THE CAMBRIDGE COMPANION TO

MODERN JEWISH PHILOSOPHY

Edited by Michael L. Morgan
Indiana University

Peter Eli Gordon
Harvard University

CAMBRIDGE UNIVERSITY PRESS
Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo

Cambridge University Press
32 Avenue of the Americas, New York, NY 10013-2473, USA

www.cambridge.org
Information on this title: www.cambridge.org/9780521813129

First published 2007

Printed in the United States of America

A catalog record for this publication is available from the British Library.

Library of Congress Cataloging in Publication Data

Morgan, Michael L., 1944–
The Cambridge companion to modern Jewish philosophy / Michael L. Morgan and Peter Eli Gordon.
p. cm.
Includes bibliographical references and index.
ISBN-13: 978-0-521-81312-9 (hardback)
ISBN-13: 978-0-521-01255-3 (pbk.)
1. Philosophy, Jewish. 2. Philosophy, Modern. 3. Jewish philosophers.
4. Judaism – History – Modern period, 1750–. I. Gordon, Peter Eli. II. Title.
B755.M67 2007
181′.06–dc22 2006031065

ISBN 978-0-521-81312-9 hardback
ISBN 978-0-521-01255-3 paperback

3 The Liberalism of Moses Mendelssohn

ALLAN ARKUSH

"Judaism is not Thomas Jefferson." With this terse epigram, Rabbi Meir Kahane contemptuously brushed off an American television interviewer who betrayed more than a little skepticism, back in the 1980s, about Kahane's calls for the revocation of Israeli Arabs' citizenship. As odious and indefensible as Kahane's racist politics were, one has to acknowledge at least the partial validity of his argument. Prior to the Enlightenment, Judaism evinced no recognition of the equal political rights of all men, regardless of their creed or national origin. During the two centuries prior to the advent of Kahane, however, Jewish thinkers of various stripes made strenuous efforts to align themselves with the spirit of modern times. They reinterpreted their religious tradition in the light of the liberal political teachings that had brought them out of the ghetto and had otherwise been so beneficial to themselves as well as others. In the United States, in particular, they succeeded so well at this task that most Jewish viewers of that interview with Kahane must have been shocked and outraged by what sounded to them like a heretical statement.[1]

Nevertheless, however much one might wish to believe that Kahane was an isolated representative of a retrograde attitude, one has to admit that he is far from the only spokesman for traditional Judaism who has in recent years sought to drive a wedge between his religion and modern liberal ideas. The Israeli religious right is well stocked with such figures, and their views have been echoed – albeit rather weakly – in the Diaspora as well.[2] In response to their critiques of liberalism, other traditional Jewish thinkers have grappled with the tension between their heritage and currently regnant political ideologies. That they are engaged in such labors at all might seem quite strange to a great many contemporary Jews, to whom the originally illiberal character of Judaism is often not even a distant memory. Because these thinkers still regard the tradition as authoritative, however, and because they also consider it to be malleable, they feel impelled to revisit it and to develop more liberal

options within it in order to fend off threats to the integrity and even the security of the Jewish people.[3]

The thinkers who thus seek to preserve a measure of harmony between traditional Judaism and liberalism are proceeding on a path first traversed in Germany more than 200 years ago by Moses Mendelssohn. Recent scholarship may have deposed Mendelssohn from the position assigned to him by previous generations of historians as "founder of the *Haskalah* (Jewish Enlightenment)," but it has not denied that he was the first Jew to make an important contribution to the European Enlightenment without abandoning his ancestral religion.[4] The product of a traditional Jewish environment and education, the teen-aged Mendelssohn (a name he was only later to select for himself) left the small town of Dessau for Berlin in the 1740s solely in order to continue his talmudic studies. He soon began to supplement them, however, with the study of ancient and modern European languages and literatures, mathematics, and philosophy. By the 1750s, he was composing his own philosophical works, and by the 1760s, his writings on metaphysics, and especially his *Phaedon*, a Leibnizian-Wolffian reworking of Plato's dialogue on the immortality of the soul, had garnered him a European-wide reputation as "the German Socrates."[5]

In his works in German during the earlier stages of his philosophical career, Mendelssohn sought to steer clear of issues directly related to Judaism, although he could not completely escape the task of defending his religion against public challenges from Gentiles who wished to convert him. At the same time, in his Hebrew writings he made limited attempts to explicate biblical texts in the light of his philosophical ideas.[6] Within the Jewish community, he was an agent of change but no revolutionary. His major political battles took place outside its precincts and consisted of efforts to obtain equal rights for his fellow Jews in the polities of late eighteenth-century Europe.[7] Utilizing liberal political-philosophical arguments in the furtherance of this cause brought him into conflict with Gentile critics who opposed the emancipation of the Jews. On one important occasion, however, he also found himself at loggerheads with an anonymous critic who objected not to his goals but to his methods. This man accused Mendelssohn of attempting to improve the status of the Jews by means of arguments incompatible with the fundamental teachings of his own religion. Mendelssohn evidently felt that he could deflect this charge of hypocrisy only by demonstrating that Judaism was, in effect, tantamount to "Thomas Jefferson."

