heaven. Our role in the world is to try to do the will of our Creator, as explicated for us-- in earlier ages-- by prophetic individuals in immediate contact with God or-- in later times-- in texts that reveal God's wishes. Should we succeed in living according to the will of God we will be morally good, and will be rewarded, if not in this world then in some future world. Should we fail to live according to God's command we will be punished. Other traditional views of the relationship of God to humanity include variations on this idea, with God and humanity in a covenantal relationship, in which God agrees to fulfill certain commitments-- not destroying the world, perpetuating an

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[80]"We are like clay in the hand of the artisan, who thickens or thins it at will..." The text is from the service for Kol Nidre evening. The poem, through a series of metaphors, demonstrates God's role as shaper of human beings, and humanity's total subservience to God's authority and power. See also Rashi's comment on Genesis 1:1 ("*B'reisheet*"), viewing the world as God's personal possession: *kol ha'arets shel haKadosh barukh Hu hi, hu v'ra'ah un'tanah la'asher yashar b'einav*, or Psalm 24:1, *la'Adonai ha'arets u'mlo'ah tevel v'yoshvei vah.*

individual's or people's progeny, providing ultimate salvation or justice in some future world-- and human beings agree to abide by certain rules of belief and conduct. While there are many other variations within traditional religions, all such systems agree on the executive moral authority of God, expressed through human or textual representatives.

While these remain adequate models for many people, they are not accurate descriptions of the religious beliefs of liberal religions. As Kenneth Seeskin puts it, "the sixteenth and seventeenth centuries put an end to certainty about God",[81] and we are inheritors of a religious world in which the human role is seen in a greatly enhanced way. Reason has risen at least to parity with revelation. In liberal religious traditions humanity is seen as sharing not only the responsibility for moral action, but also the authority to determine what moral action is. In this setting, the model of God (or any religious surrogate) serving as universal executive moral authority does not hold.

What has replaced it? Barry S. Kogan proposes an epistemic model for authority in the areas of both reason and revelation which is applicable to the question of liberal religious authority. First, he suggests that epistemic authority is the most prevalent operative model in the traditions of both reason and revelation, and that this accounts for "the tremendous authority which both traditions have for us."[82] For Jews, Torah-- whose Hebrew root means instruction-- is teaching par excellence, and reason our collective wisdom. The same balance can be seen in liberal Christianity, for whom "Gospel truth" is

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[81]Kenneth Seeskin, Jewish Philosophy in a Secular Age, SUNY Press, Albany,1990, page 8.
[82]Barry S. Kogan, "Reason, Revelation, and Authority in Judaism: a Reconstruction", page 154.

taken as instructive more than prescriptive. Both our sacred texts and our reason represent reservoirs of knowledge, insight, and observation regarding what we most wish to know about: God, humanity, the world, our individual relation to each, the nature of what is good, and how it should be achieved. By careful application of ourselves to the traditions of both reason and revelation we can gain from both epistemic authorities.

Of particular delicacy in this schema is the relationship between the authority of reason and the authority of revelation. As we have seen previously, authority operates only in defined fields. What happens when two authorities, in this case reason and revelation, claim the same field? Each makes claims to authority in many of the same areas, including morality, theology, politics, history, poetry, and myth. Kogan proposes a mutual epistemic authority in which reason and revelation both require an attitude of "trust, but verify". Both traditions, reason and revelation-- which we might also call the philosophical/scientific and the religious, Hermann Cohen's claim that Judaism was a religion of reason aside-- have much to offer us, and both traditions are valuable not only for what they know but also for the way in which each can serve a corrective for the flaws and limitations of the other.

While this intriguing approach provides us with a useful model for utilizing both reason and revelation, several questions remain. The epistemic approach treats religious knowledge, that is, revealed knowledge of God, much the same as any other sort of knowledge. We could, in such an understanding, rise in knowledge of revealed tradition to the point that we, too, become epistemic authorities on God. Were one of us particularly able and directed, he

or she might rise to the same level of epistemic religious authority as the texts that we study. This presents the somewhat absurd (and certainly unlikely) proposition that one of us might even reach God's level of knowledge, and become ultimate executive authorities.

Perhaps of even more importance, is knowledge of a religious tradition what we really mean by religious authority? It is true that we speak of "knowledge of God" as a goal of the religious experience, and that often we use such phrases as *limudei Adonai*, those who are "taught by God",[83] but only purely rational systems of belief contend that such knowledge can be acquired by the same means as other knowledge, that is, by sensory observation or rational speculation. The basis for almost all religion, even liberal religion, is belief, not reasoned knowledge. The "leap of faith" required for every epistemic authority is much larger here; we can intellectually verify some of the basic information in other areas of knowledge independently, but with religion we must begin with issues that are not subject to the same analytic processes-- the nature of God, the best way for a human being to live, what sorts of things are good or evil. It is true that we turn to those more knowledgeable in religious matters than ourselves for useful information about religion, and they are religious authorities for us; but epistemic authority is only one sort of authority in the liberal religious realm, the authority of the sage or scholar. There are also several other forms of liberal religious authority, as R. Baine Harris notes: "historically there have been three final appeals in the verification of religious

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[83]As in the conclusion to Tractate *Brachot* in the Babylonian Talmud, "*v'khol banayikh limudei Adonai v'rav shalom banayikh*-- all your children shall be taught by God and great shall be the peace of your children."

authority: religious experience, scripture, and religious tradition."[84]   Within the realm of liberal religion these erstwhile sources of authority fall roughly into the general categories of 1) authenticity religious authority, 2) exemplary religious authority, and 3) epistemic religious authority.   In addition, there is another category within liberal religious authority which falls into the realm of executive authority, which we shall call operative religious authority.

As is true for other types of epistemic authorities, a religious epistemic authority can be either a person or a text.   A professor of religious studies can be an epistemic religious authority, as can the *Tanakh*. In addition, the authority can even be the sum total of many sacred texts, representing a religious tradition, such as the Jewish concept of *Halakha* or the Christian Patristic literature. Some of these traditions may be non-intellectual: the Jewish liturgical tradition of *nusakh*, in which different musical modes are used for the chanting of different sections of the service, is a form of epistemic authority, as would be a cantor who teaches it. Even a mystical system for approaching God through disciplined meditation could serve as an epistemic religious authority, although one who taught it might also fall into the category of exemplary religious authority (ideally, he or she should). There are many other examples of such epistemic religious authorities who might also be considered exemplary authorities. A rabbi can explain Maimonides' degrees of charity and exemplify them; a nun can teach celibacy as the highest form of devotion to God. On the other hand, an epistemic religious authority need not believe the religious system he or she is expounding is true or good, and need demonstrate no intent

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[84]R. Bain Harris "The Function and Limits of Religious Authority", page 135.

to practice within that religious tradition. As with all other epistemic authorities, the religious epistemic authority has no executive authority.

Exemplary authority plays a very significant role in religion. It is one thing to be told that Jewish tradition teaches that we should pray three times a day; it is quite another to attend a *minyan* regularly. While the epistemic authority is teaches by instruction, the exemplary authority demonstrates. As religion is based to a great degree on a visceral or emotional response, a subject may be far more strongly influenced by an exemplary authority than an epistemic authority. Of greatest influence is the confluence of the two in one person, someone who truly "practices what he or she preaches". The effectiveness of an exemplary religious authority is evident in the way that the subject's behavior changes to imitate the authority's.

Of great interest in religious authority is the role played by the authenticity authority. Like an authenticity moral authority, this is an individual who serves as an authority to others who perceive the authority to be a particularly authentic religious person. The founders of all great religions must have had a great measure of authenticity authority in their own lifetimes-- and a great deal of charismatic authority as well--[85] and mystics in many traditions are often found in the role of authenticity authority. Authenticity authorities typically rely more on their own personal religious experiences for their authority than they do on scriptures or verifiable historic traditions. While we tend to think of nonliberal religious figures in this role-- the charismatic Christian healer, the Chasidic

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[85]Although one wonders about Zoroaster, about whom almost no personal information has come down to us.

rebbe, the Trappist monk-- the authenticity authority is a staple of New Age religions, and even plays a significant role in more normative liberal denominations. Often we hear that an individual can lead us religiously because he or she is "so spiritual", or can teach us lessons about God because he or she has lived a mystical life. This is not an assumption of superior scientific knowledge or fully realized moral living; in these situations there is an assumption that the authenticity authority is closer to God because of the nature of his or her person or style of life, and thus has special authority.

Finally, in the area of liberal religious authority we would recognize the existence of one form of executive authority. This is the right that any religion has to define its own boundaries.[86] While this right cannot be exercised in the realm of moral authority (with the sole exception of parental moral authority over children) because morality must apply universally, no such restriction exists for religious authority. Liberal religions may speak of universal ideals and goals, but all assume that they are themselves part of a specific religious grouping. Applying some of the basic assumptions of game theory, they may define just what it takes to "play in their game". One cannot play chess if pawns can jump; one cannot play baseball without foul lines. Similarly, it is within the authority of liberal religions, in order to maintain the integrity and authenticity of the religion, to define what is required to become and remain a member of the group .

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[86]As our exploration of the sociological basis for authority will make evident, religions must establish external boundaries-- and some form of normative behavior-- in order to create community. In liberal religion, these boundaries are determined either by the majority of the members involved or their representatives. In making decisions about boundary issues-- which typically involve questions regarding membership in the religious group-- those making the decisions should carefully consult their own religious traditions and rules, but have the right to make decisions that contravene elements of that tradition if the majority so decide, so long as these decisions work to maintain the integrity and authenticity of the religious organization(s).

This right to define membership limits and requirements is a religion's primary defense against the danger of *hefkerut* (every member "doing what is right in his own eyes"). There is also a second justification for executive religious authority. This is the form of operative authority that any group exercises over its members and over those who wish to become members. It is no infringement on the autonomy of the individual or group of individuals who are thereby excluded, for they have no autonomous right to membership in any particular grouping of other individuals save by that group's consent. Belonging to a group is not an individual's right; it is a privilege, which can be conferred by the group or by the group's legislation. With this form of operative authority, even those who consider themselves members of the group may be excluded should a representative body determine that they violate the group's normative standards. This form of operative authority is not tendered to an individual but to the representative organizations of the religion, who have the executive authority to exclude those who do not accept the boundaries that the religion recognizes. Utilizing this form of operative executive authority, the Union of American Hebrew Congregations can expel a congregation for espousing atheism, or for failing to pay dues; similarly, a congregation might expel a member who is discovered to be a Messianic Christian.

To paraphrase De George, the last thing a thesis on authority should be is authoritarian.[87] While accepting the many lessons that philosophy has for us in this area, we move now to explore another perspective on the subject: the sociological view.

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[87]The original quote is "the last thing a book on authority should be is authoritarian." Introduction page viii, De George, The Nature and Limits of Authority.

Chapter Two

The Sociological View of Authority

Some years ago a composer friend of mine, Bob Remstein, and I wrote a rock song called "We're All In This Alone".[1] The irony of the title, playing on the "We're all in this together" cliché, expressed the isolation of modern society, the sense of disassociation and anomie that are so much a part of contemporary urban life. Of course, in rock music, this alienation has become a cliché in its own right; more to the point, the title expressed a blatant falsehood. Although we all may feel alone at times, we are not alone in this world: with the exception of a few hermits, we all exist in some form of social interaction. In fact, with more and more people around, we are actually less alone than ever. People who are completely alone are, by definition, fully autonomous; but almost every form of social interaction places limits on autonomy. As Robert Bellah has pointed out, "The illusion that we are autonomous is becoming increasingly implausible as we experience more directly our dependence on collective forces."[2]

Human beings are, by nature, social animals. Sociology, which deals with human beings as members of groups, has much to teach us about human interaction. Peter Berger notes-- echoing Martin Buber-- that

> ...it is impossible to become or to be human in any empirically recognized form that goes beyond the biological observations, except in society... the individual appropriates the world in conversation with others and... both identity and world remain real to himself only as long as he can continue the conversation.[3]

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[1] Samuel M. Cohon and Robert Remstein, "We're All In This Alone", copyright 1985, all rights reserved.
[2] Robert N. Bellah, et. al., The Good Society, Vintage Books, New York, 1991, page 112.
[3] Ibid., pages 16-17.

It is this human perception of the world that we must explore in order to better comprehend the place of authority in liberal religion. More simply, we will undertake the examination of the sociological understanding of authority because authority is, by its nature, a social phenomenon.

Background Concepts in Sociology

Sociology begins with the human being as the source of all conceptions of reality, and even as the source of reality itself. In the sociological view, we first conceive of a reality within our subconscious, then project it out into the world, next observe it as an external fact outside of ourselves, and finally reappropriate it for ourselves, transforming it again into an element of our human subconscious. These processes, which sociologists of knowledge, like Berger, identify as externalization, objectivation, and internalization, hold true for all of our conceptions of the world, society, and society's institutions. The highest form of externalization is religion, "the audacious attempt to conceive of the entire universe as being humanly significant."[4]

To study authority in religion from a sociological perspective, we must first set aside the Divine. Sociology, by definition based on observations of human society, has nothing to say about the quality or nature of ultimate authorities beyond the realm of observation. Sociologically, we can speak only of the *perception* of God as ultimate authority in religion. We may examine

[4]Peter Berger, The Sacred Canopy: Elements of a Sociological Theory of Religion, Doubleday, Garden City, NY, 1967, page 28. For a complete explanation of this process of externalization, objectivation, and internalization, see the first chapter of this book, entitled "Religion and World-Construction", pages 3-28.

cultures and societies that view individuals or texts as bearing "divinely ordained" ultimate authority, but we cannot ascribe that authority to a supernatural or nonhuman realm.

The Sociological Understanding of Authority

As Alasdair MacIntyre puts it, "A moral philosophy... characteristically presupposes a sociology."[5] In the case of authority, however, the reverse is true. Sociologists believe that authority exists in society when it is accepted as a morally necessary and functionally essential component of human interaction. Superficially, this corresponds to the philosophical definition of legitimate authority; but, as we shall see, there are significant distinctions to be made.

Authority, for sociologists, is a form of power based on the recognition of its legitimacy by those over whom the power is exercised.[6] Because there is no such thing as illegitimate authority within sociology,[7] the focus in sociological analysis is upon the different ways in which authority is legitimated, and how the different forms of authority function within societies. The crucial aspect of this definition lies in the notion that people willingly obey the commands of an authority because they see the exercise of that power as legitimate.[8] In theory, this distinguishes authority from coercive power, in which willing acceptance is

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[5]Alasdair MacIntyre, After Virtue-- a Study in Moral Theory, University of Notre Dame Press, Notre Dame, 1981, page 22.

[6]Ian Robertson, "Authority", in The Encyclopedic Dictionary of Sociology, 4th Edition, Dushkin Publishing Group, Guilford, Conn., 1991, pages 19-20.

[7]Authority, for sociologists, is always legitimate authority. What philosophers call "illegitimate authority" is called "coercive power" by sociologists.

[8]See N. Abercrombie, S. Hill, and B. S. Turner, "Authority", The Dictionary of Sociology, Penguin, London, 1988, page 16.

irrelevant, for coercive power is obeyed on the basis of its ability to reward and punish.[9] In practice, of course, the two functions, authority and coercive power, are often allied in the same individual or entity.

Another crucial element in the sociological view of authority is the notion that authority functions for the overall good of some group of individuals.

> Authority is the direction or control of the behavior of others for the promotion of collective goals based on some ascertainable form of their knowledgeable consent. Authority thus implies informed, voluntary compliance, which is a definite psychological state, and a co-ordination or identity of the goal-orientation of controllers and controlled.[10]

At the simplest level, authority is used as a means of ordering society. As Hobbes puts it, authority arises out of the social necessity of creating a body willing and able to mitigate the struggle of all against all.[11] At a more elevated level, authority serves to coordinate actions for the common good. To quote E. A. Shils, it is through the exercise of authority that "the actions of a plurality of human actors are placed or maintained in a condition of order or are concerted for the collaborative attainment of a particular goal or general goals."[12]

There is little question among sociologists-- from Émile Durkheim to Max Weber to Talcott Parsons to Robert Nisbet to Peter Berger-- about the need for some sort of authority in any form of society. Every collective requires an

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[9]For a contrary view, which lumps authority with coercive power, see Roberto Michels, "Authority", in the Encyclopaedia of the Social Sciences, MacMillan, New York, 1930, pages 319-321, to wit: "One of the principal means of exercising authority is the dispensation of rewards and punishment."

[10]Walter Buckley, Sociology and Modern System Theory, Prentice-Hall, Inc., Englewood Cliffs, NJ, 1967, p. 186.

[11]See the evaluation of this in Roberto Michels, "Authority", Encyclopaedia of the Social Sciences, page 321, where he notes that "Of all theories"-- presumably he means philosophical theories-- "that of Hobbes comes nearest to a sociological justification of authority."

[12]E.A. Shils, "Authority: Legitimation of Authority" in A Dictionary of Sociology, Duncan Mitchell, ed., Routledge and Kegan Paul, London, 1968, page 13.

authority to order it and to give it coherence and purpose. To quote Weber, "All ideas aimed at abolishing the dominance of men over men are 'Utopian.'"[13] While "a certain 'utopianism' which tends to minimize the significance of authority, coercive power, and physical force in human affairs has been a conspicuous feature of a large part of modern social... thought,"[14] sociologists do not share in it. Durkheim goes so far as to say that authority, in its relation to man, not only buttresses moral life; it *is* moral life.[15] Authority has always been a part of human society, currently plays a crucial role, and will, for the foreseeable future continue to play that role.

The Psychology behind the Contemporary Sociology of Authority

Richard Sennett, although technically writing as a professor of Humanities,[16] presents a fascinating psychological and sociological exploration of contemporary authority. He begins by noting that the need for authority is basic, but also that there is currently present in society a great fear of authority. "We have come to fear the influence of authority as a threat to our liberties... will we give up our liberties, become abjectly dependent, because we want so

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[13]Max Weber, quoted in Wolfgang J. Mommsen's The Age of Bureaucracy-- Perspectives on the Sociology of Max Weber, Basil Blackwell, Oxford, 1974, page 87.

[14]Talcott Parsons' introduction to Weber's The Theory of Social and Economic Organization, The Free Press, Glencoe, IL, 1947 (paperback version), page 56.

[15]Cited by Robert Nisbet in The Sociological Tradition, Transaction Publishers, New Brunswick, NJ, 1993, page 151. Durkheim considers that true freedom is only possible within a context established by authority: "In sum, the theories that celebrate the beneficence of unrestricted liberties are apologies for a diseased state. One may even say that, contrary to appearances, the words 'liberty' and 'lawlessness' clash in their coupling, since liberty is the fruit of regulation. Through the practice of moral rules we develop the capacity to govern and regulate ourselves, which is the whole reality of liberty." (Moral Education, page 46)

[16]Academic disciplines often seem to intersect in studies on the subject of authority. It is not uncommon to find sociologists sounding like philosophers, philosophers writing what seems to be theology, and theologians offering sociology. It is thus no great surprise to find the founder of the New York Institute of the Humanities at NYU writing an excellent book that reads rather like a highly literate sociological analysis.

much for someone to take care of us?" [17] But it goes deeper even than that: based on the terrible history of authoritarian figures in the twentieth century, the modern fear of authority is also the fear that authority figures will use their hold over people to perform the most destructive acts.

On the positive side, what do authorities offer us? "Assurance, superior judgement, the ability to impose discipline, the capacity to inspire fear: these are the qualities of the authority."[18] Yet this is no one-way street. "What people are willing to believe is not simply a matter of the credibility or legitimacy of the ideas, rules, and persons offered them. It is also a matter of their own need to believe. What they want from an authority is as important as what the authority has to offer."[19] And what people in our society want is rather bizarre: we want to be able to build what Sennett terms a "bond of rejection" with our authorities: that is, we create a conditional tie to authorities whose power we need but also fear. Similar to partners in an unhappy marriage, we complain incessantly about the authorities, but never leave-- that is, never fully rebel. We can thus depend on those whom we fear, and use the authorities to satisfy both our emotional need for caring and our contradictory emotional need for superficial rebellion.

Sennett delineates three types of "bonds of rejection":[20] disobedient dependence (which involves a superficial rebellion tied to a prickly attraction to the authority), the idealization of an imaginary perfect authority to set against the

[17]Richard Sennett, Authority, Alfred A. Knopf, New York, 1980, page 15.
[18]Ibid., page 17.
[19]Ibid., page 25.
[20]Ibid., pages 28-29.

real authority, and the fantasy of disappearance-- if only the authority would disappear, "everything would be great".[21] What is it in contemporary society that creates this psychic need for people to appear to reject authority, without really rejecting it?

> The cornerstone of this complex process is the feeling of shame about being weaker than, and dependent upon, someone else. In aristocratic or other traditional societies, weakness was not *per se* a shameful fact. One inherited one's weakness in society... In industrial society... people feel personally responsible for their place in the world... If you experience misfortune you are personally responsible for being weak.[22]

This overwhelming concept of personal responsibility is too much for most of us. In reaction to the crushing feeling that we alone are accountable for any failures we experience, we turn on the authority structure of our society-- blaming it, yet unwilling to challenge its power and risk complete ostracism and anomie. We end up locked in a static yet unsatisfying relationship, a seemingly permanent state of semi-rebellion. In this condition, we are able to claim that our failures are not our own fault, thus absolving ourselves of that crushing sense of total, personal responsibility.[23]

Sennett next analyzes what it is that authority offered us historically, and how it has changed. The original form of social authority was paternalism, which echoed both the support and the direct control that fathers had in the pre-modern family. Paternalism offered direct, tangible support in the form of food, _

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[21] This represents an ironic reversal of Robert Browning's "God's in His heaven-- all's right in the world" ("Pippa Passes") into "If only God were not in heaven, all would be right in my world!"

[22] Ibid., page 46. It should be noted that American culture is particularly rich in the institutions of independence, from the Declaration of Independence to Huckleberry Finn ("I reckon I got to light out for the territory ahead of the rest, because Aunt Sally she's going to adopt me and sivilize (sic) me, and I can't stand it. I been there before." This is the last paragraph of the book.) to the ubiquitous contemporary American practice of leaving home as soon as humanly (and economically) possible.

[23] For a complete analysis of this process, see Erich Fromm's famous work Escape from Freedom, Rhinehart, New York, 1941.

clothing and shelter, as well as direct contact with a superior. With industrialization such contact became impractical, and was replaced by a symbolic version, paternalistic authority. This mimicked the forms and phrases of paternalism without the reality of it: the boss or dictator was the father-figure, but the actual paternalistic relationship was impersonal and far less equitable than the old paternalism had been. While "the paternalistic controls were similarly motivated by a desire [by the authority] to make face-to-face contacts-- to make community" the economic system was "always pulling people into paths of individual striving and mutual competition."[24]

Ultimately, this led to a revolt against paternalistic authority; but in its wake, in the absence of that authority, people felt bereft. What had been challenged was not just the specific authority, but all authority. "Negation [of authority] is truth-- but what stands accused is not an act of misplaced faith but faith at all."[25] And what was lost can be described by returning to where we began: "One definition of an authority is anyone who will use his strength to care for others."[26] We may reject the current form of authority and deny our fundamental need for it, but that need remains with us.

Sennett's solution to this problem is not to produce a result but a process. Our fear of being deceived by authority, or even of being disappointed by it, is the source of our profound ambivalence towards it. These feelings are, in fact, well justified by our recent historical experiences; but the negation of past authority structures is a most barren victory, unless it leads us to engage

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[24]Ibid., page 71.
[25]Ibid., page 82.
[26]Ibid., page 82.

constantly in the process of imaginatively creating new ones to take their place.
Authority

> is itself inherently an act of imagination. It is not a thing; it is a search for solidity and security in the strength of others which will seem to be like a thing. To believe the search can be consummated is truly an illusion, and a dangerous one. Only tyrants fit the bill. But to believe that the search should not be conducted is also dangerous. Then whatever is, is absolute.[27]

Avoiding the search for authority simple means that we will inevitably accept the authority structures that exist, regardless of their moral basis or their appropriateness. Our psychological need for authority will not disappear, nor will our sociological need evaporate. We thus move to the analysis of the way that authority functions in society.

The Mechanism of Authority

While authority is pivotal in the process of ordering and coordinating actions within society, it is part of only one of the four elements that sociologists have identified as essential to this process.[28] These are (1) exchange, (2) common interests, (3) solidarity or consensus arising from (a) mutual affection, (b) primordial community, (c) community of belief, or (d) civil community, and (4) power, which can take the form of either (a) influence, (b) authority, or (c) coercive control. Briefly, those mechanisms not involving power can be explained as follows: exchange exists when each agent in the relationship reciprocally performs an action which is a service or a benefit to the other. Common interests operate when each actor is motivated to perform the

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[27]Ibid., page 197.
[28]The following analysis is indebted to E. A. Shils' article "Authority: Legitimation of Authority" in A Dictionary of Sociology, pages 13-16.

expected action in order to gain some sort of advantage from a third party or other external source. Solidarity motivates actors when advantage will accrue to the collectivity or its members through concerted action; this solidarity of the collectivity can be constituted by ties of mutual affection, primordial identity (such as kinship, ethnicity, or shared territory), common possession of sacred symbols or ideas (religious or political), or common membership in a civil community. While all of these non-power relationships play an important part in ordering groups of people and coordinating the efforts of its members, none of them are sufficient to establish a coherent society. Every society requires some form of power as a component of its internal relationships.

The power relationship occurs when the pattern of the actions to be performed within a group is directed by an actor or actors other than those performing them. There are three different types of power exercised in societal relations. 1) Influence is a form of power which operates in one of two ways. First, it provides patterns of behavior by presenting concrete exemplary actions or ideals-- that is, preferred actions are modelled by the influential individual. Second, influence provides cognitive maps and generalized plans which might be incorporated into any action. 2) Coercive control is a common form of power relationship:

> Above all, society constitutes itself by coercive power... coercive objectivity characterizes society as a whole, and is present in all social institutions, including those that were founded on consensus... the fundamental coerciveness of society lies not in its machineries of social control, but in its power to constitute and to impose itself as reality.[29]

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[29]Peter Berger, The Sacred Canopy, pages 11-12.

Coercive control operates either through commands that are enforceable by direct sanctions or through the control of the environment in which actors must function. Coercive control utilizes either carrot or stick or both to compel obedience to a command. The individual who is coercively controlled need not willingly submit and is not consulted in the process of determining the action demanded or the punishment administered or the reward bestowed. 3) The final form of power relationship in society is authority.

For sociology, authority is unique among the mechanisms that order actions within society because it involves direct commands which are obeyed, a director of action who is not the performer of the actions and, ideally, a willing actor or actors who perform the actions because they perceive the commands as legitimate. The effectiveness of authority in society depends upon the concurrent operation of the other mechanisms directing societal order and coordination. Authority might be reinforced by the concurrent operation of mechanisms of exchange between the authority and the person commanded; for example, an employer may provide bonuses or special wages for the performance of a certain necessary task. The authority might share (if unequally) common interests with the person or people acted upon, such as winning a battle or completing construction of a building. The authority and the one acted upon might be linked through solidarity, which will be served by collaborating on a common goal of winning a game or reaching a fundraising goal; and they might have ties of personal affection, ethnic or religious identity, and nationality or territorial loyalty. Any of these concurrent processes might work to enhance the effectiveness of the authority being employed.

Conversely, the different mechanisms can work against each other. The person in authority and the one acted upon might have no ties of any kind, might indeed harbor a personal dislike for each other, which will weaken the effectiveness of the authority exercised. They might be involved in an exchange relationship that is unsatisfactory to the subordinated person because the reward-- whether in salary, personal attention, or status-- is perceived as inadequate. This will lessen the effectiveness of the authority. It is also noteworthy that while it might be thought that the stronger the ties the more effective the authority, this process also can work in paradoxical ways: at times familiarity may indeed breed contempt, and weaken the effectiveness of the authority.

While authority is distinct from coercive control, it can also be harmonious with or in conflict with it. The exercise of coercive control in an irregular way by an authority might cause the legitimacy of the authority to be questioned, and generate resistance to it. The proper exercise of coercive control-- as, for example, in an emergency situation in which the authority's quick action saved the day-- might aid in the perception of the legitimacy of the authority, and enhance the authority's effectiveness.

In addition to its functions ordering society and coordinating the actions of its members, authority is an indicator of the relative superiority of different positions within a social system. Within any collectivity, authority is the legitimate power to control the actions of other members of the collectivity. Those who have that legitimate power also tend to have a certain status and ranking within society. Authority is necessary for getting things done. It is

particularly important when integration of a society is valued because authority is a base from which support for regulative activities can be legitimated.[30] Without authority, integration of society and the resulting coherence are very difficult to obtain. Within liberal religion, this characteristic of authority-- the ability to support regulative activity and to emphasize normative behavior-- has become controversial

The Types of Legitimation of Authority

In perhaps the most famous analysis of authority, Max Weber distinguished between three types of political authority according to the form of their legitimation: legal/rational, traditional, and charismatic authority. Although his analysis initially focuses on politics, according to Weber all authority (again, this means legitimate authority) owes its status to one or more of these forms of legitimation, which frequently appear in combination, although always with one form taking precedence. While aspects of his analysis have been repeatedly challenged in the threescore-and-ten years since his death, it remains the basis for all sociological analyses of authority that have followed. Weber enunciates it as follows:

> There are three pure types of legitimate authority. The validity of their claims to legitimacy may be based on:
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> 1. Rational grounds-- resting on a belief in the "legality" of patterns of normative rules and the right of those elevated to authority under such rules to issue commands (legal authority).

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[30]For a full evaluation of the role of authority in the stratification of modern societies, see the chapter "Stratification" in Pat N. Lackey's Invitation to Talcott Parson's Theory, Cap and Gown Press, Houston, 1987, pages 107-126.

2. Traditional grounds-- resting on an established belief in the sanctity of immemorial traditions and the legitimacy of the status of those exercising authority under them (traditional authority); or, finally,

3. Charismatic grounds-- resting on devotion to the specific and exceptional sanctity, heroism, or exemplary character of an individual person, and of the normative patterns or order revealed or ordained by him (charismatic authority).

In the case of legal authority, obedience is owed to the legally established impersonal order. It extends to the persons exercising the authority of office under it only by virtue of the formal legality of their commands and only within the scope of authority of the office. In the case of traditional authority, obedience is owed to the *person* of the chief who occupies the traditionally sanctioned position of authority and who is (within its spheres) bound by tradition. But here the obligation of obedience is not based on the impersonal order, but is a matter of personal loyalty within an area of accustomed obligations. In the case of charismatic authority, it is the charismatically qualified leader as such who is obeyed by virtue of personal trust in him and his revelation, his heroism or his exemplary qualities so far as they fall within the scope of the individual's belief in his charisma.

...The fact that none of these three ideal types... is usually to be found in historical cases in "pure" form, is naturally not a valid objection to attempting their conceptual formulation in the sharpest possible form.[31]

While the role of charismatic authority in religion will be of greatest interest, all three of these "ideal" types of authority appear in religion, and within liberal religion.

Prior to evaluating Weber's tripartite theory we shall include his own explication of it. The briefest of the explanations found among the various versions of this theory[32] appears in Gerth and Mills' collection of essays by and

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[31] Max Weber On Charisma and Institution Building, S. N. Eisenstadt, ed., University of Chicago Press, Chicago, 1968, pages 46-47.

[32] For a complete exploration of the dating of the composition of Weber's theory of legitimation of authority, see Wolfgang J. Mommsen, The Age of Bureaucracy: Perspectives on the Political Sociology of Max Weber, in "Explorations in Interpretive Sociology" Series, Phillip Rieff and Bryan R. Wilson general editors, Basil Blackwell, Oxford, 1974, pages 15-17.

about Weber. Elaborating on the "pure" types of legitimation,[33] Weber makes cogent points about all of them:

> ...in legal authority, submission does not rest upon the belief and devotion to charismatically gifted persons, like prophets or heroes, or upon sacred tradition, or upon piety toward a personal lord and master who is defined by an ordered tradition, or upon piety toward the possible incumbents of office... who are legitimized in their own right through privilege and conferment. Rather, submission under legal authority is based upon an impersonal bond to the generally defined and functional 'duty of office'. The official duty-- like the corresponding right to exercise authority-- is fixed by rationally established norms, by enactments, decrees, and regulations, in such a manner that the legitimacy of authority becomes the legality of the general rule, which is purposely thought out, enacted, and announced with formal correctness.

> 'Traditionalism'... shall refer to the psychic attitude-set for habitual workaday and to the belief in the everyday routine as an inviolable norm for conduct. Domination[34] that rests upon this basis, that is, upon piety for what actually, allegedly, or presumably has always existed, will be called 'traditionalist authority.' Patriarchalism is by far the most important type of domination the legitimacy of which rests upon tradition. Patriarchalism means the authority of the father, the husband, the senior of the house, the sibling elder over the members of the household and siblings; the rule of the master and patron over the bondsmen, serfs, freed man; of the lord over the domestic servants and household officials; of the prince over house- and court-officials, nobles of office, clients, vassals; of the patrimonial lord and sovereign prince over the 'subjects'...

> Charismatic authority shall refer to a rule over men, whether predominantly external or predominantly internal, to which the governed submit because of their belief in the extraordinary quality of the specific person. The magical sorcerer, the prophet, the leader of hunting and booty expeditions, the warrior chieftain, the so-called Caesarist ruler, and, under certain conditions, the personal head of a party are such types of rulers for their disciples, followings, enlisted troops, parties, et cetera. The legitimacy of their rule rests on the belief in and devotion to the extraordinary, which is valued because it goes beyond the normal human qualities, and was originally valued as supernatural. The

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[33]The original reverses the order of the types of authority, beginning with charismatic and concluding with legal/rational. We have transposed the order of the original text for the sake of clarity and consistency.

[34]Translators differ about the use of the words "domination" and "authority" in translating the German *Herrschaft* to English. Mommsen analyzes this difficulty well in The Age of Bureaucracy, page 72, footnote 1. He ends up choosing the word "domination"; in many translations the two terms are used almost interchangeably, as here.

legitimacy of charismatic rule thus rests upon the belief in magical powers, revelations, and hero worship.[35]

Rational-legal authority is based on a set of logically consistent, abstract rules which apply to all persons. Administration of rational-legal authority is impersonal, and attaches to the office or institution and not to the current officeholder. Such authority is limited to the capacity that the rational/legal authority is designated as holding; thus, an office-holder would have no say over the private life of his or her employees. The typical example given of the rational-legal model of authority is the bureaucrat, while in the religious sphere such authority can be held by an institutional functionary-- such as an officeholder in the UAHC-- or a religious one, such as a rabbi in the role of legal decisor.[36]

Traditional authority differs from legal/rational authority in several crucial respects. Traditional authority is based on customs and traditions going back to antiquity rather than upon a set of developed rules. Such authority resides not in the office, but in the individual, and while rationally organized rules may exist they are not the primary determinant for conduct. The best example of traditional authority is that of parental authority, in which the parent serves not

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[35]H.H. Gerth and C. W. Mills, editors of From Max Weber-- Essays in Sociology, Oxford University Press, New York, 1946, pages 295-299. Longer and more elaborate versions of this theory can be found in Max Weber: the Theory of Social and Economic Organization, A. M. Henderson and Talcott Parsons, translators, Oxford University Press, New York, 1947, pages 324-423, in Max Weber On Charisma and Institution Building, S. N. Eisenstadt, ed., pages 47-80, in Weber's Economy and Society. An Outline of Interpretive Sociology, edited by Gunther Roth and Claus Wittich, The Bedminster Press, New York, 1968, and scattered throughout various parts of The Sociology of Religion, Ephraim Fischoff, translator, Beacon Press, Boston, 1964.

[36]A useful, brief analysis of Weber's three-part explication of the legitimation of authority was utilized here: "Max Weber's Authority Models and the Theory of X-Inefficiency: The Economic Sociologist's Analysis Adds More Structure to Leibenstein's Critique of Rationality", Stanley Vanagunas, The American Journal of Economics and Sociology, Volume 48, No. 4, October 1989, pages 396-397.

only to establish logical rules of conduct but also to educate and inculcate values, and as a generalized personal authority for the child. This "patriarchalism" represents an important element in traditional religions, and an element that exists in any religion that considers itself an embodiment of an ancient tradition.

It should be noted that the terms "antiquity" and "ancient" are, in fact, relative ones: one person's "antiquity" is another's modernity. Thus an authoritative tradition of Reform Judaism may date back only to the late 19th century or even 20th century yet bear the force of traditional authority. For example, the idea of rabbinic "freedom of the pulpit", which amounts to the rabbi having full "traditional" authority over the content of sermons in the synagogue, dates only to the early twentieth century. The power of such tradition is dependent upon the perceptions of those who are subject to its authority; if they view it as bearing traditional authority, and that authority as being vested in a specific individual, then it will serve as an effective traditional authority. Should that perception change-- through abuse of that freedom by a rabbi, for example-- the effectiveness of that traditional authority will be diminished.

Of greatest interest, and the most complex of the three types of legitimation of authority, is charismatic authority. An individual has charismatic authority when he or she is perceived by others as having special qualities and powers that go beyond the ordinary to the exceptional, and beyond that to the supernatural, the magical, or the divine. Charismatic authority is exercised in an almost purely personal way, in that its subjects consider themselves as loyal disciples who willingly submit their total personality to the will of the leader. The

individual who has charismatic authority is, by Weber's definition, revolutionary in character; he or she has an authority that is both anti-rational and anti-traditional and is therefore disruptive of any institutional order. The founders of major religions all can be said to have possessed charismatic authority-- Weber mentions Moses, Jesus, Buddha, Zoroaster, and Mohammed, among others-- as can the founders of modern-day cults such as Jim Jones, Sun Myung Moon, and David Koresh to Luc Jarré. Biblical prophets were charismatic authorities. Werner Erhard, of EST fame ("Erhard Seminar Training", now called Lifespring), represents a contemporary leader who systematically works to create charismatic authority within a small society: "The EST training and the whole organization make constant reference to, and are formally controlled by, a seemingly omnipresent Erhard."[37]

It is particularly important that charismatic authority, unlike rational/legal and traditional authority, is temporary by nature.

> Charismatic authority is unstable and unpredictable in character, because of the arbitrary nature of the leader's decision-making and because his or her charisma is in danger of being disproved if it lacks success. The nature of the affectual attachment involved is that it comes and goes spontaneously.[38]

Focused on one charismatic individual, charismatic authority cannot survive his or her departure except by a process of transformation called "routinization". In order to continue as authority, it has to create a tradition or legal procedures of decision-making. Consequently, within a short period of time it becomes

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[37]Frank Pearce, The Radical Durkheim, Unwin Hyman, London, 1989, page 34. Pearce is quoting and critiquing a 1983 analysis by Donald Stone, "The Charismatic Authority of Werner Erhard".
[38]Richard Münch, Sociological Theory, Volume 1, Nelson-Hall, Chicago, 1994, page 192.

"routinized" into either legal/rational or traditional authority, or some form of both.[39] We shall examine this complex process in the following section.

It is very significant that the ultimate source of legitimacy in all three areas of authority resides in some higher power. While this is most obvious in the case of charismatic authority, where the authority is often viewed as having direct access to some form of revelation, for sociologists it is equally true of legal/rational and traditional authority. As Shils explains,

> In all three cases the legitimacy of a system of authoritative institutions, the accession of the incumbents to positions of authority, and the substance and mode of promulgation of the rule or command are imputed on the basis of beliefs about some direct or indirect connection with some ultimate legitimating "power". That ultimate legitimating power might be the will of God, the founders of the dynasty or society, natural law, the will of the people, etc. In other words, the traditional and the rational-legal modes of legitimation also rest on beliefs about some imputed connection with the sacred, i.e. charismatic, source. They differ from the charismatic mode.. by virtue of their indirect or mediated connection with the sacred source...[40]

Every legitimation of authority is tied to some form of belief in an overriding or, at least, exceptional higher authority. "Sacred", as used here, does not necessarily imply some connection with the Divine. A judge serving as a legal/rational authority may invoke the vision of the Founding Fathers of the American Constitution as the true "sacred" locus of his or her authority; but, in sociological terms, the source will be sacred to that judge, nonetheless. So it is for traditional authorities, as well. In sociology, the most human of disciplines, all human authority is perceived as originating in a higher, super-human

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[39]Although Martin Buber makes a fascinating case for societal processes having charismatic qualities embedded in them, with "the dispersion of charismatic components" serving to generate creativity throughout society. See Martin Buber, On Intersubjectivity and Cultural Creativity, S. N. Eisenstadt, ed., University of Chicago Press, Chicago, 1992, pages 19-20.

[40]E. A. Shils, "Authority: Legitimation of Authority" in A Dictionary of Sociology, page 15.

authority of one kind or another. Religions refer to the end-point of this process as God.

A final general point needs to be made. Both rulers and subjects, that is, both the bearers and objects of authority, experience a need to believe in the legitimacy of the authority which they exercise or to which they are subject. Rulers need to justify themselves, while subjects need to see order and meaning in their universe. Thus, there is a tendency for coercive control to acquire the status of legitimate authority if it is effective in establishing order, even if that order is injurious to some of those who live under it. On the other hand, when those in positions of authority act in ways which are perceived as illegitimate, they damage the effectiveness of their authority, and may reduce it to mere coercive control, or even provoke a response from those subject to their control which removes them from their superior position.

It is clear from Weber's writings that he was particularly concerned with the danger of the over-bureaucratization of society. Seeing bureaucracy as a virtually indestructible and ever-growing entity, he perceived great danger to society in the expanding powers of legal/rational society, which placed impersonal concerns of efficiency and routine over more human concerns. For Weber the charismatic authority played a crucial role in breaking this pattern, at least temporarily.[41]

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[41]While his analysis of the types of legitimate authority is still the jumping-off point for every sociological theory of authority, Weber's understanding of bureaucracy, written between 1911 and 1917, is even more remarkable. Robert A. Nisbet, in The Sociological Tradition, page 142, says that "Weber's analysis of bureaucracy, including the role of non-governmental spheres of society and culture, is not merely the point of departure of present inquiries; it is, with the rarest and most minute exceptions, still the sum of them."

While Weber's systematic analysis of authority remains the basis for virtually all sociological explanations of authority, it has been challenged in certain areas. Typical of the sort of scholarly questioning that takes place is Craig Matheson's article,[42] which concludes that Weber's classification of three forms of legitimacy actually comprise five separate principles of legitimation: convention, sacredness, personal ties, personal qualities, and rationality. He himself distinguishes between eight sources of legitimacy: convention, contract, universal principles, sacredness, expertise, popular approval, personal ties, and personal qualities. Ultimately, however, Matheson synthesizes his own argument with Weber's, agreeing that there are, in fact, three specific types of command-obedience relationship. He concludes with a significant point, however: he perceives the legitimacy of traditional and legal/rational authority as deriving from the fact of domination.[43] Weber, by contrast, sees such authority as achieving legitimacy first, with domination following. It seems likely that both scenarios take place in the real world: sometimes authorities assume their position (either bureaucratic or traditional) on the basis of their legitimate claims to it and afterward achieve significant powers of control, while at other times authorities achieve control first and are afterward treated as legitimate because of either the office they now hold or the quality of their actions while in an authoritative position.

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[42]Craig Matheson, "Weber and the classification of forms of legitimacy", The British Journal of Sociology, Volume XXXVIII, Number 2, June 1987, pages 199-215.

[43]Note that Weber-- and Matheson-- are exercising epistemic authority on the basis of legal/rational legitimation. Both earned Ph.D.'s and positions at universities, and both make rational arguments. There is also an element of traditional legitimation here: our culture confers a good deal of epistemic authority on those who echo the wisdom of previous generations, and Matheson is simply elaborating on elements of Weber's theories.

The Routinization of Charisma

Charismatic authority is, by its nature, outside the realm of every-day, routine structures of authority. The social relationships involved are strictly personal, and based solely on the validity of charismatic personal qualities. If such a phenomenon is to transcend the transitory and take on the character of a permanent relationship forming a stable community or organization, it is necessary for the character of the charismatic authority to change radically. Like the shark, charismatic authority cannot remain stable and live; as Weber puts it, "in its pure form charismatic authority may be said to exist only in the process of originating."[44] It must transform itself into either traditional authority, rational/legal authority, or a combination of the two.

Two motives underlie this transformation: the ideal and material interests of the followers in the continuation of the community, and the stronger ideal and material interests of the disciples, members of the administrative staff, or support committee of the charismatic leader in continuing their own relationship or status.[45] In addition, it is to their interest to maintain their status by putting it on a stable every-day basis, enabling them to live a more "normal" life based in a stable institution.

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[44]Max Weber on Charisma and Institution Building, Eisenstadt, page 54, reprinted from The Theory of Social and Economic Organization.

[45]This pattern is the same in every era, whether the followers are religiously motivated disciples or politically motivated administrators. For a fascinating discussion of the mentality of the follower of a charismatic individual, see Eric Hoffer's The True Believer, Harper and Row, New York, 1966/1989.

The problem of transformation typically begins with the disappearance of the personal charismatic leader and the ensuing problem of succession. While a number of different methods exist for replacing the charismatic leader-- from hereditary inheritance of the role of king or shaman (or *rebbe*, in many Hasidic dynasties), to the designation of a successor by the previous charismatic leader (as, for example, Joshua is so designated by Moses), to the search for a child who is believed to be the reincarnation of the Buddha, as in the case of the new Dalai Lama-- none confer on the new leader the same level of charismatic authority. Further, as some form of systematic approach is necessary to insure adequate succession, the administrative staff or disciples now are vested in creating a routinized means of assuring future successions.

A second factor in this routinization is influenced by the need for growth. During the direct, personal phase of the original charismatic authority the followers will be willing to remain outside the realm of normal social interaction, and dependent on their leader. But after this period, only a small number of followers and devout disciples are likely to devote their lives altruistically to their calling. The great majority of followers will in the long run "make their living out of their calling in the material sense as well."[46] This must become the case or the movement will disintegrate. To enable this process of routinization to take place, the followers or disciples appropriate powers of social and economic control, and begin to regulate and promulgate the recruitment of new followers. Depending on whether rational legislation is involved, the process is one of either traditionalization or legal/rationalization.

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[46]Max Weber on Charisma and Institution Building, Eisenstadt, page 58.

The process of routinizing charisma tends to develop into one of the forms of every-day authority, "particularly the patrimonial form in its decentralized variant or the bureaucratic."[47] Thus the locus of charisma shifts to the bureaucracy, and any change in the new authority system must proceed in much the same way as the original charismatic change.

Religious Authority

In what ways is religious authority distinct in quality or type from any other form of authority? While Weber carefully categorizes a wide variety of religious experiences of authority into his overall system of legitimacy, Émile Durkheim notes certain distinctive aspects specific to religious authority. Within Durkheim's conception of religion as a sacred community of believers, which requires an "indispensable oneness in worship and faith",[48] the need for religious authority is implicit. To those who believe that religion is demonstrably a matter of individual faith, Durkheim replies that

> these individual cults are not distinct and autonomous religious systems, but merely aspects of the common religion of the whole church, of which individuals are the members... In a word, it is the church of which he is a member which teaches the individual what these personal gods are, what their function is, how he should enter into relations with them, and how he should honor them.[49]

To suppose that religion is something basically individual "misunderstands the fundamental conditions of religious life."[50]

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[47]Ibid., page 60.
[48]Robert A. Nisbet, The Sociological Tradition, page 247. This is part of a chapter on "The Sacred" that includes excellent analyses of Tocqueville, Marx, Durkheim, Simmel, Weber and others' sociological views of religion.
[49]Émile Durkheim, The Elementary Forms of Religious Life, Free Press Paperback, New York, 1965, page 425.
[50]Ibid, page 426.

For Durkheim all religion requires an ordered community of belief. In view of this normative role, and recalling that, for sociology, authority is essential for any ordering or coordinating of communal life, the existence of normative religious authority must be considered essential. Although originally described by Durkheim in The Forms of Religious Expression in 1912, This understanding remains prevalent today, and not only in sociological circles. American Supreme Court Justice William Brennan wrote in 1987 in the *Presiding Bishop* case that

> For many individuals, religious activity derives meaning in large measure from participation in a larger religious community. Such a community represents an ongoing tradition of shared beliefs, an organic entity not reducible to a mere aggregation of individuals. Determining that certain activities are in furtherance of an organization's religious mission, and that only those committed to that mission should conduct them, is thus a means by which a religious community defines itself.[51]

That level of self-definition, of course, requires authorities who are in position to make and monitor those definitions.

How are the communal religious norms to be established? Not, apparently, by reason. Weber addressed the problem of belief in any system determined solely on the basis of reason:

> Compared with firm beliefs in the positive religiously revealed character of a legal norm or in the inviolable sacredness of an age-old tradition, even the most convincing norms arrived at by abstraction seem to be too subtle to serve as the bases of a legal system.[52]

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[51]Justice William Brennan, joined by Justice Thurgood Marshall, Corporation of Presiding Bishop v. Amos, 483 U.S. at 342, quoted by Stephen L. Carter in The Culture of Disbelief, Basic Books, NY, 1993, page 141.

[52]Quoted of Weber in J. J. R. Thomas, "Weber and Direct Democracy", The British Journal of Sociology, Volume XXV, No. 2, June 1984, page 236.

While it may be employed to some effect, reason alone will not provide an adequate basis for the sort of authority necessary to create a community of belief and praxis. According to Weber, the basis for religious society of any kind must be either a traditional authority, based in antiquity, or a legal authority which is considered to be based on divine revelation. In either case, to be effective, the authority in question would have to possess a good measure of executive authority (to use De George's term). This firmly authority-oriented position would seem to conflict with a popular concept that has received a good deal of attention recently, the doctrine of pluralism.

Peter Berger explains the origins of religious authority somewhat differently. He defines religion as the process of establishing, through human activity, of an all-embracing sacred order, a "sacred cosmos that will be capable of maintaining itself in the ever-present face of chaos. Every human society, however legitimated, must maintain its solidarity in the face of chaos."[53] Religion is responsible for creating a "plausibility structure" for its adherents, a religious conception of reality. For the individual, existing in a particular religious world implies existing in the particular social context within which that world can retain its plausibility. There is thus an intimate relationship between religion and social solidarity, a solidarity that apparently requires the ordering and coordinating efforts of some form of religious authority.

Two recent trends, in particular, have impacted liberal religious authority deeply: religious pluralism and the secularization of religion. Although they are in many ways related, we shall examine them seriatim.

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[53]Peter Berger, The Sacred Canopy, page 51.

Pluralism and Religious Authority

Pluralism is a condition of society in which different cultural units are allowed to function alongside each other with equality of opportunity. In a pluralistic society this is reflected by the coexistence of groups representing different cultures, based on ethnic and religious differences. While sociologists contest whether true equality is, in fact, achieved by the different groups in a culturally pluralistic society like our own,[54] this is nonetheless the condition seen to prevail in American society.

Cultural pluralism has a number of consequences for liberal religious traditions in general, and Reform Judaism in particular. One of the most significant might be said to have been predicted at the beginning of the century by William James:

> The practical needs and experiences of religion seem to me sufficiently met by the belief that beyond each man and in a fashion continuous with him there exists a larger power which is friendly to him and to his ideals... Anything larger will do, if only it be large enough to trust for the next step. It need not be infinite, it need not be solitary. It might conceivably even be only a larger and more godlike self... and the universe might conceivably be collection of such selves, of different degrees of inclusiveness, with no absolute unity in it at all. Thus would a sort of polytheism return upon us...[55]

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[54]See G. A. Theodorson and A. G. Theodorson in Modern Dictionary of Sociology, Thomas Y. Crowell, New York, 1969, page 94: "Advocates of cultural pluralism... believe that culturally diverse groups can live in harmony and that mutual understanding rather than assimilation should be the goal" as opposed to J. H. Turner, Sociology: Studying the Human System, Goodyear Publishing, Santa Monica, CA, 1978, page 368: "Pluralism is a rare form of nondiscriminatory interaction. If differences are perceived to exist among populations, they typically become the basis for discrimination."

[55]William James, The Varieties of Religious Experience, (originally published 1902), New American Library Edition, New York, 1958, page 396.

While the existence of such a polytheism did not trouble William James, it might well give liberal theologians pause. James spoke as a social psychologist, but he spoke about religion, and his words continue to have relevance for the religious, and for the sociological issues of liberal religions in particular. If we replace the word "polytheism" in his paragraph with "pluralism" we may arrive at something quite close to a description of the general trend in contemporary Reform Judaism. Polytheism is the belief in the existence of many valid gods; pluralism, in its most developed form, is the belief that there are many valid cultures. In a religious sense, pluralism takes the form of the acceptance of the validity of many different approaches and understandings of God. Without the imposition of some limitations, such acceptance of unlimited pluralism in belief and practice among the different cultures within a religious group leads ultimately to a kind of polytheism. Concepts and approaches to God become so diverse as to constitute the worship of a variety of entirely different deities.

Today, we find ourselves in the midst of a religious pluralism that borders on the polytheistic, not only in society in general but within our own religious denominations. Is this situation inherently problematic for liberal religion?

In Durkheim's original sociological theory of religion, the unifying aspects of religion are central: the function of religion and, more specifically, of religious ritual is to affirm the moral superiority of society over its individual members and thus to maintain the solidarity-- a near-universal sociological good-- of society.[56]

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[56]For analyses of Durkheim's sociology of religion, see Margaret Hewitt, "Sociology of Religion" in A Dictionary of Sociology, pages 203-205, Robert A. Nisbet, The Sociological Tradition, pages 151-154, and, especially, Michael Hill, A Sociology of Religion, Heinemann Educational Books, London, 1973, pages 38-41, and pages 252-253.

This was to be accomplished by means of authorities who possessed the appropriate powers to inculcate moral discipline. This combination of views has often led to the charge that Durkheim was a monist with nationalist, collectivist, and perhaps incipient totalitarian tendencies; but Durkheim was a strong supporter of the *Dreyfusard* principles of legal equality, civil rights, and political liberty. Thus, as Robert Nisbet points out, "Durkheim must be placed, like Tocqueville, among the pluralists,"[57] and he saw no inherent conflict between authority and pluralism.

But Durkheim's pluralism was of a specific sort. It took the form of what he called the *corps intermédiares*, associations which lie between the individual and the state and create a complex of authority relations for every individual. His theory did not specifically address the pluralism of religious expression within a given society.[58] While his concept that religion establishes the basis for cohesion in society seems to be true for societies in which one religious tradition is dominant and is practiced by the majority of the society's members, it is not applicable to more complex religious settings, where religion is as frequently divisive as it is unifying. These religiously pluralistic societies challenge any unified concept of a religion-driven authority structure. Where there is no agreement on what constitutes appropriate beliefs and practices-- that is, what constitutes valid tradition-- there will likely be no agreement on

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[57]Nisbet, The Sociological Tradition, page 153.

[58]Another frequent criticism of Durkheim is that he failed to account for the distinction between an officially secular state, like the United States, and those European countries where no such division between church and state exist. It seems clear that Durkheim saw even officially "secular" states as being based in religious principles; even avowedly anti-religious movements like Marxism had, for Durkheim, a base in the sacred, although they identified it in very different ways. Contemporary sociologists also see Fascist and Communist states as having a "religious" basis, in which the allegiance is to a state- or dictator- based authority which is views in the same way a religion would view its sacred texts or individuals.

what traditional means may be employed to legitimate authority. Where there is no agreement on what role a leader should play in a religious system, there will be no agreement on what constitutes legal-rational legitimation.

One would expect this to create a serious challenge for the religious society, a challenge inherent in the notion that there can be other concurrent plausibility structures in society that are equally as valid as that religious community's. Notably, this is not a problem that is restricted to the area of religious expression. As Stephen Toulmin notes,

> If asked to identify the focal problem of twentieth century intellectual life-- the crucial *scandalon* that affects thinkers and writers in all fields of learning and culture-- we need look no further than the problems of Pluralism and Relativism... In a dozen fields, twentieth-century scholars have been obliged to acknowledge the facts of historical mutability and cultural diversity; and in doing so they have repeatedly been tempted into adopting a philosophy of relativism, assuming that no way exists of mediating and transcending that diversity and mutability.[59]

In America, religious authority for social institutions has been largely replaced by the development of a generalized civic authority structure dependent upon institutionalized values, a civil religion of sorts. These values may originate in religious systems, but have become bureaucratized, traditionalized and, most importantly, secularized to the extent that they take on the character of a purely civil legitimation of public authority. In the United States, this political authority system allows religions full latitude to function in pluralistic fashion.

In effect, American religious groups have effectively accommodated themselves to this external pluralism. The pluralistic mode of religious

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[59]Stephen Toulmin, "Pluralism and Authority", in Religion and Culture-- Essays in Honor of Bernard Lonergan, S.J., SUNY Press, Albany, 1987, page 17.

expression poses no great difficulty for those religions which are not exclusivist by nature, and accept the existence and even the validity of other religious approaches to the divine outside of themselves; the Talmudic dictum that "The righteous of all nations have a share in the world to come" leaves even traditional Judaism much room for the acceptance of such a situation. But two major problems have arisen in the course of this accommodation, one internal and the other external. First, internally, what happens in a pluralistic environment when the pluralism becomes internal to the religions themselves? Is the inevitable result a formless religious relativism? And second, externally, what happens to a liberal religion and its adherents when they encounter the overwhelming influence of an external "secular" society-- or other, more securely grounded religious groups?

The internal question is a most germane one. Living in a pluralistic environment in which many cultural traditions are given respect has created a model of overall societal pluralism that is then applied to the internal functioning of the religion. As Michael Novak notes, this process is internalized as well, to the point that "In a pluralistic nation like the United States, cultural diversity... appears to be bringing about the development of a unique psychological type: the pluralistic personality... individuals in our society tend to develop a plurality of cultural roots."[60] When those personalities gather in what has been the non-pluralistic venue of a religious community, they tend to prefer the same sort of cultural pluralism that is typical of the larger society in which they also live. Typically, that pluralism is threatened by and threatens the power and even the

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[60]Michael Novak, "Pluralism: A Humanistic Perspective", The Harvard Encyclopedia of American Ethnic Groups, edited by Stephen Thernstrom, et. al., Harvard University, Boston, 1980, pages 776-777.

existence of religious authority, for the role of authority is to forge order and foster coherence, not diversity.

This creates, in effect, a sociological paradox. While the adherents of the religion speak of seeking a strong community, which would seem to require strong authority-- even strong executive authority-- they also seek unfettered pluralism within the community, which requires a much weaker form of authority, or very little authority at all. Certainly, the only sort of executive authority possible in such a pluralistic model is operative authority, and even operative authority would be likely to repress the pluralistic desires of some of the community by means of majority domination. Even epistemic authority is called into question by internal pluralism: if a wide-- indeed, infinite-- variety of approaches to God are legitimate within a religion, how is it possible for any one epistemic authority to be valid for all or even most members of the group?[61]

The paradox is implicit in the following definition of pluralism:

> Advocates of cultural pluralism hold that cultural differences within a society should be retained insofar as these differences do not conflict with major values and norms of the dominant culture.[62]

This would require that the culture in question-- a liberal religious denomination such as Reform Judaism-- be able to identify the "major values and norms" that constitute the essential elements necessary for belonging to that culture. In effect, this definition argues for a very conditional form of pluralism, a pluralism linked to a continual process of self-clarification within the dominant culture. If

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[61] The problem of the epistemic authority in a pluralistic system is similar to the problem of a "canon" in university curricula today. If decisions about quality in say, literature, are culturally determined, and a wide variety of cultures exist, how much more can this be said to be true in the area of religious interpretation?

[62] G. A. Theodorson and A. G. Theodorson in Modern Dictionary of Sociology, page 94.

that process is not successful in clarifying the values and norms necessary, and if pluralistic expansion of the group continues without it, then the group may eventually lose the ability to agree on a self-definition, and thus cease to be a true community, which was the point of the group in the first place. Making "diversity" (or, for that matter, autonomy) the hallmark of a religious movement is simply agreeing that disagreement on everything is acceptable. The House of Jacob may have many rooms, as the old saw goes, but it is supposed to be a house; this is akin to setting the foundation for that house in quicksand.

Within a group engaged in pluralistic internal processes, the role of authority is pivotal in preventing self-dilution, and ultimate dissolution. Only an agreed upon authority can forge the order and coherence essential to make the pluralism function within a meaningful framework. Yet we are witnessing an extreme level of discomfort with the concept of authority in contemporary Reform Judaism. Even in a statement urging rabbis to responsibly attach themselves to their tradition-- in sociological terms, a direct appeal for adherence to and use of traditional authority-- Rabbi Sheldon Zimmerman, President of the CCAR-- in which he himself holds legal/rational authority-- felt the need to apologize for the very use of the term:

> If you are a *rav* there is tradition, loyalty, continuity, the shalshelet. Authority comes to us from these sources and we are bound to them. *And if the term "authority" sounds too hierarchical*, then let it be this: To be a *rav* is to accept an essential, spiritual, sacred, personal, and vocational connection to the *mesoret*, to God, to *shalshelet hakabbalah*, continuity and the generations.[63]

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[63]Rabbi Sheldon Zimmerman, president of the CCAR, address to the 105th Annual Convention, Chicago, IL, May 30, 1994. The italics are added.

If authority is currently in such low standing that the word can only be mentioned apologetically, it is difficult to envision how it can fulfill its essential creative function of ordering, and thus constituting, the group.

There is another problem for Judaism in the notion of pluralism, and the related idea of multiculturalism. Multiculturalism is the term used to connote the acceptance of a variety of pluralistic cultures. But as Dennis Prager notes,

> Judaism's greatest and most revolutionary teaching is that because there is one God for humanity, there is one moral law. We and the stranger are accountable to the same God and to the same morality. We do not need to share one culture or even one religion, just one moral standard.[64]

The assumption that there can be any common moral standard is called into question by multiculturalism. If most aspects of human interaction are culturally determined, it is a short step to the idea that notions of right and wrong are also culturally determined. Since, in a pluralistic model, there are many valid cultures, this may lead to the acceptance of moral relativism. Prager speaks of female circumcision, clitoridectomy, as an example of a practice that is sometimes defended as an aspect of

> 'a different culture' and beyond our judgement. It is a different *morality*, not a different culture. Jews faithful to monotheism must oppose contemporary 'multiculturalism', which is a celebration of multi-moralities, not multi-cultures.[65]

While it is extremely unlikely that any Jewish group will adopt the practice of female circumcision, strong disagreement on a wide variety of moral and ritual issues does exist, and is even encouraged to some degree within Reform Judaism. But internal pluralism poses a grave problem to any Jewish group--

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[64]Dennis Prager, untitled article in Moment magazine, Volume 19, Number 3, June 1994, page 22.
[65]Ibid.

such as Reform Judaism-- which considers itself a religion. Religion requires agreement on basic moral (and even ritual) categories that becomes impossible in an atmosphere of pluralistic relativism.

Secularization of Religion

External pluralism plays an enormous part in another aspect of the degradation of authority in liberal religion, that of secularization. Whether one sees secularization as the cause or the effect of pluralism, the linkage is apparent. Peter Berger delineates that dialectic:

> The key characteristic of all pluralistic situations... is that the religious ex-monopolies can no longer take for granted the allegiance of their client populations. Allegiance is voluntary and thus, by definition, less than certain. As a result, the religious tradition, which previously could be authoritatively imposed, now has to be *marketed*. It must be "sold" to a clientele that is no longer constrained to "buy". The pluralistic situation is, above all, a *market situation*. In it, the religious institutions become marketing agencies and the religious traditions become consumer commodities... a good deal of religious activity in this situation comes to be dominated by the logic of market economics... Now, the religious groups must organize themselves... to woo a population of consumers, in competition with other groups having the same purpose. All at once, the question of "results" becomes important.[66]

This marketplace competition is not just with other religious denominations, but also with non-religious elements in the broader culture. In this highly competitive buyer's market for the attention and allegiance of adherents, religious organizations adopt the techniques and bureaucratic structure of secular institutions.[67]

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[66]Peter Berger, The Sacred Canopy, page 137.
[67]Anyone who has attended congregational board meetings knows the truth of this statement.

Another effect of this process is the segregation of religion into the private sphere. While politicians may profess their religious allegiance and practice,[68] the "authorities" of society, in government or employment, are not religious figures. Religion becomes a matter solely for private choice, lacking in common or binding qualities. Such private religiosity cannot any longer fill the classical task of religion, that of constructing a common world view in which social life receives ultimate meaning. The values pertaining to private religious practice are, typically, perceived as irrelevant to institutional contexts outside the private sphere. Religious authority receives an even more crushing blow: in a marketplace where results are judged by the ability to attract customers of any sort, any authority which attempts to order, and thus limit, the pool of potential customers tends to lose credibility even within its own institutional sphere.

As Berger points summarizes,[69] religion holds credibility as a purveyor of objective truth only so far as it is supported by a plausibility structure, a mode of common activity that reinforces the beliefs of the religion. In this process, "activity produces ideas which in turn produce new forms of activity", all creating a climate of confirmatory social interactions that testify to the "truth" of the religion's world view. In modernity, the pluralistic availability of marketplace-like choices in world view has caused those "plausibility structures" to break down, which has caused the theoretical basis of the "objective reality" of religions to come into question. This is, in all probability, an altogether novel situation for humanity. For perhaps the first time in history religious legitimations have lost

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[68]Or even say, as Governor Kirk Fordice of Mississippi did recently, that "America is a Christian nation".
[69]Peter Berger, "A Sociological View of the Secularization of Theology", Journal for the Scientific Study of Religion, (April, 1967), pages 3-16, and Peter Berger, "Secularization of Theology", page 9.

their plausibility not only for a few intellectuals and other marginal individuals but for the broad masses of entire societies.

There is an ironic aspect of this process. The breakdown in plausibility structure is partly due to changes in the infrastructure of society delineated above, but it is also partly due to elements of the religious tradition of the West which have acted as independent forces altering that plausibility structure: the impact of Calvinism on the growth of capitalism is one such episode.[70] The interaction of religion and society has produced peculiar results: "while religious elements may be seen as important formative influences on the modern secularized world, this world largely precludes the impact of religion as an independent influence."[71] Or, as Berger puts it, "Christianity has been its own gravedigger."[72]

In an atmosphere that accepts modernity and all its concomitant attractions, and in an ongoing dialectic that combines a secularization of consciousness with the pluralization of society, how can one make a case for a particularist ideology of any kind, and for Judaism specifically? Further, if that case is made, how does one justify the dogmatic intellectual constructs necessary for that Jewish option to be attractive, and how can one recreate or preserve the authority necessary to create the faith-communities essential to Jewish life? Put more simply, in an emancipated, liberal environment, why and how should people remain Jewish?

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[70]First, and most completely, documented by Max Weber. There is an excellent abridged version of his analysis, "The Protestant Sects and the Spirit of Capitalism" in From Max Weber: Essays in Sociology, ed. Gerth and Mills, pages 302-322.

[71]Michael Hill, Sociology of Religion, page 265.

[72]Berger, The Social Reality of Religion, Faber and Faber, London, 1969, page 127.

In Berger's article, "A Sociological View of the Secularization of Theology", he explains that there are two possible modes of religious response to modernity: defense, a denial of modernity by the erection of artificial ghettoes, or accommodation. Both have drawbacks. Defense requires the erection of barriers, both psychological and physical, to prevent the adherents from moving out into the general social milieu. This response has been resoundingly rejected by all liberal religions. Accommodation, on the other hand, faces the intrinsic problem that, once taken, "it has the powerful tendency to escalate to the point where the plausibility of the tradition collapses...from within." Eventually "the reality presuppositions of our age have become the only valid criteria for the handling of tradition".[73]

All of this might lead to some very grim speculation about the future of Judaism in pluralistic societies. Yet we do well to remember, as Berger himself says, that "Very little in history follows with necessity."[74] While apparently only the two options-- of eternal accommodation to modernity or absolute rejection of it-- exist, often in history new constructs have been created out of the shattered remnants of the old order. In a Kabbalistic sense, this effort becomes a sort of theological "*tikun olam*". It is certainly possible that is what is happening now in Jewish theology.

Perhaps Judaism's remarkable record of survival is not solely the result, as Spinoza thought,[75] of the anti-semitism our "separate rites" have brought

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[73] Berger, "A Sociological View of the Secularization of Theology", pages 14 and 15.

[74]Peter Berger, "The Other Side of God: Problem and Agenda", in Peter Berger (ed.), The Other Side of God , Anchor, Garden City, NY, 1981, page 26.

[75]Baruch Spinoza, Theological Political Tractate, translated by R. H. M. Elwes, Dover Publications, New York, 1951, page 55: "At the present time, therefore, there is nothing which the Jews can arrogate to

down upon us; perhaps that survival resulted from the fact that Judaism preserves within it unique, particularist elements that are not found in other religious traditions, and are not supplied by the secular societies of the West. Admittedly, as Arthur Hertzberg points out,[76] our current problems are different from any we have faced before, for only since emancipation has Judaism become completely voluntary[77]. But it is certainly possible that a "re-objectivation" of a Jewish world view will emerge, with the concomitant "plausibility structure" to support it, and that it will include more of modernity than the rejectionists include and more of Judaism than the pluralists do.

The dilemma that today faces liberal religions in general, and Reform Judaism in particular, is based in the question of authority. If religion has become a matter of "public rhetoric and private virtue",[78] then how is the necessary community of norms to be constituted? We hear much about the abiding virtue of community; but, in a sociological sense, such a community can exist only where some form of power-- either influence, coercive power, or authority-- has created an order and a concert of views or goals within a group of individuals. Lacking such a power relationship with some entity, the group will, at best, lose any ability for concerted action, and at worst, dissolve.[79]

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themselves beyond other people. As to their continuance so long after dispersion and the loss of empire, there is nothing marvellous in it, for they so separated themselves from every other nation as to draw down upon themselves universal hate..."

[76]Arthur Hertzberg, "The Emancipation: A Reassessment After Two Centuries", Modern Judaism, Volume 1, No. 1, (May, 1981), page 50.

[77]Although this rather misses a central point of the Holocaust-- that often Jewish identity is still enforced from without.

[78]Peter Berger, The Sacred Canopy, page 133.

[79]We shall suggest our own framework for authority within Reform Judaism in Chapter Six.

In a democratic, secularized, pluralistic society the role of coercive power is not available to religion. Influence can be and is employed to support the ideal of religious community; but it often proves itself to be a weak reed in the face of a secular hurricane. Only a religious authority-- that is, by sociological definition, both legitimate and accepted-- can possess both the power and the acceptance to order and coordinate the disparate elements of a modern grouping of individuals into a religious community.[80] Within Reform Judaism this is true as well: religious authority, based on some combination of traditional, legal/rational, and charismatic legitimation, must exist for the classification of "Reform Jews" to continue to exist as a true community in any sense.

What sort of a religious authority might a sociologist see in liberal Judaism today? Arnold Eisen attempts to update Weber's three legitimation categories by enumerating five sources of authority at work among religiously observant Jews in the modern West.[81] The five sources he lists are 1) socially

[80]A new element has recently entered into the debate over the question of authority. That is the general perception that authority is, almost by nature, male. As Deborah Tannen puts it, "...the very notion of authority is associated with maleness." (Deborah Tannen, Talking from 9 to 5: How Women's and Men's Conversational Styles Affect Who Gets Heard, Who Get Credit, and What Gets Done at Work, William Morrow, New York, 1994, page 127.) While she is describing the paternalistic authority of the workplace, this idea is undoubtedly applicable to many other settings, including religion. This heightened sensitivity towards gender-biased tendencies in liberal religion (in general, and within Reform Judaism in particular) may well work against the understanding and acceptance of the validity of any sort of authority. It remains to be seen which way all this will go: will we generate female, maternalistic notions of authority to replace paternalistic ones? The mother figure is, after all, the primordial authority figure. Or will those who would completely reject the notion of any sort of religious authority receive added impetus from this feminist critique? Coupled with the modern and postmodern preference for the idea of autonomy over that of authority, and the challenges pluralism poses to religious authority, this gender-based criticism raises further serious questions about the efficacy of liberal religious authority in the near future.

[81]Arnold Eisen, "The Search for Authority in Twentieth Century Judaism", in Religion and the Authority of the Past, Tobin Siebers, ed., University of Michigan Press, Ann Arbor, 1993. This analysis is taken from pages 247-252.

constructed reality, 2) religious experience, 3) meaning, 4) community, and 5) ancestors. We shall briefly explicate them.

First, *socially constructed reality* refers to the plausibility structure that exists for members of the general society. The direction of change in society's perception of reality in modern (and postmodern) society has been from a religious world view to a secularized one. Basing his argument on Peter Berger's notion of the weakening of religious plausibility structures in the secularizing industrial and post-industrial world, Eisen also notes the disappearance of the integral communities where faith was formerly situated. These two trends would seem to point to the concomitant disappearance of religion; but religion has not disappeared. In part, this is because synagogues have successfully created social realities of their own which have withstood tremendous secularizing pressures. They have done this primarily with religious elites who have been able to "seize hold of the space left by Kant and the secular world, and there nourish a sense of rightness that modernity can neither provide nor preclude."[82]

Second, Judaism's claims to embody the results of past *religious experience* provides some basis of belief for contemporary Jews who have not had such direct experience of God. Religion provides the best means of categorizing and explaining those transcendent elements in the world, those moments when we touch the sacred. A "vestigial authority" remains within Judaism, the residue of religion's claims to represent the direct experience of the divine.

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[82]Ibid., page 248.

Third, Judaism provides *meaning* in areas that secular society doesn't. This meaning can be received cognitively, as answers to theological questions, or affectively, as in the experience of a moving religious service. It can also be received by some combination of means. In the affective realm, the communal quality of the religious experience may itself be unusual, and thus meaningful. In addition, the very "differentness" of the religious ritual experience-- congregational singing, bowing, carrying and kissing sacred objects, the use of foreign language-- from the usual secular social reality, while problematic for some, also contributes to the feeling of greater meaning for many others, and gives that meaning substantial authority.

Fourth, the very fact of *community* has magnetic appeal and authority. We still experience communal activity and belief as intrinsically more compelling than individual experience, says Eisen. In addition, modern people deprived of integral community and "reveling in individual autonomy" find themselves drawn to self-selected communities. Paradoxically, the authority of community grows the more we find ourselves without community.

Fifth, *ancestors* play a continuing role in contemporary liberal Judaism. This is another way to express the continuing authority of tradition, but Eisen emphasizes in particular the reluctance even the most secularized Jews feel to break with the chain of tradition. While many Jews rebel against their parents and focus that rebellion on a reaction against their ancestral faith, many others are unwilling to fully break the tie of the past, and of their parents and grandparents.

Eisen's five categories, like Matheson's eight, can easily be reduced to Weber's three: the categories of "past religious experience" and "ancestors" express elements of traditional legitimation, while "socially constructed reality", "community", and the cognitive aspect of "meaning" are various forms of legal/rational legitimation.[83] The affective aspect of "meaning" is a form of charismatic legitimation, vested either in a charismatic individual leading a ritual or in the emotionally moving, charismatic qualities of the ritual events themselves. What Eisen has pointed out, however, is the ways in which a variety of nonexecutive forms of authority are legitimated in contemporary religious settings.

Ultimately, we shall return to the question of the function of authority in contemporary liberal Jewish settings. To provide historical perspective, and a sociologically-influenced view of liberal religious authority, we turn to the last Reform Jewish theologian to systematically examine the question of authority in Judaism, Samuel S. Cohon.

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[83]"Socially constructed reality" in the religious setting is created by authorities-- rabbis, cantors, lay leaders-- put in position by legal/rational means; "community" is established by the adoption of certain normative standards for membership and behavior by the majority of the members of a group, again a legal/rational legitimation; and the answers to the "big questions" are provided by authorities who legitimate their role by legal/rational means (rabbinic ordination, teaching certification, etc.).

Chapter Three

Samuel S. Cohon on Authority in Judaism

Whether one sees Samuel S. Cohon as "perhaps the central theological figure in Reform Judaism in the United States in the last forty years,"[1] as "in his era... the preeminent Reform Jewish theologian in the United States,"[2] or as "in his time, *the* Jewish theologian on the American scene,"[3] his importance for liberal Jewish theology in the first half of the twentieth century is undeniable. Often called "the Reformer of Reform Judaism",[4] Cohon is widely credited with reintroducing a number of traditional practices and religious elements into the Reform movement, and of creating a much broader acceptance and understanding of the values of Jewish tradition within Reform thought. Holder of the Chair in Jewish Theology at Hebrew Union College in Cincinnati from 1923 to 1956, and for the last three years of his life the first full-time faculty member of the Los Angeles campus of the school, he taught and influenced generations of Reform rabbis (among them Jakob J. Petuchowski and Steven Schwarzschild). His position at the college also "allowed him to play a seminal role in the development of Reform Jewish thought in the United States."[5]

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[1]Michael Meyer, "Samuel S. Cohon: Reformer of Reform Judaism", Judaism, Volume 15, Number 3, Summer Issue, 1966, page 319.

[2]David Ellenson, "Samuel S. Cohon", National Dictionary of American Biography, Oxford University Press, Oxford, 1995 (expected date of publication).

[3]Jakob J. Petuchowski, Introduction to Essays in Jewish Theology by Samuel S. Cohon, Hebrew Union College Press, Cincinnati, 1986, page xii. The italics are Petuchowski's.

[4]See Meyer's article cited above, Mordecai Finley's unpublished 1990 HUC rabbinic thesis Authority and Canon in the Thought of Three Reform Theologians, Lisa Seidemann Eiduson's unpublished rabbinic thesis, Samuel S. Cohon: A Spiritual and Intellectual Biography, 1992, Petuchowski, etc.

[5]Ellenson, "Samuel S. Cohon", first page.

Born in the *shtetl* environment of Lohi, near Minsk, Russia, in 1888, Cohon was trained in traditional Jewish sources-- Talmud, Midrash, codes, *meforshim*-- at the Berezin and Minsk Yeshivot, but he was also influenced by the prevailing Hebraist winds blowing through the Pale of Settlement at that time. While still in Europe he became a *maskil*,[6] committed to Hebrew as a vibrant living language, and was introduced as well to Zionism and Socialism. In 1904, shortly after the Kishinev pogroms, he immigrated to the United States at age 16. In high school in Newark, New Jersey he "kept abreast of periodicals in Hebrew, Yiddish, Russian, German, and English",[7] and was attracted to the clarity of the intellectual vision of Judaism expressed by two prominent scholars at the Hebrew Union College, David Neumark and Kauffman Kohler. After high school[8] he moved to Cincinnati and enrolled in the University of Cincinnati and Hebrew Union College[9] where his intellectual development was profoundly influenced by Neumark and, especially, Kohler. It was at Hebrew Union College that Cohon learned the techniques of the scientific study of Judaism. After ordination he served congregations for eleven years, and in 1923 was called to replace Kohler, his friend and teacher, on the college faculty. For the thirty-six remaining years of his life Cohon was one of the foremost scholars, teachers, and leaders on the American Jewish scene.

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[6]Some of this background information is based on personal discussions with Dr. Ben Zion Wacholder, Dr. Eugene Mihaly, Baruch J. Cohon, and the late A. Irma Cohon.

[7]Mordecai Finley, ibid., page 116.

[8]According to his son, Baruch J. Cohon, Samuel did not complete high school because of economic considerations, and never received his high school diploma. Finley states that he did, but does not provide a source.

[9]Cohon was one of the first students at the college who was not of German Jewish extraction. His Eastern European yeshiva background was particularly notable when he joined the faculty of an institution that was to remain primarily German for many years. In addition to his traditional background, Cohon had also "read everything his teachers had ever written" before he came to the Hebrew Union College (per Cohon's widow, A. Irma Cohon, by way of her son Baruch).

His contributions in the area of Jewish scholarship were immense. By 1956 he had authored some 300 published articles, sermons, and essays,[10] as well as the influential books What We Jews Believe (1931) and Judaism A Way of Life (1948).[11] Comprehensively knowledgeable in virtually every area of both traditional and modern scientific Jewish scholarship, he also possessed a thorough understanding of philosophy, history, psychology, Christian theology, and comparative religion. In his introduction to the Hebrew Union College Press edition of Cohon's essays Jakob J. Petuchowski uses the Talmudic image[12] of the *eshkol*, the grape cluster, in describing Cohon as the *ish shehakol bo*, the "man in whom there is everything".

While his scholarship and academic achievement were profound, he was also intimately involved with the practical needs of the religious community he served. Cohon utilized his knowledge and abilities to create many of the central texts of the Reform movement. His revisions of the Union Haggadah in 1923, the CCAR Rabbi's Manual in 1928, and the Newly Revised Union Prayerbooks

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[10]Itemized by Theodore Wiener in "The Writings of Samuel S. Cohon", Studies in Bibliography and Booklore, Volume II, Number 4, 1956, pages 160-178. Cohon died in 1959, and this remains the most complete listing of his publications, although several books were published posthumously through the editorial efforts of his widow, A. Irma Cohon, sometimes working with the assistance of his son, Baruch J. Cohon. Among these are an autobiography, A Daybook of Service at the Altar as Lived by Samuel S. Cohon (1888-1959) (Times Mirror Press, Los Angeles, 1978), which was closely edited (and perhaps even written) by Mrs. Cohon. Other posthumous publications include the books Jewish Theology: A Historic and Systematic Interpretation of Judaism and its Foundations (Van Gorcum, the Netherlands, 1971), What We Jews Believe and a Guide to Jewish Practice (Van Gorcum, the Netherlands, 1971), Religious Affirmations (Los Angeles, 1983), and Mekorot Hayahdut (Publications for Judaism, Jerusalem, 1988), a thematic sourcebook of Jewish materials derived from every aspect of Jewish tradition. The 1987 HUC Press publication Essays in Jewish Theology, arranged for by some of his former students (again, with editorial assistance for Baruch J. Cohon), collected some of his most important essays, and received wide distribution among the Reform rabbinate.

[11]He also co-authored the 1927 book Christianity and Judaism Compare Notes with Harris Franklin Rall, which according to Petuchowski made him "the very first to engage, on a serious theological level, in the Christian-Jewish dialogue." (Essays in Jewish Theology, page xii).