The work in which Mendelssohn undertook to accomplish this task, his *Jerusalem*, has been hailed for more than two centuries as a

brilliant response to a malevolent critic. Innumerable historians of Jewish thought have acclaimed Mendelssohn for having shown how neatly the spirit of the Enlightenment could be reconciled with the spirit of Judaism. Liberals themselves (in the broadest sense of the term), and usually faithful Jews, too, these scholars have been only too glad to link the commencement of Jewish modernity with a celebrated philosopher who successfully combined their own disparate loyalties. In my opinion, however, they have been wrong to credit Mendelssohn with an intellectual victory. What he says in *Jerusalem* falls short of achieving his declared purposes. It demonstrates, instead, the vast difference between a real and a merely apparent reconciliation of Jewish and Jeffersonian principles.

Mendelssohn's inability truly to reconcile the principles of liberalism with the tenets of Judaism compels one to wonder where he really stood. Was he at heart a traditional Jew making tactical use of liberal political-philosophical arguments in which he did not really believe? Or was he a sly liberal, masquerading as a believing Jew in order to transform Judaism from within? Or was he perhaps someone who could not choose between two equally attractive alternatives that even his best efforts could not bring into genuine harmony with each other?

Jerusalem's canonical status as the inaugural work of modern Jewish philosophy has earned it a great deal of attention. Scholars have consistently regarded it as the first attempt on the part of a modern Jewish thinker to do the sort of thing that Maimonides had attempted in the twelfth century in his *Guide of the Perplexed*. They have treated Mendelssohn as a philosopher whose primary goal in writing this book was to show in a comprehensive manner that there was no contradiction between the truths attainable through unassisted human reason and what had been disclosed by biblical revelation. In doing so, they have not acted without justification. Although it is by no means a long book, *Jerusalem* encompasses detailed discussions of the nature of the Sinaitic revelation and its contents that are clearly designed to explain why the acceptance of Judaism requires no suspension of human reason. It definitely looks like a book that aims to replicate in a new cultural context the kind of project undertaken by Maimonides and other medieval Jewish rationalists. But one should not overlook the fact that Mendelssohn does not explicitly claim to have written such a work.

Maimonides commenced the *Guide of the Perplexed* with an epistle dedicatory addressed to his former student, Yosef ben Yehudah, in which he identified his target audience. It consisted of young men perplexed by the apparent tension between what they learned from the works of the

philosophers and the contents of the prophetic books.[8] Mendelssohn, for his part, waited until the beginning of the second section of *Jerusalem* before he related to his readers what had provoked him to compose this work in the first place. It was above all, he declared, an objection raised against one of his earlier publications by an anonymous but unmistakably Gentile pamphleteer (now known to have been a rather unimportant writer by the name of August Friedrich Cranz), the author of *The Search after Light and Right*.[9] While most students of *Jerusalem* have duly noted this fact, they have generally failed, in my opinion, to appreciate its full significance. They have not seen that the necessary point of departure for any evaluation of the book's success or failure is a careful consideration of the precise nature of Cranz's principal challenge to Mendelssohn.

This challenge must be seen in the light of what Mendelssohn had written only a short time earlier in his preface to Menasseh ben Israel's *Vindiciae Judaeorum*. In that work, he had cordially taken issue with the proposal made by his friend Christian Wilhelm von Dohm that Jewish communities be enabled to maintain a certain measure of internal autonomy, including the right of excommunication. Elucidating his reasons for opposing the practice of excommunication altogether, Mendelssohn had briefly set forth some of his own basic ideas concerning the proper scope of ecclesiastical power. "I know of no rights," he had written, "over persons and things that are connected to doctrinal opinions and rest upon them, rights that men acquire when they agree with certain statements and lose when they cannot consent to them or will not do so." In general, Mendelssohn had gone on to say, "true divine religion assumes no authority over ideas and opinions, gives and makes no claim to earthly goods, no rights of usufruct, possession and property. It knows no other power than the power to win and convince through reason and to render happy through conviction." It has need of "neither arms nor a finger," but consists of "pure spirit and heart."[10]

Genuine religion, by definition, involves no coercion. Nor, said Mendelssohn, could any human institutions ever possess the legitimate authority to make people's rights dependent upon their convictions. In the state of nature, individuals have an absolute right to their own ideas and opinions, one they do not lose with the signing of the social contract and their entrance into civil society. Mendelssohn therefore saw no way in which any society could ever acquire the power to connect civic privileges with religious convictions.[11]

In his public response to Mendelssohn, Cranz professed himself to be in complete accord with all of this. "In common sense," he agreed,

"religion without conviction is not possible at all; and every forced religious act is no longer such. The observance of divine commandments from fear of the punishment attached to them is slavery, which according to purified concepts can never be pleasing to God." Yet, he insisted, "Moses connects coercion and positive punishment with the nonobservance of duties related to the worship of God. His statutory ecclesiastical law decrees the punishment of stoning and death for the sabbath-breaker, the blasphemer of the divine name, and others who depart from his laws."[12]

Mendelssohn's espousal of liberal principles was, according to Cranz, incompatible with loyalty to Judaism, for "[a]rmed ecclesiastical law still remains the firmest groundwork of the Jewish polity." He consequently considered himself entitled to pose a sharp question to Mendelssohn. "How can you remain an adherent of the faith of your fathers and shake the entire structure by removing the cornerstones, when you contest the ecclesiastical law that has been given through Moses and purports to be founded on divine revelation?"[13]