[12]*Talmud Bavli*, tractate *Sotah* 47b.

in 1940 and 1945 produced texts that incorporated far more of Jewish tradition than their predecessors and were "more recognizably Jewish".[13] All these texts served the Reform movement for many years. Perhaps Cohon's most influential work was his authorship of the "Guiding Principles of Reform Judaism", which became the landmark Columbus Platform of 1937, and the careful political stewardship which led to its passage by the CCAR. As David Ellenson puts it,

> Cohon, as the architect of this statement, charted the course of Reform Judaism in the United States for years to come and came to be a central figure in the transition of American Reform Judaism from its "classical" opposition to the authority of Tradition and Zionism to its integration of these very elements into modern Reform.[14]

Although he died in 1959, Cohon's influence over some of the most important contemporary Reform thinkers continues. As Eugene Borowitz explains,

> In Judaism, in which action has traditionally been valued above thought, the theologian's life must be first evidence of his teaching. And for a Jew that must inevitably mean not just his private and familial existence, but his participation in the ongoing activity of the synagogue and the Jewish people as a whole. Those of us who attended school in Cincinnati in the forties saw Samuel Cohon's vast Jewish learning in the classroom-- but when we spent a *Shabbos* evening in his home, then we had a touch of Samuel Cohon the Jew, and in his living saw his theology fulfilled.[15]

The greatest part of that influence has been based on the recognition of Reform Judaism as an outgrowth of traditional, historical Judaism, and of the propriety, indeed the necessity, of the increased use of traditional rituals and liturgy within the Reform movement. Uniting the recognition of a fundamental nonrational

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[13]Notes on the Union Haggadah, private papers of Samuel S. Cohon, American Jewish Archives.
[14]Ellenson, "Samuel S. Cohon", third page.
[15]Eugene B. Borowitz, "Faith and Method in Modern Jewish Theology", Central Conference of American Rabbis Yearbook, Volume LXXIII, New York, 1963, 215. Borowitz also credits Cohon with shaping his attitude towards Jewish scholarship (personal conversation with Dr. Borowitz in New York in March, 1993).

religious impulse[16] with a thoroughly rational approach to historical evaluation and theological analysis, his writings demonstrate cognizance of the need to constantly consult reason in approaching matters of faith-- but also to carefully explore and analyze Jewish tradition before making reasoned choices.

In addition to his reintroduction of traditional modes and approaches to Reform Judaism, Cohon also recognized the need in the Reform of his day for an increased element of "spirituality" and direct contact with "the numinous". An academic and intellectual himself, he nonetheless perceived the human need for ritual and spiritual fulfillment that went beyond the ethical but cold abstractions of the classical Reform model.

Cohon's own expression of the essence of the religious experience can be summarized simply: the human encounter with holiness. Every element of religion is directed to facilitate that end. In order to imbue the world and our lives with holiness, Judaism enjoins us to build the "Kingdom of God on earth". Construction of any kind of lasting edifice, whether material or social, requires coordination and consistency of approach. These can only be assured by the existence and functioning of an effective form of authority. In order to further the

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[16]While several writers-- Meyer, Petuchowski, Lisa Eiduson, Ellenson, even Cohon himself-- credit this to his reading of Rudolf Otto's The Idea of the Holy, I wonder if it was not simply a case of Otto providing the appropriate language for a belief that was central to Cohon all along. In any case, Otto created the category of "the holy" and presented it as the core idea of every religion; one's goal as a religious person is to attempt to perceive the "numinous" in religion, the intrinsic quality of the holy which can "never be grasped by verbal presentations." It is the superrational and supernatural qualities in religion which distinguish it from pure ethics. (Rudolf Otto, The Idea of the Holy, translated by John W. Harvey, Oxford University Press, London, 1958 edition, page 6.) In Cohon's words, "Religion is something greater and subtler than churches and synagogues. It is an in-dwelling spirit in the heart of man, making him reach out for the heights and depths of life. It is a human emotion as deep-rooted as love." (Sermon, April 6, 1923.)

course of this endeavor, religion thus requires an authority structure. It is in analyzing that need that Cohon expresses his views on authority in Judaism.

Cohon based his own scholarly approach on an appreciation for the historical evolution of the Jewish religion, a process of progressive development that is the outcome of the life of the people Israel in their continual contact with divine inspiration. In keeping with this progressive understanding, the majority of his longer essays begin with a comprehensive analysis of the historical Jewish approach to a question, traced carefully and chronologically. Cohon includes within his discussion of an issue all relevant materials: not only the traditional texts themselves, but any applicable information that the scientific study of religion can provide. Seeing Reform Judaism as a true expression of Jewish tradition, the implicit purpose behind Cohon's method is to evaluate and express how Reform draws from the tradition, and what a Reform approach to an issue should be. This is the methodology employed in Cohon's analysis of the role of authority in Judaism.

Authority in Judaism

In 1936 Cohon published a monograph in the Hebrew Union College Annual which delineated his theory of authority in Judaism.[17] His own revision of that article, published in Essays in Jewish Theology,[18] represents a comprehensive statement on the subject. Although in its original form it is over half a century old, a careful examination of that essay provides a coherent

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[17]"Authority in Judaism", Hebrew Union College Annual, XI, 1936, pages 593-646.
[18]Essays in Jewish Theology by Samuel S. Cohon, Hebrew Union College Press, Cincinnati, 1986, pages 37-91.

vision of the dynamics of religious authority, a comprehensive explication of the historical sources and functions of authority within traditional Judaism, and an analysis of the role of authority in liberal Judaism that remains relevant today. We shall examine that essay in detail in an attempt to ascertain how his theory of authority in Judaism relates to the contemporary discussion of the subject in philosophy and sociology, and later to the differing approaches taken by two of his students, Jakob J. Petuchowski and Steven Schwarzschild.

Cohon begins his analysis with a description of religious authority that is an intriguing blend of the sociological and philosophical views of authority. For him, religious authority is the "right" (we might more accurately speak of "power") which a religion exercises over its adherents as individuals and as a community. Authority "inheres in the very nature of religion",[19] but it "assumes a twofold aspect",[20] functioning as both a social and personal force. The ultimate purpose underlying the exercise of religious authority in both settings-- individual and collective-- is the true *raison d'etre* of religion for Cohon: the establishment of the Kingdom of God on earth, with human beings serving as willing citizens of that Kingdom. The existence of such a Kingdom requires the acceptance by the subjects of the superior authority of the One Who issues commands. Authority plays the crucial role here, for it is the necessary obligation of citizenship in this Kingdom that we accept for ourselves the *ol malkhut shamayim* and the *ol mitzvot* as obligations. "The very freedom which religion holds out to man as his greatest boon is through obedience to its authority."

[19]"Authority in Judaism", Essays in Jewish Theology, Hebrew Union College Press, Cincinnati, 1986, page 37.
[20]"Authority in Judaism", page 38.

The social aspect of religious authority for Cohon adheres quite closely to a sociological conception of authority.[21] In sociology, authority is viewed as essential to the ordering and coordinating of any human group. For Cohon, religious authority "reinforces the claims of the group upon the individual, supplies incentives and sanctions, and makes for social cohesion,"[22] all fundamental roles of any sociologically-described authority. Conformity with authority's standards renders individuals "religious" in the eyes of others both within and outside of the religious group. This works in both directions. Religious authority orders society, but religion "lives and gives life only when wedded to human life",[23] and human life is in large part a social existence. Thus, there is a dialectical process involved, in which social needs and interactions affect religious authority as well. "The social imperative often underlies the religious command" which is generated in response to the common needs of human beings.[24]

The net result of the social aspect of religious authority is that we are provided with a blueprint for the Kingdom of God on earth. Seeking to establish a social order in accordance with the highest visions of righteousness, religion provides us with an external and "objective"-- that is, a religious ideal-- standard of right. As religious individuals we are expected to conform to the laws of the

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[21] It is probable that this is one consequence of Cohon's respect for the Pragmatists' school of thought. Rudolf Otto was credited by Cohon with influencing his ideas in a variety of theological areas, and Pragmatism and sociology tended to go hand in hand at the beginning of the 20th century.

[22] It is notable that, in sociology, these are the crucial functions for any authority. See Chapter Two.

[23] Ibid., page 37.

[24] *Minhag brekht hadin*, in Yiddish; see Mishna Sofrim, 14:18, *ein Halakha nikvat ad shetehei minhag*.

ideal community. If we do so we will experience the true freedom described in *Pirkei Avot*, "Only he is free upon whose heart the laws of God are inscribed."[25] But this heteronomous quality of authority, incorporated in social custom and in written law, is only half of the explanation.

The other half is the result of an autonomous process, the "upward direction of the soul in solitariness."[26] Again, this is a two-way process: the individual seeks holiness, and religion "finds its way into the heart of the person", becoming part of his or her inner life, and serving as moral inspiration and conscience.[27] Functioning within as a spiritual light, it lights the way to the best path to pursue holiness, and serves as an internalized authority on what is right and proper. Religious authority is thus both external and internal at the same time. This internal element of authority in Cohon's work is clearly not sociological. While the education or training of an individual in religious rites, beliefs, and attitudes can be viewed as a social phenomenon, the "upward direction of the soul in solitariness" is a purely religious idea, although it might also be viewed as a philosophical quest for the ideal. Cohon has married a religious idea with a sociologist's conception of the functioning of religion.

In both the social and the individual components of religion, an authoritative element is central. Whether serving as an external discipline or an

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[25]Mishna Avot, VI:2.

[26]Ibid., page 37.

[27]This can be seen to mirror to a great extent the sociological process of externalization, objectivation, and internalization. For Cohon, this process of "religion finding its way into the heart" is descriptive. He views the inward part of the appropriation of religious meaning as a natural process that occurs within all religious individuals (that is, Jewish, Christian or Muslim individuals; he does not seem to be addressing Eastern religions). This internalization process, as he describes it, seems to be a combination of religious socialization and a mystical (or, at the least, psychological) means of appropriating inner religiosity, of reaching towards God directly.

inner directive, for Cohon the core of religion is duty. Religion appeals to our conception of our higher selves, and to our consciousness of the holy, and it commands our conduct in accordance with standards of right and wrong and goals of personal striving after *kedushah*. While the social element of religious authority can be attributed to the needs of society, the individual component addresses a power within us that is superior to either individual whim or group will; it "appeals to the deepest in man, in the name of the All-highest."[28] This inner authority compels us to seek out God's will in every aspect of our life, furthering our attempt to find holiness in the world around us. The ultimate warrant for individual, internal religious authority is thus God. Our knowledge of God's will in the area of morality and, by extension, religious authority, is a combination of revelation and reason.

The notion of obligatoriness, the idea that we "should do" what is right in every aspect of our lives, is what invests religion with its greatest value, the establishment for its adherents of the means for living for an ethical-- and thus, holy-- life. Few of us live by standards that we have established on the basis of reason and personal taste. Most of us live by standards established by others, and arrive at our convictions and preferences by means of imitation, social pressure, or convention; as Cohon puts it, "in a word, authority."[29] For most of us, morality is binding because it establishes a norm of social conduct, and unites us into a community. Even when we are compelled by the higher

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[28]Ibid., page 38.
[29]Ibid., page 39. Again, this is understanding "authority" sociologically, as the element in society that orders and coordinates every community. To unpack Cohon's sentence, "Imitation" is a form of response to an exemplary authority; "social pressure" is the operative authority of the group expressed in traditional authority; and "convention" can be either formally legislated, as in legal-rational authority, or informal, as in the social pressure of etiquette.

interests of our groups to eliminate old aspects of the moral code, we find that they are immediately replaced-- at the initiative of social and religious reformers-- by other ideal standards of conduct. Ultimately,

> Progress lies not in the abolition of all authority, which spells the disruption of society, but in replacing the lower forms of authority with higher ones. From this standpoint, the history of each religion is the history of the changing forms which authority has assumed.[30]

With the crucial exceptions of the notion of God as ultimate source of authority, and of an instinctive, internal quest by the soul for God, the entire analysis of the mechanisms of religious authority[31] is sociologically based. In this section Cohon has stated what must have seemed to him to be fairly obvious: authority of various sorts exists and functions in all societies, while religion's major contribution to the world, the structured movement towards the sanctification of life, is the direct result of its moral authority. Religious authority exists both within the individual and outside of him or her, providing a structure for moral conduct and for the pursuit of the ideal society[32]-- which for Cohon is the Kingdom of God. After covering these bases, he moves to the most difficult part of the question for a liberal Jew, the locus of that authority. Cohon will spend the remainder of the essay examining the sources of authority in Judaism, revelation, tradition, and reason, in historical perspective.

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[30]Ibid., page 39. It is clear that Cohon is describing the creative and evolutionary process of the updating and replacing of forms of authority within society, specifically religious authority in Judaism. What is not as clear in this dense but brief description of the process of change in religious authority is what precisely constitutes a "higher" or "lower" form of authority.

[31]"Authority in Judaism", pages 37-39.

[32]This points up another distinction between Cohon's theological approach and the sociological approach that it resembles. It is indicative of this that Robert Bellah's book is called The Good Society, not The Ideal Society. Sociologists do not speak of an "ideal" society, but theologians do. Cohon is employing sociological methods to serve a religious end.

In an interesting postscript to the opening section on the functioning of societal authority,[33] Cohon makes a crucial distinction. Within Judaism, the notion of diverse forms of authority, and of the changing nature of authority, are reflected in the concepts of revelation and tradition, embodied in the authoritative texts of Scripture and *Torah sheb'al peh*. Unlike other "products of the mind", such as science or wisdom, they bear "the indelible stamp of authority". By "authority", he clearly means here that only those bodies of knowledge that are thought to be specifically Divine in either origin or content are religiously authoritative.[34] Within traditional Judaism there is no "epistemic moral authority" based solely on knowledge of philosophy, no matter how profound, or upon psychology, no matter how insightful. Religious authority is derived ultimately from God.

Cohon next proceeds to analyze the historical development of authority in traditional Judaism as reflected in the two notions of Torah, revelation and tradition, embodied in Scripture and the Oral Law. We shall trace this progression.

Traditional Judaism: Authority Based in Revelation

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[33]Ibid., page 39, paragraph 2.

[34]Cohon believed in progressive revelation as a means of continuous transmission of God's *kedusha*. This idea, which can be traced in Reform Judaism to Geiger, is expressed well in Jewish Theology, page 204: "Our entire history may be viewed as our growth in God consciousness." See also the Columbus Platform (authored by Cohon), section A, "Judaism and its Foundations", part 1, "Nature of Judaism": "Reform Judaism recognizes the principle of progressive development in religion and consciously applies this principle..." This progressive understanding of revelation will become more explicit as we examine his analysis of the authoritative nature of revelation.

According to Cohon, "Whether as law or prophecy, revelation is the creative force of religion."[35] The entirety of Hebrew Scripture rests on a three-part, progressive view of revelation: 1) *giluy shekhinah*, the manifestation of God's presence, 2) the direct disclosure of the divine will to Israel through a chosen instrument, such as *matan Torah*[36] or *nevu'ah*, and 3) the embodiment of the content of revelation in *Torah shebichtav* or as the rabbis have explicated it in the *Torah sheb'al peh*. Knowledge of God by individuals in the Hebrew Bible is gained neither by "empirical observation nor speculative reflection but the spontaneous illumination of their spirits with a light from on high." Revelation is an interactive process between God and selected human beings. We seek God's presence, while God aids us by coming halfway.[37] The purpose of revelation is always to give spiritual and ethical guidance, both communal and personal.

While the idea of revelation is by no means confined to Judaism-- Cohon notes that personal revelation to a prophet is the cornerstone of all great ethical religions, from Zoroaster to Mohammed-- the process of progressive revelation is the same everywhere. A direct revelation is canonized as scripture, around which a sacred tradition develops, and that tradition is in turn treated as a continuation of the revelation. In addition, there is a tendency for revelation to grow increasingly "inward" over time. Thus, where the initial Biblical revelation

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[35]"Authority in Judaism", page 40.

[36]Here Cohon is distinguishing between the direct, oral revelation of the *aseret hadibrot* to the entire people of Israel and the revelation of the remainder of Scripture given to Moses at Sinai. He may also be following the midrashic explanation that only the first two commandments were given orally by God at Sinai.

[37]For Cohon, the process always seems to work this way. The human being seeks God, and God responds. Seeking, however, might consist only of being open to hearing God's call; Cohon does not spell this out.

at Sinai was given aloud to the entire people of Israel, prophetic revelation was given orally only to one individual who served as God's instrument. In later eras this trend from "outward", that is, public revelation, to "inward", private revelation has reached its culmination as God is revealed only in the inner workings of human conscience.[38]

As Cohon sees it, within Biblical Judaism, God is the moral authority. What is unique about the religion of Israel is the character of God as revealed to us. God possesses not a reflection of our own moral character but the highest ethical attributes, exemplified in the *shlosh esrei midot*.[39] As ultimate moral authority, God demands worship based on righteousness, and rewards and punishes us correspondingly. God is never arbitrary in judgement,[40] but is an independent agent superior to humanity, a universal moral authority whose constant measure of all people and all peoples is the "plumbline of justice".

Even God's boundless love and grace are in strict accord with moral purpose. God is the universal law-giver, and those laws are absolutely ethical in character.[41] As Cohon quotes W.R. Smith, "the fundamental superiority of the Hebrew religion does not live in the particular system of social morality that it

[38]Here Cohon breaks with the rabbinic tradition that prophecy, and thus revelation, ended with Malachi. Prophecy ended, he agrees; but revelation continues in the "still, small voice" of conscience that is at work within human minds.

[39]Exodus 34:6-7. This raises the question of problematic passages throughout the *Tanakh*. It seems likely that Cohon is merely summarizing the central argument put forward by traditional sources with regard to God's moral authority, not attempting to justify it systematically. Again, this is not his own belief he is expounding, but a summary of how he sees authority functioning in traditional Judaism. Elements of his own conception of authority nonetheless emerge, particularly in the way that he defines such terms as God ("the order-producing principle", ibid., page 41).

[40]Which means that interpreting Job requires a lot of explanation.

[41]Again, explanation is owed to the *agunah* and the *momzer*, assuming these laws are truly based on Divine authority.

enforces, but in the more absolute and self-consistent righteousness of the Divine Judge."[42]

While God is the source of revelation, the human element in biblical revelation is equally important. Revelation is not merely the manifestation of God's presence in the world; to be true revelation, it must be properly apprehended by human beings.[43] This requires both an inward feeling of awe, and the notion that God, "the order-producing principle",[44] is both inside of us and outside of us, providing creative energy which manifests itself in the moral order.

While there is universality to the biblical process of revelation-- "God speaks to all who would hear"[45]-- this process is especially directed to Israel. God's commandments are part of a universal plan of salvation, which is first of all concerned with the people of Israel. Israel is to be God's servant and an *or lagoyim*[46] charged with the task of bringing light and salvation to all nations of the earth. This is a collective responsibility of the entire people of Israel. While individuals are responsible directly to God, Israel is a religious unit, *adath Adonai*, and the *mitzvot* are incumbent upon the group as a whole. As Cohon notes, "No matter how universalistic a religion may be in its outlook, it cannot exist without a community or church."[47] Thus, the authoritativeness of biblical

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[42]W.R. Smith, The Prophets of Israel, pages 72-73.

[43]One is reminded of the High Holiday liturgy in the Gates of Repentance, page 436, quoting ___: "If you are My witnesses, I am the Lord, and if you are not My witnesses I am not the Lord."

[44]Ibid., page 41. This is, again, the sociological concept of social authority given a name. In sociology authority is the "order-producing principle", which here is identified as God.

[45]Cohon, "Authority in Judaism", page 43.

[46]Isaiah 42:1-7; 49:1; 53, etc.

[47]Ibid., page 44.

religion is derived from two sources: it constitutes the revelation of the will of God, and it forms the social basis for governing the nation because it establishes divinely sanctioned legislation which regulates the functioning of society. Two agents serve to bring God's authoritative revelation to the people in Biblical Judaism: the prophet, who is preeminent in expressing and interpreting God's word and will, and the priest, who further interprets and concretizes that will into institutional and ceremonial expression.

For Cohon, the prophet is the "herald and mouthpiece of God", who hears and then echoes God's voice. The prophet's experience of God is direct and intuitive, typically contained in a mystical vision or felt as an emotional encounter. Nonetheless, he[48] utilizes his intelligence and creativity to place "a rational construction on that which was apprehended intuitively".[49] Initially, in Judaism as in all Western religions, revelation assumed one of three forms, either 1) theophany, 2) prophecy, or 3) inspiration. In 1) theophany, God is conceived as making God's self known through extraordinary physical phenomena, like the burning bush or the pillar of cloud before the Tabernacle. 2) Prophecy borders on theophany, but moves beyond it: prophecy is the direct revelation of God to an individual of "religious genius", either by outward manifestations-- expressed as visions, as in Isaiah 6-- or by means of inward inspiration. 3) Inspiration in religion is similar to inspiration in other spheres of human endeavor, such as poetry, art, and wisdom. The prophet or sage has the experience of receiving new insights into religious truths: "The holy spirit (lower case!) dwelling in man, manifests to him the reality of the ideal, and inspires him

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[48]Or she; with apologies to Hulda we have used the masculine here to simplify the syntax.
[49]Ibid., pages 45-46.

to follow its light."[50] Over time, "in the higher ranges of prophecy, the notion of revelation grew ever more inward and ethical."[51] With that growing inwardness, the channel of revelation shifted from external phenomena to the human spirit, with God revealed solely by means of inward religious inspiration.

This is crucial to Cohon's concept of progressive revelation. For him, the process of revelation is one in which the spirit of God impresses itself on "men of religious genius" and opens their souls to the reality and imperative quality of divine commands. He draws the parallel between religious inspiration and artistic or intellectual inspiration, attributing both to an element of divine inspiration:

> It is a sort of awakening of dormant energies and powers within a person, enabling him to sense and to see truth, beauty, and goodness. The eyes of the soul are suddenly opened to the inner core of things. A flash of light, coming as from another world, illuminates the heart of things and bares the mind and purpose of God.[52]

These inspired prophecies, coming from God but received by human beings, are determined by the conditions of the age and the position of the people. Although they may express universal truths that are appreciated by people of every subsequent generation, they are aimed at a particular time and place. While their authority comes from their divine origin, their relevance is crucial to their acceptance by the people as being truly authoritative. They thus combine the elements of moral authority, based on divine command, and operative authority, based on their acceptance by the people.

[50]Ibid., page 47.
[51]Ibid., page 46.
[52]Ibid., page 47.

Significantly, for Cohon, prophetic truths were not abstract or metaphysical, but spiritual[53] and moral, constituting the values by which we live. The manifestation of the divine purpose inherent in prophetic revelation is a knowledge that affects the well-being of the individual, the community, and humanity. The spiritual and ethical ideal expressed in prophecy is an absolute standard, grounded in the mind and will of God, who is the foundation of all order. Prophetic revelation resulted in mandates for human behavior, but these are based not merely on the fear of consequences for disobedience or rewards for obedience. The true "motive of [conformity to] authority... is the love of God... Man's action should spring from joyous self-surrender and filial relationship to God."[54]

Like the prophet, the priest was also originally a vehicle for revelation, a *kohen* of whom the people "inquired of the Lord."[55] Ultimately, however, the priest came to be the teacher of the people in matters of ritual law, and the ritual officiant in matters of sacrifice, which was the vehicle for connecting with God's holiness. These functions, teacher and ritual officiant, correspond, respectively, to epistemic authority (in Kogan's terms) in the realm of religion, and legal-rational (in Weber's terms) authority within the community of Israel. For Cohon, the priest stands as embodiment of the social side of religion, guardian and interpreter of tribal tradition and custom.

[53]Cohon typically uses the word "spiritual" (which in our own time has become an overused and abused catch-all term for anything vaguely religious in character) to mean "mystical". Occasionally, as here, he uses it to mean "ritual".
[54]Ibid., page 48.
[55]As in Exodus 33:7, Numbers 12:2, I Samuel 9, etc.

For Cohon, the distinction between prophet and priest, the two sides of the authoritative coin in Biblical religion, represent the contrast between "dynamic religion" and "static religion".[56] The prophets represent "dynamic religion", the impulse to change and improve the status quo. In Weber's terms they represent a form of charismatic authority. By contrast, priests derive their authority in "static religion" from their knowledge of the Torah, and their position as its proponents. While "Torah" originally referred to direct divine guidance received by means of divination involving the *ephod* and the *urim v'tummim*, ultimately it came to refer to the collected laws of the Israelite people.

Although it does not present itself as such, Cohon defines Torah as a progressive document, the collected codifications of many eras in the history of the people, "growing out of the conditions of the people in different ages, in response to varying circumstances".[57] Some of the laws even "antedate the consecration of Israel to the worship of Yahveh", but they, too, were incorporated into the code and presented as being of divine origin as an expression of loyalty to the tribe, with whom deity was closely identified. While it was Moses who formulated the *aseret haDibrot* at Sinai as the terms of the covenant between Israel and God, "special authority was claimed for this document as having been proclaimed by God Himself to the people of Israel, and inscribed by the finger of God upon the tables of stone."[58] This ascribed

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[56]Here, Cohon quotes Henri Bergson's terms, used in Les Deux Sources de la Morale et la Religion, Paris, 1932, translated by R. A. Audra and Clouelsy Brereton as The Two Sources of Morality and Religion, London, 1935. Mordecai Finley's summary is helpful here: "Bergson wrote about the closed and open society, and closed and open religion. The closed religion is typified by ritual and dogma, and is static and aims for conformity, while the open religion is typified by intuition, illumination, mysticism, progress and spontaneity." [Authority and Canon, page 144].
[57]Cohon, "Authority in Judaism", page 54.
[58]Ibid., page 51.

divine moral authority was abetted by the additional (operative) authority of having been publicly "adopted by the people in solemn covenant".[59] Eventually, the oral traditions of the moral and spiritual precepts of prophets and the oral decisions and teachings of priests were transformed into the written body of authoritative law contained in the Pentateuch. Torah came to be perceived as *Torah min hashamayim*, of divine origin and fixed as authoritative ruling dogma. This written text gradually came to outweigh the decisions of the priests and even the occasional revelations of divine will to the prophets. Gradually, Jewish life came to be ordered in accordance with the fixed word of Torah. While the traditions of both prophet and priest had a place in the Torah, new prophetic insight and priestly tradition were gradually ruled out.

> The teachings of the prophets found their way into the codes of law and were translated into detailed rules of conduct. In the Decalogue and in sections of the Code of the Covenant, of Deuteronomy, and of the Priestly and Holiness Codes, the dynamic religion of the prophets was crystallized into definite patterns of behavior, into practical legislation adapted to varying situations. From flaming ideals of righteousness there developed righteous laws... Here the priest legislates with the voice of the prophet. Thus the accumulation of customary laws, social mores, and taboos, and priestly rites and directions, modified and irradiated by prophetic idealism, and embodied in the Pentateuch, came to be the supreme source of authority for the Jewish people.[60]

With the establishment of Torah as the supreme source of authority in Jewish life, two problems came to the fore. First, as the Torah was a compilation of older codes, there were discrepancies which needed to be resolved. Second, as a fixed canon of past legislation, it could not cover all new conditions facing post-Exilic Judaism. To cope with these two problems, resolving internal textual discrepancies and answering the challenges of a

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[59]II Kings 23:1-3.
[60]Cohon, "Authority in Judaism", page 54.

changing world, the Oral Torah developed. It was this evolution that completed Judaism's transformation from a religion whose authority was based on direct divine revelation to an authority based on tradition:

> The transformation of Judaism into a religion based on a canonized Scripture contributed to the silencing of prophecy and to curbing the power of the priest as the revealer of the will of God. In consequence it led to the replacement of the authority of revelation with that of tradition.[61]

Initially, the priests were the interpreters of Torah, and controlled the oral tradition. Their inherent "hyperconservatism" in treating only the written Torah as authoritative, however, left the Torah in danger of becoming irrelevant. Ezra's Reformation of 444 B.C.E. radically changed the scene, making study of Torah obligatory upon all Jews, and creating a new category of authorities, the *khakhmei Yisrael*, lay scholars who possessed an authority based in knowledge of Torah and oral tradition. Refusing to acknowledge the obvious gap between Torah and life or to reconcile themselves to a dualism of Torah and tradition, they refashioned tradition to make it serve Torah.[62] According to Cohon, the scholars had to accomplish five tasks in order to reconcile Torah and tradition and make the new composite creation into the new authority for Judaism. Those five tasks were 1) to establish their right as trustees of the Torah, 2) to demonstrate that tradition is not extraneous to the Torah, 3) to build a fence around the Torah, 4) to define the content of the Oral Torah, and 5) to endow it with a means for self-preservation.

The sages, in an extended process, gradually came to claim that their religious authority was derived in a direct line from Moses, and that it was sole

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[61] Ibid., page 56.
[62] One might also say that, through the interpretive power of hermeneutics, they refashioned Torah to coincide with tradition and the needs of the day. Cohon does not go this far in his comments, although he implies this in his discussion of the rabbis, pages 57-65.

authority, not shared by the priests. When the introduction to Avot states *Moshe kibeil Torah miSinai, um'saruah li'Yehoshua, uli'Yehoshua l'z'keinim, ul'z'keinim l'n'vi'im, ul'n'vi'im l'anshei k'neset hag'dolah*, it makes no reference to priestly authority.[63] In Avot, the next stage in this transmission of authority were the *zugot*, the *nasi* and the *av beit din*, who represented the two highest offices of the Sanhedrin. With the evolution of the Sanhedrin into the primary authoritative body of the Jewish people, the development of the group of scholars who composed it and in whom "all religious and civil authority was vested", and with the *nasi* serving as both head of the Sanhedrin and representative of the people before the Roman government, the vast majority of the Torah's authority was securely vested in the sages. The development of *semikhah* as a requirement for formal inclusion in the party of the sages added a bureaucratic element to the authority of the sages, who were now rabbis. The destruction of the Second Temple, and the elimination of the priestly role, finally established the rabbis as sole custodians of Torah and its authority.

In Cohon's analysis, the rabbis next established not only that tradition was not extraneous to Torah, but that it was central. Torah needed to encompass the totality of revealed religion; thus, the Oral Law was to be viewed as being divine in origin as well. To justify this novel conception of the *Torah sheb'al peh*, the rabbis developed a series of hermeneutical methodologies whereby "tradition established itself as the complement of revelation". These

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[63]The absence of any mention at all of the priesthood in the *shalshelet hakabbalah* listed in Avot's introduction makes it fairly safe to assume that by the time it was written the priesthood was not a serious contender for religious authority. If we date Avot to any point after the destruction of the Second Temple, of course, this becomes self-evident.

hermeneutic rules, too, came to be considered Sinaitic in origin,[64] as did much of the content of the legislation that they produced. Despite the rabbis' skill with interpretive hermeneutics, certain traditions could not be adequately grounded in Scripture. These were backdated to periods sufficiently ancient to guarantee traditional authority,[65] sometimes becoming identified as *Halakhah l'Moshe miSinai*, pieces of tradition which were intentionally retrojected to give them the authority of direct divine revelation.

While in principle the tradition was subordinate to Scripture, in reality their relation was reversed. According to Josephus, the Pharisees followed "the government of reason; and what that prescribes to them as good for them, they do."[66] The pragmatic test of reason was applied to tradition, and usages were binding when they were in general accord with the teaching of Torah and contributed to religious and social welfare. In addition, the rabbis used the "fanciful exegesis" of *Midrash Halakhah* and *Midrash Aggadah* to justify the body of traditional practice. By means of its continual integration with Torah, tradition served as a vehicle for progress, and through its function as a *siyag laTorah* it was, in fact, set up as final arbiter of the Torah.[67] Thus *Halakhah*, included in the Babylonian and Jerusalem Talmuds, came to be the

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[64]Cohon quotes *Mekhilta of R. Simeon bar Yokhai*, ed. Hoffman, page 117 for R. Yishmael's claim of Divine origin for his 13 principles, and the introduction to the Sifra, *Behar* claiming similarly that its principles of interpretation came from Sinai.

[65]Examples of this sort of retrojection include the doctrine of resurrection and of the Messiah, and many other important *mitzvot*. The remarkable passage in *Hagigah* I:8 states that "The [*Halakha* about] the dissolution of vows floats in the air and has no foundation in the Torah. The *Halakhot* concerning the Sabbath, private festival offerings, and the misappropriation of consecrated property are like mountains suspended by a hair; they have little scriptural basis, and the *Halakhot* are many."

[66]Josephus, Antiquities of the Jews, Book XVIII:I:3.

[67]To the extent that "it was tradition that created and preserved the canon of Scripture... and determined the authority of its respective parts and their use in the synagogue and the home." (Cohon, "Authority in Judaism", page 64).

authoritative interpretation of the legal text of Torah, while *Aggadah* established certain standard homiletical interpretations of scripture which were designed to meet the exigencies of varying circumstances. With the ultimate (and controversial) reduction of the Oral Law to writing, Mishnah and, eventually, Talmud became canon themselves, endowed with permanence and power.

With the "canonization"[68] of Talmud, the rabbis themselves became the locus of authority in Judaism. They based their claims to authority on their status as the exponents of what had come to be considered a divinely revealed interpretive legal tradition which served as a fence around the Torah. Wherever possible, they claimed that the laws that they created and interpreted came either directly or indirectly from God. They employed three principal sources for their legislation: 1) religious and legal instruction based on oral tradition of previous sages, 2) laws based on exegetical exposition of Scripture according to established, hermeneutical rules, and, where such methods proved inadequate to the needs of the community, 3) decrees (*gezerot*), ordinances (*takanot*), new rites (e.g., the *ketubah*), and customs (*minhagim*). Without entering into a lengthy description of the legal methodology employed by the rabbis to create their legislation, we note that the Pharisees sought a "scriptural basis both for the ancient customs and practices that were current among the people and for the required innovations of doctrine and observance."[69] To accomplish this they developed methods of exegesis-- *midrash*-- that permitted such non-literal interpretation, including the various hermeneutic rules of Hillel,

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[68]This is Cohon's term for the process by which Talmud came to be accepted as authoritative, divinely ordained law. It seems to me an appropriate usage, as long as one remains cognizant of the dynamic possibilities inherent in the interpretative powers of individual rabbis, as Cohon surely was.
[69]Ibid., page 62.

Ishmael, Akiba, and Eliezer. Where even these ingenious tools failed to adequately stretch Scripture to justify necessary legislation, the rabbis resorted to justifying laws as dating back to Abraham, the prophets, Moses, Ezra, etc. To safeguard all of their legal enactments the rabbis invested all of them with the weight of Torah, and thus of a form of divine authority. While acknowledging the distinction between *mitzvot de'oraita* and *mitzvot de'rabbanan*, they nonetheless established that the authority for their enactments was at least equal to that of the Torah.[70]

"With the compilation of the Palestinian and especially the Babylonian Talmud, the norms of Jewish life were thoroughly regulated."[71] The now-written *Torah sheb'al peh* was established as the authoritative body of text, but in view of the *halachic* controversies contained in the Talmud rules were established for discovery of authoritative *halakhah*. In addition to these determinations-- *beit Hillel* usually prevailing over *beit Shammai*, Akiba over other sages, *tanaim* over *amoraim*, etc.-- the outside pressure of the Karaite movement eventually dictated a need to formulate definite rules of conduct and codify *Halakhah* formally. As Cohon puts it, "In response to these attacks, the rabbis intensified their efforts to demonstrate the authoritative nature of tradition by the careful codification of its contents."

The movement to establish a structured and accessible code of Jewish law extended over centuries, and resulted in a number of authoritative documents. While Maimonides *Mishneh Torah* was the "outstanding

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[70]The famous incident of the *tanur shel Akhnai* (Talmud Bavli, Baba Metziah: 59a) illustrates the primacy of rabbinic law.
[71]Cohon, ibid., page 72.

achievement of rabbinic codification", the ultimate "code par excellence of Rabbinic Judaism" was the Sephardic Shulchan *Aruch* of R. Joseph Caro, with R. Moses Isserles' modifications for Ashkenazic practice. In spite of the centrality of these codes, it must nevertheless "always be borne in mind that the really decisive authority is the Talmud, and a reference to a code as authoritative is equivalent to saying that its exposition is regarded as the correct one."[72] Thus the ultimate authority in traditional Judaism is the Babylonian Talmud. The Bible itself ranks second to it in reality if not in theory.

Rabbinic authority in the pre-Emancipation traditional Jewish world was significant but limited. No scholar could issue a *responsum* without having first secured permission from the proper authorities: older, more knowledgeable rabbis. The "quasi-*semikhah*" issued by leading scholars, called the *hattarat hora'ah*, enabled rising scholars to be called "rabbi" and certified the recipient of the degree as fit to interpret *Halakhah*; but this conferred no personal powers upon him. Thus,

> Whatever powers of jurisdiction he possessed, he derived from the consent of the community which elected him, such powers being restricted to the religious sphere of that community. Within the limited autonomy of the Jewish communities, the rabbinic courts helped to maintain the formal unity and the religious character of the Jewish people. In the absence of the arm of the state, as enjoyed by the church, the leaders of Judaism could only appeal to the moral conscience of the people, and reinforce their decisions with the power of the ban.[73]

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[72]Cohon here quotes Louis Ginzberg's article in the Jewish Encyclopedia, Volume VII, page 646.
[73]Cohon, ibid., page 76.

Cohon's analysis of the authority of the pre-Emancipation[74] Orthodox rabbi fits well into our previous examination of authority in philosophy and sociology. In philosophical terms, using Richard De George's language, the pre-modern traditional rabbi possessed independent imperative executive authority in only two areas: first, in the ability to serve as a judge in those limited cases where religious law prevailed, typically the governance of the community's internal affairs; and second, in his ability to exclude an individual from the religious community through the use of *herem*. Even the use of these qualified powers was limited by the requirement of a *beit din* of similarly-minded rabbis. The bulk of his executive authority was operative, based on the acceptance and consent of the community he served. His non-executive authority, however was extensive. He certainly served as a non-executive epistemic authority in the area of Jewish law, but he also could serve as an exemplary and authenticity authority in the area of morality.

In sociological terms, using Weber's language, the pre-Emancipation traditional rabbi possessed legal-rational authority in the area of religion by virtue of both his quasi-*semikhah* and his election to the position. In addition, many rabbis, particularly but not exclusively among the Hasidim, possessed a considerable degree of charismatic authority over their followers. Finally, much of the traditional rabbi's authority derived from tradition, which vested great respect, *kavod*, and reverence in the figure of the rabbi. For many Jews, living anywhere from the *shtetlach* of Eastern Europe to the *mellahs* of North Africa,

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[74]With the elimination of the effectiveness of *herem* in the post-Emancipation world, the executive authority of the rabbi was limited considerably.

the rabbi personally embodied the totality of Jewish tradition, with its intimate connection to the divine.[75]

A Brief History of Reform Judaism

As long as Judaism constituted a world apart, the Talmud and *Shulkhan Arukh* ruled its life. Yet, while biblical and rabbinic law were theoretically immutable in character-- Maimonides' principles of faith affirm that "The whole Torah, now in our possession, is the same as that given to Moses... The Torah will not be changed, and there will never be any other law from the Creator"-- both were amended by the "mutations of time". Solomon Schechter suggested that of the theoretical 613 *mitzvot* "barely a hundred laws remain which really concerned the life of the bulk of the people."[76] As Cohon poetically put it, "The changing seasons have found many branches upon the tree of Judaism withered. To preserve them means to sap its vitality."[77] To change the

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[75]In an otherwise excellent analysis, Mordecai Finley comments that "Though Cohon does not make this point overtly, it seems that rabbinic authority was a mix of the prophetic and the priestly, though it leaned heavily toward the priestly. Torah had become something of a sacred oracle, whose speech had to be carefully controlled, and which spoke intelligibly only to certain highly trained expositors of the law." (Finley, ibid., page 127). I think that Cohon did not say this "overtly" because he would not have seen it that way. Traditional rabbinic authority, while it contains more priestly elements than prophetic ones, is quite different from either prophetic or priestly authority in kind, representing an authority that initially was judicial in character and ultimately was based on community election. Cohon's point is not that the rabbis needed to carefully control the "sacred oracle" of Torah, which after all was what the priests had done a little too effectively in the days of the Temple (by not allowing for the employment of tradition in religious law-- "the priests drew a fine line between the Written Torah and the oral tradition as well as the special enactments, deeming only the first authoritative... this hyperconservatism of the priests defeated its own purpose." Cohon, ibid., pages 56-57), but that they achieved authority because they reinterpreted and applied Torah more liberally and more broadly to meet the needs of a changing era. While rabbinic tradition was certainly elitist in character and did require a high degree of training in order to participate, it was tradition that they were controlling, in an attempt to reconcile it with Torah.

[76]Solomon Schechter, Studies in Judaism, Volume I, page 248.

[77]"Authority in Judaism", page 77.

metaphor, in the late 18th century these cracks in the *halakhic* wall began to fissure.

Moses Mendelssohn's attempt to recognize the divine authority of ceremonial law while upholding the right of free inquiry proved to be only a temporary patch for the widening breach.[78]

> With the crumbling of the ghetto walls, in consequence of the political and industrial changes at the turn of the eighteenth century, the Jewish people of Germany began to break away from what seemed to them to be the dead hand of the past, without pausing to petition rabbinic sanction.[79]

Cohon notes that the Reform movement originated with laymen rather than rabbis, and was even, in some instances, directed against the authority of the rabbis. What began as a move to modify ritual and ceremonial practices soon developed into a movement which questioned all *Halachic* and rabbinic authority. As a lay movement of a pragmatic people, "the deed came first; the theories afterward"; but within a short time new theories and sophisticated thinkers arose to define Reform Judaism, and its concepts of authority.

For Cohon, primary among those who defined the direction of Reform thought was Abraham Geiger. The movement for the scientific study of Judaism, begun by Zunz, became in Geiger's hands the "instrumentality of solving vexing communal and spiritual problems of the day". Historical criticism was to be used to forge a central path between the radicals who would reject all

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[78]As Cohon notes on pages 77-78, for Mendelssohn "revealed" can only mean "reasonable". He also points out that Mendelssohn's philosophic ability to calmly distinguish between the areas of divine authority in ceremonial law and the open fields for rational speculation outside of it was not shared by many of his followers, who found many of rabbinic laws and customs burdensome and unreasonable.

[79]Cohon, ibid., page 78.

tradition and the reactionaries who would reject all reform. The purpose of this scientific study of Judaism lay in continuing to develop the tradition that had grown up historically, examining it honestly and respectfully, while adjusting it to fit new conditions. As Cohon explains, "Geiger's claim of authority for scientifically derived truth implied, first, the right of free inquiry; and, second, the right of applying the results to the investigation of life."

Geiger's claim of authority also included understanding Reform as an evolutionary, rather than revolutionary, stage of Judaism, a new link in the *shalshelet hakabbalah*, rather than a new religion outside the body of *klal Yisrael*. Geiger "beheld Judaism as an unbroken chain of spiritual development, beginning with the fathers of Israel and continuing to our own times." Under the banner of progress and with the aid of the discoveries of science, the Reformers who followed Geiger's path "labored to furnish Judaism with a sound basis in modern thought, and thereby regenerate it as a vital force in the life of the Jewish people and of the world."[80]

Cohon concludes his brief exploration of the history of early Reform by noting that the crystallization of Reform viewpoints has been an ongoing process, begun in conferences in Germany held in the 1800's and continuing through the Philadelphia, Pittsburgh, and Columbus Platforms enacted by the CCAR.[81] He concludes that Reform Judaism has maintained itself as a body that preserves all the essential elements of ritual and ceremonial Judaism, and

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[80]Cohon, ibid., page 83. Among the "scholarly champions of Reform" who followed Geiger, Cohon ranks foremost Felsenthal, E. G. Hirsch, and Kauffman Kohler; no doubt Cohon himself should be included as well.
[81]As noted earlier, he himself was the author of almost the entire 1937 Columbus Platform.

that it is absolutely within the "historic channel of Jewish tradition". One is reminded of a statement Cohon made often to his students: in the term "Reform Judaism", "Reform" is just the adjective; "Judaism" is the noun.[82] While freedom from *halakhic* control was precious, "That the newly won liberty must not be permitted to degenerate into license forms the conviction upon which the CCAR is founded."[83]

Principles and Agents of Authority in Reform Judaism

Cohon begins his analysis of the components of authority in Reform Judaism by noting that the underlying principles had not yet been fully crystallized. He nonetheless delineates nine trends in the Reform Movement of his day that he believed would guide further development. We shall first summarize these nine trends, and then analyze them in light of our explorations of philosophical and sociological ideas about authority.

First, for Cohon, there was an "unmistakable" trend toward the establishment of Reform standards. Although it began by breaking away from the fixed forms of the *Shulchan Aruch*, Reform did not abandon all law, ritual, and ceremony, for these are essential to the preservation of Judaism in the lives of its adherents. "If each individual is not to be a law to himself, he must learn to

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[82]Quoted by Baruch J. Cohon, sermon in honor of the 30th Yahrzeit of Samuel S. Cohon, August 18, 1989, delivered at Temple Emanuel, Beverly Hills, California, page 6. Contrast this with the popular statement, heard often in Reform circles today, that "Reform is a Verb", implying that it is the notion of constant reform itself, regardless of content or authenticity, that is the essence of our movement. This phrase was first coined, I believe, by Leonard Fein; his use was intended to convey the need to constantly contribute to the reshaping of Torah, which required both a deep knowledge of tradition and a commitment to authenticity. Most who use the "Reform is a Verb" statement today are not notable for either.

[83]Cohon, "Authority in Judaism", page 84.

follow standards not of his own making."[84] We shall examine this predicted "trend" in our conclusion to this chapter; suffice it to say that while codes of various types have since been created, their general acceptance is still very much in doubt.

Second, while Reform recognizes the need for authoritative guidance in religious and moral life, it cannot depend upon the mere citation of Scripture or *Shulchan Aruch* to indicate that God wills a specific course of action. Faith must be qualified by both reason and human need. Further, Reform may not look to any "external restraints to force the modern Jew to conform to the standards of Judaism", and would not wish to if these were available to it. Religion is not true to itself, he says, unless it comes as the expression of the free personality.

> However excellent the beliefs, ethical ideals, and ceremonial observances of Judaism, they can command the heart only if it voluntarily yields itself to them and makes them the rules of its being. The rabbinic ideal of *kabbalat ol malchut shamayim be'ahavah*, "receiving the yoke of the Kingdom of Heaven in love", forms the only basis of authority for us moderns.[85]

Acceptance of the authority of Judaism must be voluntary; but only if that acceptance takes place will Judaism be able to fulfill its purpose of uniting the individual with the people, and with God.

> By freely assuming the burden of the law, which reveals itself within our own spirits and within the spirit of our people and of humanity, we gain real inward freedom and secure the well-being and the peace which we crave.[86]

We are to give ourselves freely, even joyously, to this divine law, as interpreted by the "wisest and best within our people". The individual makes an

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[84]Ibid., page 85.
[85]Ibid., page 86.
[86]Ibid., page 86.

autonomous choice, but one which accepts the authority of the finest members of his or her generation in interpreting Jewish tradition.

The third trend is the adoption of standards within Reform Judaism that serve the need for self-preservation and welfare for the people as a whole-- that is, for the whole people of Israel. Cohon here asserts that every religion assumes the power to command the lives of its followers by proving itself useful to them in achieving a "truer, richer, purer life". He does not elaborate the specific areas in which Reform Judaism, having proven its value to its adherents, can be expected to "command the lives of its followers".

The fourth trend reflects the way in which Reform Judaism views revelation. In keeping with the progressive view of revelation he expressed earlier and the idea of a growing inwardness in the character of revelation, Cohon here notes that

> Instead of being the supernatural manifestation of God's will in the distant past, amid the thunders and lightning at Sinai, revelation appears as the progressive disclosure within the souls of godly men of the truths and values most vital for religious life.[87]

Revelation continues to be authoritative, in the sense that the ethical ideals and methodologies (including legislation) revealed-- historically and currently, through divine inspiration-- help define for Reform Jews the right path, both individually and as members of a community.

The fifth trend is the continuing value of tradition. "Tradition is the means of socializing the inspiration of religious genius. It forms the channel through

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[87]Ibid., page 87.

which revelation comes down to the people." While single traditions may lose their value, tradition as a whole always constitutes a creative force by the side of revelation or inspiration. In a beautifully lyrical passage, Cohon identifies tradition as the element that has "preserved prophecy as a living force, and it has pieced together the broken gleams of the divine vouchsafed to priest, sage, and rabbi."

> At no time does tradition become purely static. Beneath its placid surface course the dynamic powers of prophecy, philosophy, and mysticism. Like a mighty stream, it shapes and fructifies the terrain through which it flows. It molds the life of the people and, in turn, expands and grows in response to life's needs.[88]

Nor can prophetic Judaism be divorced from tradition, for it is incorporated within it, and "the *ruakh hakodesh* has never wholly disappeared from Judaism." It is tradition that has preserved this divine spirit, whether in the form of *Aggadah, Halakhah, tefilot* and *piyyutim,* or in the *musar* literature.

Sixth, Cohon notes that revelation and tradition must be leavened by reason. Not all elements of Jewish religious writings are of equal value; being at least in part of human origin, they must be evaluated to distinguish those elements that retain worth for us today. The prescriptions of the Torah, Talmud, and codes, while always retaining historical validity, are authoritative today only to the extent that they "aid us in our quest after the divine and help us maintain ourselves as a united Jewish community". Reform asserts the right for scholars of every age to interpret the records of both revelation and tradition to distinguish between the *ikar* and the *tafel,* and to "institute such modifications of belief and practice as accord with the highest demands of truth and conscience

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[88]Ibid., page 88.

and the interests of the Jewish people and Judaism". It is the use of reason, employed by the best educated and finest minds of each generation, which will keep tradition from becoming rigid and inflexible.

Seventh, while Reform finds reason to be a potent instrument of religious knowledge, "there are spheres which remain impenetrable to reason and which may be apprehended only intuitively and felt emotionally. The heart has its reasons as well as the mind."[89] For Cohon religion contains a non-rational element, and symbols, forms and ceremonies might speak to the heart more effectively than philosophy and reason. The reintroduction of traditional forms in prayer and ritual, carrying a non-rational, emotional authenticity, would feed the religious consciousness of the Jewish people.[90]

Eighth, Cohon states unequivocally that "Reform Judaism acknowledges further the need of certain agents of authority. No religion can function without the aid of leadership." These leaders are to be individuals specifically qualified by training and character to present Reform standards and ideals. Individual Reform rabbis derive their authority from a combination of first, the consent of the congregations and communities they serve, and second, from their function as exponents of historical Torah and the ideals, traditions, and needs of the Jewish people. To avoid the chaos which would result from every rabbi doing "that which was right in his own eyes", conferences produce resolutions which "tend to serve as standards of Jewish practice". To preserve Judaism as a

[89]Ibid., page 89.
[90]It is worth remembering that Cohon's original essay dates to 1936, yet predicts many of the changes that took place within Reform Judaism over the next half century. The elements in need of reintroduction and invigoration include "the Hebrew language in worship, certain familiar ancient prayers and songs, traditional music, and the Jewish calendar of sacred days".

unifying and creative force, it becomes imperative for the leaders of Reform to "guide themselves consciously by the goal of retaining our historical continuity", refusing to permit the chain of Jewish tradition to be broken either through "neglect or irresponsible iconoclasm".

> The aim of ideal Reform... is to preserve the pure character of Judaism by guarding it against "strange fires' that a spurious liberalism would offer on its altar, by introducing ideas and observances derived from alien sources which are subversive of its very nature.[91]

It is the Reform rabbinate whom Cohon calls upon to fulfill this function.[92]

Finally, in his ninth trend, Cohon notes that if Reform is to follow all earlier phases of the evolution of Judaism its ideology will be translated into definite forms and standards. This requires definition of not only its principles and beliefs but also its essential practices and ceremonies into "a code for the guidance of our people". Reform must go beyond reason, morality, social justice, and social service and help the individual Jew recapture the joy of faith, recapturing the ritual and symbolic elements that make for the beauty of holiness.

Cohon concludes his essay with an elegant and powerful statement on the need for authority.

> Reform no less than Orthodoxy must make demands upon us if it is to evoke the best within us. A religion that does not seek to lead and to correct, that asks for nothing, that is soft and yielding, that is all things to all people is, in reality, nothing to anybody in particular, and consequently of doubtful value to mankind. Only a Judaism rooting itself in the divine, building itself philosophically consistent and ethically exacting, calling for sanctification through self-discipline, probity, and

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[91]Ibid., page 90.

[92]As Mordecai Finley notes, it is no accident that this essay was first published in 1936, at the same time that Cohon was working on the Columbus Platform.

integrity, stressing personal and communal prayer, ceremony, and observance, weaving education and service into the fabric of life, and holding the Jewish people with a strong bond of brotherhood-- only such a religion will bestow blessing on man. Amid the perplexities of our age, such a Reform Judaism must prove a consecrating and regenerative force.[93]

Authority remained a central component in Cohon's thought. He wrote similarly on the subject in 1954 in an essay entitled "Fundamental Concepts of Progressive Judaism":

> Judaism is a covenant religion of Torah, of duties and commandments, claiming the minds and hearts of men. The recognition of its authority, voluntarily assumed, is essential, if men are not to be left to their own whims and devices. Shorn of all authority, Judaism loses all power and usefulness.[94]

An Analysis of Cohon's View of Authority in Judaism

In our evaluation of Cohon's view of authority in Reform Judaism, we shall attempt to answer two questions. First, what sort of authority is Cohon describing? And second, how has Cohon's evaluation of the "trends" in Reform authority fared in the more than fifty years since he penned it? We shall begin by attempting to describe Cohon's view of authority in philosophical terms.

For Cohon, the ultimate authority within Judaism comes from God, or more specifically from God's revelation to humanity. The character of that revelation, however, is essentially internal, in the form of a religious inspiration that God generates in the minds of religious geniuses, such as Moses. While

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[93]Ibid., page 91.
[94]Published in Religious Affirmations, Los Angeles, 1983, page 154. One wonders what Cohon, who himself held high office in the CCAR, would have thought of the defensive mention of "authority" in Sheldon Zimmerman's 1994 address to the group. (See Chapter Two, page 28).

Cohon stops short of stating that theophany did not occur at Sinai, he credits Moses with the authorship of the Ten Commandments, notes that the nature of revelation is "progressively more inward", and states that such revelation/inspiration remains a possibility in every era. Tradition is the codification and means of preservation of revelation, and thus has similar authority, also derived, albeit more indirectly, from God.[95] It is the interaction with tradition that gives us an element of divine authority for our own religious expression. Reason, too has authority, for Cohon, employed in two areas: as an editorial authority over the revealed and traditional truths that are received, and as the authority to synthesize the received and traditional truths that are acceptable to reason with the evolving knowledge of the current day. For the individual, then, authority in Reform Judaism lies in a combination of revelation and tradition as edited and interpreted by reason, with that editorial and interpretive process guided by the best-informed and most able of contemporary scholars. This is, in a sense, a modified, inward version of the Divine Command theory: authority is based on God's revelation, but in the form of our own direct contact with God through inspiration and through revelation-imbued traditions.

While Cohon clearly believes that authority is essential to Reform Judaism, he envisions an authority that is based on consent. Reform, functioning in an open society, cannot expect to possess the executive authority (to use De George's terminology again) necessary to impose rites or practices

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[95]Cohon's broad understanding of tradition includes not only canonical texts and mainstream commentaries but also any other materials of fields of inquiry that shed light on the subject of religion and belief. These would include historical works-- such as Josephus-- and contemporary social science disciplines, such as psychology.

on its adherents by means of either rewards or punishments. The only executive authority available to its leaders-- or to the Reform Movement overall-- is operative authority, which derives from the consent of the group. While rejecting the coercive power (in De George's terms, the imperative executive authority) implicit in the *herem*,[96] Cohon states unequivocally that in order for the adherents of Reform Judaism to gain the benefits that it has to offer them, they must accept the yoke of the Kingdom of God in love. He also implies that they should willingly accept a code of Reform praxis (and, possibly, belief) that will develop at some time in the future.[97] This code will be developed by the finest minds and souls in Reform Judaism, using a combination of inspiration, tradition, and reason, and it will be normative in character. The authority that such a code will possess is not specified by Cohon; at the least, it would be advisory in character, serving as a nonexecutive epistemic authority. We can safely assume, however, that if it were to be adopted by the Reform Movement it would possess the operative form of executive authority within the Movement as a whole, and thus be enforceable in ways that the Movement alone would have to specify.[98]

[96]On page 86 he states bluntly that "The *herem* is a violation of human conscience".

[97]It is, of course, possible that he was referring only to the Columbus Platform, but I have my doubts. It seems evident here and elsewhere in Cohon's writings that he envisions the development of an even more specific code of practice that would develop as Reform Judaism matured.

[98]Admittedly, this is saying more than Cohon does-- in his second trend he states explicitly that "receiving the yoke of the Kingdom of Heaven in love"-- that is, willingly-- "forms the only basis of authority for us moderns" (page 86). While I think it is certain that he would not have accepted any form of coercion exercised against an individual adult, I think it is equally certain that he would have heartily approved of limits on what beliefs and and practices constitute Jewish observance, and on what sort of liturgy and practice a congregation could espouse and still belong within the Reform Movement. As Petuchowski notes, "Reform Judaism was, for him, a body of beliefs and practices which could not be made all things to all people." (Introduction to Essays in Jewish Theology by Samuel S. Cohon, page xiii). In contradistinction to Mordechai Kaplan (with whom he carried on a respectful correspondence, but whose theology he disputed with vigor), for Cohon not everything that Jews do is necessarily Jewish. As we cantors say, Jewish music is not simply any music done by Jews-- or the most popular composition in the history of Jewish music would be Irving Berlin's "White Christmas".

Throughout the latter portion of his essay, Cohon stresses the importance to the Reform movement of self-definition. Reform Judaism has the right that any religion possesses to establish standards that will help preserve itself and its adherents. Should it fail to do so it will ultimately disappear through the complete dilution of its purpose. These standards can, and inevitably will, be changed by later generations in response to new conditions, but when they are adopted by conferences of the Reform Movement they will possess the epistemic and (although this is implied and not stated) the operative authority to help shape a Reform Judaism that will be strongly based in tradition yet resilient, creative, progressive, and flexible enough to adapt to a constantly changing world. As Mordecai Finley explains it,

> Cohon proclaims himself to be voluntaristic in his notion of religious authority... But his voluntarism does not mean that he is a relativist or a moral subjectivist. In other words, he definitely believes that the "ideal" religion has a rightful claim to authority, because it is formed around the divine encounter, which includes spiritual and moral laws.[99]

Judaism may be "voluntaristic", but once one has "volunteered"-- it is not clear how one does this, exactly; perhaps by joining an existing Jewish community, such as a congregation-- one accepts the body of spiritual and moral laws as personally binding. Those authoritative laws are crucial, because it is only through them that we are able to accomplish the central purpose of religion, and indeed of all life: filling our lives with holiness.

A final word of philosophical analysis: for Cohon, Reform rabbinic authority derives from two sources, 1) the consent of the individual congregation

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[99]Finley, ibid., page 139.

or community and 2) the rabbi's status as authentic exponent of historical Torah and the "needs of the *Knesset Yisrael*".[100] As described, the rabbi serves as a non-executive, epistemic authority in the area of religion and morality, and as a non-executive authenticity authority, as the representative of a verified religious tradition. He may, of course, also become an exemplary authority for his congregation or community. But the rabbi also possesses at least one form of executive authority, operative authority derived from his election by the congregation or community. This is a consensual form of executive authority, but it is executive authority nonetheless.

As noted earlier, Cohon's approach to the question of authority in Judaism is closer, in many ways, to a sociological model than a philosophical one. While sociology itself aspires to be "value-free", Cohon uses an essentially sociological model, but marries it to a religious purpose.[101] This approach is entirely consistent with Cohon's view of Judaism as the progressive, historical experience of the Jewish people in their relationship to their God. In sociological terms, a Reform Jewish authority, such as a rabbi, possesses both legal-rational authority and traditional authority. He or she is in the position of being both a formally certified representative of the religion and the living exponent of an ancient and sacred tradition-- as Cohon's eighth trend notes. The normative code that Cohon envisions for Reform Judaism would

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[100]Cohon, "Authority in Judaism", page 89.

[101]This raises the significant question of whether such a "marriage" can last. If Cohon's methodology is employed-- carefully examine all traditional sources on each question to define options with a basis in tradition, then consider which are the sociologically reasonable alternatives -- it can. If sociological methods alone are employed-- that is, religious choice by means of population survey-- the results will tend either towards a least-common-denominator Judaism or, as Jakob Petuchowski described it in "Conservatism-- Its Contribution to Judaism" (Judaism, Issue Number 103, Volume 26, Number 3, Summer 1977, page 356), "a completely anarchic Reform Judaism" in which value-free exploration leads to ever-growing choices.

hold legal-rational authority, as well, although it would be based on both legal-rational and traditional justifications. While acknowledging the universal appeal of many elements of Judaism, Cohon is clearly a particularist: for him, Judaism is the religion of the Jewish people, and as such they retain the collective right-- the legal-rational authority-- to determine what it is that qualifies as Jewish in any given age.

Looking backward with the advantage of hindsight, how accurate were Cohon's "trends"? While much that he predicted-- and worked for-- has occurred, much also has not. His prediction of a code of belief and conduct for Reform Judaism seems farther from realization now than it was in his day. In the nearly sixty years since the Columbus Platform, the CCAR has been unable to agree on another. It is no accident that the nearest attempt to create an authoritative document, the Centennial Perspective (largely the work of another of Cohon's students, Eugene Borowitz) was not called a platform, for it represented a compromise that took a far less specific stand on issues of belief and praxis than the Columbus Platform had. In an effort to retain the loyalty of the diverse membership of the Reform Movement, Reform has at times tried to become "everything to everyone". This trend has manifested itself in a variety of ways: as Michael Meyer commented on the publication of the Gates of Prayer, the 1975 prayerbook that superseded Cohon's revision of the Union Prayer Book I, "Only a bookbinder's art could press together so much contradiction between the covers of a single volume."[102] Where a generalized platform cannot be agreed upon, there is no hope of establishing any more specific code

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[102]Michael Meyer quoted in Robert M. Seltzer's article "American Jews and Their Judaism", Commentary, March 1994, page 49.

of practice. While there is a movement towards the creation of a Reform *Halakhah*, it has by no means succeeded in establishing any code as generally acceptable, let alone binding. If the president of the UAHC can state "autonomy is the hallmark of Reform Judaism" and if the very word "authority" can only be cited defensively by the president of the CCAR,[103] we have moved very far indeed from Cohon's understanding not only of authority in Judaism, but of Reform Judaism as a religion.

On the other hand, Cohon accurately predicted the vastly increased emphasis on ceremonial and ritual within Reform Judaism, and was instrumental in the early stages of this development. He would have been delighted by the increase in the use of Hebrew in both religious services and in educational programs within the movement[104] (although the overall level of Jewish knowledge among congregants would not have impressed him). The increased appreciation for tradition, and the willingness to seriously and respectfully examine traditional sources is very much in keeping with his view of the authoritative nature of tradition.

How applicable is Cohon's vision of authority for Reform Judaism today? The concept of divine inspiration as a primary source of authority is both attractive and valid, especially for post-moderns who are uncomfortable with the notion of a supernatural revelation; it accepts God's role in-- and our responsibility for-- the process by which we apprehend morality and seek to

[103]In a sermon that I believe Cohon would otherwise have liked very much; Rabbi Sheldon Zimmerman expressed very directly the connection between Jewish tradition and the authority of the Reform rabbi.
[104]Cohon created the first adult study *kalah* while serving as a congregational rabbi in Chicago in the early 1920's.

create sacredness. His emphasis on tradition as the codified representation of revelation also remains compelling, and the concept of reason not as a starting point for discourse but as an analytical tool employed to dig the relevant ore out of the mine of Jewish tradition is also attractive and defensible; this combination guarantees the continuity of a Reform Judaism based in authentic traditions, while allowing for the employment of reason in a profound and constructive way. The notion of an irrational, mystical element at the core of all religious belief is certainly in keeping with how many Jews view religion today, and creates a notion of an authority of the heart and spirit that permits, even impels Jews to seek God and religious fulfillment *b'khol levavam uv'khol nafsham* "with all their hearts and with all their souls".[105]

Tracing its origins and development throughout Jewish history, Cohon developed a view of authority in Reform Judaism that ultimately was based on his vision of the highest authority, revealed inspiration of God. It was this authority that underlay his conception of Reform Judaism as a whole, which he beautifully described:

> Reform is a constructive force, a dike against the destructive waves of assimilation, a reclamatory movement which has taught our people that Judaism is not alien to the modern age or to America. The principle of Reform is not convenience but conviction. Judaism is an *etz chayim*, a tree of life-- not a petrified tree. It grows, responding to conditions of place, time, and weather. Life is the great reformer. Out of the ancient Temple and its sacrificial cult, evolved the Synagogue and its service of prayer. Progress inheres in Judaism, as a historic faith. It is open-minded, welcoming new ideas in consonance with its convictions.[106]

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[105] Kings 2:4. The quote is from David's charge to Solomon: *l'ma'an yakim Adonai et d'varo asher dibber alai lemor: im yishm'ru vanekha et darkam lalekhet l'fanei be'emet b'khol levavam uv'khol nafsham, lemor lo yikareit lekha ish mei'al kisei Yisra'eil.*

[106] From a quote of Samuel S. Cohon's copied by A. Irma Cohon onto a sheet of paper titled "To be FREE from the doom of Stratigraphy", and received from her in the early 1980's. I do not know the original source of the quote.

Among those new ideas were some that Cohon had not incorporated into his own thought. As Mordecai Finley notes, "Cohon's mature writings were written before the Holocaust, before the State of Israel, and before religious existentialism had made a severe dent in religious thinking."[107] In addition, Covenant Theology made a major impact upon Reform Jewish thought in the 1950's. We shall next turn our attention to a Covenant Theologian who was also a protegé of Cohon's, Dr. Jakob Petuchowski.

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[107]Finley, ibid., page 142. Although, as Lisa Eiduson notes, he did address the question of existentialism in some of his later writings, disapproving of its tendencies towards a "despairing view of human life" as opposed to fundamental Jewish beliefs, but respecting its attempts to achieve deeper levels of truth. See Cohon, "The Existentialist Trend in Theology", Central Conference of American Rabbis Yearbook Number 63, 1953, pages 348-385.

Chapter Four

Jakob J. Petuchowski on Authority in Judaism

Jakob Josef Petuchowski was an outstanding scholar in several fields of Jewish knowledge, an accomplished teacher and mentor, and an elegant and penetrating writer in the areas of Jewish theology, liturgy, and the relationship between Judaism and Christianity. His scholarly publications-- in English, Hebrew, and German-- numbered over thirty books and more than a hundred major articles,[1] including important works in theology and the definitive volume on the development of liberal prayerbooks in Europe. One of the "few acknowledged masters of the study of Jewish liturgy"[2] and an important thinker and participant in Jewish-Christian dialogue in both America and Germany, he was a cogent and influential theologian who carved out a significant place in the world of liberal Jewish thought.

Petuchowski's personal and scholarly traditions were a "unique amalgam of German, British, and American culture".[3] Born in 1925 into the rich scholarly tradition of German Jewry in Berlin,[4] he received his early education at the Adass Jisroel Real-Gymnasium. In the fateful year of 1939, at the age of

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[1] In addition to these Petuchowski published some 500 shorter pieces, in the form of reviews, letters to editors, and popular works. The bibliographic information has been garnered from the necrologies of Petuchowski by Richard S. Sarason in Mada'ei Hayahadut, World Union of Jewish Studies, volume 34, 1994, pages 55-56, and Michael A. Meyer in Proceedings of the American Academy of Jewish Research, Volume 53, 1992 and the CCAR Yearbook, Volume CII, New York, 1992, pages 226-227.

[2] Sarason, page 55.

[3] Ibid., page 55.

[4] Where his grandfather, Rabbi Markus Petuchowski, had presided over the Yom Kippur service at which Franz Rosenzweig decided to remain a Jew. There is a certain poetic symmetry in the fact that Rosenzweig's thought, particularly in the area of revelation, was particularly influential over his grandson Jakob Petuchowski's own theology.

14, he escaped to Britain on one of the last children's transports to leave Germany. Continuing his schooling in Scotland and then England, he received his B.A. in psychology and philosophy from the University of London in 1947. There he came under the influence of Leo Baeck, whom he followed to the Hebrew Union College in Cincinnati in 1948. Petuchowski was ordained in 1952, and completed his Ph.D. in Jewish theology in 1955, with a dissertation-- published through the efforts and support of his student congregation-- on the theological work of *Haham* David Nieto. His dissertation advisor and "principal mentor was Samuel S. Cohon, who passed his combined interest in liturgy and theology on to his disciple".[5] After a year in the congregational rabbinate Petuchowski joined the faculty of the College-Institute, where during his thirty-five year tenure he moved from assistant to associate to full professor to Research Professor of Jewish Theology and Liturgy and, ultimately, to the Sol and Arlene Bronstein Chair of Judeo-Christian Studies. In 1961 he published Ever Since Sinai, his best known theological work and his most complete statement of his theological positions. In 1963-64 he served as the first rabbi of the newly-opened Jerusalem campus of HUC-JIR, and wrote the liturgy for the *beit k'nesset* there. Although by all accounts no "organization man",[6] Petuchowski was heavily involved in many scholarly organizations, and served as visiting professor at many institutions, including Harvard and Tel Aviv Universities. Late in life he received a number of scholarly honors, including that of the Federal Republic of Germany, which bestowed upon him the Order of Merit First Class.

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[5]Michael Meyer, "Necrology: Jakob Petuchowski", Proceedings of the American Academy for Jewish Research, Volume LVIII, 1992, page 27.
[6]Michael Meyer, "Memorial Tributes: Jakob J. Petuchowski", CCAR Yearbook, page 227.

Petuchowski held a unique place in Reform Judaism. One of the most knowledgeable people in the world about the history and evolution of the Reform Movement, particularly in Europe,[7] he nonetheless often found himself distinctly at odds with trends within both the Central Conference of American Rabbis and the Union of American Hebrew Congregations. He saw no religious justification for what he saw as the unabashed liberal political activism of his colleagues-- an activism that he considered to be unallied to any concomitant Jewish ritual observance. Over the course of his life, Petuchowski became less and less enamored of the Jewish denominational divisions in America, seeing them as reflecting little in the way of religious conviction but a good deal of institutional posturing. Most problematic for him was the divisive nature of denominational confrontation, in particular politically motivated decisions that damaged both the concept and the reality of *klal Yisra'el*. When the Reform Movement took positions that he himself could not accept, he withdrew from its organizations, but continued to teach at the College. In a sense, throughout his life Petuchowski remained a sort of "displaced person: a German in Britain, a European in America, a traditionalist at Hebrew Union College in Cincinnati."[8] The Reform Judaism that spoke most clearly to him was a European rather than an American model, more firmly grounded in a knowledgeable and committed rabbinate and laity, and more solidly based in tradition. Ultimately, faced with the increasingly secular culture of America, he turned outward, making common cause with all those who took religious

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[7]Perhaps his most important scholarly work is Prayerbook Reform in Europe: The Liturgy of European Liberal and Reform Judaism, the most complete (and "authoritative") volume written on the subject (World Union for Progressive Judaism, New York, 1968). Michael Meyer, in his memorial tribute to Petuchowski (CCAR Yearbook, page 227) carefully analyzed his relationship to Reform Judaism, noting "He was far more knowledgeable about its history than nearly any other Reform Jew."

[8]Personal conversations with Richard Sarason, January, 1995.

thought and sustained theological discourse seriously. In the last decade of his life he became heavily involved in interreligious dialogue both in Germany, with the Oratio Dominical Foundation in Freiburg, publishing both a series of scholarly volumes on Jewish-Christian issues and a popular series of books on Jewish religious thought and literature. The inauguration of the Bronstein Chair at HUC also allowed Petuchowski to convene a series of conferences on Judeo-Christian scholarship, leading to the publication of two more volumes.[9]

Petuchowski and Cohon

Although their backgrounds and personal styles were very different, the connection between Petuchowski and Cohon was profound. As Petuchowski described it in a posthumous publication, *Mein Judesein*,[10] Cohon was "*meinen Rabbi und Meister*". In his moving and poetic introduction to the 1987 edition of Cohon's Essays in Theology, Petuchowski celebrated his teacher's intellectual gifts and accomplishments, but also lauded Cohon as "the 'rabbi' to whom students would turn with their personal problems, religious or otherwise, and to whom Reform Judaism as a movement would turn in matters ideological and liturgical", and a "rabbi of rabbis".[11] Soon after Cohon's death he dedicated a 1960 Judaism article[12] "to the memory of his rabbi and teacher, the late

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[9]Defining a Discipline: the Aims and Objectives of Judeo-Christian Studies, HUC Press, Cincinnati, 1984, and When Jews and Christians Meet, SUNY Press, Albany, NY, 1988.

[10]Jakob J. Petuchowski, *Mein Judesein: Wege und Erfahrungen eines deutschen Rabbiners*, Herder, Freiburg, 1993, page 61.

[11]Petuchowski, introduction to Essays in Jewish Theology, op. cit., pages xii and xiv.

[12]Judaism: A Quarterly Review served, in a way, as a point of connection between Cohon, Schwarzschild and Petuchowski. In the 1950's, when Felix Levy edited the magazine, Cohon served on the Board of Editors. Later, in the 1960's, when Schwarzschild edited Judaism, Petuchowski served as a contributing editor, and continued to do so until his death.

Professor Samuel S. Cohon".[13] Much later, when he published his Heirs of the Pharisees, Petuchowski dedicated it "In Memory of My Teachers", among them Leo Baeck and Samuel S. Cohon.

Like his teachers Cohon and Leo Baeck, Petuchowski was both a theologian and a liturgical expert, and did significant work in the area of Jewish-Christian relations.[14] Like Cohon, he had an abiding notion of the connection that all elements of Judaism have to each other, a connection based on religious belief in the One God. Both were strong believers in the concept of klal Yisra'el, and shared the sense that Reform Judaism ought not to cut itself off from the body of the Jewish people. For Cohon, such a withdrawal would lead to Reform Judaism becoming a schismatic sect with no future, such as the Sadducees or the Karaites; "Without the Jewish people there can be no more Judaism".[15] To Petuchowski, the danger of the Karaitic propensities of Reform Judaism was just as real, and the battle to preserve the integrity of klal Yisra'el was joined at the issue of personal status. This played a crucial role in the evolution of his three-part concept of mitzvot-- personal, communal, and the totality of the Jewish people; we shall examine this in greater depth later-- and led to his suggestion that a combination of sincere efforts at compromise by

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[13]"Diaspora Judaism-- an Abnormality? The Testimony of History", Judaism, Volume 9, Number 1, Winter 1960, based on a lecture given at the March, 1959, "Annual Homecoming" at HUC-JIR, Cincinnati.
[14]Cohon's book with Franklin Rall, Judaism and Christianity Compare Notes, was a pioneering effort in the field; Petuchowski, particularly in the last decade of his life, became heavily involved in interreligious dialogue and discourse in Germany, co-editing a series that emerged from conferences of the Oratio Dominica Foundation in Freiburg im Breisgau.
[15]Samuel S. Cohon, What We Jews Believe, page 69.

individual Orthodox and Reform rabbis could achieve the constructive end of finding Jewish unity within the diversity of pluralism in religious observance.[16]

In some important respects, Petuchowski's approach to theology mirrored Cohon's. Many of his articles, particularly his early ones, begin with a systematic, historical exposition of an issue as addressed in traditional sources, proceeding eventually to a statement of his own ideas on the subject.[17] Like Cohon, Petuchowski's knowledge of Biblical and Rabbinic source material was comprehensive,[18] and he always examined the traditional approaches to a question in order to determine which aspects of tradition remained applicable and which might be in need of modification. In some cases Petuchowski explored issues in almost exactly the same way Cohon did. Chapter 14 of Petuchowski's Heirs of the Pharisees, "Criteria for Reform Jewish Observance", commences with a systematic exploration of how many *mitzvot* exist and how they have been enumerated in the past as an introduction to his own

[16]See "Plural Models Within the Halakhah", Judaism, Volume 19, Number 1, Winter 1970, pages 88-89, and "The *Mumar*-- A Study in Rabbinic Psychology", Hebrew Union College Annual, Volume XXX, 1959, pages 179-190. In this article, Petuchowski proposes that the Orthodox could become more accepting of Reform rabbis and rituals affecting personal status by using a variant of the Talmudic concept of the *mumar ledabhar ehad*, while the Reform would need to relinquish non-Halakhic modes of determining personal status. In addition, Orthodoxy would need to be more flexible in documents that related to women, and would have to recognize the substantially changed status of women in the contemporary Jewish world (I assume he is speaking particularly about the laws of *gitin*, long seen as unfair to women even by some Orthodox leaders). For Petuchowski, the personal status issue was crucial: it could either maintain or destroy the unity that he sought to preserve.

[17]This tendency to use a systematic, historical approach in examining an issue is quite pronounced in Petuchowski's work up through Ever Since Sinai, and recurs occasionally thereafter. In addition to his use of the historical technique in his books it is particularly noticeable in such articles as "The Grip of the Past" (Judaism, Volume 8, Number 2, Spring 1959, pages 132-142), "Diaspora Judaism-- An Abnormality?" (Judaism, Volume 9, Number 1, Winter 1960, pages 17-29) and "The Question of Jewish Theology" (Judaism, Volume 7, Number 1, Winter 1958, pages 49-56). Perhaps it is not coincidental that soon after the death of Cohon, Petuchowski moves away from the historical style that was his teacher's signature.

[18]Petuchowski's minor fields of study during his doctoral work were Talmud and Medieval Biblical Commentary, and his first positions at the College were as Assistant and Associate Professor of Rabbinics. In addition, some of his finest scholarly work was done on medieval *piyutim*.

examination of the nature and authority of *mitzvot* for Reform Jews;[19] Cohon has a very similar exposition of the various *sidrei mitzvot* in his essay "Authority in Judaism",[20] shortly before he explicates his own view of authority in Reform Judaism. Similarly, the opening chapter of Ever Since Sinai follows Cohon's general historical methodology, and even uses some of the same arguments Cohon employed in "Authority in Judaism"; although Petuchowski uses a different traditional metaphor than Cohon-- describing the relationship between God and Israel in terms of a marriage-- he moves next to a historical exposition of Torah that parallels Cohon's quite closely.[21] Using the same techniques, and including a good deal of the same content, it is not surprising that in his historical analyses Petuchowski sees mostly the same things that Cohon does. But while their approaches are similar, they eventually reach rather different conclusions.[22]

[19]Jakob J. Petuchowski, Heirs of the Pharisees, Brown Classics in Judaica, 1986 reprint of Basic Books 1970 edition, University Press of America, Lanham, Maryland, pages 167-169.

[20]Samuel S. Cohon, "Authority in Judaism", pages 73-74.

[21]For example, Petuchowski's pages 8-9 in Ever Since Sinai are almost identical to Cohon's pages 49-50 in "Authority in Judaism": both examine the etymology of "*Torah*" as being based on *yarah*, both analyze the divination qualities of the *urim v'tumim*, etc. Again, Petuchowski's explication of the *lex talionis* to demonstrate the progressive nature of change in Jewish law (Ever Since Sinai, pages 89-90) is similar to Cohon's explication in "Authority in Judaism" (page 54). Usually, Cohon is the more elaborate in his presentation, Petuchowski the more concise. In other places, Petuchowski echoes or varies some of Cohon's favorite phrases, as in two passages from "The Limits of Liberal Judaism" (Judaism, Volume 14, Number 2, Spring 1965, pages 150 and 158). Cohon's phrase was "In 'Reform Judaism', 'Reform is the adjective; 'Judaism' is the noun". Petuchowski writes of the early Reformers that "the very syntactical construction of the phrase "Liberal Judaism" indicates that it was not Liberalism *per se* which they were after but Judaism. Their Liberalism was a matter of the adjective, not of the noun." And of Felix Goldmann he says "His was a concern for what was then known as 'Liberal Judaism', or 'Reform Judaism', or 'Progressive Judaism'. In all appellations, it was something which retained Judaism as the noun, not as the adjective."

[22]There is a further, sad similarity between Petuchowski and Cohon: both died fairly young and in close proximity to retirement. Cohon "retired" to California, ended up serving as the first full-time faculty member at HUC-JIR Los Angeles, and died just three years after leaving Cincinnati. Petuchowski passed away during the fall semester of 1991, the last that he intended to teach before his own retirement.

In his writing style, Petuchowski married exceptional clarity to wicked wit. There are few authors of any sort of literature who write more clearly and concisely than he, and perhaps none who convey their arguments with more precision or vigor. To find both brevity and lucidity in a theologian is an unexpected-- almost an unprecedented-- pleasure, and to also find humor there is nearly miraculous.[23] Although a very serious theologian, he often makes his points with a telling acerbity. Of those who make a fetish out of the alphabet soup of Biblical Criticism,[24] he notes,

> ...the literary conclusion that Moses did not write the Pentateuch was taken as a logical reason for rejecting the notion of divine revelation, as though the Almighty could not have used J, E, P, D, Q, R, S, T in very much the same kind of way in which... he had made use of Moses.[25]

In describing the theory of evolution he comments

> I like to make it clear sometimes by invoking the memory of a correligionist-- the late Marilyn Monroe.[26] The process of evolution goes from the amoeba to Marilyn Monroe. It does not go from Marilyn Monroe to the amoeba.[27]

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[23]It must be said that all three theologians whose work we have closely examined-- Samuel S. Cohon and Steven Schwarzschild are the others-- write exceptionally well, and none were native speakers of English: Cohon was born in Russia and first spoke Yiddish and Russian (although he later mastered Hebrew, German, English, some French, etc.), while Petuchowski and Schwarzschild were German Jews, for whom English was a third or fourth language. It is remarkable how many English stylists, particularly in theology, were not native speakers of English: Heschel and Baeck immediately come to mind. No doubt our special regard for Petuchowski is influenced by the compact way he manages to express in a few paragraphs what others might take whole chapters to say.

[24]It should be noted that Petuchowski himself accepted the basic notion that the Bible was an amalgam of earlier documents redacted into its present form-- "But that the Pentateuch is a composite work, that, whether wholly or partly Mosaic or not, it is, in its final form, the work of a "redactor" or an editor-- of that there can be very little doubt." (Page 23, Ever Since Sinai: a Modern View of Torah, 2nd Edition (Revised), Scribe Publications, New York, 1968). What he objects to is the focus on the mechanics of the redaction and not on the spirit of the texts themselves.

[25]"Revelation and the Modern Jew", Jewish-Christian Relations-- The Proceedings of an Institute Held at St. Mary's College, St. Mary's College, Kansas, 1966, page 7.

[26]Marilyn Monroe converted to Judaism briefly for her even briefer marriage to playwright Arthur Miller.

[27]Ibid., page 7.

His work, rich yet reasoned, passionate but precise, serves as an excellent vehicle for revealing his thought.