Cranz anticipated and ruled out in advance one possible response to this query. He warned Mendelssohn not to attempt to solve the problem by claiming that the old Jewish theocracy was no longer relevant since it had for so long been defunct. He acknowledged that the regime introduced by Moses

> could be carried into practice only so long as the Jews had an empire of their own; so long as their Pontiffs were princes, or such sovereign heads of the people, as created princes, and governed them. But cease it must, as did the sacrifices, upon the Jews having lost territory and power, and, depending on foreign laws, found their jurisdiction circumscribed by very narrow limits. Still, that circumscription is merely the consequence of external and altered political relations, whereby the value of laws and privileges, consigned to quiescence, cannot be diminished. The ecclesiastical law is still there, although it not be allowed to be put into execution. Your lawgiver, Moses, is still the drover, with the cudgel, who leads his people with a rod of iron, and would be sharp after anyone who had the least opinion of his own, and dared to express it by word or deed . . .[14]

In this manner, Cranz declared that he would not be content with a response that merely obviated *in practice* the apparent contradiction between Mendelssohn's liberal principles and his ancestral religion. He wanted to know how Mendelssohn thought he could do this *in principle*.

This is a challenge that Mendelssohn took much more seriously than have many of his scholarly interpreters, who have often dismissed Cranz as little more than a reincarnation of Johann Caspar Lavater, the Swiss theologian who had in 1769 publicly challenged Mendelssohn to explain his failure to become a Christian.[15] Unfortunately, Cranz himself made the comparison with Lavater virtually inevitable when he suggested that the views expressed by Mendelssohn in the preface to *Vindiciae Judaeorum* indicated that he was drawing closer to what he called "the more rational system" of Christianity. Had he not made these remarks, his challenge to Mendelssohn might not have proved so easy to disparage as the impertinence of a Christian proselytizer. It might more often have been seen as what it was – a fairly cogent statement of the essential opposition between the basic principles of liberalism and the fundamental teachings of traditional Judaism.

As Cranz clearly understood, it is impossible simultaneously to uphold the existence of an inalienable natural right to liberty of conscience and to affirm the absolute, coercive authority of a covenant that requires the worship of the one and only God (while prohibiting the worship of other gods). On the basis of the fundamental premises of liberalism, one would have to conclude that God would *never* have had the will or the power to deprive the ancient Israelites and their descendants of their natural right to practice whatever religion they wished. A consistent liberal would therefore have good reason to agree with Cranz that Judaism merely "purports to be founded on divine revelation."

Unlike many of his later admirers, Mendelssohn seems to have been fully aware of the true importance of Cranz's challenge. It cut him, he said, to the heart, and he wrote *Jerusalem* mainly to respond to it.[16] Still, he did not mention Cranz's pamphlet until the middle of the book. Before addressing directly the issues that Cranz had raised, Mendelssohn dug himself even deeper into difficulties by elaborating at much greater length and formulating much more sharply the views that had provoked his adversary to confront him. In Section I of *Jerusalem*, he explained more thoroughly than he had before why God could never desire coerced obedience and spelled out his own social contract theory, one that precluded any state from impinging in even the smallest way on an individual's inalienable right to liberty of conscience.

Next, in Section II, Mendelssohn recapitulated Cranz's main objections to his earlier arguments and set about responding to them. He did so, however, in a surprisingly leisurely fashion, addressing first the concerns of another critic, a certain David Ernst Mörschel, who had appended a postscript to Cranz's pamphlet, and then venturing into a

number of different areas. In these wide-ranging pages, Mendelssohn, among other things, explained why a Jew could be fully respectful of natural religion, set forth the criteria by which one determines the genuineness of a purported revelation, reaffirmed the historicity of the Sinaitic revelation, accounted for the origins of idolatry, speculated about the purpose of the Jewish ceremonial law, insisted upon the non-dogmatic character of the Jewish religion, and described the singular "Mosaic constitution." For our present purposes, we need to pay attention only to the passages in which Mendelssohn expounded on matters that he himself identified as being of relevance to his defense against Cranz.

Only one of the subjects Mendelssohn discussed prior to his account of the constitution introduced by Moses fits this description. Among the laws of the Torah, he maintained, none declare: "*You shall believe or not believe.* They all say: *You shall do or not do.* Faith is not commanded, for it accepts no other commands than those that come to it by way of conviction." Consequently, according to the law of Moses, "reward and punishment are only for actions, acts of commission and omission which are subject to a man's will . . . " Nowhere are Jews obligated to subscribe to specific articles of faith.[17]

Mendelssohn did not immediately explain the pertinence of these observations to his main concern in *Jerusalem*. Before doing so he observed that in the Israelites' "original constitution, state and religion were not conjoined, but *one*; not connected, but identical." Since God was Israel's Lawgiver and Regent of the nation,

> civil matters acquired a sacred and religious aspect, and every civil service was at the same time a true service of God. The community was a community of God; its affairs were God's; the public taxes were God's; and everything down to the least police measure was part of the *divine service*.[18]

This general situation had implications with regard to crimes as well. "Every sacrilege against the authority of God, as the lawgiver of the nation, was a crime against the Majesty, and therefore a crime of state." Under Israel's constitution, such offenses as blasphemy and sabbath desecration (to which Cranz had made specific reference) "could and, indeed, had to be punished civilly, not as erroneous opinion, not as *unbelief*, but as *misdeeds*, as sacreligious crimes aimed at abolishing or weakening the authority of the lawgiver and thereby undermining the state itself."[19]

Mendelssohn then stressed how mild these inevitable punishments actually were. Even the perpetrators of capital crimes such as blasphemy

and desecration of the sabbath were treated with great leniency. As a consequence, executions must have been exceedingly rare. "Indeed, as the rabbis say, any court competent to deal with capital offenses and concerned for its good name must see to it that in a period of *seventy* years not more than one person is sentenced to death."

Immediately after this sentence, Mendelssohn abruptly announced that he had effectively refuted his adversaries:

> This clearly shows how little one must be acquainted with the Mosaic law and the constitution of Judaism to believe that according to them *ecclesiastical right* and *ecclesiastical power* are authorized or that temporal punishments are to be inflicted for unbelief or erring belief. *The Searcher for Light and Right*, as well as Mr. Mörschel, are therefore far removed from the truth when they believe I have abolished Judaism by my rational arguments against ecclesiastical right and ecclesiastical power. Truth cannot be in conflict with truth. What divine law commands, reason, which is no less divine, cannot abolish.[20]

But had Mendelssohn really succeeded so completely in reconciling the truth of revelation with the truth of reason, or did he merely assert that he had done so? In my opinion, his arguments against Cranz fell far short of achieving the goals he claimed to have reached.

In distinguishing between the ancient Israelite constitution and an "ecclesiastical law armed with power," Mendelssohn seems to have been suggesting that, as Eliezer Schweid has put it, the fusion of state and religion "is possible and justified only when God himself is the sovereign power in the state." But as Schweid himself has correctly observed, this is a forced and inadequate solution to the problem.[21] It in no way alters the fact that under the arrangements prevailing in ancient Israel, religious offenses, whatever they are called, were subject to punishment in a manner completely inconsistent with Mendelssohn's principles. It was of no essential importance, either, that these punishments were rarely inflicted.[22] "As Mendelssohn himself knew, this answer could only soften but not eliminate the criticism" to which he was responding.[23] Punishment, however infrequent and mild, was still punishment.

Mendelssohn did, to be sure, score one point against Cranz. The laws of Moses, Cranz had claimed, "would be sharp after anyone who had the least opinion of his own, and dared to express it by word or deed." In response to this charge, Mendelssohn had shown that Judaism was far more concerned with deeds than words. What Mendelssohn

conveniently overlooked here, however, was that the freedom of expression permitted by Judaism was by no means as absolute as his own principles required it to be. The Torah may have left Jews free to define the principles of their own religion in a variety of different ways, but it did not leave them free to believe in Baal. And even if it contained no punishments for believing in Baal, it did inflict the severest punishments on anyone who worshipped him or any other gods apart from the God of Israel. In doing so it deprived individual Israelites of the unrestricted freedom of religion that Mendelssohn, in his capacity as a political philosopher, listed among the inalienable rights of all human beings.

Despite his confident pose and defiant pronouncements, Mendelssohn himself seems to have recognized the insufficiency of his initial response to Cranz. For after recapitulating his main points one more time, he introduces an additional consideration:

> Moreover, as the rabbis expressly state, *with the destruction of the Temple, all corporal and capital punishments and, indeed, even monetary fines, insofar as they are only national, have ceased to be legal.* Perfectly in accordance with my principles, and inexplicable without them! The civil bonds of the nation were dissolved; religious offenses were no longer crimes against the state; and the religion, as religion, knows of no punishment, no other penalty than the one the remorseful sinner *voluntarily* imposes on himself.[24]

While this may seem, at first glance, to be something of an afterthought, it is clearly much more than that. It is only here that Mendelssohn actually exclaims that he has reconciled Judaism with his own principles and thereby accomplished what he set out to do.

There are, however, two major reasons why even those who are pleased by what he says should not join Mendelssohn in this cry of victory. For these utterances are, first of all, based on faulty history. As Alexander Altmann rather delicately put it, "Mendelssohn's assertion that punitive measures by Jewish courts ceased after the loss of political independence does not fully correspond to the facts."[25] In actuality, as Yirmiyahu Yovel has stated, even in the Diaspora

> Jewish religion was not voluntary in the sense in which modern political theories use this term. It contained an element of coercion, of legal sanction, banning the rebel and subjecting the members of the congregation to rabbinical authority. This was

> usually done by decree of the Christian authorities. It was a kind of tolerance, or privilege, which the Jewish congregation enjoyed, but within the community it imposed the authority of a religious law and a semi-theocratic government of the kind which Mendelssohn opposed.[26]

More important, however, than the historical inaccuracy of Mendelssohn's argument is its theoretical inadequacy. For even if it had been true that post-exilic Judaism had entirely abandoned all forms of religious coercion, this would not have changed the fact that what Mendelssohn called "the old, original Judaism" had indeed condoned the use of force to compel Jews to obey religious law. As we have seen, this was a matter of the utmost importance to Cranz. Even if the ecclesiastical statutory law of Judaism, as he put it, was no longer being enforced, it is "still there" – that is, it is present in the Bible and ready to be reinstituted. To explain how the existence at *any* time of such a state of affairs could be reconciled with his rational, liberal principles was precisely the task that Cranz had set for Mendelssohn. How could a God who *never* wished for coerced obedience to His will have revealed the laws of Moses, which called for such behavior? How could He *ever* have laid the basis for a state that deprived its inhabitants of their inalienable right to religious freedom?