Petuchowski's Theology in Brief

Petuchowski's own feelings about systematic theology are expressed well in the introduction to his volume of rabbinic stories, _Tanu Rabbanan_.[28] While possession of a systematic theology is important in some circumstances, any such system is prone to suffer from at least two weaknesses. First, it tends to be heavily influenced by both the language and the implicit and explicit assumptions of the dominant school of philosophy prevalent at the time it is created.[29] Second, complete theological systems are likely to be perceived as closed systems, leaving no room for growth or new insights. As philosophical fashions have changed more rapidly in the past two hundred years than in the preceding two millennia, Petuchowski informs us drily,

> Modern systematic theologies tend to be 'dated' very soon after their publication. Also, in an age of ecumenicity and religious pluralism, when one wants to be open to what is being said by those outside one's own religious communion, 'closed' theological systems tend to stand in one's way.[30]

Petuchowski next goes on to describe the Bible as a non-systematic approach to theology, an attempt "to penetrate to religious originality and inspirational immediacy" through the use of narrative.[31] Theology is a derived, secondary

[28]_Tanu Rabbanan-- Our Masters Taught_, Crossroad Publishing, New York, 1982.

[29]It must be noted that Petuchowski himself was influenced by certain prominent trends in the philosophy of his-- and, to a large extent still, our-- day. Both religious existentialism and its Jewish manifestation, covenant theology (the term is Borowitz', but both independently arrived at a fairly similar theological point more or less simultaneously) warranted not only his attention but to a great extent his active participation and adherence.

[30]Ibid., page xiii.

[31]Robert Alter makes a similar point, for somewhat different reasons, in his masterful discussion of Biblical narrative, The Art of Biblical Narrative, Basic Books, New York, 1981.

discipline; first comes the religious experience itself, whose immediate repercussions are incorporated into the stories of those who have had the experience, and

> Only much later, when the immediacy of the experience is gone, or when the actual experience (revelation, miracles, etc.) is no longer repeated for subsequent generations, does the process of *thinking about* the primary experience and of systematizing those thoughts set in-- particularly when a given religious communion has its traditions challenged by nonbelievers from without and heretics from within. At that stage of religious development, we get the theologians and their systems, the dogmatists and their creeds.[32]

This passage, in its own way, delineates some of Petuchowski's most important theological themes, and describes one of the rationales for his own theological endeavors. In <u>Our Masters Taught</u> he carefully identified and organized a collection of rabbinic "narrative theology" according to theme; but most of his work was indeed that of a theologian addressing both "nonbelievers from without and heretics from within" as he clarified and advocated those elements of Jewish tradition that he considered essential. And there is no question that he believed that the communion that represented liberal Judaism was under attack from "latter-day humanists, agnostics, and atheists"[33] and the general secularizing trend of modernity.

Revelation

In order to evaluate Petuchowski's view of authority in Judaism we must first explore his theology; and Petuchowski's theology, like Cohon's, begins with

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[32]Petuchowski, *Tanu Rabbanan-- Our Masters Taught*, page xiv.

[33]Petuchowski, "The Limits of Liberal Judaism", <u>Judaism</u>, Volume 14, Number 2, Spring 1965, page 153; note that in this passage Petuchowski is speaking only of the latter-day humanists, agnostics, and atheists in the *CCAR*.(!).

the concept of revelation.[34] Unlike Cohon's, however, it is a very specifically

Rosenzweigian view of revelation. In Petuchowski, revelation is the direct

experience of God. As such, it is extremely difficult to describe clearly, for

> When infinite God speaks to finite man, only the language of poetry may
> try to capture what has transpired. The thunders and lightnings at Sinai,
> as they appear in the biblical narrative, are an echo sounding through
> the ages of what happened there.[35]

Nonetheless, Petuchowski offers an explanation of both the initial process of

revelation and the later developments that it engenders,

> In the beginning was-- and is-- the experience. That experience may or
> may not repeat itself. If it does, the immediacy of the experience vouches
> for the experience's authenticity. If it does not, the memory of the
> experience is verbalized, concepts are formulated, commemorations of
> the experience are concretized, practical implications are derived from it,
> and whatever it was to which the experience gave rise becomes
> Tradition.[36]

Revelation is central, and primary, and precedes any development of religion or

tradition. But this still fails to answer the question: what is revelation exactly?

First we must distinguish what Petuchowski thinks revelation is not.

Revelation is not simply inspiration, artistic, intellectual or otherwise. Inspiration

"is an easier word, and an easier concept to handle." Schleiermacher believed

that "Every original and new communication of the universe to man is a

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[34]He does note that it is "customary in presentations of systematic theology to deal with the belief in God prior to dealing with the belief in Revelation." One first demonstrates the existence of God, and then deduces Revelation from the nature of God. But Judaism has a historical dimension in which the "experience of Revelation is chronologically antecedent to reasoned belief in God." (Heirs of the Pharisees, pages 130-131). So it is in Petuchowski: the first step is an acceptance of the fact of Revelation, followed by the understanding of God and God's requirements of us. On the other hand, it must be pointed out that in Ever Since Sinai Petuchowski begins with the Covenant of Torah, and only progresses later to his explication of revelation. This seems to be a pedagogic, rather than theological, choice; if Torah is the result of Revelation, Revelation must precede it chronologically.

[35]Ever Since Sinai, page 67.

[36]Petuchowski, "Frontiers of Jewish Theology", Forum, World Zionist Organization, Organization and Information Department, Number 31, 1978, page 155.

revelation... Every intuition and every original feeling proceeds from revelation."[37] Jung believed that every time a patient had an insight into his or her own psyche he or she had a "revelation". As Petuchowski facetiously notes,

> Inspiration is very nice. Beethoven was "inspired", and Mozart was "inspired"... Goethe was "inspired" and Shakespeare was "inspired"-- and so was Jeremiah and, to a lesser degree, Ezekiel. And if Moses existed (unfortunately, we haven't found any clay tablets attesting to his existence) he must also have been inspired...[38]

This replacement of "revelation" with "inspiration" makes revelation into a one-way street, a human discovery or insight into the nature of God; and revelation, by its very nature, requires both a Revealer and a receptive audience. Petuchowski quotes John Baillie: "No true knowledge... can be explained by beginning from the human end..."[39] Revelation is greater and more outward than that. It is, for Petuchowski, the direct intervention of God into human history, and our ability to perceive that intervention. For the thinkers of the 19th century, the Hegelian philosophical concept of an impersonal Absolute prevented them from conceiving of themselves as distinct from any external God: each individual was part of that Absolute, a manifestation of the universal spirit. But the disillusioning shocks of the twentieth century, from World War I through the Holocaust, have returned us to the biblical idea of a personal God. This poses a new problem.

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[37]Friederich Schliermacher, On Religion-- Speeches to Its Cultured Despisers, translated by John Oman, New York, 1958, page 89.

[38]"Revelation and the Modern Jew", address in Jewish-Christian Relations-- The Proceedings of an Institute Held at St. Mary's College, op. cit., page 8. It is notable that Cohon uses the word "inspiration" in describing the phenomenon of Revelation; Petuchowski, clearly, will not.

[39]Heirs of the Pharisees, page 122, quoting John Baillie, The Idea of Revelation in Recent Thought, New York, 1956, page 22.

While we modern Jews have been able to rediscover the concept of a personal God,[40] according to Petuchowski we cannot simply ignore the discoveries of biblical criticism and the findings of those who scientifically study the origins and evolution of religion. Nor can we accept in any literal sense that God revealed to Israel exactly 613 commandments, or even that God reveals perfectly constructed, made-to-order theological systems. But we can believe-- and some, like Petuchowski, do believe-- "that God really reveals Himself".[41] Martin Buber, he notes, says that his own belief in revelation

> ... does not mean that I believe that finished statements about God were handed down from heaven to earth. Rather it means that the human substance is melted by the spiritual fire which visits it, and there now breaks forth from it a word, a statement, which is human in its meaning and form, human conception and human speech, and yet witnesses to Him who stimulated it and to His will.[42]

Franz Rosenzweig put it more succinctly yet: "Revelation is certainly not Law-giving. It is only this: Revelation. The primary content of revelation is revelation itself."[43] Today we moderns (and, presumably, post-moderns) conceive of revelation as historical events that were apprehended by the faithful as "mighty acts" of God and which "engender in the mind of man such reflective knowledge of God as it is given him to possess."[44] What effectively occurs at revelation is that humanity experiences what might be a natural, historical event and has the God-given ability to interpret it as evidence of God's Revelation. As Baillie puts

[40]Petuchowski notes that this trend, found in the theological works of Buber, Rosenzweig, and Heschel, occurred similarly-- and, in some cases, earlier-- in the work of Kierkegaard, Barth, and Niebuhr. (Heirs of the Pharisees, page 123.)

[41]Heirs of the Pharisees, page 123.

[42]Martin Buber, Eclipse of God, New York, 1952, page 173.

[43]Franz Rosenzweig, On Jewish Learning, ed. by Nahum Glatzer, New York, 1955, page 118.

[44]John Baillie, The Idea of Revelation in Recent Thought, New York, 1956, page 62. Petuchowski quotes Baillie extensively and approvingly in his article "Revelation and the Modern Jew" in Heirs of the Pharisees, pages 116-129.

it, "The Bible is the written witness to that intercourse of mind and event which is the essence of revelation."[45]

Why does God give this ability to humanity at certain times in history? Why does God raise events from the level of the ordinary and routine to the level of Revelation? Petuchowski says these questions can only be answered by reference to God's love. He again quotes Franz Rosenzweig in The Star of Redemption[46] as saying that "divine love is the only content of revelation": man hears the divine command "Thou shalt love the Lord thy God with all thy heart, with all thy soul, and with all thy might".[47] Ordinarily, love cannot be commanded; only a lover in a state of aroused love, can demand of a beloved that love be reciprocated. That is precisely what the moment of Revelation does imply. "God shows His love, and longs for man's love in return. All the rest is commentary and interpretation."[48]

But as soon as we are able to hear the command to "love the Lord thy God", and can reciprocate that love, we find that we cannot stop with this one experience. "If I truly love one person," writes Erich Fromm, "I love all persons, I love the world, I love life."[49] Aware of the love of God, we try to capture and concretize the experience of love in terms which influence and govern the affairs of all. And so the experience of God's love for us results in another

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[45]Ibid., page 110.
[46]Rosenzweig, The Star of Redemption, translated from the second edition of 1930 by William W. Hallo, University of Notre Dame Press, Notre Dame, 1985, pages 176-178.
[47]Deuteronomy 6:5-9.
[48]Heirs of the Pharisees, page 126.
[49]Erich Fromm, The Art of Loving, New York, 1956, page 46, quoted in Heirs of the Pharisees, page 126. If love is such a universal experience, this perhaps calls into question whether anyone can love one person.

commandment, "*Ve'ahavta lerei'akha kamokha, Ani Adonai*, You shall love your neighbor as yourself, I am the Lord".[50] And then these two great commandments give rise to a host of other commandments: of a ritual nature, which demonstrate our love for God and try to relive the moment of revelation, and of a moral and ethical nature, which aim to apply in daily life the commandment about loving one's neighbor. "And according to how one values this 'interpretation', he or she either will, or will not, find a personal relationship to the legal and ceremonial tradition of the Jewish past."[51]

Petuchowski notes that Buber and Rosenzweig diverge at this point, Buber stating baldly that "It is only through man in his self-contradiction that revelation [I-Thou] becomes legislation [I-It]",[52] for revelation is Revelation only when directly experienced. One person's interpretation of the event cannot be another person's authentic Revelation, and we must hold ourselves in a constant state of readiness to be directly addressed by God. Following someone else's record of earlier revelations may actually interfere with our relation with God. Buber rejects the traditional law in all areas where he has not felt himself personally addressed by God.

Rosenzweig agrees that legislation is not Revelation but interpretation. But he asks tellingly "...where does 'interpretation stop being legitimate? I would never dare state this in a general sentence: here commences the right of experience to give testimony, positive and negative."[53] The conundrum for a

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[50]Leviticus 19:18.
[51]Heirs of the Pharisees, page 126.
[52]Quoted in Franz Rosenzweig, On Jewish Learning, page 111
[53]Ibid., page 118.

modern Jew is how to accept the scientific perspective on the Hebrew Bible, while also accepting that the literature is the record of divine Revelation.

It will hardly surprise that Petuchowski does not resolve this perplexing problem in a definitive way, but he does offer a personal solution. Echoing the famous rabbinic statement used in the *Haggadah shel Pesach*,[54] he states that each Jew, in every generation, must regard himself as though he, too, had been liberated by God from Egyptian slavery-- that is, as though he (or she) had personally experience this first instance of God's public Revelation to the whole people of Israel. The rabbis of the *Midrash* also constantly emphasize the Biblical use of *hayom*, "this day", to require that the Jew relive daily the experience of Sinai, the second of God's Revelatory incursions into history. Our ability to experience and re-experience Revelation, through ritual expressions and through adherence to moral and ethical legislation, will ultimately allow us to reach a new level; "once modern Judaism has finally come to terms with the problems posed by Revelation, it, too, will have been blessed by God with that felicitous union of 'event' and 'interpretation' which is the essence of Revelation."[55]

It is clear that Petuchowski, unlike Cohon, does not accept the notion of a historical trend towards a progressive "inwardness of revelation", with the experience of God becoming more and more a matter of "inspiration". It also seems likely that he has rejected the notion of "Progressive Revelation",[56] that

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[54]*B'khol dor vador khayav adam lirot et atzmo ke'ilu hu yatza miMitzrayim.*
[55]Heirs of the Pharisees, page 129.
[56]Petuchowski often indicates disapproval for a term by placing it in quotation marks. He does this for "Progressive Revelation" in several places; see his untitled review of two books by Walter Kaufman in Judaism, Volume 11, Number 2, Spring Issue, 1962, page 184. It seems likely that

is, each generation's revelations supersede all previous generations'. Torah is a progressive document, but revelation is a direct experience of God that is available to each generation equally. Our own knowledge of God's love, and our own experience of God can be no more complete than our ancestors' was, save for the possibility that we can manage to make ourselves more open to the experience of God's incursion into history.

At times it seems as though Petuchowski would like to argue in even stronger terms for a traditional understanding of revelation. After listing the experience the people of Israel had of God's revelation-- the liberation from Egypt, the crossing of the Red Sea, and the theophany at Sinai, he adds that it was at Sinai that Israel entered into a covenant relationship with God, Who manifested a special interest in the people of Israel, God's "chosen people". "Is all of this legendary?", Petuchowski asks;

> ... if so, then for the past two and a half millennia and more the Jews have been victims of a very clever deception-- a deception, moreover, for which generations and generations have risked persecution and martyrdom. After all, Judah Halevi's argument is not so easily refuted. When he tries to prove the authenticity of the Sinaitic Revelation by calling attention to the fact that 600,000 Israelites actually witnessed it,[57] we may, if we like, quibble about his statistics. But it still remains a fact that the people, as a whole, in view of certain experiences they had undergone, accepted certain obligations as part of their covenant commitment.[58]

There is another revealing example of the importance of revelation in Petuchowski's thinking. In a 1977 article entitled "The Altar/Throne Clash

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the concept of "Progressive Revelation" was developed as a rationalization for jettisoning much of rabbinic praxis, a process that Petuchowski rejected.

[57]Judah Halevi, *Kuzari*, I:83.

[58]Ever Since Sinai, page 40. It must be noted that Petuchowski does not specify just what those "certain experiences" actually were.

Updated", whose primary purpose was to protest the tendency of liberal religious denominational bureaucracies-- he mentions both the CCAR and the UAHC by name-- to "give the stamp of ecclesiastical approval to anything and everything which emanates from the political Left",[59] Petuchowski describes an address that Abraham Joshua Heschel once gave to the CCAR, traces its argumentation, and then reverses it. Taking for granted that the Reform rabbis assembled shared his commitment to the biblical basis of social action, Heschel tries to persuade them to also join him in the affirmation of Judaism's "regimen of piety":

> We all wholeheartedly accept Micah's words: He has shown you, O man, what is good, and what does the Lord require of you, but to do justice, and to love kindness and to walk humbly with your God. If we believe that there is something which God does require of man, then what is our belief if not *faith in the will of God, certainty of knowing what His will demands of us?* If we are ready to believe that God requires of me 'to do justice', is it more difficult for us to believe that God requires of us to be holy? If we are ready to believe that it is God who requires us 'to love kindness', is it more difficult to believe that God requires us to hallow the Sabbath and not to violate its sanctity?[60]

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[59]"The Altar/Throne Clash Updated", Christianity Today, September 23, 1977, "presented originally as a speech at a Conference on Theology at Hebrew Union College", page 24. This was no casual objection of Petuchowski's to the "left-wing" politics of the CCAR and UAHC; in a general way, he voiced the same strong objections to any claim that Judaism advocated one particular political viewpoint in his 1966 article in Commentary's symposium on The Condition of Jewish Belief (MacMillan Company, New York), page 166, eleven years earlier. In 1992, in a piece written shortly before his death and fifteen years after the article in Christianity Today, his article "Reform Judaism: Undone by Revival" in First Things (Number 19, January 1992) made the same case, perhaps even more strongly, contending that secular Jews whose sole interest was in a liberal political agenda had succeeded in "conquering" the institutions of Reform Jewish life. "...late twentieth century American Reform Judaism... is first and foremost a "Jewish" form of institutionalized secularism, the successor, as it were, of those Jewish groups of an earlier time that specialized in rejecting and fighting religion, not least the one they inherited from their ancestors. Among the substitute religions... put in the place of Judaism, a radical form of socialism figured rather prominently. And so it does in the activities of Reform Judaism's so-called 'Religious' Action Center" (page 7). In several other articles he voices a strong disapproval for the Reform Movement's liberal political position on such issues as Affirmative Action, which he saw as a new form of the quota system; see his comments in "Toward Jewish Religious Unity: A Symposium", Judaism, Volume 15, Number 2, Spring 1966, pages 139-145

[60]Abraham Joshua Heschel, speech to the CCAR convention of , quoted in "The Altar/Throne Clash", page 23. All italics are Petuchowski's.

Petuchowski first questions Heschel's initial premise, that Reform rabbis necessarily base their social activism on any religious or theistic basis:

> Do the members of the Central Conference of American Rabbis really and truly believe that there is *anything* which the *Lord* requires them to do? Rhetoric aside, do they even believe that it was God himself who, through the prophet Micah, demanded justice, kindness, and humility?[61]

Next, following the same logic, Petuchowski reverses Heschel's argument, point by point. Reform rabbis reject the notion that God is concerned directly with Sabbath observance or *kashrut*. They assert that they have no "*certainty of knowing what His will demands of us.*" They retain no faith in revelation as understood in the Bible. If they can so certainly reject the belief that God requires us to hallow the Sabbath, how can they be so sure that God wants us to love our fellow human beings? If they reject the biblical and rabbinic notions of holiness, how can they be so certain that justice is an abiding divine commandment?

> The words of Micah, of Amos, of Jeremiah ring hollow when they are quoted by those who have no belief in divine revelation, and no faith in the biblical God himself... deprived of their antecedent "Thus saith the Lord", they are unable to compel action to any greater extent than the words of a Shakespeare, a Plato, or a John Updike are able to compel action.

Clearly, for Petuchowski, the belief in Revelation is the bedrock upon which Jewish faith and religious practice can be built, and the basis for the moral actions that prophetic Judaism requires of us. Without that belief, there is no warrant, no moral authority for any religious precept, whether of a ritual or an ethical nature. Here, Petuchowski echoes Rosenzweig's question about the content of Revelation: "How can I, in my humility, dare to try to separate the divine from the human in an inspired text?" The Torah makes no such

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[61]Petuchowski, ibid., page 23.

distinction between ethical and ritual precepts, for both have moral consequences, and both are based in Revelation.[62]

To this point, Petuchowski's concept of revelation would seem to serve an eclectic modern Orthodoxy-- or at least Conservative Judaism-- tolerably well. While Petuchowski denies that the content of Revelation was the totality of either the written or oral Torah, he nonetheless affirms the validity of both as true representations of the fundamental (and divine) authoritative experience of Revelation. But Petuchowski is far from finished. Having established the centrality of his vision of revelation, he now proceeds to make those separations, the distinctions within the tradition as to which aspects we will find authoritative and which we will not. His method operates in a fashion that would not suit any form of Orthodoxy, yet he also proceeds along very different lines than the distinctions between "moral" and "ritual" legislation that the early Reform movement attempted.

Petuchowski on Authority in Judaism[63]

I. God

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[62]"Jewish Tradition... knew only of *mitzvoth*, without distinguishing between moral and ritual commandments to the detriment of the latter. 'Ritual' and 'ceremony' are not authentic Jewish concepts." (Heirs of the Pharisees, page 169). This is probably overstated; rabbinic and medieval tradition recognized the distinction between *mitzvot sikhliyot* and *mitzvot shimiyot*.

[63]As Petuchowski authored no article that deals exclusively with the question of authority in Judaism, a certain amount of creative synthesis was employed to draw together his ideas on the issue, and to compile a composite summary of his opinions. In some areas this was more easily accomplished than in others: the focal point of Petuchowski's theology is revelation, and he wrote substantially about the question of Halakhah. In some areas relating to the specifics of the mechanisms of authority the material is less substantial, and on occasion conclusions have been drawn based on Petuchowski's premises. We have tried to indicate where such assumptions have been made.

As was true for Cohon, for Petuchowski the ultimate authority within Judaism is God. More specifically than for Cohon, this is a God who intervenes directly in history. In Ever Since Sinai,[64] distinguishing between the God of Israel and the "God of the Philosophers", Petuchowski quotes Judah Halevi's[65] exegesis of the first Commandment, in which he notes that the commandment does not say "I am the Lord your God, who created heaven and earth," but does say "I am the Lord your God who brought you out of the land of Egypt, out of the house of bondage."[66] The "'God of Israel' is a God Whose existence and nature were made manifest to Israel in certain historical situations of a more or less well defined character."[67] This is obviously not a purely philosophical concept of God, used to explain away certain natural phenomena and make sense of the universe or its creation, but a God that inspires a person's reverence and "can wring from man's lips words of adoration".[68]

Petuchowski acknowledges the many ways that Jews have conceived of God throughout history:

> Surely, the God concept of Maimonides was not identical with some of the more anthropomorphic views held by many of his predecessors and contemporaries; nor would the "*Tatenyu*" of a Hasidic *Zaddik* have too much in common with the Neo-Kantian "Guarantor of our Ethics"-- as Hermann Cohen conceives of God.[69]

These many different ways of perceiving God-- which range from the intensely, mystically personal to the rational and universal-- are all various levels of

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[64]Petuchowski, Ever Since Sinai, pages 39-40.

[65]Yet another connection between Petuchowski and Cohon. Cohon was influenced by the nonrational elements in Halevi's work, particularly his mystical tendencies. See "Jehuda Halevi", American Jewish Year Book Number 43, 1941-42, pages 447-488.

[66]Judah Halevi, *Kuzari*, I:25.

[67]Ever Since Sinai, page 40.

[68]Ibid., page 39.

[69]"Problems of Reform Halakhah", Judaism, Volume 4, Number 4, Fall 1955, page 347.

authentic religious knowledge and experience. But, two elements are critical in all truly Jewish conceptions of God: first, God's essential unity; and second, the notion that this God can act in history. A purely philosophic concept of God may explain the world, but it cannot serve as a basis for religious belief as it cannot incorporate the notion of revelation.[70]

The Jewish God, for Petuchowski, is a God of revelation and redemption, a God Who acted historically to liberate the Israelite people from Egyptian slavery, allowed us to cross the Red Sea on dry land, revealed Himself to us at the *ma'amad har Sinai*, and with whom Israel entered into a covenant relationship-- and Who remains constantly present. When God tells Moses *Ehyeh Asher Ehyeh*,[71] it means not "I Am that I Am" (as it is commonly translated) but "I am and remain present." This is also a personal God to whom we pray directly.

> "The Lord", then, is the God Who is present in concrete historical situations, the God Who is manifest in Israel's history. *Elohim*, unqualified, may become a philosophical abstraction. But YHWH as *Elohim* is the God Who cares, and Israel's possession of the Torah is evidence of this care.[72]

Election and Chosenness

Even before God revealed God's self to the people there was a prior act necessary: election. God had to choose the people first. Speaking of the blessing for the Torah, "Who has chosen us from all peoples and given us His

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[70]Nor can it accommodate the notion of chosenness; as he puts it, "Is the 'Life Force' concerned with the putting on of *tefillin*?" ("Problems of Reform Halakhah", page 348).

[71]Exodus 3:14.

[72]Ever Since Sinai, page 46. This is somewhat similar to Rashi's understanding of *ehyeh asher ehyeh*: "I Who will be with them in this sorrow as I will be with them in their subjugation to other kingdoms." (Rashi on Exodus 3:14.)

Torah", Petuchowski notes that the short phrase expresses the thought that not only is "chosen people" concept an inseparable part of the idea of Torah, but the concept of chosen people can only be understood in terms of Torah.[73] God elected Israel in order to make a covenant with Israel. This covenant was affirmed at Sinai when the people answered *na'aseh v'nishmah*, it was confirmed in Joshua's day at Shechem,[74] and it was restated and reestablished in the days of Ezra,[75] and elsewhere.

The reasons for this election are not clear. Many explanations have been proffered over the millennia of our people's existence, but only the effects of the covenant, the results of the election are clear. The greatest testimony of chosenness is Israel's possession of the Torah, whose laws and commandments are evidence of God's love for us.

> Israel was elected *for the purpose* of receiving the Torah. Israel was chosen *for the purpose* of entering into a covenant relationship with the God of the whole world, *in order* to be His "kingdom of priests"... Torah... has to be read and understood in terms of the election and of the covenant. The Sovereign of the Universe makes known His Will to man, and, as His instrument, he *chooses* the people of Israel.[76]

Election thus takes place first-- evidenced by means of a redemptive act, such as the liberation from Egyptian bondage-- followed by a covenant relationship being established, followed by the giving of Torah.

Petuchowski acknowledges that the concept of chosenness can lend itself to misunderstanding and misinterpretation. But "What doctrine or idea

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[73]Ever Since Sinai, page 49.
[74]Joshua 24:1-25.
[75]Nehemiah, chapters 8-10.
[76]Ever Since Sinai, page 64. The italics and capitalization are Petuchowski's.

does not so lend itself?... When I accept or reject a doctrine, I do not do so on the basis of its possible perversions, but purely on the basis of its intrinsic merit."[77] Being the chosen people, the *am segulah*, contains within it the notion of holiness, being the *goy Kadosh*. Thus

> Each time I observe a *mitzvah*, and praise God for having made us *kadosh* by means of His *mitzvot*, I affirm the doctrine of the chosen people. For the meaning of "Thou hast sanctified us" and the meaning of "Thou hast chosen us" are identical.[78]

That sanctification-- that election-- has been transmitted through the document of the Torah.

II. Torah

Having identified the attributes of God, and having defined the essential quality of revelation, with Rosenzweig, as "God's love", Petuchowski deals with the question of the validity and the authority of the tradition, both the written and oral Torah. What Petuchowski affirms is that the Torah-- <u>both</u> written and oral-- comes ultimately from God. But he means this in a distinctly non-Orthodox, twentieth-century way:

> ... behind the literary history of the Pentateuch, behind the various legal codes and narratives, there was the impact of the Love of God, the moment of Revelation, which, in a profound sense, enables us to this day to offer praise unto Him Who is the "Giver of Torah".[79]

The Torah is thus a document of revelation, but whose words were written by men. The men who wrote the Torah did so under the impact of a religious experience of God's love for Israel, expressed by God's incursion into history.

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[77]<u>The Condition of Jewish Belief</u>, a symposium compiled by the editors of <u>Commentary</u>, ,MacMillan & Co., New York, 1966, pages 160-161.
[78]Ibid., page 161.
[79]<u>Ever Since Sinai</u>, page 83.

That same experience of God's revelation was shared by the people who accepted the Torah, or they would not have accepted it. Torah is the humanly constructed text of our people's direct experience of the Divine.

In this self-described "theory of Torah",[80] "Torah" is both oral and written Torah, for it is the function of the oral Torah "to keep the moment of revelation alive". Each generation uses its abilities to come to terms with God's revelation, and, as our understanding of the written text is dependent upon their efforts, so too will be our understanding of revelation. Here he quotes Cohon:

> Torah is living and dynamic religion. It is Judaism embodied in our literature and tradition. It constitutes the ideal stream of Jewish religious creativity and the norms of moral and spiritual living.[81]

In his own terms, "The Word of God transcends the merely topical and time-bound."[82] The dogma of the oral Torah was the way that the rabbis solved the problem of religious continuity. Every part of the vast literature of Torah bears the stamp of its own age and the mark of its inevitable limitations, but every page also "proclaims that Torah, for the Jew, is the living and ever-present Word of God... having its anchor in that covenant which the God of Israel made with His chosen people."[83] To a very large extent, even the philosophical literature of Judaism is occupied with interpreting Torah.

The modern Jew has the opportunity, through study of this tradition and practice of its precepts, to see in the Torah a "guide-post in his search for the Will of God in the 'here and now'." Torah is a continual aid to the perception

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[80]Ever Since Sinai, page 103.
[81]Samuel S. Cohon, What We Jews Believe, UAHC Press, Cincinnati, 1931, page 117.
[82]Ever Since Sinai, page 84.
[83]Ever Since Sinai, page 102.

and understanding of revelation, and its very flexibility lies in the interpretive breadth that the oral Torah grants us. As Petuchowski quotes Leo Baeck saying,

> Judaism did not affix itself to any particular period so as to finish up with it; never did it become complete. The task abides, but not its solution. The old revelation becomes a new revelation: Judaism experiences a continuous renaissance.[84]

Superficially, Petuchowski's understanding of Torah is very similar to the notion of Torah as a "divinely-inspired" tradition. The crucial distinction he makes is in the depth of the relationship to God that he sees reflected in the text. Torah is not simply a collection of the "inspirations" of individual human beings, but the historical record of the direct interaction of Jews with God. It is the intensity of the experience of God's love that underlies every generation's contribution to Torah-- no matter who it is in the generation that actively contributes, and no matter how profound the contribution-- and it is from the paradigmatic function of teaching us how we, too, might experience God's revelation that the Torah derives its authority. To borrow a specifically philosophical term, the Torah-- both written and oral-- is a unique epistemic authority in the area of applying God's revelation to the world. It is the record of how previous generations have applied their own direct interaction with God to their daily lives, and thus a potentially useful guide in how we might do the same.

Legislation and Commandment

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[84]Leo Baeck, The Essence of Judaism, MacMillan and Co., London, 1936, page 22; quoted in Ever Since Sinai, page 102.

In addition to its role conveying the history of the experience of revelation, the oral Torah also has the function of applying the "underlying principles of Torah to circumstances and conditions which could not have been described in the original written text."[85] Remembering that *lo hamidrash ha'ikar elah hama'aseh*,[86] Petuchowski notes that Torah is much more than an intellectual construct or a matter of dogmatic belief. It is as a guide to a way of life and to deeds that it reaches fulfillment.

It is precisely in this realm of action that Torah has become problematic for modern liberal Jews. In Orthodox communities the chain of authority established in Avot I:1[87] extends to present-day rabbis, and, as Petuchowski accurately points out, environmental factors contribute heavily to the preservation of traditional modes of behavior. Where everyone keeps kosher, violation of *Kashrut* brands one as an outsider. The liberal Jew maintains no such deep belief in the binding authority of the oral Torah, nor is he or she constrained by the punitive possibilities of rabbinic authority or the need to conform to community standards in a closed Jewish environment.

The liberal Jew's affiliation with religion is voluntary. While he or she cannot be expected to take positions that are at odds with his or her own philosophical convictions, a modern orientation need not conflict with a belief in Revelation, nor with the belief that "the Word of God is contained in the

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[85]The Condition of Jewish Belief, page 159.
[86]Avot I:17.
[87]*Moshe kibeil Torah miSinai um'saru'ah liYehoshua...*

Scriptures as well as in the Oral Torah."[88] So what is the liberal Jew who believes in the concept of Revelation to do in order to practise the provisions of the Word of God as contained in the Torah? He or she could silence doubt and terminate the anguish of personal search by voluntarily making Heschel's "leap of action" to full adherence to Orthodox *Halakhah*, becoming Orthodox in practice if not in theory: that is, by making orthopraxy a personal choice and refusing to criticize those who do not take the same step. But for most liberal Jews this is not a likely step.[89] How is one to choose which aspects of Torah are binding and which are not?

What Petuchowski suggests is a Buber/Rosenzweig distinction between legislation and commandment in Torah. Legislation is the totality of Jewish law and custom, the impersonal regulations that are contained in the Bible and in the Codes. But

> Commandment, on the other hand, is addressed to me *personally*. The legislation of the Torah is merely the constitution of the ancient Hebrew commonwealth. Only the Jew who can lift a given "law" from the level of "legislation" to that of "commandment" addressed to him personally... can really re-enact the moment of Revelation, and... experience God as the "Giver of the Torah". The constant Jewish task, therefore, is that confrontation of the Torah which waits for God to utter the "Thou shalt!"[90]

Legislation is "on the books", but a commandment is addressed to "*me* personally". The individual must feel that his or her own conduct in a given

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[88]*Ever Since Sinai*, page 108.

[89]The *ba'al teshuvah* movement is actually the exception that proves the rule. As Petuchowski notes, such a step may indeed prove gratifying in the case of individuals, and numerically speaking the *ba'al teshuvah* movement involves a very small percentage of the Jewish population as a whole. It is a vibrant but small group of individuals making a voluntary choice for either orthopraxy or full-fledged Orthodoxy.

[90]*Ever Since Sinai*, page 79. Petuchowski's statement that the legislation of Torah is merely the constitution of the ancient Hebrew commonwealth echoes Spinoza, but he uses the observation quite differently. Rather than viewing this as invalidating any commandments that seem to conflict with reason, Petuchowski sees this is as a challenge-- indeed, a mandate-- for us to explore whether each commandment is addressed to us personally.

situation is mandated directly by God. Legislation may have originated as commandments experienced by ancient Israel, but it eventually became legislation for a specific community in a given time and place. These communities of belief and practice no longer exist, which leaves it up to the individual to seek to "regain the frame of mind in which he is able to experience the 'commandment' addressed to him."[91] And it is only in the search for, and the discovery of the commandments that are addressed to the individual personally that a liberal Jew can find God.

But commandments are not truly distinct from the legislation that we have before us in Torah: "Approached in the right frame of mind, Torah 'legislation' can yield *commandments* addressed to *me*."[92] The exact methodology for achieving this state of mind will, of course, vary from individual to individual, but a clear prerequisite is the willingness to shape one's life according to the pattern which God gives us to see.[93] The accumulated heritage of the Jewish past is available to choose from and experiment with, in the attempt to find out what it is that God wants us to do. In order to draw upon that heritage, the liberal Jew in search of commandment addressed to her or him personally must engage in intensive Jewish study. In order to make this individual choice, the

[91]Ever Since Sinai, page 110.

[92]Condition of Jewish Belief, page 159.

[93]The distinction here between Kant's declaration that autonomy involves being one's own lawgiver and Petuchowski's view that we must actively explore which commandments are addressed to us personally is very subtle. The difference lies in which epistemic authorities we consult; for Kant, we legislate to ourselves within the constraints imposed by reason and the universal laws that reason prescribes. For Petuchowski, we seek to find which commandments are directly addressed to us-- in other words, that we must legislate to ourselves-- out of the wealth of the Jewish legal tradition, and within the constraints that reason and personal experience of them prescribe

liberal Jew must have a comprehensive knowledge of the *mitzvot* handed down by tradition.

> In theory, a Reform Jewish education would have to be much more intensive than an Orthodox one. Only the educated Jew, who is well acquainted with the Tradition, can come to terms with it and can make his own selection from the plethora of traditional observances.[94]

Study, we are told by the rabbis, leads to action.[95] "It will certainly do so in the case of the modern Jew who studies *in order* to discover what to *do*."[96]

This particular type of intensive Jewish study will almost certainly lead to experimentation with traditional observances and practices to discover which of these contain God's commandment addressed to the individual personally. Practice is the only way to find out if a particular piece of legislation is truly his or her personal commandment. This will lead to a certain amount of religious anarchy, but this is part of the constructive process of discovering one's own commandments, and in any case it is inevitable; "... this is the price which will have to be paid. For the majority of modern Jews, it will either be this or nothing at all."[97]

III. Israel-- Community and Covenant

Central to Petuchowski's concept of Judaism is the notion of the Jewish people as a Covenant Community. In spite of the breakdown of the traditional

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[94]Heirs of the Pharisees, page 172. Originally, this was for the Reform rabbi to decide; now, it is for the Reform Jew. Sadly, this trend has not been matched by a concomitant increase in Jewish knowledge among the individuals making these choices. Petuchowski ideal of a Reform Jewish education being more intensive than an Orthodox one is farther from realization than ever.
[95]Talmud Bavli, *Megillah 26a*.
[96]Ever Since Sinai, page 111.
[97]Ever Since Sinai, page 112.

communities mandated by the ghetto-- which compelled what Leo Baeck termed "the piety of the environment"[98]-- the very nature of Torah makes it impossible for the modern Jew to remain an isolated individual. The full dimension of Jewish observance cannot be experienced by the individual merely as an individual, for whatever satisfaction the individual may derive from Jewish observance, the Jewish significance of this observance is based on the degree to which this observance is also practised by fellow Jews. "For it is not the least aspect of Jewish observance that it contribute to the Covenant Community", says Petuchowski, "You cannot love your neighbor if you withdraw from all contact with your neighbor."[99] Indeed, one cannot even worship God fully without a *minyan*.

Jewish living is communal living; if the old form of the community is gone, a new form of "holy community" must arise to replace it. At the local level, for Petuchowski this consists of groups of individuals voluntarily accepting upon themselves a "Covenant" containing certain *mitzvot*. This can take the form that it did for the returnees from Babylon in the days of Ezra, or the imitation of the Pharisaic *havurot*, whose voluntary assumption of higher communal standards of Jewish practice upon themselves ultimately became normative for the Jewish people as a whole. Such organizations, he believed, would have great value in the modern world, as well. As he noted in his essay "The Holy Community", (which advocates the creation of *havurot*),

> ... in this day and age, there is neither the machinery nor the theoretical foundation for any authority in religious practice which is imposed from above. If such an authority will become possible again in the distant

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[98]Quoted in Heirs of the Pharisees, page 176; Baeck's term is "*Milieu frümmigkeit*", but I have not been able to find the original quotation.
[99]Heirs of the Pharisees, page 183.

future (and that, at present, seems highly questionable, nor is it necessarily desirable), then it will grow organically out of the self-imposed authority which individual Jews, coming together in *chabhuroth* or similar groups, have taken upon themselves.[100]

Petuchowski's goal for these *havurot* remains, 35 years after its proposal, an unfulfilled ideal. The *havurot* that do exist are essentially social organizations, using Jewish tradition, in Jacob Neusner's phrase, "as a kind of collection of programming ideas". They typically seek to build community ties not by voluntarily accepting the authority of *mitzvot* but simply by sharing purely social experiences.[101]

At the larger level of the entirety of the Jewish people, some sort of general agreement is essential for the perpetuation of the Covenant Community, because

> The Torah was given to the *People* of Israel. God's covenant is, we have seen, with the "chosen *people*." Israel's task is to be "a kingdom of priests and a holy *people*." But if the historical identity of Israel, in space and in time, is to remain intact, because without that there would be no covenant, it follows that, over and above the "commandments" which the modern Jewish individual accepts as his *personal* obligation, there will be others to which he submits as a member of the People of Israel.[102]

That submission will be made for the sake of the greater Covenant Community of Israel, which was chosen by God to receive divine redemption and revelation;

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[100]Heirs of the Pharisees, page 187.

[101]Petuchowski's idea of regenerating the ancient Pharisaic *havurot* as "brotherhoods" of study, discipline, and communalism, was articulated in the 1960 lecture "Freedom and Authority", included as the final chapter of Heirs of the Pharisees. As Jacob Neusner notes, "I find this ironic, for if the efforts at realization of the *havurot* have exhibited one trait, it is indifference to the authority of tradition-- which is treated as a kind of collection of useful programming ideas-- and the search for pure freedom, as though community were possible within autarchy, even collective solipsism. Petuchowski's moderation, his efforts to balance conflicting but uncontingent considerations, his struggle *with* the tradition-- these are nowhere more poignantly and effectively embodied..." ("A Reform Theologian Speaks", review of Heirs of the Pharisees, Judaism, Issue 85, Volume 22, Number 1, Winter 1973, page 116). It must be noted that even the purely social experiences that most *havurah* activities consist of represents an increase in the level of "Jewish" activity for most of the members of the *havurot*.

[102]Ever Since Sinai, page 113.

thus, commtiment to the Community necessitates conformity to certain communal standards, which thus become authoritative.

Criteria for Reform Jewish Observance

Having established the principle of study and the obligation to search out and observe those commandments that are addressed to oneself, Petuchowski proposes a Reform methodology for making selections from the traditional legislation.

> Only if the Reform Jew acts out of a full knowledge can there be talk of Reform Judaism at all. An ignoramus is only-- an ignoramus, and does not automatically become a Reform Jew... A true Reform Judaism, therefore, and one worthy of that name, would have to cultivate the study of the totality of the Tradition-- together with a set of criteria which the individual Reform Jew can apply to that Tradition, in order to make his own selections from it.[103]

Petuchowski suggests four criteria for determining Reform Jewish observance, which he phrases as four questions: 1) What, in a given case, has been the main direction of the millennial tradition? 2) In what manner can I best realize the traditional teaching in my life and in the situation in which I find myself? 3) What does the voice of my own conscience say? And 4) What is my feeling of responsibility to the Covenant Community?[104] In these four questions we can

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[103]Heirs of the Pharisees, pages 173-74. Later, on the subject of ignorance, Petuchowski will quote Hillel in Avot 2:5, lo am ha'arets hasid. (page 179).