These are the questions that Mendelssohn dodged. When he rested his case, at the end of his book, on the fact that the Mosaic constitution had become defunct, he resorted to the very strategy that Cranz had warned him (in a passage not quoted in *Jerusalem*) not to consider using. Why, then, did he think that it would work? He seems to have hoped that his readers would have been thoroughly distracted by all of the other weighty matters discussed in *Jerusalem* and would not notice his failure to develop an adequate response to the challenge that had provoked him to write the book in the first place.

This failure was, in truth, inevitable, for it is simply impossible to reconcile liberalism and traditional Judaism on the theoretical level in accordance with Cranz's demands.[27] In practice, of course, as the experience of the Western world over the past two centuries abundantly attests, it is not at all difficult for the two to arrive at a *modus vivendi*. There is nothing in their religion that would preclude traditional Jews from assuming the responsibilities of citizenship in liberal democratic polities and loyally serving them. It is, indeed, entirely possible for them to prefer such states to any other form of regime – in the Diaspora. Even in

Israel today, people may devise pragmatic justifications for the preservation of the country's existing regime and the postponement of the establishment of a state based on the Law of Moses, a *halakhic* state. But traditional Jews, by definition, can never abandon the hope for the ultimate restoration in the Land of Israel of a state founded on what Mendelssohn called "the Mosaic constitution."

Moses Mendelssohn lived at a time when such a state was a far more distant dream than it is today. It was a dream that he himself displayed no great longing to see realized. Nevertheless, even as he strove to demonstrate the irrelevance of the Mosaic constitution to contemporary politics, he could not consign it to the past as an altogether antiquated institution, and he even felt compelled to speculate vaguely about its recurrence. It existed only once, he remarked, and it "has disappeared, and only the Omniscient knows among what people and in what century something similar will again be seen."[28] It would have been inconceivable for Mendelssohn to have expressly renounced the hope that his own people would once again be fortunate enough to be the recipient of such a blessing. If, on the other hand, he had clearly expressed the hope that they would be the lucky people, his liberal principles would have been exposed as purely provisional, as nothing more than a convenient instrument for espousing what was at the moment in the best interests of the Jews.

At least one of Mendelssohn's later scholarly readers was in any case convinced that his public promotion of liberalism was purely a matter of expediency. According to Ron Sigad, Mendelssohn believed that when the Jews are in exile, living as a minority in less than ideal non-Jewish states, it is in their interest both as men and as Jews to advocate the establishment of barriers between church and state. In the ideal state, however, the one governed by the original Mosaic constitution, he did not consider any such separation to be necessary. Liberty of conscience, in Mendelssohn's eyes, was not something good in itself but something that needed to be upheld only where Jews were living on foreign soil and were not their own masters.[29]

No less a figure than Immanuel Kant drew very different conclusions from his reading of *Jerusalem*. Shortly after the book first appeared, he wrote to Mendelssohn, commending him for having "known how to reconcile your religion with such a degree of freedom of conscience as one would not have imagined it to be capable of, and as no other religion can boast of."[30] But what was the real meaning of Mendelssohn's deft moves? *Jerusalem*, Kant later wrote, covertly signaled to the Gentiles

that "if you yourselves remove Judaism from your own religion . . . we shall consider your proposal" that we formally convert to Christianity.

> (In fact, all that would then remain would be a purely moral religion, without any admixture of statutes.) By throwing off the yoke of external observances our burden is not made easier in the least if another [burden] is imposed on us instead, namely that of articles of faith concerning a sacred history, which presses a conscientious person much harder.[31]

Kant clearly suspected that Mendelssohn's apparent reconciliation of Judaism and liberalism merely cloaked his true intention, which was to subvert Judaism from within.

It may seem quite perverse of Kant to have read *Jerusalem* in a manner so much at variance with Mendelssohn's ostensible purpose of defending and preserving Judaism. But Kant was not being capricious. He himself was a philosopher who was, in the words of Yirmiyahu Yovel, "able, in theory, to dispose altogether of revealed religion and its sacred documents and who looked forward to the replacement of historical forms of religion by a purely rational religion."[32] Nevertheless, while assuming the guise of a respectful interpreter of Scripture, he "used the Bible to reach out to the masses and subvert their longstanding attitudes."[33] He employed "biblical heremenutics as an agent of moral history." If he made frequent references to Scripture, he did so largely in order to "pose as sharing the believer's first principles by appealing to the Bible," a practice that enabled him to "turn the former against themselves."[34] This, Kant thought, was the way in which a rational man ought to deal with the claims of revealed religion, and this, he seems to have believed, is what the eminently rational Mendelssohn must have been doing with respect to the religion of his fathers.

Sigad and Kant are among the very few interpreters of Mendelssohn's *Jerusalem* who have considered the book's reconciliation of Judaism and liberalism to be lacking in solidity.[35] But I believe that they have judged correctly. It does not necessarily follow, however that either of them is correct in his evaluation of the significance of Mendelssohn's inconsistencies. It may be the case that Mendelssohn was at bottom neither a theocrat temporarily disguised as a liberal nor a liberal deviously masquerading as a believer. He may simply have been of two minds, attracted by two theoretically incompatible ways of understanding the world and incapable of choosing between them.

Whatever may have been Mendelssohn's innermost thoughts, the practical ramifications of his ruminations are clear.[36] They provide a

rationale for the dissolution of what we might call Judaism's coercive, collectivist dimension and the transformation of the Jewish religion into an entirely *voluntary* matter. Mendelssohn was the first Jewish thinker to declare it to be entirely up to the individual Jew, and not his rabbi or his communal leaders, to determine whether he would fulfill his duty to live in accordance with its demands. He thus showed, for the first time, how one could render the Jewish religion fully compatible with liberalism. For those who found him convincing, Judaism could become "Thomas Jefferson."

To a great many nineteenth- and twentieth-century Jews this was a very welcome message, one that facilitated their full absorption into the liberal polities of the Western world. Milton Konvitz epitomized their thinking when he announced in 1987 that "[w]e pay tribute to Jefferson and to Mendelssohn, because they were pioneers in establishing the link between religion and liberty."[37] The very completeness of the Jews' integration into the Western democracies, however, seems to have obviated the need for any continued reiteration of such sentiments. It has even made it possible for a few contemporary thinkers to raise doubts about the supposed affinities between their religion and the fundamental principles of liberalism without having to fear that they will do anything to weaken the liberal state and thereby place their fellow Jews in jeopardy.

One should consider, for instance, the work of David Novak, a leading student of medieval and modern Jewish philosophy who is also a leading figure in traditional (though non-Orthodox) circles. In his recent book, *Covenantal Rights: A Study in Jewish Political Theory*, Novak has sought to carve out a new path for Jewish political thinking. Disturbed by the contempt for human rights and democratic regimes demonstrated by Kahane and his ilk, he has risen to the defense of liberal democracy. Yet he is unwilling to embrace fundamental liberal principles, which he considers to be both misguided and self-destructive. Novak regards secular social contract theories as intellectual dead ends; he does not believe that they can provide a sound basis for human rights. In his opinion, the only fruitful way "to bridge a commitment to the Jewish tradition and a concern for human rights" is "to locate the concept of human rights *within* the Jewish tradition itself and then develop it from there."[38] Although Novak knows that this will not be an easy task, he makes it the fundamental goal of his "study in Jewish political theory." One of the noteworthy aspects of this study is the complete absence in it of any mention whatsoever of the work of the first Jewish thinker to dwell on the kind of theoretical issues that Novak addresses: Moses Mendelssohn. Novak compensates for this omission in his subsequent

and very latest book, *The Jewish Social Contract*, where he discusses Mendelssohn rather extensively. He does so, however, primarily to condemn him for articulating a theological-political position that above all "is inadequate to the Jewish tradition because it renders it subordinate to a non-Jewish universe . . . " and not to derive any positive message whatsoever from his teaching.[39]

Novak is by no means the only Jewish political thinker to disregard or disparage Mendelssohn in recent years. Very few participants in the renewed discussion in the United States of the role that Judaism ought to play in the public square have made even perfunctory references to him. Nor has he been the object of much attention in Israel, where the theory developed in *Jerusalem* might potentially be of the most use. Beset by the ever-increasing tension between theocratic and liberal conceptions of a Jewish state, many important Israeli religious intellectuals have devoted a great deal of time and effort to the search for a theological-political theory that could provide the basis for more harmonious coexistence between religious and secular Jews. Mendelssohn's *Jerusalem* would seem to be a book well-tailored for their purposes, but, to the best of my knowledge, none of the religious thinkers involved in this pursuit has turned to it for assistance. None of them has echoed what we have seen to be his clinching argument, his contention that "with the destruction of the Temple, all corporal and capital punishments and, indeed, even monetary fines, insofar as they are only national, have ceased to be legal." Instead of looking to Mendelssohn for guidance, compromise-seeking Israelis have turned to a variety of sources, from medieval Jewish political thinkers to the twentieth-century Palestine-born American rabbi Haim Hirschenson to an assimilated European Jewish thinker like Karl Popper.[40]

Mendelssohn's *Jerusalem* has long been recognized as the work that marked the beginning of modern Jewish thought, the first sustained and serious attempt to defend Judaism in terms of modern philosophical teachings. That it still deserves such recognition is beyond question. Nevertheless, before one attempts to summarize and assess *Jerusalem* as a theological treatise, it is necessary to view it in the light of what its author tells us was his primary purpose in writing it. By Mendelssohn's own testimony, the book represents an attempt to respond to what was a very significant polemical challenge, even if it emanated from a rather inconsequential man who cloaked himself in anonymity. Mendelssohn himself apparently considered it to be of the utmost importance to respond to this challenge and thereby to bring his religion into accord with his political philosophy. He did the best that he could do. For many

Jews living in Western liberal democracies in the centuries that followed the publication of *Jerusalem*, this was good enough. Mendelssohn proved the point that they very much wanted to see established. Today, however, when the tension between the provisions of the Torah and the outlook of Thomas Jefferson is once again close to the forefront of Jewish life, one cannot find traditional Jewish thinkers who believe that they can paper over their people's theological-political problems with Mendelssohn's makeshift solution to them. They have to look elsewhere for guidance.