[104]It is interesting that Petuchowski here (Heirs of the Pharisees, page 177) uses the word "feeling" and does not phrase the question "What is my responsibility to the Covenant Community?" His answer to the question suggests he seeks a normative response: "Everything, therefore, which contributes to the survival and to the unity of the Covenant Community of Israel must be regarded as a religious commandment. Everything which hurts the Covenant Community must be avoided... the Reform Jew will observe many a mitzvah toward which he might feel no personal obligation..." (Heirs of the Pharisees, page 178). His formulation of the question, however, would lead to a descriptive, emotive answer about feelings, not the normative response he clearly seeks. This is a revealing slippage: for Petuchowski it was axiomatic that there needed to be a perosnal, felt commitment to the historical Jewish people and its tradition.

see the interplay of Petuchowski's own understanding of the competing levels of authority inherent in tradition, individual authenticity, conscience, and community.

It is noteworthy that the first step we are to take is to examine the tradition comprehensively. We are not urged to philosophically arrive at a point of view and then look for Jewish justification for it, nor are we to search for proof-texts for a pre-conceived psychological perspective. In effect, Petuchowski proposes that we use the same methodology that he himself (and Cohon before him) employs, a careful examination of traditional sources on a subject (in this case a *mitzvah*), leading to our own response to the totality of the traditional material. Tradition is to be our sacred storehouse of practice, and it provides the basis of all decisions we are to make about authentic Jewish practice. We may reject it, or chose eclectically from its materials, but we must consult it in depth first.

The second stage of the process is one which Orthodox Jews have been engaging in for millennia, but with an important difference. Where an Orthodox Jew will seek to determine how to apply basic prohibitions to changed circumstances-- as in the Sabbath prohibition on driving a car-- the Reform Jew must analyze the assumptions that underlie the prohibition as well in determining how the precept will affect the "here and now". He or she may conclude with equal validity that driving blurs the distinction between Sabbath and weekday that is the essence of the *Shabbat*-- or that driving to the synagogue or to visit a friend is more in keeping with *oneg Shabbat* than sitting

at home would be.[105] The reality of the Sabbath in the "here and now" takes precedence over the Sabbath experience of past generations.

Third, the Reform Jew, heir to an Emancipation tradition of liberalism, cannot observe legislation that goes against his or her conscience. While the process Petuchowski describes begins with observances derived from the Torah,[106] these observances must be acceptable to the individual's own conscience. He adds, however, an important caveat: the Reform Jew must also recognize that "My fellow Jew... also has the right to listen to *his* conscience".[107] We are not in position to judge the compliance or non-compliance of our co-religionist so long as "his observance derives from a like desire to hear God's commandments".[108]

While the use of the third criterion may lead to a certain degree of religious anarchy, the fourth criterion will serve to balance it with a motivation towards conformity. It is in this crucial commitment to the concept of the Covenant Community that Petuchowski balances the centrifugal force of individual conscience with the centripetal force of commitment to the People of Israel as a whole.

> Everything... which contributes to the survival and to the unity of the Covenant Community of Israel must be regarded as a religious commandment. Everything... which hurts the Covenant Community must be avoided. Bearing this perspective in mind, the Reform Jew will observe many a *mitzvah* toward which he might feel no personal

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[105]Here Petuchowski suggests a reasoning that is quite close to that of the Conservative Movement's Committee on Law and Standards on the issue of driving on Shabbat.

[106]This is Torah used in the broad sense of both written and oral Torah, as Petuchowski understands it.

[107]Heirs of the Pharisees, page 177.

[108]Condition of Jewish Belief, page 159.

obligation-- if, in his religion, it were a matter of the individual only, and not also of the community as a whole.[109]

This represents an important restriction on the authority of the individual, and leads Petuchowski to a three-part conception of *mitzvot*, a hierarchy of values based on the three levels on which *mitzvot*, and *Halakhah*, operate.

A Hierarchy of *Mitzvot*

Petuchowski describes three ways in which *mitzvot* function. First, there are those observances for which he appropriates the traditional category of "commandments between man and God". These *mitzvot* form the private domain of religious observance, an area in which the greatest diversity is likely to obtain in contemporary Jewish life. The individual's observance of the *Shabbat* and of *kashrut* would fall into this realm, as would the practice of private prayer, family observances, and home celebrations of the festivals. "Such are matters 'between man and God'. They are 'private', and not subject to censorious criticism of outsiders."[110]

Second, he cites the community aspects of Jewish living, which already introduces the concept of the Covenant Community. This is the style of observance of a given congregation, *kehillah*, or *havurah*. Here, more than the individual or the family is involved, and we might term this category "commandments between Israel and God". Where the holy community of Israel

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[109]Heirs of the Pharisees, page 178.
[110]"Plural Models Within the Halakhah", Judaism, Volume 19, Number 1, Winter 1970, page 83. This appraisal may not be completely realistic with regard to *Shabbat* and *kashrut*. While there are many Jewish communities in which one's observance or non-observance of *Shabbat* and *kashrut* might not be noticed-- Billings, Montana comes to mind-- in many Jewish communities both of these are quasi-public observances, noted by other community members.

confronts the God of Israel, more than individual needs must be taken into account. By joining a specific congregation one tacitly assents to the use of a particular prayerbook, while at a congregational dinner, no matter what the individual's dietary preferences are, *kashrut* might be observed. But

> Still, on the congregational level, there are bound to remain many differences in practice between one congregation and another... We are living in an age of religious pluralism, and the different schools of Jewish religious thought, and the various synagogues influenced by them, will continue to reflect that pluralism.[111]

A third level of religious practice additional to the individual and congregational levels is that of the entirety of the people of Israel. It is on that level that, in spite of individual and congregational differences,[112] "we all recognize one another as Jews and as members of the same 'holy community'".[113] This is the level of observance of commandments "between Jew and Jew". Here, in the interests not only of Jewish harmony but of, in his opinion, the very preservation of the Covenant Community itself, Petuchowski stresses the centrality of the issue of "personal status". One can become a member of the chosen, Covenant Community in one of two ways, by birth or by conversion. Once one is a member, his or her status as a Jew cannot be challenged, regardless of what observances he or she practices. But this works only so long as the whole Covenant Community is in agreement over the laws of marriage in terms of which a Jewish birth takes place, and on the process of conversion by which a non-Jew is accepted into the community.

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[111]"Plural Models Within the Halakhah", page 84. See also Heirs of the Pharisee, page 188.

[112]One is sorely tempted to add at least "doctrinal" differences to this list (in deference to Petuchowski's doubts about the efficacy of "denominational" distinctions we have omitted the most obvious adjective from the list).

[113]"Plural Models Within the Halakhah", page 84.

"It is thus the Jewish law concerning 'personal status' which guarantees the underlying unity of the 'holy community'."[114] But it is precisely the legislation concerning personal status that Reform Jews have largely chosen to ignore. This has provoked some Orthodox rabbis (and the State of Israel) to reject the validity of Jewish marriages performed by Reform rabbis. On the other side of the question, the Orthodox rabbinate has been remiss in changing those elements of *Halakhah* in the area of marriage and divorce which ascribe a subservient and unequal status to women.[115] The result of the differences on this critical issue is that a division is being created in the Covenant Community which threatens the underlying unity of all Jews. Once the underlying unity disappears, religious pluralism may turn into complete religious anarchy or sectarianism, which would spell the end of the Covenant Community, "in which alone Judaism as a faith can have its being and significance".

> For only if the "holy community" remains undivided on the basic level of its existence, only if there can be an unqualified acceptance of one another as fellow Jews, will there be hope for the flourishing of individual piety and the productive diversity in religious expression.[116]

Petuchowski proposed this three-tiered model a number of times in his career. In some of those instances, as in Heirs of the Pharisees, it was suggested as a basis for maintaining the integrity of the Holy Community. In others, it was proposed as a working model of plural models within a *halakhic* framework.[117] But on the question of creating an effective Reform *Halakhah* or

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[114]Heirs of the Pharisees, page 189.

[115]Although Petuchowski does not specifically cite it, he must be thinking of the demonstrably unfair laws of *gitin*, and the *agunah*, which many Orthodox rabbis privately consider unjust but which virtually none will publicly oppose.

[116]Heirs of the Pharisees, page 190.

[117]See "Plural Models Within the Halakhah", Judaism, Volume 19, Number 1, Winter 1970, pages 77-89.

code he remained skeptical, not so much out of disapproval of the idea but out of doubt that it could ever become authoritative: "... *Halakhah* has been shown to be impossible unless it can be grounded in the very basis of religion-- in the idea of God."[118] Only for those who see in the course of Jewish history the "finger of God" which testifies to the real presence of something divine and vital (Halevi's *inyan elohi*) can a "revealed" law of God serve as a basis for *Halakhah*.

> ... without such a theological foundation, it is hard to see how *any* suggestion to graft concepts like *mitzvah* and *Halakhah* on to the *status quo* of Reform Judaism can be taken seriously."[119]

An Analysis of Petuchowski's View of Authority in Judaism

In this section we shall summarize Petuchowski's concept of authority in liberal Judaism, and then analyze it. As in the case of Cohon, we shall first examine Petuchowski's view in philosophical terms, and then in sociological terms. It is with some trepidation that one attempts to analyze part of Petuchowski's work in purely philosophical terms. His theology makes such an absolutely explicit distinction between the "God of Israel", whom he serves, and the "God of the Philosophers", whom he decidedly does not serve, that one hesitates to employ the methods of the latter to this avid adherent of the former. A similar problem exists in applying sociological terminology and methodology to Petuchowski, who often upbraided the Reform Movement for following the surveys of the sociologists rather than the dictates of conscience. We shall find, nonetheless, that the concepts employed in both fields will shed some light on

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[118]"Problems of Reform Halakhah", page 346.
[119]Ibid., page 357.

the subtleties of Petuchowski's theology, and, conversely, that his work will highlight certain weaknesses in the approaches we have taken thus far. We begin with a brief restatement of his theology, leading to a summary of his theory of authority.

Revelation is God's direct incursion into history, as apprehended by a people. Through a process of redemption and Revelation, God demonstrated his choice of, and his love for, the people Israel, who then entered into a Covenant relationship as God's Chosen People, and were subsequently given the Torah. Revelation is the basis for Judaism, and perhaps for all true religion. The content of Revelation is simply God's love, which commands us to love God back; from this we derive a second principle that we are also to love our fellow human beings.[120] The Torah is a humanly written document, which attempts to record the people's direct experience of Revelation and then to legislate both rituals that imitate and, possibly, recreate the experience of Revelation, and which also implement societal rules that follow directly (and, later, indirectly) from the content of Revelation. To be an authentic liberal Jew, each individual must determine which aspects of the legislation contained within the written and oral Torah are commanded by God to him or her personally. This process can only be accomplished through profound study of the tradition and experimentation in practicing its elements. Judaism can only be fully experienced in a community, both locally and as a member of the Covenant People of Israel. The criteria for Reform Jewish observance are a balance of

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[120]While this is certainly a Jewish teaching, it has been adopted wholeheartedly by Christianity. God is "love" for many Christians, and adopting this essentialist message fits well with a modern Christian *milieu*. It is no surprise that Petuchowski found much common ground with Christian scholars throughout his life. This understanding of Revelation reflects both Rosenzweig and the early Baeck.

respect for the tradition, personal experience and rational acceptance of its ritual and moral practices, and respect for the Covenant Community. There is a three-part hierarchy of *mitzvot* which affirms the integrity of individual appropriation of commandment, allows for community standards, and supports the unity of the people of Israel.

Philosophical Analysis

As was true for Cohon, God is the ultimate authority in Petuchowski's theology. In Petuchowski's case, however, revelation is the direct experience of God's love, which commands our reciprocation. It is our responsibility to reciprocate by observing those commandments which God intends for us. The process of determining which pieces of Torah[121] legislation are personally commanded to us-- that is, form our link to Revelation-- is pivotal here, and Petuchowski's four criteria for Reform observance demonstrate the interplay of the various loci of authority in his theology.

Tradition is the basis for all of our later choices. It holds non-executive epistemic authority for us, informing us of the range of practices and approaches that Judaism offers in our attempts to discover what it is that God wants us to do. Next, we are to consult personal experience to determine if a given practice is appropriate for our own lives. Thus personal authenticity is used to help us choose from the legislation of the tradition. Next, conscience has veto power over the tradition: we must not do anything that our consciences

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[121] In the sense of both written and oral Torah, *Kabbalah*, codes, liturgy, Sa'adia, Maimonides, Hasidic stories, and so on; essentially, Petuchowski implies that it includes the totality of all Jewish religious knowledge that pertains to the experience of Revelation, and of the One God.

will not allow us to do with sincerity. Note that for Petuchowski reason appears here only in the form of conscience; it is to be used to react to suggested courses of action and judge them, but reason is not to be the primary motivation to initiate new courses of action. And finally, our personal choices are to be delimited in areas that affect the totality of the Jewish People. These four elements-- tradition, authenticity, conscience, and Covenant Community-- all hold positions of authority in our internal process of choosing commandments. Once we have experientially determined what practices-- drawn from the epistemic authority of tradition-- are authentically commanded to us, authenticity holds an internal form of executive authority for us; we must legislate to ourselves those commandments which we have found to be authentic for us, and adhere to them faithfully or become inauthentic Jews. Conscience has both non-executive epistemic authority, providing internal information that helps us choose those traditional practices which we can accept, and a type of negative executive authority, vetoing practices which we cannot accept. And our larger commitment to the Covenant Community exercises a similar form of internal executive authority by placing perimeters around some of our practices.

It would appear at first that a system rooted in the personal need to find commandments directly from God would allow for no form of external executive authority besides God's, administered directly. But this is true only if we view executive authority as a coercive, top-down authority. In fact, Petuchowski's theology has implicit within it other types of executive authority.

First, it establishes a system of voluntary acceptance of the binding executive authority of God's will, as expressed through those pieces of

legislation which we find to be personally commanded to each of us. These elements of Torah must be accepted first, but they then become executive imperative authorities for us, compelling us to perform or foreswear certain actions. While the process is a voluntary one, it is neither entered into nor exited from casually: to reject what one knows to be the direct command of God would be an act of inauthenticity, and evidence of an individual's lack of sincerity about liberal Judaism. In a way, it would be a rejection of God.

Second, in his three-part hierarchy of *mitzvot* Petuchowski accepts the necessity of operative authority in the area of local community standards. Congregations, *kehillot*, and *havurot* must set common standards in certain crucial areas-- Petuchowski mentions certain minimal standards of *kashrut* and Sabbath observance-- in order to remain a community. Such standards, while operative in nature (that is, chosen by the majority of the group or some representative body of the group), will be binding and enforceable within the group; while Petuchowski does not address himself to the thorny problem of how punishment would be employed, one must assume that violation of these standards would have punitive consequences of some kind for the individual, including ostracism or even exclusion from the organization.

Third, at the pinnacle of Petuchowski's hierarchy of *mitzvot*, the needs of the Covenant Community of Israel to define itself as Jewish makes certain norms in the area of personal status obligatory. It is more difficult to categorize the origin and form of this authority. Within the *halakhic* sub-groups which make up the People of Israel this authority could take the form of executive authority based on a divinely revealed tradition, and thus ultimately upon God's

executive authority. Within Reform Judaism it could certainly take the form of operative executive authority, functioning on two levels: first, as executive authority-- duly approved by the general membership-- of the UAHC to require that any congregation within its membership uphold the *halakhic* definition of personal status; and second, as the operative executive authority of the individual congregations to exclude from their membership anyone who did not meet this standard.[122] But Petuchowski is, I believe, suggesting a different level of authority for this norm, that of the executive authority of a binding Covenant: as Jews we are members of the Covenant Community, and if we represent ourselves as a Jewish religious movement then we, too, must affirm our membership in that Covenant Community. To do so-- and, according to Petuchowski, it is only through membership in the Covenant Community that we can claim access to the Revelation experience of the People of Israel-- means that we accept the prevailing standards for membership that preserve the integrity of that Community. If no such standards prevail, the Community will ultimately break apart.

It also seems clear that in Petuchowski's theology, there is one absolute Jewish commandment that is binding for everyone: *talmud Torah k'neged kulam*, we are all commanded to study the tradition to determine what aspects of it are applicable to ourselves, that is, are commanded by God to us individually. While there is no enforcement procedure described, there is a

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[122]Petuchowski does not mention the century-old *de facto* Reform acceptance of patrilineal descent, which in the past did not seem to outrage the other elements of Judaism. Perhaps it is wishful thinking, but one wonders if a revocation by the Reform Movement of the *de jure* piece of the patrilineal puzzle would be enough of a compromise for the Orthodox, or, at least, the Conservative Movement. At this point, it would probably be a case of closing the barn door after the horse go out, but if Israel and the PLO can sign treaties, who knows? As Gold Meir said, we Jews count on miracles.

consequence for each of us in failing to study: we will be inauthentic Jews. This illuminates a previously unexplored category of executive authority, the area of the executive authenticity authority; while we are really in the realm of psychology here, our own consciences may be described as "executive authenticity authorities" for our conduct, informing us of our failure to study and thus be authentic Jews. We may also assume that, in Petuchowski's belief, there should be some social consequences for the inauthentic Jew who fails to fulfill this basic practice, although he was well aware of the lack of such social pressure to seriously engage in Jewish study within contemporary Reform Judaism.

There are several elements in Petuchowski's view of Judaism that fall into the realm of non-executive authority. First, the Torah serves as an epistemic authority in the area of the knowledge of God, and of God's desires for us, or at least of how human beings have understood God's desires in the past; but here its epistemic authority is qualified. The Torah is authoritative only insofar as the legislation it contains turns out to be commanded individually to us; otherwise, it might be considered merely an epistemic authority in the history of other people's experience of God, an interesting area for study[123] but not particularly helpful for our own religious experience. Teachers of Torah also serve as epistemic authorities in the area of Jewish religious tradition, and similarly may be of greater or lesser usefulness in helping us discover and observe those *Mitzvot* which we determine to be commanded directly to us. These teachers of Torah may also serve as authenticity authorities in the area of

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[123]Perhaps for a class entitled "The History of the Religious Experience".

Jewish practice, living what they preach and demonstrating with their own lives the committed approach required in Petuchowski's system.

Other individuals, too, may serve as authenticity authorities in the area of Jewish practice without necessarily instructing us verbally. A *tzaddik* would certainly have moral authenticity authority for us of a nonexecutive type. Any individual, in fact, who was living his or her life in accordance with these high standards of religious study and experimentation could serve as an authenticity authority. In addition, any text describing this process-- such as Star of Redemption or Ever Since Sinai-- or relating the life-experience of an individual committed to this process would qualify as an epistemic authority in the area of religious authenticity.

Sociological Analysis

It is somewhat difficult to categorize Petuchowski's views on authority in Judaism in sociological terms. Sociology is concerned with group behavior, and much of the methodology of this approach to God is about the individual seeking within himself or herself the connection to legislation so that it might become divine commandment. As such, it is a solo pursuit.

But Petuchowski does affirm that Judaism is, in essence, a communal religion. In his description, the best replacement for the "thick" Jewish social milieu of Europe would be *havurot* of voluntary commitment to certain *mitzvot*. While the mechanics of the process of choosing the appropriate commandments for the group is not specified (except for study), the *havurah*,

like the congregation, would have both the responsibility and the authority to establish standards for membership. The justification for the authority that these groups possess is legal-rational authority, based in the agreement of the membership; but the standards that they will apply have their authority based in tradition. On the other hand, the authority that the totality of the Covenant People of Israel possesses to exclude those who have not met certain criteria is primarily a traditional form of authority, based in the idea that God passed on Revelation to the whole people. As such, they are involved in a Covenant relationship with God, and possess some measure of referred divine authority for their collective attempt to maintain their sacred, chosen status with their God.

It is not at all clear what authority individual Jewish leaders possess for Petuchowski. Although he is highly critical of Reform rabbis who advocate positions which are demonstrably not of Jewish origin-- humanists, agnostic socialists, atheists-- or who are simply ignorant, he does not specify any particular role for the informed, committed rabbi in his Covenantal system. We may assume that they will have some form of traditional authority, based in their theoretically superior knowledge of the sacred tradition; but Petuchowski makes a telling point when he notes that it was precisely the tradition of a dichotomy between the "religio-intellectual elite", exemplified by the Talmudic scholar, and the *am ha'aretz*, "rooted in the very *raison d'etre* of Pharisaism, which was sacrificed to the dominant American cultural pattern in the process of Jewish assimilation."[124]   In several articles Petuchowski also noted the *de facto*

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[124]Heirs of the Pharisees, page 15. What does this portend for a Judaism in which authority appears primarily in an epistemic model? (As Barry S. Kogan proposed in "Reason, Revelation, and Authority in Judaism: A Reconstruction" in Studies in Jewish Philosophy: Collected Essays of the Academy for Jewish Philosophy, 1980-1985, Norbert M. Samuelson, ed., University Press of America, New York, 1987; see Chapter One).

sociological weakness of contemporary rabbis in the congregational world, and their lack of authority to enforce any sort of standards. Even their epistemic role as teachers is threatened by the lack of serious commitment to ongoing adult education; in such settings, congregational rabbis may become no more than program directors and poorly-utilized resource persons.

Concluding Thoughts on Petuchowski

Petuchowski's theology is highly developed and intellectually rich.[125] This seems to be true as well for his unstated (but implicit) view of authority in Judaism. The standards he sets for integrity in religious authenticity are commendable and appropriate. If all-- or even most-- Jews followed this Rosenzweigian approach to commandment we would have a much richer and more committed Jewish world. In such a world the imposed authority of outside institutions would become, at most, an afterthought, for the level of Jewish study would undoubtedly lead to greater practice and Jewish awareness-- after all, as the Gates of Prayer informs us, the study of Torah is equal to all the other commandments because it leads to them all.[126] If we all could live to Rosenzweig's standard of religious conduct-- or Petuchowski's, or Cohon's-- we would require no particular form of outside authority.

But here, it seems, Petuchowski's training in psychology was overcome by his theological convictions. For we are not all *yirei shamayim*, nor do we all, or even many of us, commit ourselves to the systematic and conscientious

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[125]In particular, his analysis of revelation is especially insightful, and he is much clearer than Cohon as to what he thinks revelation actually is.
[126]Gates of Prayer, page 53, based on Talmud Bavli, Shabbat 127a.

pursuit of the divine in our lives and in our actions-- nor, unfortunately, are most of us at all likely to do so in the near future. As Cohon notes,

> Most people live not so much by their own reason and personal taste as by the standards set up for them by others... They do not arrive at their preferences, convictions, and beliefs through careful deliberation and reflection but rather by way of imitation, social contagion, convention-- in a word, authority.[127]

Without some form of religious authority people will simply turn to other ready-made sources for the guidance that they seek. There is every evidence that this is, in fact, what has happened, and continues to happen, throughout liberal Judaism.

Petuchowski was well aware of the direction Reform Judaism was taking. It is clear that he had no illusions that Reform Judaism could find the authority within its own institutions to impose any kind of summary discipline upon its members-- or even its rabbis. He had reacted to the 1964 declaration of atheism by a congregational rabbi in Michigan with the half-serious suggestion that a liberal rabbinical association be formed which could guarantee to the American Jewish community that its members believed in God and the basic religious doctrines of Judaism. This group would be formed "not 'in opposition' to the Central Conference of American Rabbis", he noted, derisively, but "just because it has such great respect for the Central Conference's Liberalism it would not want to force the Central Conference into a theistic mold."[128] He saw the emphasis on liberalism at the expense of Jewish ideals as inherently destructive, and was particularly sensitive to the secularizing trends at work in Reform Judaism. In a posthumously published essay he noted that in

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[127]Samuel S. Cohon, "Authority in Judaism", page 39.
[128]"The Limits of Liberal Judaism", Judaism, Volume 14, Number 2, Spring 1965, page 155.

contemporary synagogue life the secularists had more or less taken over American synagogues and temples, concluding that "...late twentieth-century American Reform Judaism... is first and foremost a "Jewish" form of institutionalized secularism..."[129] This would certainly prevent the imposition of any authority that directed these institutions towards more authentic Jewish practice.

When Petuchowski once noted in a speech that "Jews, in general a very democratic kind of people, don't take kindly to authority"[130] he was not simply jesting for public consumption. It was clear to him that in the realm of liberal Judaism there was precious little room for the concept of top-down authority, at least of an executive type. What was possible, and indeed essential, was for individual Jews and communities of Jews to voluntarily obligate themselves to the authority of the *mitzvot* that they found that God had commanded to them personally.

We turn next to a contemporary of Petuchowski's, a fellow German Jew who developed a strikingly different theological viewpoint, the neo-Kantian rationalist, Steven Schwarzschild.

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[129]"Reform Judaism: Undone by Revival", pages 5-7.
[130]"Revelation and the Modern Jew", page 1.

Chapter Five

Steven S. Schwarzschild and Authority in Judaism

Steven Samuel Schwarzschild was a unique and penetrating thinker, a profound expositor of a systematic, rational understanding of Judaism, and a man who "lived this philosophy with a disciplined integrity rarely seen in the lives of most thinkers".[1]   Described as "both the last of the major medieval Jewish philosophers and the most modern",[2] he considered himself a "Marburg Neo-Kantian" and a direct intellectual descendant of Hermann Cohen.[3] His belief in the validity of pure reason was combined with a fervent Jewish faith, and his life's work was crafting a philosophy that sought to demonstrate that the essence of Judaism is reason, and that philosophical truth is, by definition, equivalent to Judaism.[4]

Throughout his life, Schwarzschild's idealistic intellectual integrity led him to adopt unconventional and controversial positions: at a time when rationalism appeared to have lost the day to existentialism he was a complete and unapologetic-- even triumphant-- rationalist. A thorough-going liberal in philosophy and politics, he persuasively advocated Messianism and adopted and advocated an idiosyncratically *halakhic* lifestyle as the truest expression of Jewish belief.   During a period of burgeoning Zionist spirit he became a

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[1]Eugene Borowitz, "Memorial Tribute: Steven Samuel Schwarzschild", necrology in CCAR Yearbook, Volume C, CCAR, New York, 1990, page 212.

[2]Menachem Kellner, "Introduction" to The Pursuit of the Ideal: Jewish Writings of Steven Schwarzschild, State University of New York Press, Albany, NY, 1990, page 1.

[3]Steven Schwarzschild, "Afterword", The Pursuit of the Ideal, page 251. Marburg was the German university where Hermann Cohen developed and taught the neo-Kantian school of philosophy (Cohen's own term for it was "critical idealism").

[4]See Schwarzschild's "Afterword", The Pursuit of the Ideal, page 257, where he says "Thus 'Judaism' (ideally, regulatively) = philosophical truth (ideally, regulatively)."

trenchant critic of Zionism. In a climate of widespread academic agnosticism and atheism he championed religious Judaism as the apex of human thought. In an era of Jewish denominationalism he maintained membership in both the Central Conference of American Rabbis and the Rabbinical Assembly, while maintaining close ties to the Orthodox community. During an age of increasing specialization he did pioneering work on thinkers as diverse as Samson Raphael Hirsch, Hermann Cohen and Isaac Hutner. Schwarzschild was able to justify these seemingly disparate elements as the proper result of his comprehensive, rationalist philosophy of Judaism.

Although he was not well known to the Jewish public at large, during his career Schwarzschild had great influence among scholars, rabbis, and Jewish activists. As editor of Judaism magazine from 1961-69 he helped shape it into "the most serious journal of opinion and scholarship in the Jewish world".[5] His most influential essay, "The Personal Messiah-- Toward the Restoration of a Discarded Doctrine"[6] carried extra weight as the work of an Hebrew Union College-trained rabbi who challenged a longstanding dogma of Reform Judaism; in this, as in many other areas, Schwarzschild was on the cutting edge of developments in Jewish intellectual life. Significantly, he was the first philosopher to do serious work in English on Rosenzweig, Hermann Cohen, and Samson Raphael Hirsch, and he contributed greatly to the still-growing

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[5]Kellner, ibid., page 1.
[6]First published in Judaism, Volume V, Number 2, 1956, pages 123-135; reprinted, with commentary by Louis Jacobs, in Jewish Thought Today, edited by L. Jacobs, Behrman House, New York, 1970, pages 152-159, in A. A. Cohen, Arguments and Doctrines, New York, 1970, pages 519-537, in Faith and Reason, edited by Robert Gordis, New York, 1972, and finally, in The Pursuit of the Ideal.

interest in their thought. Schwarzschild's two hundred publications[7]-- written primarily in English and German-- in Menachem Kellner's words "have the spark of brilliance and profundity", and also demonstrate the ability to apply his philosophical principles to areas ranging from contemporary politics[8] to esthetics.[9]

Schwarzschild was born in Frankfurt-am-Main in 1924 but, like Jakob Petuchowski, grew up in Berlin, and emigrated in 1939. Unlike Petuchowski, he, along with his parents and brother, went directly to America. Educated at the City College of New York and the Jewish Theological Seminary, he then enrolled at Hebrew Union College in Cincinnati. Schwarzschild was ordained in 1948, ultimately receiving his DHL degree in 1955 with a dissertation on the thought of Nachman Krochmal and Hermann Cohen.[10] After ordination he became rabbi of the reconstituted Jewish community of Berlin from 1948-50, serving Jews in all parts of the divided city and writing regularly for German-Jewish newspapers in Berlin and Dusseldorf. In 1950 he returned to the United States, where he worked in the congregational rabbinate for several years

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[7]This number is all the more remarkable for the fact that Schwarzschild purposely left a tremendous amount of his own work unpublished. As he says, "I used to complain to Rabbi Soloveitchik, as a lot of other people did, that he would not publish. As the years went by I (lehavdeel) have more and more adopted his practice (while he has abandoned it)... my friends and students know that there are a lot of books and studies of mine, some of them decades old, that have never been put in print..." (The Pursuit of the Ideal, page 255). Kellner and José R. Maia Neto both refer to this wealth of as-yet unpublished material.

[8]See "Jews for McGovern?", Sh'ma, II/37, September 15, 1972, pages 130-132.

[9]See "The Legal Foundation of Jewish Esthetics" in Mélanges André Neher, Librarie D'Amérique et D'Orient, Adrien-Maisonneuve, Paris, 1975, pages 65-72, "the introduction to a lengthy study in process to be entitled 'Toward a Jewish Esthetic'", in which he was to analyze Jewish prohibitions and attitudes towards visual art (this is also reprinted in The Pursuit of the Ideal). See also his regular column in Judaism in the late 1950's and early '60's, "Survey of Current Theological Issues", in which one column (Volume 10, Number 3, Summer 1961, pages 271-277) was entitled "Theology in Music", and another "Theology in Art".

[10]Two Modern Jewish Philosophies of History, HUC-JIR unpublished dissertation, 1955.

before turning to academia. Almost his entire academic career was spent at Washington University of St. Louis, where he was Professor of Philosophy and became the long-time head of the Jewish Studies Department.

A self-styled "*Yekke*",[11] Schwarzschild was perhaps best known during his life for his rationalism, his principled opposition to Zionism, and his pacifism. These elements emerged from a combination of Jewish and European intellectual influences; he described himself as the "quintessential example of the symbiosis of classical Jewish and classical humanist cultures".[12] In assessing his own philosophical mentors shortly before his sudden death in 1989, he noted that

> There was one partial and limited detour in my intellectual life... I started out with Hermann Cohen while I was still in high school, and I am still (indeed, more) with him now... The temporary and limited detour went via Franz Rosenzweig. I am not the only one to have fallen prey to this temptation-- indeed, Rosenzweig fell prey to himself in this sense. But I recovered.[13]

If Samuel S. Cohon's thought was in part dependent on American Pragmatism, and Jakob Petuchowski represented one form of synthesis between Existentialism and Judaism, Schwarzschild presents a unique, modern-day synthesis between Rationalism and Judaism.

Schwarzschild's writing style, unlike Petuchowski's, is discursive, complex, and heavily footnoted (in Kellner's collection of Schwarzschild's work,

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[11]German Jew, with all the rich intellectual heritage and accompanying, idiosyncratic baggage that this brings. See "Afterword" in The Pursuit of the Ideal, page 255: "I am, indeed, a thorough-going 'Yekke'..."

[12]"Remembering Erich Fromm", Jewish Spectator, Fall 1980, page 29.

[13]"Afterword", The Pursuit of the Ideal, page 253. He did, however, acknowledge his abiding gratitude to Rosenzweig for influencing him to adopt his own personal "orthodoxy" in religious observance.

The Pursuit of the Ideal, the 235 pages of his essays require fully 114 pages for the footnotes).[14]   He explains that this is an intellectual choice which was heavily influenced by his desire to provide readers-- students in particular-- with ample resources to pursue a topic further.   But there is another reason for his tendency to "write English in German", as some have phrased it.

> Also, I am not really interested anymore in being readily intelligible. Anything simple is *eo ipso* false; the truth, whatever it is, is bound to be terribly complex... Thus my long-winded and heavily encapsulated sentences.[15]

We may safely say that, in spite of his efforts to guard against it, his writing preserves a visionary clarity that expresses his thought and his ideal, with some precision.

A Brief Statement of Schwarzschild's Philosophy of Judaism

Schwarzschild makes sweeping, universal claims for Judaism.   In philosophic terms, "... if reason be truth, and Judaism true, then all rational beings must be capable of [comprehending and accepting] the Jewish truth."[16] Following Hermann Cohen, Schwarzschild believes that Judaism is the religion of reason, but he goes beyond even Cohen in his synthesis between Judaism and Rationalism, and his emphasis on the highest ethical truth as belonging to Judaism.   As José R. Maia Neto explains,

[14]In his memorial tribute Borowitz points out Schwarzschild's extreme attention to scholarly detail: "He loved lengthy footnotes with far-reaching citations in several languages and when he finally published something, editors who allowed him to correct galleys found he had rewritten much of his article and added multiple layers to his notes." (Borowitz, op. cit., page 212).

[15]"Afterword", The Pursuit of the Ideal, page 254.

[16]Schwarzschild, "Modern Jewish Philosophy", in Contemporary Jewish Religious Thought, Arthur A. Cohen and Paul Mendes-Flohr, editors, Scribner, 1987, page 633.

In personal conversation, Schwarzschild told me that his position is a development of Cohen's own. Although Cohen does not say so explicitly, Schwarzschild thinks that implicit in his work is the thesis that Western culture approaches truth in the proportion that it approximates the truth of Judaism. All philosophy... judaizes itself to the extent that it is true... Schwarzschild told me that his position is that there is no other valid philosophy at all except Jewish philosophy, which he understands as Judaism as best understood by the Jewish philosophers...[17]

Or, as Schwarzschild puts it in his essay "Modern Jewish Philosophy",

"philosophy is Jewish by virtue of a transhistorical primacy of ethics; non-Jewish

thought will, of course, sometimes also arrive at such ethical primacy by rational

means..."[18]

Schwarzschild's view of Judaism is based, in large part on several key

elements of neo-Kantian philosophy. First, Schwarzschild follows Kant in

believing that reality is never given but must be constructed. The real-- that is,

the condition of society historically, or at present-- is not to be accepted as the

ideal; instead, the ideal must guide our construction of reality. As Kellner notes,

"In Jewish terms this is called Messianism, and in Kantian terms, critical

idealism."[19] Schwarzschild denies the validity of any philosophic system--

whether it is Spinoza's, Hegel's, or Marx'-- that believes that theoretical reason,

rather than volitional ethics, governs history. Such systems lead to the logical

conclusion that

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[17]Neto, José R. Maia, "The String that Leads the Kite: Steven S. Schwarzschild's (1924-1989) View of Jewish Philosophy", Judaism, Issue Number 158, Volume 40, Number 2, Spring 1991, pages 230-231. The opposite perspective in the debate over whether there can be a Jewish philosophy is represented by Leo Strauss and, for different reasons, Menachem Kellner (see Kellner's "Is Contemporary Jewish Philosophy Possible? No" and Barry S. Kogan's response in Studies in Jewish Philosophy, Norbert Samuelson, editor, University Press of America, Lanham, Maryland, 1987, pages 17-42.

[18]"Modern Jewish Philosophy", The Pursuit of the Ideal, page 229.

[19]Kellner, "Introduction" to The Pursuit of the Ideal, page 7. "Critical idealism" is really a neo-Kantian term, adopted by Hermann Cohen.

... everything that is is necessary and rational and therefore, in its time and place, constitutes intellectual and ethical acquiescence to every historical reality, be it good or bad, just or unjust.[20]

Schwarzschild, following Kant as interpreted by Hermann Cohen, rejects Hegel

for just this reason:

...underlying Cohen's rejection of Hegelianism... is the refutation of the pantheistic doctrine that "everything is rational, and that everything rational is," on the grounds that, philosophically speaking, this constitutes a confusion of the ideal with the real, of the hypothetical with the empirical, and that, ethically speaking it amounts to a vicious justification of any given *status quo* in history and society.[21]

In opposition to such belief, which denies individual volition and thus ethics,

Schwarzschild answers that

Ethical idealism, Judaism as well as Kant, must and does answer this pernicious doctrine with the counter-proposition that the rational is never real and that it is man's task on earth to realize it ever more.[22]

Our essential task-- as Jews, but this applies to anyone truly seeking to live

morally-- is to try to remake the world as it ought to be, according to ethical

principles, rather than accepting it for what it is. The central principle of Judaism

is "the primacy of practical reason",[23] which can only mean ethics.

God, Torah, and *Halakhah*

God is the root of all things; He is the radical. Faith is, therefore, by definition radical.[24]

[20]Schwarzschild, "The Democratic Socialism of Hermann Cohen," Hebrew Union College Annual, Number 27, 1956, page 421.

[21]"The Democratic Socialism of Hermann Cohen", Hebrew Union College Annual Number 27, 1956, page 424.

[22]Schwarzschild, "The Democratic Socialism of Hermann Cohen," page 422.

[23]"An Agenda for Jewish Philosophy in the 1980's", in Studies in Jewish Philosophy: I. Jewish Philosophy in the 1980's, ed. N. Samuelson, Melrose Park, PA, Academy for Jewish Philosophy, 1981, page 61.

[24]"Reason in Contemporary Jewish Theology", Central Conference of American Rabbis Yearbook, LXXIII, New York, 1963, page 200.

Schwarzschild believes that Judaism begins with God, and his vision is of a transcendent God,[25] who commands us to live according to ethical standards which are embodied in a system of divine imperatives, the normative laws of *Halakhah*. He believes that

> Classical Jewish thought is committed to the belief in the absolutely transcendent God, who is related to the human world only through His imperatives, and history is, therefore, the enactment of that body of imperatives, to the end of the Messianic achievement, in the interaction of God and Israel, of the Kingdom of God on earth.[26]

To summarize this passage, God is wholly transcendent, and communicates His will to the world in the form of *Halakhah*,[27] the goal of which is the establishment of the Kingdom of God. (What Schwarzschild means by the Messiah we will explore in a later section.) The message that is communicated is a "radical" one, an imperative to strive for the ideal in our conduct and in our society.

It is clear that, for Schwarzschild, God's interaction with the world takes place in terms of ethics. These ethics were received directly from God, by means of revelation at Sinai. Thus, Judaism requires "an absolute belief in and

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[25]For a comprehensive critique of the idea of immanence, see his essay "The Lure of Immanence: the Crisis in Contemporary Religious Thought", reprinted in The Pursuit of the Ideal, pages 61-82. He dismisses the concept of an exclusively immanent God with what must rank as his harshest criticism: "The immanentization process that we have analyzed we have faulted for failing to understand that immanence without transcendence destroys ethics." (Ibid., page 76). Similarly, his concluding section of this essay begins "Everyone has had God. Some have eliminated Him for themselves through immanentization." (Ibid., page 80). While God is transcendent, he does note that there are four possible positions on transcendence and immanence, one of which posits that God is so wholly transcendent that God has no contact with the world at all; the Jewish view is that God is transcendent but cares profoundly about the world, and communicates God's will to the world in the form of *Halakhah*. (Ibid., page 63).

[26]"An Introduction to the Thought of Rabbi Isaac Hutner", Modern Judaism, Fall 1985, page 260.

[27]To our knowledge, Schwarzschild never described how the ideal *Halakhah* was transmitted to Israel and became the empirical *Halakhah* without undergoing immanentization. What emerges from his analyses of *Halakhah*-- see below, in the section on the Messiah-- is that he believes there is an ethical purpose embodied within every law; from this, we may assume that, for Schwarzschild, what was revealed at Sinai was the ideal *Halakhah*, or at least the ideal behind each *Halakhah*.

dependence on the historic revelation at Sinai".[28] As these ethical imperatives-
- the normative laws of Torah-- are directly received from God, "the most
fundamental virtue of the Jew" is to take Torah seriously.[29] From Torah,
Schwarzschild moves to the concept of *Halakhah*, using very different language
than most Orthodox exponents of *Halakhah*, but arriving at a similar sort of
conclusion.