Notes

1. For the historical background to this situation, see Jonathan Sarna, "The Cult of Synthesis in American Jewish Culture," *Jewish Social Studies*, 5, no. 1–2, Fall 1998/Winter 1999, pp. 52–79.
2. For the situation in Israel, see Ehud Sprinzak, *The Ascendance of Israel's Radical Right* (Oxford: Oxford University Press, 1991). For a related case in the Diaspora, see Jerold Auerbach, *Are We One?: Jewish Identity in the United States and Israel* (New Brunswick: Rutgers University Press, 2001).
3. See, for instance, Aviezer Ravitzky, *Ha-im Titakhen Medinat Halakhah?: HaParadox shel ha-Teokratiyah Hayehudit* (Israel Democracy Institute, 2004). See also David Novak, *Covenantal Rights: A Study in Jewish Political Theory* (Princeton: Princeton University Press, 2000), which will be discussed later.
4. See, above all, the work of Shmuel Feiner, especially his *The Jewish Enlightenment* (Philadelphia: University of Pennsylvania Press, 2002) and his "Mendelssohn and Mendelssohn's Disciples: A Reexamination" in *The Year Book of the Leo Baeck Institute,* XL (1995), pp. 133–167.
5. On Mendelssohn's life, see Alexander Altmann, *Moses Mendelssohn: A Biographical Study* (Tuscaloosa: University of Alabama Press, 1973) and, more recently, Shmuel Feiner, *Moshe Mendelssohn* (Jerusalem: Zalman Shazar Center, 2005).
6. See David Sorkin, *Moses Mendelssohn and the Religious Enlightenment* (Berkeley: University of California Press, 1996), pp. 33–89.
7. Shmuel Feiner, *The Jewish Enlightenment*, pp. 166–172. Feiner has highlighted the degree to which Mendelssohn's political writings must also be understood in the context of developments within the Jewish community.
8. Moses Maimonides, *The Guide of the Perplexed*, translated by Shlomo Pines (Chicago: University of Chicago Press, 1963), pp. 3–4.
9. See Moses Mendelssohn, *Jerusalem: Or on Religious Power and Judaism,* edited by Alexander Altmann and translated by Allan Arkush (Hanover and London: University Press of New England, 1983), pp. 84–85. See also Jacob Katz, "To Whom was Mendelssohn Replying in his *Jerusalem*?" in *Zion*, 36, nos. 1–2 (1971), pp. 116f.

10. *Moses Mendelssohn Gesammelte Schriften Jubiläumsausgabe* (Berlin and Stuttgart-Bad Cannstatt: Friedrich Frommann Verlag, 1972), vol. 8, p. 18.
11. Ibid., pp. 19–20.
12. Paul Mendes-Flohr and Jehuda Reinharz, *The Jew in the Modern World* (Oxford and New York: Oxford University Press, 1995), p. 92.
13. Ibid., p. 93.
14. Ibid., p. 92.
15. David Sorkin, for instance, boils Cranz's main argument down to the claim that in opposing excommunication, Mendelssohn had repudiated Judaism. He represents him as having argued that "Since Mendelssohn had called for the abrogation of the ban, what could be left of his faith?" (*Moses Mendelssohn and the Religious Enlightenment*, p. 118). As we have seen, however, the crucial issue for Cranz was not excommunication but religious coercion per se. Jeffrey S. Librett, too, focuses on the question of excommunication in his more extended analysis of Cranz's pamphlet. But he goes on to say "that what is at stake in this debate" between Cranz and Mendelssohn "is not merely or even principally state and religion or Judaism and Christianity, but rather the status of language in its figural and nonfigural dimensions." Cf. his *The Rhetoric of Cultural Dialogue: Jews and Germans from Moses Mendelssohn to Richard Wagner and Beyond* (Stanford: Stanford University Press, 2000), p. 49. Although Librett proceeds to discuss at some length the ways in which *Jerusalem*'s treatment of the relationship between religion and state constitutes a response to Cranz, he loses sight of the fact that Cranz had accused Mendelssohn of adhering to a religion that clearly violated his own rational principles.
16. Moses Mendelssohn, *Jerusalem*, pp. 84–85.
17. Ibid., p. 100.
18. Ibid., p. 128.
19. Ibid., p. 129.
20. Ibid., p. 130.
21. Eliezer Schweid, *Ha-Yehudi ha-Boded veha-Yahadut* (Tel Aviv, 1974), p. 173.
22. Jeremy Dauber has recently pointed out how Mendelssohn manipulated a Talmudic passage in order to make this point. BT Makot 7a has it that "a Sanhedrin that effects an execution once in seven years is branded a bloody tribunal; R' Elazar b. Azariah says once in seventy years." Mendelssohn, in paraphrasing this passage, quotes "the rabbis" as saying that a court must see to it "that in a period of *seventy* years not more than one person is sentenced to death." Dauber shrewdly observes that while the rabbinic language implies that courts may in the past have exceeded the specified limit, "no such impression is given in Mendelssohn's formulation." More importantly, Mendelssohn repeats not the number seven but seventy, "adopting the less normative interpretation for polemical purposes." See Jeremy Dauber, *Antonio's Devils: Writers of the Jewish Enlightenment and the Birth of Modern Hebrew*

and Yiddish Literature (Stanford: Stanford University Press, 2004), pp. 158–159.

23. Isaac Heinemann, *Ta'ammei ha-Mitzvot be-Sifrut Yisrael* (Jerusalem, 1956), Part II, p. 19.
24. Moses Mendelssohn, *Jerusalem,* p. 130.
25. Ibid., p. 232, note to p. 130, lines 24–27.
26. Yirmiyahu Yovel, *Dark Riddle: Hegel, Nietzsche, and the Jews* (University Park: Pennsylvania State University Press, 1998), p. 198, n. 11. Yovel proceeds to argue that Mendelssohn's words on this subject in *Jerusalem* "were intended for the non-Jewish world and are filled with apologetic imprecision."
27. Two of the most recent scholarly treatments of this subject have, in my opinion, mistakenly denied that Mendelssohn's argument was unsuccessful. In *Moses Mendelssohn and the Religious Enlightenment*, David Sorkin argues that the inaccuracy of Mendelssohn's account of an entirely non-coercive post-Biblical Judaism is of little consequence. "Mendelssohn did not make an assertion about history," he maintains, "but about an ideal situation and the principles that should inform it . . . He did not create a fictional account of the past; instead, he projected a timeless ideal of what should be even if it obviously had not occurred," (p. 138). Here Sorkin loses sight of the unbridgeable difference between Mendelssohn's timeless ideal of freedom of conscience and the "Mosaic constitution's" clear legitimization not only of what he refers to as "the least police measures" but also of the use of lethal force to stamp out such things as idol worship and desecration of the sabbath. In an article on "Mendelssohn's Heavenly Politics" in *Perspectives on Jewish Thought and Mysticism*, eds. Alfred L. Ivry, Elliot R. Wolfson, and Allan Arkush (Amsterdam: Harwood, 1998), Warren Zev Harvey similarly blurs the distinction between the Mosaic constitution and a free society. "In the heavenly politics of the Mosaic constitution," he writes, "God is the King, since the divine King, unlike mortal kings, has no personal needs, His only interest is in the true happiness of His subjects. The Mosaic constitution is thus a constitution of freedom: It liberates human beings from the oppressive rule of other human beings" (407). But freedom and the exemption from subjugation to oppressive rule are not the same thing. Even a well-meaning tutelary government, such as that enjoined by the Mosaic constitution, deprives individuals of much of the freedom to which Mendelssohn considers them to be at all times entitled.
28. *Jerusalem*, p. 131.
29. Ron Sigad, *"Moshe Mendelssohn – Yahadut, Politika Elohit, u-Medinat Yisrael," Da'at,* no. 7 (1981), p. 102.
30. See Alexander Altmann, *Moses Mendelssohn: A Biographical Study* (Tuscaloosa: University of Alabama Press, 1973), p. 517.
31. Immanuel Kant, *Religion Within the Limits of Reason Alone,* translated by T. M. Greene and H. H. Hudson (New York: Harper and Row, 1960), p. 154.

32. Yirmiyahu Yovel, "Biblical Interpretation as Philosophical Praxis: A Study of Spinoza and Kant," *Journal of the History of Philosophy,* XI (1973), p. 193.
33. Ibid., p. 194.
34. Yirmiyahu Yovel, *Kant and the Philosophy of History* (Princeton: Princeton University Press, 1980), p. 216.
35. Michael Morgan is another. For his analysis of the flaws in Mendelssohn's arguments in *Jerusalem*, see chapter 3 ("Liberalism in Mendelssohn's Jerusalem") of his *Dilemmas in Modern Jewish Thought: The Dialectics of Revelation and History* (Bloomington and Indianapolis: Indiana University Press, 1992).
36. For an analysis of Mendelssohn's underlying loyalties that is closer to that of Kant than to that of Sigad, see my *Moses Mendelssohn and the Enlightenment* (Albany: State University of New York Press, 1994), pp. 254–292.
37. See Milton Konvitz, *Torah and Constitution: Essays in American Jewish Thought* (Syracuse: Syracuse University Press, 1998), p. 28. The remarks cited here appear in a chapter entitled "Religious Liberty: The Congruence of Thomas Jefferson and Moses Mendelssohn," which was first published separately in *Jewish Social Studies*, 49, 2 (Spring 1987), 115–124.
38. David Novak, *Covenantal Rights: A Study in Jewish Political Theory*, p. 29. For an extended examination of this work, see my "Conservative Political Theology and the Freedom of Religion: The Recent Work of Robert Kraynak and David Novak" (*Polity*, vol. 37, no. 1, January 2005, pp. 82–107).
39. David Novak, *The Jewish Social Contract: An Essay in Political Theology* (Princeton: Princeton University Press, 2005), p. 183.
40. In his recent book, *Politics and the Limits of Law: Secularizing the Political in Medieval Jewish Thought* (Stanford: Stanford University Press, 2001), Menachem Lorberbaum identifies medieval religious thinkers who "clearly uphold the secularization of politics, rejecting the halakhic polity as untenable" (p. 14). Eliezer Schweid explores the thought of Haim Hirschenson in *Democracy and Halakhah* (Lanham, New York, and London: University Press of America, 1994). Menachem Fisch presents a Popperian model in "Lishlot be-aher – Ha-etgar ha-hilkhati be-hidush ha-Ribonut," in *He-Aher: Beyn adam le-zulato*, ed. Hayim Deutsch and Menahem Ben Sasson (Tel Aviv: Yedioth Ahronoth, 2001), pp. 225–259.