> Judaism has always advocated, in the name of a God absolutely
> concerned with the world, the greatest possible human, religious
> attention to that welfare and progress of this world... but it teaches
> convincingly that this can be done only under the aegis of a Law put
> forward by a transcendent God.[30]

Of some concern here is the fact that if one follows Schwarzschild's neo-
Kantian philosophy to its logical conclusion, God is, in essence, an idea.[31] As
Schwarzschild notes, this is a difficulty raised by Emmanuel Levinas, who
cannot accept that "If ethics is 'only' an idea-- if God is only an idea-- then he
cannot believe that they really affect the empirical world, as he wants them to."[32]
That is, if reality always must be constructed, as Kant, Hermann Cohen, and
Schwarzschild argue, then ideas, and particularly ethics, are part of our
construction of the world. In such a system "God" is the name we give to both
the highest form of morality and the basis from which all ethics are derived. As
Hermann Cohen expresses it, "...we can conceive of Him only as we conceive
of the idea of the good. This is the simple, profound, true meaning of God's

[28]"Samson Raphael Hirsch-- The Man and His Thought", Conservative Judaism, Winter 1959,
page 32.
[29]Ibid., page 44.
[30]"The Lure of Immanence: the Crisis in Contemporary Religious Thought", page 75.
[31]The particular difficulty raised by this possibility for Schwarzschild's apparent belief in the
revealed nature of Torah will be discussed, although not resolved, later.
[32]"An Agenda for Jewish Philosophy in the 1980's", in Studies in Jewish Philosophy: I. Jewish
Philosophy in the 1980's, ed. N. Samuelson, Melrose Park, PA, Academy for Jewish Philosophy,
1981, page 110.

transcendence. God is in truth 'beyond me', for He is the Holy One, the archetype of all human morality."[33] Schwarzschild neither affirms nor denies that his "transcendent" God is a construct, an idea. In effect, he need not make the philosophical distinction between an unverifiable ontological existence for God and God as a pure idea: in either case, God is the source of our ideal morality and thus of our practical reason.

Although Schwarzschild advocates what can only be described as a completely ethical monotheism, it is combined with a strong emphasis upon *Halakhah* as the practical expression of monotheistic ethics. Unlike other thinkers,[34] he believes that he discerns a systematic consistency undergirding *Halakhah*, and criticizes those who see the Talmud "as a welter of unsystematic thought". "How unsystematic thought is supposed to underlie, or result from, what is conceded to be an extraordinarily systematic legal system is incomprehensible."[35] As Kellner expresses it,

> Schwarzschild is convinced that normative, authoritative *Halakhic* Judaism is a consistent, rational system primarily characterized by the primacy it gives to ethical concerns. This system, he maintains, can be shown to have been given its canonical "secular" interpretation in the philosophy of Immanuel Kant as exposited by Hermann Cohen. Among the consequences of this position are that Judaism is systematizable, that non-Jews can, in effect, be "spiritually assimilated" into Judaism, and that there are religious and philosophical positions (Christianity on the one hand and Spinoza/Hegel/Marx on the other) absolutely antithetical to Judaism.[36]

[33]Hermann Cohen, Reason and Hope-- Selections from the Jewish Writings of Hermann Cohen, translated and edited by Eva Jospe, reprinted by HUC Press, Cincinnati, 1993, page 58.
[34]Schwarzschild mentions George Foot Moore, Max Kadushin, and Gerson Cohen as representative of this "general view".
[35]"A Note on the Nature of the Ideal Society-- A Rabbinic Study", The Pursuit of the Ideal, page 293, footnote #64.
[36]Kellner, "Introduction" to The Pursuit of the Ideal, page 14.

Judaism's own position can be stated as follows: the defining characteristic of Judaism is the primacy of practical (ethical) reason. Ethics is impossible without law, and *Halakhah* is the practical, systematic, and consistent expression of Jewish theology. But Schwarzschild goes beyond this, to posit a systematic philosophy which is not only consistent with Judaism but can be demonstrated to be practically identical with it. As noted, this systematic philosophy is Marburg Neo-Kantianism as explicated by Hermann Cohen, but with a particular interpretation of Schwarzschild's: *Halakhic* Messianism.[37]

The Messiah

Schwarzschild's highly ethical philosophy has been called the "pursuit of the ideal"[38] and as soon as we make ethics a matter of attempting to realize an ideal, of judging what is by the standard of what ought to be,[39] we are entering the realm of the Messianic. Schwarzschild associates both Kant and Cohen

[37]One final note on Schwarzschild's general neo-Kantian philosophic position: it implies within it "a rejection of history and culture-- and this, of course, also means primarily philosophy-- as proper tools in the determination of the nature of Jewish theological work in our-- or any other-- time". Judaism is the only truly ethical element in Western culture, which is otherwise an amalgam of European paganism and Greek philosophy; take away the Biblical heritage, "and you are left with the bloody shambles that the Occident has made of human existence, the ashes of Auschwitz and Hiroshima, the automatons of our society, the beasts that roam the jungles of our competitive economies, the mindlessness and vulgarity of our human condition." To this morally bankrupt culture, Judaism opposes "the society of God as defined by Torah and *Halakhah*." Both quotes from "Reason in Contemporary Jewish Theology", Central Conference of American Rabbis Yearbook, pages 202-203.

[38]The title of Kellner's book was arrived at in consultation with Schwarzschild himself.

[39]The famous Kennedy quote, "Some see things as they are and 'why'. I dream of what can be and ask 'why not?'", is a version of Neo-Kantian idealism (variously attributed to both John and Robert Kennedy, it was also phrased "Some see the world as it is, and ask 'why'; others, the world as it might be and ask 'why not?'" Edward Kennedy quoted it in his eulogy for his brother Robert). It has been phrased in many ways, most succinctly by Robert Browning, who said "Man partly is, and wholly hopes to be." (*Dramatis Personae*, "A Death in the Desert", 1864, in The Poems of Robert Browning, Oxford University Press, London, 1911, page 648.) George Bernard Shaw expressed this ideal, Messianic quality in a way that might make rationalists like Schwarzschild cringe a bit: "The reasonable man adapts to the world; the unreasonable man persists in trying to adapt the world to himself. Therefore, all progress depends on the unreasonable man." (Man and Superman, "Maxims for Revolutionists-- Reason", Brentano's, New York, 1920, page 132.)

with Messianism. In a passage relating to ways of understanding history he notes that

> ... the future defines the past and the present, not the reverse as is usually thought. We are not saying anything new. Kant highlighted this when he distinguished between the reactionary, stand-pattism of the "is" and the revolutionary ethical "ought". And even Kant did not, of course, invent anything: he merely put in philosophical language what biblical religion had always called "the kingdom of God" or the "reign of the Messiah".[40]

In his most famous essay, "The Personal Messiah-- Toward the Restoration of a Discarded Doctrine", Schwarzschild links Cohen, too, to Messianism.

> History was for Cohen the infinite human process of striving for the ideal, and Messianism is the term designating the completion of this infinite process.[41]

Later, he notes that "it goes almost without saying that for any 'Marburg neo-Kantian' the idea of the Messiah is the practical, i.e., meaningful way of thinking and talking about God."[42]

Schwarzschild, having linked his intellectual mentors with Messianism, next explains that reason, too, must be Messianic. In a beautiful passage, he portrays reason and faith poetically intertwined on the same path toward the Messiah:

> Reason is... the companion of faith in all its ways. Reason, in a sense, prepares the path on which faith can walk; reason clears the path once faith has begun to walk it and writes an intelligible record of the distance

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[40]"The Necessity of the Lone Man", Fellowship, May 1965, page 16.

[41]"The Personal Messiah-- Toward the Restoration of a Discarded Doctrine", The Pursuit of the Ideal, page 19. This is not to imply any misreading of Cohen by Schwarzschild; Cohen was a firm believer in the Messianic character of Judaism, and said "We interpret our entire history as pointing to this Messianic goal." (Reason and Hope, page 168). For Cohen, however, as for the Classical Reformers, the Messiah is the "Messianic Age".

[42]"Afterword", The Pursuit of the Ideal, page 251.

covered; and when faith has reached its destination, reason embraces faith, and the two companions unite in the kiss of the Messiah.[43]

In an almost mathematical equation, Judaism is true, and rational; reason thus is also true; and if the goal of Judaism is Messianic fulfillment, then that must be the goal of reason as well. As Kellner puts it, "without too much overstatement we can say that for Schwarzschild, Messianism *is* Judaism which *is* Kantianism which *is* reason which *is* Halakhah which *is* personal and political ethics."[44]

The concept of the Messiah colors every element of Schwarzschild's philosophy,[45] as the concept of Revelation does for Petuchowski. For Schwarzschild, *Halakhah*, which comes from God, is defined by and serves the Messianic ideal, forming either the legislation of the ideal society or a means for the present civilization to move towards the Messiah.

> The *Halakhah* is eternally valid and applicable to the world because it did not originate in Mosaic society, much less in Babylonian or Egyptian society... The *Halakhah* originates with God. God is unchangingly relevant-- and therefore so is His Law-- to all societies, past, present, and future, until the world will have become what He wills it to be, the Kingdom of the Messiah of our righteousness. The *Halakhah* is the law of the ever-future society and the law that leads every present society in the direction of the ultimate, future society... It would not be difficult to show how literally all of the *Halakhah* is either the law of society as it should be-- and whoever fulfills it in fact establishes, as it were, a small forward bastion of the ultimate future in the present-- or the law by which the present society is moved forward toward the Messianic: i.e., whenever Jews act according to the *Halakhah* they either hasten the coming of the Kingdom or actually institute it at the moment and in the place where they happen to be. [46]

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[43]"The Role and Limits of Reason in Contemporary Jewish Theology", Central Conference of American Rabbis Yearbook, Number 73, 1963, page 214.

[44]"Introduction" to The Pursuit of the Ideal, page 9.

[45]Kellner refers to it as Schwarzschild's "theology", a term that Schwarzschild "recoils" from on the grounds that knowledge of God's essential qualities and attributes is impossible, and that is what theology means.

[46]"The Lure of Immanence", The Pursuit of the Ideal, page 75.

To demonstrate this connection between *Halakhah* and the Messiah, Schwarzschild uses the example of the *Shabbat*: *Shabbat* is the foretaste of the Garden of Eden as restored by the Messiah. All of *halakhic* life leads up to the Sabbath, and all of *halakhic* life on the Sabbath leads up to the Messianic fulfillment. This is what the Talmud means when it says that if all Jews would fully observe one or two Sabbaths the Messianic kingdom would come[47]-- "...for the Sabbath is the Messianic Kingdom, and the Messianic Kingdom is what all of Judaism is for and about."[48] To summarize, observing this most important of *Halakhic* institutions assumes observance of all *Halakhah*, and it is that which will bring the ideal society into being, and thus bring the Messiah.

Schwarzschild's definition of *Halakhah* varies from the orthodox interpretation in two critical ways. First, his philosophical understanding of the purpose of Jewish law, and its complete identification with the ethical, is unique. Next, he views *Halakhah* as a revolutionary instrument. Having equated Jewish lawfulness with Messianic lawfulness, he notes that

> ...every given, historical society is by definition infinitely short of what it should be-- the infinite being measured by the infinity of the difference between what God wants for humanity and what humanity actually is and does; it follows that *Halakhah*, in order to be completely realized, requires a total transformation of human society. A commonly used English word for "total transformation" is "revolution". The *Halakhah* is religiously the permanent revolution.[49]

Thus, in any situations where morality dictates action, so must *Halakhah*. Schwarzschild's political activism is based squarely on *Halakhic* Messianism. "... men do play a significant part in the drama of salvation, and they can affect

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[47] *Talmud Bavli, Shabbat* 118a.
[48] "The Lure of Immanence", The Pursuit of the Ideal, page 76.
[49] "The Lure of Immanence", The Pursuit of the Ideal, page 76.

its *denouement* by their lives. Thereupon various Messianic courses of action are followed: vegetarianism, socialism, pacifism..."[50] Schwarzschild himself was a vegetarian, a socialist, and a pacifist.

Having established that *Halakhah* is Messianic-- a view similar to Luria's Kabbalistic understanding, although Schwarzschild is certainly no mystic-- and in accord with his own way of life, he demonstrates that ethics, both political and personal, is also. Messianic expectation should guide our actions in every sphere. If we wish to bring about the coming of the Messiah, we must act in ways consistent with that end. To make the Messiah's coming possible, we should behave as though the Messiah has already come.

> ... since the means must be appropriate to the end... it follows that peaceful action-- not war, just and decent action-- not exploitation and depersonalization, *Mitzvoth*-- and not hobbies, timewasters, and flippancies-- are the ways in which man must strive to approach his individual and social destination. The opposite or any other action removes us further from the goal and that, therefore, quite literally, must be regarded as reactionary. Contrary to Goethe's dictum, destiny is destination, not character.[51]

Here, the equation of *Mitzvot* with just and decent actions is explicit, and the purpose of both is to bring the Messiah. It is our personal responsibility, our categorical imperative, to live in ways that will lead to this end.

> ... the characteristics of the Messianic kingdom are regarded as commandments for daily living; they, as it were, anticipate the world to come in this world and try radically and piously to "transform the world in the image of the kingdom of heaven".[52]

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[50]"The Messianic Doctrine in Contemporary Jewish History", Great Jewish Ideas, Washington, 1964, page 256.

[51]"The Necessity of the Lone Man", ibid., page 16. Schwarzschild betrays a bit of his *yekke* tendencies with his characterization of "hobbies, timewasters, and flippancies" as reactionary, and thus unethical.

[52]"The Messianic Doctrine in Contemporary Jewish History", Great Jewish Ideas, Washington, 1964, page 256.

For Schwarzschild, breaking with classical Reform tradition, the Messiah is a personal one, in fact, a person. Where Classical Reform had revised the vision of an individual *Mashiakh ben David* into a Messianic Age, Schwarzschild argued that the depersonalization of the Messiah was allied to the depersonalization of God, and "The conception of the Messiah as an age leaves humanity swimming desperately in the ocean of history without a shore where he might eventually reach safety."[53] In fact, in Schwarzschild's view, the depersonalization process confirmed in 1869 by the Conference of American Reform rabbis in Philadelphia extended from God to the Messiah to the individual human being: "each man and woman is not a person but a universal reason confined in an individualizing and debasing body".[54] For Schwarzschild, this represented a complete misreading of the concept of the Messiah-- as well as that of God and of individual human beings.

But his central critique of the depersonalized view of the Messiah as an "age"-- which is also a critique of the difficulty liberalism has with the concept of the individual-- lies, surprisingly for a rationalist, in an existentialist lesson.

> We have learned from religious as well as non-religious existentialism, that all moral reality, as distinguished from nature or mathematics, is the reality of persons. The individual, the person, is the *locus* of ethics, not ages, ideas, or forces. The Messianic age is utopia; the Messiah is a concrete, though future, reality.[55]

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[53]"The Personal Messiah-- Toward the Restoration of a Discarded Doctrine", The Pursuit of the Ideal, page 19.

[54]"The Personal Messiah-- Toward the Restoration of a Discarded Doctrine", The Pursuit of the Ideal, page 25.

[55]"The Personal Messiah-- Toward the Restoration of a Discarded Doctrine", The Pursuit of the Ideal, page 26.

The depersonalization of the Messiah amounts to emptying the idea of all content. The Messiah is, for Schwarzschild, an ethical idea, and "since humanity in all its concreteness must be the focus of ethics, to depersonalize the Messiah is, in effect, to argue against the ethical focus of Jewish Messianism."[56] If the Messiah has no personhood the very idea becomes vacuous.

The vision of Messianism advocated by Schwarzschild is extraordinarily activist. Our task is not to sit and await the Messiah, but to work to create Messianic conditions in the world so that his arrival will be hastened. He cites Mendelssohn, Hirsch Kalischer, and especially Samson Raphael Hirsch on the subject:

> It is up to us to turn to God, for the Messiah cannot come before we have become completely good... No, it is not the duty of the Messiah but that of the entire household of the vanguard against evil, the entire house of Jacob, to wage this battle on behalf of all the inhabitants of the world, and the root of Jesse cannot shoot forth out of its midst until it has fulfilled this duty and carried out its task.[57]

Messianism should lead us to an activism that will work both for the radical improvement of contemporary society and against the appearance of false Messiahs, in the guise of either pseudo-messianic modern states[58] or of individual pretenders.[59] We are to strive at all times for Messianic, ethical ideals.

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[56]Kellner, "Introduction" to The Pursuit of the Ideal, page 11.

[57]Samson Raphael Hirsch, from *Die Messiaslehre der Juden*, pages 402 and 404, quoted in "The Personal Messiah-- Toward the Restoration of a Discarded Doctrine", The Pursuit of the Ideal, page 27.

[58]He includes here, notably, modern Zionism as a secularized Messianic ideal; later, when the rise of a religious Zionistic Messianism arose, he likewise opposed it vociferously.

[59]Kellner notes that late in his career Schwarzschild rethought his position on Messianism somewhat, turning from this Rosenzweigian perspective and bringing it closer to Cohen's view of the Messiah as a mathematical asymptote, a visionary dream that can never quite be realized. In

Authority in Judaism per Schwarzschild

As Schwarzschild published no systematic analysis on the question of authority in Judaism we have attempted, through a process of induction, to formulate his position. Much of the following has come from reverse reasoning, based on an article entitled "Authority and Reason Contra Gadamer",[60] in which he clearly states what he believes authority not to be. We have also utilized comments he made at a CCAR convention on "Reason in Contemporary Jewish Theology".[61] By nature, attempting to reconstruct the views of a philosopher on a given subject is a speculative enterprise, and with a thinker of the brilliance and originality of Schwarzschild it is also a hazardous one. Full apology is offered in advance for errors based on either faulty readings or over-ambitious assumptions.

I. Reason-- and Tradition

As we have discovered above, for Schwarzschild-- as for Kant and Hermann Cohen-- truth is rationally and methodologically constructed, not ontologically or experientially unveiled. All of reason, including the very notion of reason itself, is regulative. Reason itself "is the notion of a non-existent canon, such that, if it existed, all propositions made under its authority would be

Kellner's view this was a result of Schwarzschild's "growing disillusionment with Messianic Zionism" ("Introduction" to The Pursuit of the Ideal, page 11).

[60]"Authority and Reason Contra Gadamer", in Studies in Jewish Philosophy: II. Reason and Revelation as Authority in Judaism, edited by Norbert Samuelson, Melrose Park, PA, Academy for Jewish Philosophy, 1982, pages 161-190.

[61]"Reason in Contemporary Jewish Theology", Central Conference of American Rabbis Yearbook, LXXIII, New York, 1963, pages 199-214.

not only consistent with one another but also true."[62] The process of examining the "non-existent canon" must be engaged in by every generation, as all historical forms of reason that are actually used fall short of this regulative, ideal notion of reason.

The concept of "a-historical reason", that is, reason that goes beyond what actually has been used or is currently being used, is "really post-historical reason-- if you please, messianic reason, but as such, it is a necessarily postulated possibility."[63] The notion of such ideal reason opens the way to progress in historical reason, as we seek to achieve regulative reason and cause the world to conform to it. Rather than accepting the world as it is, we seek to change it into what we want it to become.[64] In determining which historical elements are to be accepted into our own contemporary reason we must accept those that are useful in progressing toward that ideal state, and reject those that cause us to slide back or remain static.

In effect, this would seem to establish the primacy of reason over any other form of authority in Judaism, or, indeed, in any system of thought. We must remember, however, that by "reason" Schwarzschild means "practical reason", which also means "ethics". What is really authoritative for Schwarzschild is not intellectual ratiocination but the goal of moral perfection, against which every other concern must be measured.

> ... the only ultimate authority that Judaism can acknowledge is no authority that "is" (be it a person, an institution, or a book-- "bibliolatry")

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[62] "Authority and Reason Contra Gadamer", page 168.
[63] "Authority and Reason Contra Gadamer", page 169.
[64] We arrive at this ideal of "what we want it to become" through a process of study, thought and reason.

but only an authority that "ought" to be and that regulative authority (regulative in the sense that "authority" is, of course, defined as functioning regulatively but also in the sense that its status is regulative) cannot but be rational-- whatever form that rationality may take.[65]

This leads to his conclusion that every generation must rationally explore the tradition. In support of this view of a continuous process of discovery of the appropriate "ought to be" form of reason/ethics/*Halakhah* for each generation, he cites several traditional sources: in Exodus Rabbah 28 we are told that "Not the prophets alone received their prophecy from Sinai but also every single scholar in every generation received his from Sinai" while in *Talmud Bavli Berakhot* we are informed that "the product of a historically received judgement is (has to be) reason."[66]

Schwarzschild objects to any understanding of law that professes to be "value neutral", such as sociology or legal realism. For similar reasons, he objects to the tendency in some current *halakhic* discussions to "argue on behalf of what might be called Jewish legal realism-- i.e., that whatever codified law stipulates is (divinely) authoritative and that moral reasoning is positively subversive with respect to it".[67] We are obligated to work at the laws continually so as to better understand the morality behind them, and to bring them closer to that essential morality. This is inevitably a process of study, thought, and reason.

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[65]"Authority and Reason Contra Gadamer", pages 176-77.

[66]*Talmud Bavli, Brachot* 6b and Rashi's commentary on it. The translation is Schwarzschild's own interpretation, but it is more or less born out by the text, which reads *agrah d'shama'atah s'varah*, more literally "the reward of a (n Amoraic, *Halakhic*, received) tradition is reason (or, an argument based on reason)". Rashi explains that it will be the result of a process of careful, hard reasoning: *Shehu yiga b'torach umekhashev lehavin ta'amo shel davar.*

[67]"An Agenda for Jewish Philosophy in the 1980's", in Studies in Jewish Philosophy: I. Jewish Philosophy in the 1980's, ed. N. Samuelson, Melrose Park, PA, Academy for Jewish Philosophy, 1981, page 108.

Here Schwarzschild, Petuchowski and Cohon come quite close to each other. Each believes that we begin with tradition, with is subjected to evaluation by reason to assess its current applicability. Schwarzschild differs from the other two, however, in his appraisal of the binding nature of the *Halakhic* tradition during the course of the process of evaluation. As he phrases it, "Religious tradition must always be regarded as valid until, and unless, invincible reasons are brought against it."[68] He is not advocating an experimental, existentialist exploration of Jewish tradition, *a la* Petuchowski, but a rational analysis of *Halakhic* norms that, he assures us, are the legislation of an ideal state of existence, and that are binding unless elements among them are found to violate reason. And he is fully confident that we will find moral-- and thus, in his definition, rational-- elements undergirding all of *Halakhah*. Our task is not to sample and choose from among the *halakhot* but to work to bring them more closely in line with their fundamental, rational bases. Schwarzschild cites Samson Raphael Hirsch on the subject:

> The one necessity is to forget inherited views and non-views about Judaism; to take the sources of Judaism, *tanakh*, *shass*, *midrash*; to read, study, and understand them for purposes of living; from them to draw Jewish conceptions of God, world, humanity, and Israel in their historical and doctrinal dimensions; to understand Judaism from within itself and to make for oneself a science of the wisdom of life out of it.[69]

Our responsibility is to apply reason to revealed texts in a specific, limited way. "Philosophy does not, in any primary sense, apply the canons of reason to

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[68]"The Personal Messiah-- Toward the Restoration of a Discarded Doctrine", The Pursuit of the Ideal, page 24.

[69]Samson Raphael Hirsch, Nineteen Letters About Judaism, 4th edition, Frankfurt am Main, 1911,, page 106, quoted in "Reason in Contemporary Jewish Theology", Central Conference of American Rabbis Yearbook, LXXIII, New York, 1963, page 199. To our knowledge, Schwarzschild never really addressed the possibility that certain laws might seem, after careful, rational consideration, to be immoral and not based in any higher ideal. The laws of *mamzerut* and of the *agunah*, for example, do not seem to yield a higher kernel of ideal *Halakhah* not matter how closely they are studied.

Revelation, for then it would distort the content of Revelation to accommodate it to the human recipient."[70] For Schwarzschild, the actual role of reason-- that is, philosophic reason-- is threefold. 1) First, it has the task of analyzing our environmental and personal pre-judgements, and purifying our minds of them so that we may receive Revelation in the most logical, unfiltered state of mind. Thus, philosophy tells us not how to read the Bible, but how not to read it. Reason enables the individual to "clear his heart and soul of every accoutrement other than his elementary humanity with which God endowed him and to which God addresses Himself."[71] This is the *emunah tzerufah*, the "purified faith" of Jewish philosophy. 2) Second, philosophy must push its own explanations of the world as far as humanly possible, to determine, as Kant did, the critical limitations of reason; that is, the border of faith. Reason is then employed to understand the concepts inherent in the "special moral logic which faith embodies",[72] and which are beyond philosophical reason.[73] We thus seek to identify the higher moral rationale behind such elements of religious logic as the principles of Talmudic hermeneutics, which are themselves Revealed elements, and not, apparently, the result of philosophical reason, but of some distinct, moral process of reasoning that we do not comprehend. 3) Finally, reason is employed to seek to achieve the ultimate union between reason and faith that occurs only at the highest level of both. This last "task" of reason

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[70]"Reason in Contemporary Jewish Theology", Central Conference of American Rabbis Yearbook, page 206.

[71]Ibid., page 207. On this subject Schwarzschild quotes *Ba'al HaTurim* to Numbers 1:1: "Unless a man make himself bare as the desert, he cannot come to know Torah and *mitzvoth*." The original quote is from *Bamidbar Rabbah, Parshat Kedoshim*

[72]Ibid., page 210.

[73]It is here, I believe, that Schwarzschild's rationalism meets the idea of the "numinous" of Rudolf Otto that Cohon found compelling, and the "irrational core" of religion that Petuchowski accepted. In effect, Schwarzschild claims that religious logic simply has its own underlying reasoning which is distinct from philosophical reason.

requires some explanation, and it is in this area that Schwarzschild makes profound observations about both reason and faith, and about authority and autonomy.

Reason and Faith

In Schwarzschild's view one of the central differences between philosophy-- that is, philosophical reasoning-- and faith is in the area of ontology. Faith considers human beings and the world as created entities, dependent upon God for their existence, and "the very opposite of self-made".[74] While there are varying degrees of this idea present in all Western religions-- from liberal religions, which see humans as largely independent beings who originate in a power beyond themselves, all the way to Calvinism's predestinarians-- all see the human being as an entity created by an outside will, that of God's. For Schwarzschild, this is at the heart of religion, and of faith.

Philosophy, by contrast, is the assertion of the power of the human being and of the individual's reason. It must "arrive at the view that man is ethical only in direct proportion to the degree to which he makes himself, his world, and his laws." For Kant, a heteronomous law is not a moral law at all; only autonomy is ethical. Hermann Cohen believes that the world is literally "made", not simply understood or ordered, by reason.

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[74]The quotations in this summary and analysis all come from "Reason in Contemporary Jewish Theology", pages 212-214.

This would seem to require an irreconcilable conflict between the deepest impulses of faith and reason. "The search for autonomy is virtually synonymous with philosophical reason, while the sense of creatureliness and dependency lies... at the very root of religion."[75] To deny faith or reason their basic orientation would be to corrupt them; to try to strike a compromise between them would result only in a shallow, unstable amalgam. All that the "dedicated searcher for truth" can hope for is that faith and reason will continue to pursue their own paths, ultimately to be united when the Messiah comes; as Schwarzschild *drashes* the prototypic Messianic verse,

> ... "on that day the Lord will be One and His name One"-- that is, that somewhere in the asymptotic future the philosophic truth, pursued with philosophically rigorous method, will merge into the theological truth pursued with equivalent rigorous and self-contained methodology.[76]

The "asymptotic" future, the continuous approaching of these perpetually separated quests, can only be modified by the Messiah. Faith and reason, pursued with idealistic vigor, can come progressively closer to each other-- but only the Messiah, whose arrival will be an event that changes the fundamental components of the world, can truly conjoin them.

But Schwarzschild does see glimmers of Messianic light breaking through into our own cloudy universe. At the highest levels of faith and reason the "upper levels lose their contradictoriness, and the unity of divine truth" shines forth. While faith sees human beings and the world as created by God,

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[75]This highlights a key point in the debate of authority against autonomy in contemporary Reform Judaism: those who claim that autonomy is the essence of liberal religion, in effect, read "philosophy" for religion, and accept the absolute primacy of autonomy to the exclusion of community. Petuchowski puts it slightly differently, although the meaning is unchanged: "those liberal Jews who insist on unqualified autonomy are surely liberal but not necessarily Jews." ("Toward Jewish Religious Unity: A Symposium", Judaism, Volume 15, Number 2, Spring 1966, page 143). We shall return to this point in our final chapter.
[76]"Reason in Contemporary Jewish Theology", page 213.

and "abhors the very possibility of self-making", there are certain rabbinic passages that appear to grant us the power of self-creation. *Midrash Rabbah* to *Bekhukotai*, Leviticus 26:3, says

> "And My commandments you shall keep, and you shall do them, *va'asitem otam*." Said R. Chama bar R. Chanina: "If you keep the Torah, behold I will account it to you as if you made (not did) the commandments."

And as if this promise that God's heteronomous law can be turned by those who observe it into self-made, autonomous law were not sufficiently revolutionary, the passage takes one further almost blasphemous step:

> Said R. Chanina bar Pappa: "God said to them: 'If you keep the Torah, behold I will account it to you as you had made yourselves and as if you had made the commandments.'"

As Schwarzschild puts it,

> Morally speaking, what these two sages said teaches that in the process of fulfilling God's law the law becomes so ingrained that it seems to be no longer commanded from the outside but simply the manifestation of what man himself would want in any case to do.[77]

Ultimately, this will result in the covenant being written upon our hearts:[78] the new covenant of the Messiah will constitute the "coincidence of the divine heteronomous and human autonomous law". On the highest level, faith itself proclaims that we human beings, by incorporating into themselves the *Halakha*, make not only our own law, but even ourselves and our world.

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[77] Ibid., page 213.

[78] A point made earlier by Cohon; see "Authority in Judaism", page 37, based on Mishna Avot VI:2. Schwarzschild also references "the prophet" who states that the commandments will be written on the tablets of the heart rather than tablets of stone; I presume he is referring to either Jeremiah 31:31-33, *ki zot habrit asher ekhrot et beit Yisra'el akharei hayamim haheim, n'um Adonai, natati et torati b'kirbam v'al libam ekhtovenah, v'hayita lahem l'Elohim v'heima yih'yu li l'am*, or possibly one of two famous passages in Ezekiel, 11:19 or 36:26: *v'natati lahem lev ekhad, v'ru'akh khadashah etein b'kir'b'khem, vahasiroti lev ha'even mi'b'saram v'natati lahem lev basar.*

Similarly, we discover that there is a level of rational philosophy where the insistence on human independence must be qualified. Even the most outspoken advocate of legal positivism

> ... must stipulate a rational, natural *Grundnorm* as a "minimally necessary natural law" to justify the idea of the social contract and to provide a last resort of freedom and morality.[79]

Rational philosophers find that they too, are faced with a dilemma: they cannot do without the idea of a natural law, but they cannot justify the idea of it either. As Schwarzschild puts it "We ought to have it and we ought not to have it at the same time." Thus it turns out that even

> ... the reason which demands the self-making on the deepest level has to turn to some authority outside of itself, and the faith which can see only dependency on the deepest levels breaks loose into self-creation. The roles are reversed, or rather, self-making is possible only for the human creature, and the human creature messianically attains to autonomy.[80]

For Schwarzschild, the final function of reason is to explore the established truths[81] of faith to "their radical ends", even as reason must extend itself to the farthest reaches of its own, philosophical sphere. All contradictions will ultimately be resolved in the Messianic "kingdom of truth" that awaits.

Here, Schwarzschild discerns elements of the great unity that underlies-- or, perhaps, overarches-- all existence. Yet a fundamental discontinuity lingers in his own thought in the area of revelation.

II. Revelation

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[79]"Reason in Contemporary Jewish Theology", page 214.
[80]Ibid., page 214.
[81]It seems to me that by "established truths" here he means "revealed truths", which presents a problem we shall examine in exploring his view of revelation.

As Schwarzschild expresses it, no matter where we turn philosophically and theologically, "there is just no escaping reason".[82]   This leaves a fundamental question, "whether... there is any room left for revelation, and if so, what revelation means, and why and how it functions."[83]   While he noted in 1982 that "I have begun to try to consider this in some other places",[84] he never published an analysis of where revelation fits into his Neo-Kantian understanding of Judaism.   José R. Maia Neto contends, with substantial justification, that

> Schwarzschild is a strict rationalist who strongly believes that Judaism (rabbinic tradition as well as Jewish philosophy) is, essentially, a critical/rational analysis of religious/philosophical texts... revelation is not relied on as the basis of Jewish thought... [85]

But this analysis is difficult to reconcile with Schwarzschild's own comments in his article about Samson Raphael Hirsch, where he contends that "Sinaitic revelation" is an essential tenet of Judaism.[86]   If the texts in question are simply "religious/philosophical texts", and thus of human origin, what sort of "Sinaitic revelation" is Schwarzschild requiring Jews to believe in?   Just what does revelation consist of?

We are now moving into an area in which we must speculate about what Schwarzschild might have said about revelation; again, this is a somewhat

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[82]"Authority and Reason Contra Gadamer", page 167.

[83]Ibid., page 167.

[84]Ibid., page 167.

[85]"The String That Leads the Kite", page 229.

[86]See "Samson Raphael Hirsch-- The Man and His Thought", Conservative Judaism, Winter 1959, pages 32 and 44. In other articles he also mentions revelation as a though it were a given, as when he states that "We must, indeed, go forward to a more wholehearted re-submission to the... theological realities of God and Revelation" in "To Re-Cast Rationalism", Judaism, Volume 11, Number 3, Summer 1962, page 207.

hazardous venture. We shall thus endeavor to build our argument carefully, based on what we do know about his thinking.

First, for Schwarzschild, the essentially Jewish element in philosophy, the "Jewish twist",[87] is what Kant termed "the primacy of practical (=ethical) reason". It is this which makes monotheism "ethical". Our task, which can never be fully realized (at least not until the Messiah comes), is to attempt to discern the moral course in every circumstance we encounter, and attempt to move the world in that direction. What we are attempting to do in our examination of traditional texts is to rationally discover God's ethical purposes underlying God's legislation; these principles are encapsulated in the *Halakhah*. These ideal ethical bases and principles, which point the way towards a Messianic fulfillment, form the substance of Revelation.

It should be noted that there is an inherent problem with the process Schwarzschild describes. Inevitably there will be circumstances in which the sincere, thoughtful attempt to discern the proper moral course in a situation will not lead to resolution. Compelling ethical arguments can made on both sides of many controversial societal issues, just as there will be disagreement among Jews on what God's underlying ethic is for a given *Halakhah*, and how we might best attempt to realize that ideal. The similarly reasoned and sincere pro-life and pro-choice positions in American society-- like the differences between Reform and Orthodox Jewish positions on abortion-- illustrate the difficulty of finding a clear moral course of action on just one important issues. Similar

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[87]A phrase he uses in several places; notably in "An Agenda for Jewish Philosophy in the 1980's", page 111.

differences exist on issues of euthanasia, sexual ethics, and many other controversial subjects. Our task may be to seek the moral course in every set of circumstances, but determining the "only" moral course is, based on a variety of equally reasonable-- or equally unreasonable-- options may simply be impossible.

We conclude that what Schwarzschild believes was revealed at Sinai is both the primacy of ethics itself and the ethical principles that, in his opinion, form the basis for *Halakhah*. That is what is woven into the very fabric of Torah, and which each generation has the responsibility of discovering for itself. Each generation's task in interacting with this document of revelation is to discern the ethical imperatives that underlie the *Halakhah* we have received from our predecessors, and adjust the *Halakhah* to more effectively work towards the accomplishment of the fundamental ethical ideals it is designed to implement. Schwarzschild does not specify who is to make this determination; but his advocacy of the *halakhic* lifestyle means that it is to be a task that accompanies a high level of Jewish practice.

Schwarzschild's understanding of revelation and tradition is thus similar to the traditional concept that all elements of the oral tradition were revealed to Moses on Sinai, and we are merely rediscovering them. To add a piece to Kellner's formulation,[88] Messianism *is* Judaism which *is* Kantianism which *is* reason which *is* Halakhah which *is* personal and political ethics-- whose essence is the content of Revelation.

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[88]"Introduction" to The Pursuit of the Ideal, page 9. See above, under "Messianism".

Having completed our speculative exercise, we are compelled to admit that while this theory may, in fact, be the direction that Schwarzschild's thought seems to be leading, he himself contradicted elements of it in the address he gave to the CCAR Convention in 1963, entitled "Reason in Contemporary Jewish Theology". In this talk he seems to vacillate between two positions on revelation; both, however, appear to embrace a far more literal form of revelation than we have ascribed to him thus far. First, in speaking about literature, he notes that many texts exist that were at least as influential in the course of the history of religion as the Bible, Talmud, and *siddur*. "The one single *differentia* between Scriptures and (other) religious literature is, presumably, that the former is-- not Jewish but-- divine.... at least hypothetically, we must be open to the real possibility that all of Torah is divine."[89] Later he is more specific as to his own point of view. The traditional point of view, he explains, views even the hermeneutic rules of Talmud interpretation as having been revealed together with the Torah at Sinai. This was done to exclude all human factors-- that is, historical elements-- from influencing not only the text but even the interpretation of Scripture.

> And the totality of the Word of God, *torah shebichtav* and *torah she-b'al-peh*, Scripture and interpretation-- including "the question which a wise student is destined to ask in the future"-- constitutes Torah, Revelation.[90]

[89]"Reason in Contemporary Jewish Theology", Central Conference of American Rabbis Yearbook, page 200.

[90]"Reason in Contemporary Jewish Theology", Central Conference of American Rabbis Yearbook, page 205. It is not clear how this Revelation of the Torah, Oral Law, hermeneutic principles, and *ta'amim* was accomplished, whether verbally, by inspiration or vision or some other means. This is true even if we understand the content of Revelation to be the ethical principles underlying *Halakhah*. To our knowledge, Schwarzschild simply does not specify how the Revealing was done. It is also not clear just what "we must be open to the real possibility that all of Torah is divine" means. For Schwarzschild, this is not just a real possibility, but in some way a reality.

This belief in the direct Revelation of Scripture is also reflected in the limited role that he assigns to reason in Judaism: *Torah she-b'al-peh* must be read and applied by us so as to try to discern its true, divine subject matter, unalloyed by the human element of history. Schwarzschild notes that this doctrine of complete Revelation of all Jewish knowledge, "incredibly reactionary as it may sound, actually works out-- in an operational sort of way". He believes that all knowledge was revealed at Sinai, and we are simply uncovering elements of that knowledge and discovering their truth. To demonstrate the "operational" effectiveness of seemingly unimportant bits of the Revealed tradition, he uses the example of the *ta'amim* for Torah reading. His own experience as *ba'al k'riah* has convinced him that even the *trop* are "Sinaitically revealed".[91] The cantillations, when properly employed, allow the meaning of Scripture to emerge "more nearly correctly", that is, closer to their essential nature. Note, however, that the revealed quality of the *trop* becomes clear in "an operational sort of way"-- that is, their divine origin emerges when they are applied and assessed by reason.

There is a great deal of intellectual tension between Schwarzschild's rationalism and his attitudes towards Revelation at Sinai. I do not believe that Schwarzschild ever completely reconciled the two.[92] There is an inherent and unresolved contradiction between his apparent belief in a literal Revelation of

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[91]We do not believe that he is referring to the *trop* symbols here-- certainly Schwarzschild was aware of the Masoretes' debate over which written cantillation system to use-- but of the functional way that the *ta'amim* work to punctuate and bring out the meaning of the text; that is, the underlying purpose, the ethic, if you will, of the *trop*.

[92]However, we can clarify Maia Neto's statement a bit if we make a distinction between theology and philosophy: clearly, Schwarzschild saw no need for revelation in the area of Jewish philosophy; but in the area of theology, Revelation was central. This may or may not prove to be a helpful distinction: at the highest level, Schwarzschild sees theology and philosophy achieving the same goals.

text-and-interpretation[93]-- indeed, all of Jewish sacred literature-- at Sinai and his Neo-Kantian/Cohenian/rationalistic conception of the world. Our suggestion that he viewed the *ikkar* of Revelation to have been ethics might ease some of the intellectual tension, but when he spoke of a Messianic reconciling of reason and faith[94] he might well have been describing a reconciliation that his own, personal beliefs required.

An Analysis of Schwarzschild's View of Authority in Judaism

At first-- and, perhaps, second and third-- glance it is not at all clear that Schwarzschild belongs in a discussion of liberal Jewish thought.[95] As a philosopher of *Halakhah*-- Kellner notes that only Schwarzschild's contemporary and friend Joseph Baer Soloveitchik wrote more on the philosophy of *Halakhah*-- he makes it quite explicit that *Halakhah* is of divine origin and represents the only path to the Messiah, a path we are all morally

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[93]This might also be phrased as "Scripture and Tradition" or *Torah shebikhtav* and *Torah she'b'al peh*. Cohon and Petuchowski speak of tradition, while Schwarzschild tends to use the term "interpretation".

[94]See above section, entitled "Reason and Faith".

[95]Between them, Schwarzschild and Petuchowski demonstrate the inaccuracy of both denominational and political labelling. Petuchowski was, beyond question, a Reform Jew and a religious liberal, who believed that individuals are not only permitted to choose between elements of the tradition, but obligated to make informed choices. His conservative leanings on American political issues-- at least, more conservative than most of his fellow Reform rabbis-- and his fervent dislike for the activist liberal political agenda of such institutions as the Religious Action Center branded him a "right-winger" in the eyes of many colleagues. Schwarzschild, on the other hand, was essentially a *Halakhic* Jew who believed that a life observant of *Halakhah* was not only appropriate for all Jews but was, in fact, rationally and Messianically obligatory. In this, he really cannot be said to have been, in any religious sense, a liberal Jew. Politically, however, he was a socialist and pacifist, and believed ideologically and firmly that liberal-- some would contend radical-- social activism was Jewishly mandated: "Universalism is in the Jewish, as in everyone else's, interest. This I take to be the significance of the rabbinic dictum that Jewish troubles are only half-troubles; human troubles are fully Jewish troubles." ("Jewish Ethics Today", The Pursuit of the Ideal, page 135). In effect, Schwarzschild was, religiously, fairly conservative but a political liberal--even radical-- while Petuchowski, regardless of his preference for traditional liturgical elements, was a religious liberal and a political conservative.

obligated to attempt to travel. While his primary intellectual influence was Hermann Cohen, it is Schwarzschild's own version of Cohen, in which German liberal thought is used to undergird a thoroughly Orthodox practice. When Eugene Borowitz notes that Schwarzschild "practically ordained Kant and posthumously converted Sartre",[96] he is telling only half the story, for Schwarzschild also posthumously converted Cohen into an Orthodox Jewish theologian. His use of non-Jewish philosophers like Kant because they share his central premises-- and his exclusion of Jewish philosophers, like Spinoza, because they don't-- may have evoked critical comment in traditional circles-- he alludes to some-- but it speaks more to his intellectual integrity and lack of provincialism than it does to his liberalism. Schwarzschild's universalism is a universalism based on ethics, which for him, significantly, is the same as *Halakhah*.[97] If "*Halakhah* is the body of law of the Jewish polity"[98] and not, in all its particulars, binding on non-Jews, it is nonetheless the only pathway to the Messiah for Jews.

But in assessing Schwarzschild's understanding of authority in Judaism, we must begin with a passage cited earlier: "I think... that the only authority

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[96]"Memorial Tribute: Steven Samuel Schwarzschild", necrology in CCAR Yearbook, Volume C, CCAR, New York, 1990, page 212.

[97]We must note, however, that Schwarzschild interprets *Halakhah* in a way that can only be described as intensely ethical: he is concerned with finding the path within *Halakhah* that advocates the most morally defensible position possible, even when that position appears to be substantially weaker than another when analyzed by typical forms of Talmudic reasoning. (He argues, in particular, against the Jewish chauvinism and bigotry in many of the more *makhmir* anti-gentile sentiments present among certain elements of the Orthodox community-- see, in particular, "Jewish Ethics Today", The Pursuit of the Ideal, pages 117-135). Nonetheless, he is searching specifically within *Halakhah*, and considers it the path that Jews must take if they truly wish to adhere to God's wishes. One further note on universalism: Schwarzschild does note that "the primacy of practical reason is, as its name declares, rational and, therefore, universal." Others, such as Kant, can discover the primacy of ethics, and develop their own systems. Inevitably, however, at the ideal level they will become the same as *Halakhah*, which is, for Schwarzschild, also rational.

[98]"The Question of Jewish Ethics Today", The Pursuit of the Ideal, page 117.

Judaism can acknowledge is no authority that 'is' (be it a person, an institution, or a book...), but only an authority that ought to be."[99] In effect, the highest authority-- indeed, the only authority-- for Schwarzschild is the Messianic, "radical" ideal of how things ought to be. In practical terms, what does this mean?

First we must ascertain who or what it is that determines the ideal behavior for a given situation. Schwarzschild believes that *Halakhah* is binding as it represents Messianic legislation,[100] but it is a *Halakhah* that has been carefully analyzed by reason to determine its ethical, rational bases; the existing law is then measured against these ethical goals, and a course of action is determined which reflects the underlying ethics of the *Halakhah*. This process, which begins with the presupposition that all elements of *Halakhah* have an internally rational basis, would seem to insure that the resultant actions fall somewhere within the confines of *Halakhah* (although this may not always be the case; for example, Schwarzschild's *halakhically*-reasoned pacifism would seem to conflict with the Talmudic concept of a just war).

In this system, is there any form of executive authority that takes precedence over individual reason? While Schwarzschild stresses the binding nature of *Halakha*, which represents the ideal legislation leading ultimately to the Messiah, he nonetheless leaves it in the hands of the individual to choose to observe it. If they choose not to do so, or if groups of Jews choose not to do so, *Halakhah* itself suffers no damage; it is the individual Jews who have been

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[99]"Authority and Reason Contra Gadamer", page 175.
[100]In both concepts of the term, as the legislation of the perfect society, and perhaps also as legislation that, if observed, would bring the Messiah. See above, in "Messianism".

deprived "of their share in the glory of Israel."[101]   For his part, he argues persuasively that *Halakhah* is <u>the</u> rational choice; but it remains a choice.   It is here that his liberalism lies; he may think that the *halakhic* lifestyle is the best rational, ethical way to live, and he argues as much; but his liberal beliefs will not countenance any form of authority that would obligate the individual to observe Jewish law.

Absent in Schwarzschild's work is any concept of the operative executive authority of the Jewish community or congregation, not to mention the rabbi. Superficially, it would seem antithetical to his emphasis on the individual discovery of morality to include such an authority; but *halakhic* observance requires a *halakhic* community, and this would inevitably subject the individual to some form of operative authority.   There are hints within his work that, like Petuchowski, he regards a consensus of contemporary Judaism as authoritative, and the unity of the people of Israel as an authoritative principle in matters of personal status:

> I mention only in passing the Reform rabbis who, also in my community, violate conspicuously not only Jewish law but also the explicit consensus of historic and contemporary Reform Judaism and who continue to injure the unity of the people of Israel and the effectiveness of their colleagues by officiating wholesale at mock-Jewish intermarriages.[102]

While his disapproval of rabbis who perform intermarriages is evident-- and was shared by Petuchowski and Cohon-- there is not enough evidence here to conclude that he would have accepted any real authority of the community over the individual even in a general sense.   Such a position may exist elsewhere in

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[101]"On the Theology of Jewish Survival", The Pursuit of the Ideal, page 89.   He notes here also that "The inviolability of Jewish law and religious substance affirms their sanctity and viability beyond impertinent individual or collective amputation to the point of death."
[102]"On the Theology of Jewish Survival", The Pursuit of the Ideal, page 89.

his writings; however, we have not seen it spelled out fully, and cannot presume its existence from available evidence.

In the realm of non-executive authority, Schwarzschild recognizes the epistemic authority of the entirety of both the *Torah she'bikhtav* and *Torah she'b'al peh*. As the revealed will of God, and representing within themselves the divine *halakhic* path to the Messiah, they possess a very strong form of epistemic authority indeed. If we wish to live ethical, rational lives we will turn to these invaluable sources for guidance. Schwarzschild also recognizes the epistemic authority of philosophers like Kant and Hermann Cohen (and, one must assume, himself). They have the ability to rationally explore and thus uncover the Messianic ideals of ethics that should shape our conduct.

Schwarzschild says nothing about authenticity authorities, although from his highly positive comments about a variety of thinkers-- and his extremely negative comments about others, such as Heidegger-- we must assume that he does pay close attention to the personal lives of those whose ideas he analyzes. In the area of theology he would doubtless agree with Borowitz' comment that "a theologian's life must be first evidence of his teaching".[103] Nonetheless, it is the ideas themselves he is interested in, and which he sees as the epistemically authoritative informing agents that help us shape our own lives. If there is authenticity authority in Schwarzschild, it is far weaker than epistemic authority.

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[103]Eugene Borowitz, "Faith and Method in Modern Jewish Theology", Central Conference of American Rabbis Yearbook, LXXIII, New York, 1963, page 215.

Ultimately, for Schwarzschild, what is authoritative for our actions is the end result of three elements: our Messianic vision of how the world ought to be, and a combination of reason applied in a systematic way to *halakhic* tradition, which serves the double function of correcting the implicit faults in our Messianic vision and in our understanding of the received *Halakhah* . This process will provide us with ethical underpinnings for our actions.

Sociologically, Schwarzschild's view of authority includes legal/rational and traditional components, but no concept of charismatic authority at all.[104] It is also not entirely clear how a society based primarily on the exercise of reason-- even within the parameters discussed above-- would actually function. Once more, we enter the realm of speculation; but we can derive certain conclusions from Schwarzschild's work. First, *Halakhah* serves as a *de jure* legal/rational authority, although its *de facto* authority is entirely dependent upon the voluntary choice of individuals to adhere to its legislation. Next, the authority of both the written and oral Torah, including the hermeneutics for its evaluation, are legitimized by their basis in tradition. If Schwarzschild really means his claim that all of Torah was revealed at Sinai, then these elements also will share legal/rational authority, based on their divine origin. The absence of any acknowledgement of the element of charismatic authority would seem to present certain difficulties for Schwarzschild, particularly with regard to the role of the prophet. If he or she is viewed merely as the vehicle of divine revelation, that is, as a sort of intellectual construct of a person then perhaps the problem is avoided; it is also possible that Schwarzschild would consider only

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[104]Like Petuchowski, Schwarzschild has a certain amount of disdain for "value-neutral" disciplines like sociology.

the prophet's ideas-- his or her message-- and not his or her person, as authoritative, and certainly the ideas of a charismatic individual form one element of his or her authority. But there is no provision in Schwarzschild's thinking for the prophet who possesses not the authority of pure reason but of charismatic power. One must assume that such an individual could not truly exist in Schwarzschild's conception.

Is Schwarzschild's concept of authority in Judaism persuasive or useful? We have pointed up some apparent contradictions within it and believe that these flaws render the version we have pieced together-- admittedly, just the scaffolding of a reasoned construction-- less than convincing. There are, however, extremely valuable elements within it. In particular, Schwarzschild's neo-Kantian vision of the need to constantly strive for an ethical ideal, of practical reason (that is, ethics) as the guiding principle for any authoritative system, must serve as an important principle that ultimately justifies any type of legitimate religious authority. And his activist, Messianic vision of our human task provides both the prophetic dream and the practical impetus-- in short, the authority-- for us to change ourselves, and our world, for the better.

Chapter Six

Conclusions

In our investigation of the concept of authority in liberal Judaism each discipline and thinker we have examined has provided important insights into the way that authority works in an open society. Philosophical exploration of the issue provided a vocabulary and a classification system for identifying and evaluating different kinds of authority and allowed us to examine the consequences for authority of a particular philosophic or religious position. Sociology highlighted the centrality of authority to the formation and continuing existence of any community and identified some of the major components that legitimize authority for the members of that community. Finally, each of the theologians[1] whose work we examined have contributed substantially to our understanding of authority in liberal Judaism.

From Samuel S. Cohon we gained an appreciation for the way that authority has evolved in traditional Judaism, an understanding of the way that a qualified form of autonomy would work in Reform Judaism, and a model of authority based on a combination of revelation and reason. We also saw the importance of having that whole process guided by the best-informed and most able Jewish scholars of each generation. From Jakob J. Petuchowski we

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[1]Schwarzschild certainly preferred the term "philosopher" to theologian, but his distinction is very, well, academic. See his comments about Menachem Kellner's categorization of him as a theologian in the "Afterword" to Pursuit of the Ideal, pages 252-53: "My friend Prof. Menachem Kellner... thinks of me as a theologian. I suppose what he has in mind is that Jewish religious concerns are, indeed, never out of my mind and often on my lips. Just the same, I think of myself as a philosopher... But the difference between Kellner and I (sic) on this score is merely verbal; a good philosopher has to be ideally a Jew (as I have learned from Hermann Cohen and believe to be true), and when he or she is an actual (and thoughtful) Jew you can also call him or her a Jewish theologian."

learned of the centrality of the personal experience of commandment and revelation, of the important function of authenticity authorities, and of the possibility of a *halakhic* theory that allowed for large measures of both individual and communal choice while seeking to preserve the Jewish quality and continuity of *klal Yisrael*. From Steven S. Schwarzschild we learned the crucial distinction between the individual autonomy of philosophy and the community-based, qualified heteronomy of religion. We also came to appreciate the importance of an overriding ethical idealism, which dictates that authority should always serve to improve the state of the world.

Each theory of authority which we have examined has enhanced our understanding of both ideal forms of authority and real ones. All have strengths and weaknesses, as will the outline of a theory of authority that we shall propose. In the full spirit of liberal Judaism, we have closely examined these traditions, consulted appropriate epistemic and authenticity authorities, and are now proposing an approach to authority in liberal Judaism that we believe has relevance for today's Jewish world. For obvious reasons, we have not attempted to ground this theory in a comprehensive theology, or even necessarily in one theological approach; perhaps it is best described as a pragmatic attempt to sum up the practical conclusions we have reached on the appropriate functioning of authority within a liberal Jewish context.

Petuchowski's "plural models within the *Halakhah*" have helped to clarify the different settings in which authority must function in liberal Judaism. 1) First, authority is at work in establishing the methodology that the individual Jew uses to determine his or her Jewish belief and observance. 2) Second, authority is

involved in the process that the congregation or community uses to determine who belongs to it, and what sorts of theological beliefs and Jewish practices it wishes to represent and advocate. 3) Third, within the totality of *klal Yisra'el*, authority affects which methods are used to determine who belongs to the greater people of Israel. We shall outline and examine our conclusions about the way that authority works in each situation, and make suggestions on how we think it ought to work in each setting.

Liberal Jewish Authorities for the Individual

We begin by acknowledging the obvious: there is no warrant for the exercise of any form of executive authority over the solitary individual within liberal Judaism. All three of our theologians[2] agree that the nature of modern and contemporary liberal Jewish observance-- in fact, all religious observance in post-Emancipation days-- is voluntary. It has been suggested that this is not only a fact, but the central one of contemporary Jewish existence:

> ... emancipation and not enlightenment is... the key variable for modern Jewish faith. Authority became the main theological concern instead of merely the prerequisite to other concerns because authority, religious as [well as] political, came to rest in the people's voluntary consent to be ruled by it.[3]

It is evident that, in democratic societies which recognize the concepts of individual rights and religious freedom, no human executive authority exists who can define the structure of the relationship between an individual adult Jew and God.

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[2]As do virtually all liberal Jewish thinkers today, and for most of the past 150 years.

[3]Arnold Eisen, "The Search for Authority in Twentieth Century Judaism" in Religion and the Authority of the Past, edited by Tobin Siebers, University of Michigan, Ann Arbor, 1993, page 235.

It would, however, be a mistake to assume that no Jewish authority at all exists for the individual. First, the individual Jew may voluntarily submit himself or herself to an executive authority by joining a religious community or congregation. While such association is voluntary, it carries with it responsibilities, and obligates the individual to certain communal standards during the time that he or she maintains the association. Thus, the accepted level of personal conduct of the community in general, and the normative standards of Jewish behavior expected of the congregation's members both serve as executive authorities for the individual Jew. Congregants are expected to fit into certain roles in congregation and community; failure to observe those behavior patterns may lead to some form of censure, and even possible exclusion, at least from the synagogue community.[4] While complete exclusion from congregational membership is often restricted to those who violate financial rules or to individuals who have openly professed another religion, other, less extreme forms of discipline are often employed. Imperative executive authority is exercised over congregants in the area of life cycle events. For example, in order to publicly celebrate a child's Bar or Bat Mitzvah his or her parents are typically required to send the child to several years of religious school and some direct form of training; prior to a wedding, a rabbi or may require a series of pre-marital counseling visits, or enrollment in a class; those Jewish clergy who do perform intermarriages often insist on some sort of

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[4]It is true that the *herem* no longer is a viable instrument of authority, and never was one for liberal Jewish communities. However, other forms of exclusion may have a similar result: members are regularly removed from membership in synagogues and Jewish community centers for failure to pay dues. In smaller Jewish communities with one synagogue, this may have the effect of denying those individuals access to Jewish educational opportunities and life cycle services.

verbal commitment to "raise our children as Jews".[5] Where such authority proves ineffective, sanctions are often employed. Life cycle services may be denied (as when temples refuse to Bar or Bat Mitzvah a child who has not attended religious school, or rabbis refuse to perform an intermarriage), membership in sub-organizations (such as *Havurot*) within a congregation may be withheld, typical congregational and community honors will not be forthcoming, and so on. In such cases, the autonomous individual who joins a community organization becomes subject to the operative executive authority of that organization for as long as he or she remains a member, and is also subject to the accepted political-legal authority of the official functionaries-- rabbis, boards of trustees, community leaders-- within that organization. If we wish to observe Hillel's dictum *al tifrosh min hatzibbur*,[6] we must submit ourselves to the executive authority of the community in several areas that affect at least our ceremonial interactions with God.

The role of executive authority for the individual in religious education must be accounted for as well. The internalized effects of an early religious education-- both at home and in a school setting-- remain well into adulthood; the reaction to such education may be positive or negative, but in psychological terms it often colors the person's subsequent religious experience. The Talmudic ages of five for study of Scripture, ten for Mishnah, thirteen for the

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[5]It should be noted that such stipulations about the rearing of the child are essentially unenforceable (Steven Cohen's recent demographic study showed no statistical difference in the religion in which a child was reared between intermarried couples who were married by a rabbi and those who were not: in both cases about 17% of the children were being raised as Jews). The executive authority here lies in compelling the couple to recite a specific verbal formula, "We will raise our children as Jews".

[6]Avot 2:5: "Don't separate yourself from the community and don't trust in yourself until the day of your death..."

mitzvoth and fifteen for Talmud[7] were not solely determined on the basis of educational development; to borrow a tradition from another faith, Ignatius Loyola, founder of the Jesuit order, is supposed to have said, "Give me the children until the age of seven; anyone may have them after that."[8] Where children follow in the pattern of their upbringing, such early indoctrination can lead to an internalized version of religious authority, regardless of any outside pressures. Where children choose to rebel against their parents and the lessons of their early education, they will often also rebel against that religious authority, or may rebel against religiously indifferent parents by becoming more religious. While this is not the place to explore the psychological components of authority, it is clear that the position of children as subjects of executive authority at an early age is often internalized, so that our experience of non-executive authorities at a later point in life is affected.

Next, a broad spectrum of non-executive authority exists for the individual. Better-educated Jews, including rabbis and other teachers, serve as epistemic authorities in the field of Jewish knowledge and morality.[9] Individuals who demonstrate religious piety and integrity serve as authenticity authorities in the realm of Jewish observance. Jewish texts serve as epistemic authorities as well: *Tanakh, Midrash, Talmud, Halakhah,* philosophy, ethical writings and *musar* literature may all serve as non-executive epistemic authorities in the area of morality, supplying information and ethical ideas that the individual employs

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[7]Avot 5:24: *(Yehudah ben Taima) Omer: ben khameish shanim lamikrah, ben eser shanim lamishnah, ben shlosh esrei lamitzvot, ben khameish esrei laTalmud...*

[8]Quoted in Will and Ariel Durant's The Reformation, Simon and Schuster, New York, 1957, page 913.

[9]See Barry S. Kogan's article "Reason, Revelation, and Authority in Judaism: a Reconstruction" for a view of liberal Jewish authority based in epistemic authority.

in his or her choices about the sort of life that he or she will live. And of course, parents may also continue to be considered epistemic and authenticity authorities in the area of religion.[10]

On the individual level, we conclude that the individual Jew uses his or her reason to choose between Jewish beliefs and practices about which he or she is informed by a variety of nonexecutive epistemic and authenticity authorities. The adult's freedom to choose in the area of practice is, however, limited by the degree of community that she or he wishes to experience: sociology has taught us that there are no communities that provide for total individual autonomy in every area of conduct. Some degree of conformity will be required by membership in any religious group. Even where, officially, such conformity is extremely limited-- pay your dues, state that you or your spouse is Jewish-- the amount of benefit and sense of belonging that one experiences will often be proportionate to the degree to which one shares communal standards and participates in the typical religious experiences being offered.

In the area of belief, the question is more subtle: full autonomy of thought is guaranteed to each individual by the nature of an open society,[11] but full autonomy of expression of that thought in a community context may not be. One might, of course, not speak about his or her religious beliefs; but if one is, for example, a born Jew but lives as a Messianic Christian intent on converting

[10]Balanced against this we must recognize the tendency of many adolescent and adult children to rebel against and even ridicule the authoritative parental role in religion. This has been particularly noticeable in American Judaism as Woody Allen's movies and Phillip Roth's novels (and so many others...) demonstrate.

[11]As Frank Loesser put it in the song "Standin' on the Corner" from the musical Most Happy Fella', "Brother you can't go to jail for what you're thinkin'..."

Jews to Christianity, and one expresses such beliefs, one's ability to belong to a Jewish community may be-- many would argue, should be-- significantly restricted. It can be argued that such an individual is no longer Jewish, and cannot be considered a member of any Jewish community; but this is to acknowledge that the freedom to express belief is restricted even in liberal Jewish communities to those individuals whom the community accepts as Jewish, regardless of how they view themselves. While such issues as conformity to community standards will be discussed more completely in the following section, it must be noted that individual autonomy in the areas of belief and practice in liberal Judaism is significantly affected by concerns about community.

Formulating Jewish Practice for the Individual

An individual Jew may, of course, deny the validity of Jewish epistemic and authenticity authorities, and claim total autonomy from authority of any sort. Wishing, however, does not make it so: the person who denies the validity of this nonexecutive Jewish authority does not truly free himself or herself from all forms of authority, even in the realms of religion or ethics. We do not, after all, spring fully formed from our parents, Athena-like, goddesses and gods of ultimate wisdom. Something-- and someone-- must implant within us the seeds of knowledge and the opinions which will grow into our mature attitudes towards morality, community, and religion. We may and, in fact, do acquire much of our information and our attitudinal biases from parents, peers, or the prevailing societal prejudices and predilections of our country and class, or from the prevailing media culture.

The three theologians whose work we examined in depth each propose very different paths to determining individual Jewish practice; but each insist that these decisions are to be made by means of educated choice. We, too, agree with this ideal. However, in view of the human tendency to take as one's own the default mentality of society in many areas of conduct, we suggest that the formulation of liberal Jewish guides to conduct and practice is helpful on the individual level, providing a further epistemic authority in the area of personal conduct. In a very tentative way, such guides exist: the <u>Gates of Shabbat</u>, <u>Gates of the Seasons</u>, <u>Gates of the House</u>, and other such publications provide some basic statements about what is considered to be Reform Jewish practice by prominent epistemic (and, we trust, authenticity) authorities in the area of Reform Judaism.[12] These publications are considered purely advisory, and while they provoked a storm of protest at their initial preparation, they have long since become accepted (if rarely consulted) publications of the Reform Movement. Their influence has been, we believe, very limited; but such influence as they have had has been positive.

We believe that guides such as these, with the addition of a systematic guide in the area of ethics, should be promoted on the congregational level, in an attempt to establish the importance of Jewish benchmarks for community belief and practice. It is extremely unlikely that even with substantial promotion

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[12]It is clear in these guides that the distinction made in the 19th century between ritual and moral law has eroded tremendously. As many theologians have noted-- including Cohon, Petuchowski, and Schwarzschild-- there is no basis in Jewish tradition for this distinction, and the guides in question advise including both ritual and moral elements in the observance of *mitzvoth*. As we have noted earlier in Chapter Four, there is actually some basis for the distinction in the medieval distinction between *mitzvot sikhliyot* and *mitzvot shimiyot*, although the parallel is not perfect.

these guides will ever rise to the level of becoming normative codes; one need only look at the very limited success that the Conservative Movement has had persuading its congregants to maintain a theoretically *halakhic* lifestyle based on the decisions of the Committee of Law and Standards to see that. But promoting and utilizing guides such as these would at least establish them in the minds of Reform Jews as epistemic authorities in what is and isn't authentically Jewish for the current generation.[13]

It is also notable that all of the theologians we have read-- and all the publications of the Reform Movement that we have seen-- have stated clearly that the only absolutely obligatory *mitzvah* for all Reform Jews is that of *talmud Torah*. If this is, in fact, still the case, our movement has placed the study of Torah in the role of executive imperative authority, and we should append to it appropriate consequences for knowledge or ignorance of Jewish tradition. This must be done first for the leaders of the Jewish community; it will then serve as an inspiration for *Amkha*. As Samuel S. Cohon has stated, the best and most knowledgeable minds of our generation should serve us as guides in determining our own Jewish choices; thus, leadership roles in Jewish organizations should be made contingent not only on economic generosity, personal popularity, or general competence, but also on actual knowledge of

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[13]Objection is often made that the various Guides should not be considered authoritative as to what is or isn't authentically Jewish; they are collectively supposed to serve only as a source of basic knowledge, and an encouragement to further study. Well and good; but part of what they are attempting to teach is precisely what practices and beliefs are considered to be authentically Jewish. In the course of doing this, they are bound to also convey what is not to be considered as authentically Jewish. The guides do not specifically preclude the exploration of other options, nor should they: study, experimentation, and constant interaction with the tradition will quite properly lead to the development of new and more relevant interpretations and customs. But if we are told by a guide, for example, that one of the practices we should cultivate on *Shabbat* is the avoidance of commercial activity, we will be unlikely to think that an authentic expression of *Shabbat* is a shopping trip to the mall.

Jewish tradition. Minimum standards of Jewish knowledge should be required of all those who wish to hold community or temple offices, including president of a synagogue and head of a federation. We might begin by requiring all individuals in positions of communal authority to know as much as prospective converts to Judaism are required to know, and we should obligate anyone holding religious or community office to a regular program of Torah study with the finest available teachers.

Liberal Jewish Authorities for the Community

> Catholics who pick and choose what to follow are not Catholics at all. If one belongs to a nudist colony, one cannot go around all day in a necktie.
>
> -- comment overheard from an Italian journalist on a bus between Istanbul and Urgup, Turkey, April 1992

Liberal Judaism is not Catholicism, and individuals do pick and choose at will between the many Jewish options available to them. Nonetheless, there is an element of truth in the statement above that is relevant even to liberal Judaism: belonging to a community requires abiding by certain normative standards. Sociology tells us that no organization can hope to form a community without its members accepting an internal authority within the group, and abiding by certain common rules. All three of the theologians whose work we have studied agree that liberal Jewish groups possess some degree of operative executive authority over their memberships. It also seems clear that groups also exercise of variety of nonexecutive authority over their members.

The most common reason people give for joining a congregation is that "they are searching for community".[14] Amidst the isolating alienation of post-modern America, people are looking for a place where they can find common ground with others who share their religion, and some elements of Jewish practice and educational interest. As we have noted, for any community to exist its membership must have shared elements unique to the members of the group, and there must be both internal requirements and external boundaries. Thus, in order to perform their central function, the creation of community, liberal Jewish groups must establish both 1) normative, authoritative rules and 2) external boundaries that define the limits of the community.

Steven Schwarzschild taught us a central difference between philosophy and theology: philosophy is concerned almost exclusively with the autonomy of individual, while theology-- and, of course, religion, especially Judaism-- is concerned with the social aspect of the human being.[15] "The search for autonomy is virtually synonymous with philosophical reason, while the sense of creatureliness and dependency lies... at the very root of religion."[16] In order to meet this primary need for community, our liberal congregations utilize authority in a variety of essential ways.

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[14]This emerged from Steven Cohen's recent population surveys of the American Jewish community. It has also been my own, limited professional experience (albeit seventeen years of it) serving congregations in Beverly Hills, Los Angeles, Santa Barbara, and Gardena, California, Billings, Montana, and Pine Bluff, Arkansas. Most congregations ask new members what in particular prompted them to join their synagogue; the most common response I have seen in the congregations I have served as cantor and student rabbi has been the desire to have a sense of community. Second most common has been the need to give children a Jewish education.

[15]No Western religions deny the importance of the individual, and one can certainly point to the existence in Christianity of hermits. But the vast majority of the focus of theology, and of religious legislation, is on the community. This is especially true of Judaism: even the Kabbalistic mystics of the 15th century congregated together into a community in Tzefat.

[16]"Reason in Contemporary Jewish Theology", The Pursuit of the Ideal, page 213.

First, liberal Jewish groups and their official representatives possess the executive authority to determine the external boundaries of their own community. They do this by determining who will be permitted to join them and what one must do to be admitted to the group. Such restrictions are not only appropriate, they are essential for the group to retain cohesion and provide its primary service, that of creating and sustaining the community for its members. The method of deciding what the rules for membership will be varies from group to group, but in every case some form of constitution or by-laws is adopted, and changes can be effected by democratic (or, occasionally, executive) decision by the group or its representatives. The restrictions on membership, which constitute a form of operative executive authority, may take any number of forms: one would expect, for example, that in order to join a Jewish religious organization, one should be Jewish. Financial and service commitments may also be required for full membership, and subgroups within the organizations-- such as committees, boards of management, leadership groups, women's groups, *minyanim*, *havurot*, choirs; any subgroups, official or unofficial-- may require commitment to other forms of normative behavior to commence membership in their communities. Some organizations-- including a number of congregations-- place a limit on the number of members they are willing to accept, and exclude any newcomers from joining their communities at all. Most congregations require the Board of Trustees to formally accept new members; it is well within the realm of possibility for these boards on occasion to refuse individuals or families membership on ethical, as well as financial, grounds.

It must also be noted that the current discussion of the role of the non-Jew-- specifically, the role of the non-Jewish spouse-- in congregational life is

essentially a question of admission requirements for belonging fully to a Jewish community. At this point, people are looking for guidance on this issue, and it is our opinion that this is one area in which a general policy enunciated consistently from the highest levels of the Central Conference of American Rabbis and the Union of American Hebrew Congregations would be considered authoritative by a great number of congregations.[17]

In addition, through the same operative executive authority that establishes membership standards, normative behavior may be required by the group of its members. In a synagogue setting, congregants may be expected to "volunteer" a specific number of hours to the congregation, to make certain financial pledges toward a building fund, to be responsible for a variety of financial and practical obligations that enable the organization to function. It should be noted that these requirements do not necessarily derive from any aspect of Jewish tradition, but from patterns developed for running organizations in the general community. There is an inherent danger in this: as in the case of individual choices about practice and belief, if no Jewish standards are established the default norms of the surrounding culture typically will prevail. Federations and congregations often seem like other contemporary social organizations, and function like them. Board meetings, budgets, fundraising, building programs, project management, even the organization and

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[17]In my own experience, while congregational boards may have reservations about the amount of funding they should send to the UAHC, they often accept policy statements from the Union in a wide variety of non-financial areas without question or even discussion. When the rabbis within the movement stand behind a decision and explain it thoroughly to their own congregations they are often very successful at convincing them that a Union or Conference policy or action is appropriate, necessary, moral, and well founded in Jewish tradition. In such circumstances, the epistemic authority of the rabbi and the umbrella organizations that he represents tends to be very influential, if only because most board members are not well versed in either Jewish tradition or the specific ethical and religious issues involved in such decisions.

management of schools all have their parallels in the secular sector of society. Lay managers bring skills from their own professions into their approach to temple and Jewish community management-- but they also bring perspectives and attitudes which have little or no basis in Jewish tradition, and may even contradict Jewish ethical teachings (as when congregations demand that their rabbis perform intermarriages, or when Federations or synagogue boards employ "re-engineering" methods solely in order to eliminate staff). This raises a significant question: do we really wish our liberal Jewish organizations to shape their policies in accordance with American societal norms? And if we allow this to happen, are we not eliminating the truly unique element that our organizations have to offer, the Jewish moral values upon which religious community can be based?

It is in the interest of any general organization of such congregations and federations-- such as the UAHC-- that standards be established for congregations and federations in a variety of areas. Like the existing guides for individual practice and belief, the function of such a guide would primarily be that of an epistemic authority in the area of liberal Judaism, and of the liberal Jewish way that the business of such organizations would best be conducted. As is true in the case of codes for the individual, certain basic standards would need to be maintained for the congregation or federation to become or remain a member of the overall organization. Currently, minimum standards in the area of financial commitment are required; it is equally clear that the organization possesses the operative executive authority to determine standards in the area of ethics and religious practice as well. Following the same sociological view, it is also apparent that in order for the umbrella organizations to maintain the

sense of community that is one of their central purposes, they must maintain standards for commencing and continuing membership. Such standards are operative, and thus subject to change when the majority of the leaders of the organization desire to do so; we would hope, with Samuel S. Cohon, that such changes are made in consultation with the best-informed and wisest of each generations Jewish leaders.

Another form of executive authority, alluded to earlier, exists in Jewish communities. This takes what might be termed a negative form[18] of religious authority. Jewish congregations and communities possess the ability to deny individual Jews certain religious and educational services which they seek. Whether this takes the form of preventing non-members from attending High Holiday services or of denying rabbinic officiation at certain kinds of life-cycle events or of preventing non-member children from attending a pre-school or celebrating their *b'nai mitzvah* in the synagogue, a strong executive authority is employed. In a way, this is a reverse form of performative authority; it is the authority <u>not</u> to perform certain essential religious functions for people should they fail to meet certain normative requirements. The legitimation of such authority may lie simply in operative authority, but it is also legitimated by both legal-rational and traditional means. When a rabbi refuses to perform an intermarriage because such a marriage is not considered valid in Jewish tradition he is relying on both traditional and legal-rational legitimation for his authority. When the education board of a congregation refuses to allow a *bar mitzvah* to be publicly celebrated because a child has not attended religious

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[18]To call it "negative authority" is not to imply that the existence or exercise of such authority is essentially bad or evil; it is simply to note that it is the authority <u>not</u> to do something, or to deny an individual or family some religious element that they wish to obtain.

school and learned enough about the religion to make an educated choice, it is legitimating its executive authority in a traditional way, if not in a legal-rational one.[19] In all such cases that authority needs to be exercised with sensitivity and good judgement if it is to remain effective.

In addition to these forms of executive authority, there are a number of forms of nonexecutive authority that flourish in Jewish communities. The same epistemic authorities that exist for the individual Jew-- texts, rabbis, cantors, teachers, educated and experienced lay leaders-- also serve that function for Jewish communities. The same authenticity authorities-- community professionals and lay leaders, pious individuals, elders, parents-- that serve the individual Jew also serve collectives of Jews. It should also be noted that charismatic authority figures are quite common in liberal religious groups, partly because there is proportionately less knowledge about Jewish tradition in such settings.[20] In a Reform congregation, the rabbi may be the only one with any knowledge about large areas of Jewish belief and practice. His or her opinions, accurate or not, will often be considered epistemically authoritative by all who are attracted to his or her charisma, and her or his lifestyle may be imitated for its "Jewish authenticity" or "spirituality". The "guru" phenomenon is not restricted to *Hasidic* communities in New York, Montreal, or B'nai B'rak: many a

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[19]There is no *halakhic* rationale for denying an *aliyah* to a *bar mitzvah* on the basis of his lack of attendance at Sunday school; of course, that also applies to *bat mitzvah* which has no *halakhic* basis at all. On the other hand, if *talmud Torah* is truly the only fully agreed upon element of Reform principle, then an organization may legitimate such a decision on traditional grounds, claiming that this is merely the extension of this overriding principle into a specific area-- a sort of *klal ufrat*.

[20]This is partly the result of the proportionately greater knowledge individuals may have of the secular world. There is, however, little doubt that, in general, knowledge of Jewish tradition is more intensive the farther towards Orthodoxy one moves on the Jewish religious spectrum.

founding rabbi of a Reform synagogue has cultivated a following of devotees who see his or her expression of Judaism as the only appropriate version.

Another sort of non-executive authority exists in Jewish communities, that of peer pressure. In an attempt to find community, individual Jews are very likely to adopt practices and even ideas of those around them. There is no mechanism to enforce most of these standards, but also no particular need: human beings are social creatures, and wish to join in activities that will enable them to feel closer to others who share similar characteristics. They also typically try to avoid actions that will estrange them from other members of the group. Whether such reticence is expressed in terms of avoiding *mar'it ayin* or of making appropriate public declarations about their own beliefs or religious preferences, a great deal of conformity can be expected in these settings. It is true that where there are two Jews one often finds three opinions; but on certain core issues in liberal Jewish organizations one will often find, we believe, that there is a striking lack of diversity of opinion.[21]

In keeping with Schwarzschild's neo-Kantian position that all actions and institutions should serve a higher, ethical ideal, we believe that congregational and community standards for membership and practice should be regularly

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[21]Admittedly, we have not substantiated this claim systematically, but anecdotally; however, if one examines the recent Jewish population surveys one will find a great deal of agreement within Reform Judaism on issues such as the State of Israel and social action. This can be viewed as the natural and innocuous consequence of the socio-economic groupings that Reform Jews fall into, or one can see it more negatively. Jakob Petuchowski, in his later years, saw it this way. As he said in an article in First Things, ("Reform Judaism: Undone By Revival", Number 19, January 1992, page 7) "Because American Reform Judaism no longer finds it necessary to justify itself before God and the Jewish religious tradition, its abject submissions-- both lay and rabbinical-- to any and all modern fads are boringly predictable. Tell me what is going to be on the agenda of the Biennial of the Union of American Hebrew Congregations or of a convention of Reform Judaism's Central Conference of American Rabbis, and I will tell you-- even three years in advance-- what the outcome of the voting is going to be."

examined against an ideal vision of what liberal Judaism professes to represent. In particular, we would urge all congregations and federations to conduct reviews not just of their budgets and the "performance" of their clergy and staff members, but of how closely their programs and policies adhere to a Jewish vision of the ideal. Such an annual *heshbon nefesh* would serve to enhance the authority of the organizations by linking them more closely with their ultimate sources of authority: Jewish tradition, monotheistic ethics-- and God.

Finally, at the community level, a non-executive form of authority is exercised by other communities; that is, Jewish communities in our highly mobile society exist not in splendid isolation from each other but in fairly close contact. Most American Jews grew up in a different Jewish community than the one in which they now reside, and they bring their knowledge of their native Jewish communities to bear when they serve their adopted communities. What was done in Scarsdale or Glencoe or even Cape Town may influence what is done in Boca Raton or Houston or La Jolla. Successful programs in one community are often copied nationwide. While significant differences still exist between communities-- for example, in Denver and Toronto no rabbi will perform an intermarriage; in Detroit very few will not-- the overall tendency is toward a general homogenization of congregational practices. In addition, liberal Christian practices also heavily influence synagogue programming. It is no accident that many liberal Jews feel closer to Unitarians and Congregationalists than they do to Orthodox Jews: often their institutions are involved in the same sorts of programming in the areas of social action, teen sex and drug awareness, and interfaith education. Successful Christian

programming is often adapted and adopted to Reform Jewish settings, with mixed results.

Authority for the People of Israel

We have discovered that on the individual and community levels a variety of executive and nonexecutive authority exists. But what sort of authority really exists for the whole People of Israel?

Because of the wide diversity of views on revelation and *Halakhah* there is no broad consensus on the existence of any sort of executive authority in Judaism as a whole. While all religious branches of Judaism agree on the existence of God, there is certainly no agreement on what that signifies for the relationship between the individual and God, or between Jewish communities and God. In the relationship between Jewish communities, that is, between all parts of *klal Yisra'el*, we see general agreement on only a few issues: the importance of intensified Jewish education, the centrality of Jewish continuity, the safety and survival of the State of Israel, the need to respond to any acts of antisemitism. But such consensus as there is tends toward superficial agreement, and does not penetrate to the level of practical methods for accomplishing these goals. And on the pivotal issue of personal status there is not even this much consent.

We agree with Petuchowski that consistency in the determination of personal status is crucial to maintaining the integrity of *klal Yisra'el*. Like him, we feel that some level of agreement on what constitutes membership in the

Jewish people is essential to maintaining ties between Jews who take different views of our common tradition. Unfortunately, we see no evidence that any sort of consensus exists currently between Reform, Conservative, and Orthodox Jews. In fact, we are probably farther from agreement on this point than we have ever been. The tacit recognition of patrilineal descent that existed for a century in the Reform Movement was promoted to a highly public status just over a decade ago, with particularly grim consequences for relations between Reform, Conservative, and Orthodox Judaism.[22] In our ideal world we would like to see agreement on an authoritative definition of what constitutes membership in the Jewish people; in the real world, we see no signs of serious movement in that direction. Nonetheless, we encourage work towards effecting such agreement; perhaps our various Messianic dreams will lead us towards a viable compromise at some point in the future.

Although there appears to be no true agreement on any executive authority for the whole of the Jewish people, agreement on certain nonexecutive authorities does exist. Virtually all traditional Jewish texts-- *Tanakh*, *Talmud*, *Midrash*, and *halakhic*, mystical, ethical, and philosophical works are considered by all religious Jews to be, at the least, epistemic authorities in the area of Jewish tradition and practice. The same texts, to some degree, are also considered to be epistemic authorities in the area of ethics for all Jews. We also believe that there should exist common ground between all

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[22]Paradoxically, this has served to highlight the one area in which executive authority does exist for the entire People of Israel: the area of the recognition of personal status by the State of Israel, particularly as it affects immigration under the Law of Return. The promotion of the quietly accepted patrilineality of the Reform Movement to the status of *cause celebre* has exacerbated tensions with an increasingly conservative and *makhmir* Orthodox establishment in Israel, resulting in the refusal to recognize American Reform Movement conversions and marriages. Petuchowski's goal of some sort of agreement among the different sectors of Judaism, even on the level of the individual rabbi, has never seemed farther from realization.

American religious elements of the people of Israel in one other area: resistance to the pervasive secularization of American culture. If we truly consider ourselves to be religious women and men, serious about our Judaism and our approaches to God, then we ought to be able to find common ground in our belief in God and our rejection of the secularization of consciousness so prevalent in American society. If God matters to us, let us speak of God together, accepting the authenticity authority of our tradition, endeavoring to preserve and advance its cause in a highly secularized Western world.

A Final Word

Sof davar, hakol nishmah[23]-- after all is said and done, authority in liberal Judaism, we believe, derives ultimately from the God Who created us, Who endowed us with the capacity for both reason and faith, Who commands us, and Who made us social creatures. Similarly, all authority in liberal Judaism should serve only one purpose: to allow us to move closer to our God and toward a *sheinere bessereh velt*, as the Yiddish socialists used to say, to a more ideal world that we can envision and share.

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[23]Ecclesiastes 12:13.

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