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Holocaust and Redemption: Jewish Identity in the Thought of Emil L. Fackenheim

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A Thesis

In

The Department

Of

Religion

**Presented in Partial Fulfillment of the Requirements
For the Degree of Master of Arts at
Concordia University
Montreal, Quebec, Canada**

January 2002

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Abstract

Holocaust and Redemption: Jewish Identity in the Thought of Emil L. Fackenheim

Gordon Aronoff

Many thinkers consider Emil L. Fackenheim's post-1967 thought marginal because it seeks to uncover religious meaning in the events of the Holocaust and the founding of the State of Israel. I find Fackenheim's later thought to be of compelling relevance for North American Jewry precisely because the Holocaust and the State of Israel are two major wellsprings of contemporary Jewish identity. I contend that a renewed encounter with Fackenheim can indeed be fruitful for North American Jews.

This study will present facets of Fackenheim's thinking in a way that points to their relevance to questions of Jewish identity today. I will show that Fackenheim's attempts to uncover religious and philosophical meaning in the Holocaust and the founding of the State of Israel—however incomplete and problematic his formulations may be—are important for contemporary North American Jews seeking to come to terms with these two monumental events of the twentieth century.

For Alice and Noam

Holocaust and Redemption: Jewish Identity in the Thought of Emil L. Fackenheim

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Introduction

Is the later thought of Emil L. Fackenheim relevant for contemporary North American Jewry? Many thinkers consider his later thought¹ marginal because it seeks to uncover religious meaning in the events of the Holocaust and the founding of the State of Israel. Furthermore, Fackenheim's post-1967 thought is largely concerned with Zionist themes and objectives, and when he made *Aliyah* in 1984, it can be argued that his commitment to/concern with Diaspora Judaism, and the Judaism(s) of the Jewish communities in North America in particular, came to an end.

I find Fackenheim's later thought to be of compelling relevance for North American Jewry precisely because of his concern with the Holocaust and the State of Israel. The Holocaust and the State of Israel are two major wellsprings of Jewish identity, and a philosopher who takes these topics seriously does a service to Jews who wish to make sense of their identity in light of the harrowing events of the last century. I contend that a renewed encounter with Fackenheim, and in particular with his post-1967 thought, can indeed be fruitful for North American Jews.

In the present examination, I will present facets of his thinking in a way that points to their relevance to questions of Jewish identity today. I will show that Fackenheim's attempts to uncover religious and philosophical meaning in the Holocaust and the founding of the State of Israel—however incomplete and problematic his formulations may be--- are important (and hence deserving of further consideration) for contemporary North American Jews seeking to come to terms with these two monumental events of the twentieth century. My understanding of this subject was

¹ Articulated publicly for the first time in 1968 as part of the Charles F. Deems lectures delivered at New York University.

deepened by my encounter with the writing of Jacob Neusner who writes about North American Jewish identity in *Judaism in Modern Times* (Cambridge: Blackwell Publishers, 1995).

Jacob Neusner has characterized the so-called “American Judaism of Holocaust and Redemption” as *the* dominant Judaism among the Jewish communities of the USA and Canada since it first appeared in the summer of 1967.² Neusner has stated that the world-view associated with this system found its correspondence in a way of life devoted to building Holocaust Museums in the USA and supporting the State of Israel through political action and financial donation.³ The “Israel” of this Judaism is wholly ethnic, shading over into a political pressure-group in the context of American politics. In concrete terms, “the Holocaust” refers to the murder by the Germans of six million Jewish children, women, and men in Europe between 1933 and 1945, while the “Redemption” came with the creation of the State of Israel.⁴

This American Judaism “tells Jews who they are, why they should be Jewish Americans, what they should do because of that mode of identification, and, it goes without saying, who the Jewish group is and how that group should relate to the rest of the world and to history.”⁵ Neusner has stated that this Judaism’s answer to the question, “why should I be Jewish at all?” lays particular stress on the complementary experiences of mid-twentieth-century Jewry: the mass murder in death factories of six million of the Jews of Europe, and the creation of the State of Israel three years after the end of the

² A thoughtful critique of Neusner’s position is to be found in Alan. L. Berger, “Holocaust and History: A Theological Reflection,” *Journal of Ecumenical Studies*, 25:2, Spring 1988, pp.195-211. For an interesting critique of the American Judaism described by Neusner, please see Chapter VII of David Biale’s *Power and Powerlessness in Jewish History* (New York: Schocken Books, 1986).

³ Jacob Neusner, *Judaism in Modern Times* (Cambridge: Blackwell Publishers, 1995), p.206.

⁴ Ibid., p.206.

⁵ Ibid., p.206

massacre.⁶ These events, together regarded as providential, bear the names of “Holocaust” (for the murders) and “Redemption” (for the formation of the State of Israel in the aftermath). The system as a whole “presents an encompassing myth, linking one event to the other as an instructive pattern...and moves Jews to follow a particular set of actions, rather than other sorts, as it tells them why they should be Jewish.”⁷ “The Holocaust” proved that gentiles should not be trusted, and so Jews should remain Jewish. “Redemption” (i.e., the creation of the State of Israel) proved that Jews could take care of themselves, so they should identify with the far-away state as their reason to be Jewish.⁸

Neusner believes that the aforementioned Judaic system reached its climax in the dedication of the Holocaust Museum on The Mall in Washington, DC, in April 1993.⁹ Regardless of whether or not he is correct, there is little doubt that this “American Judaism of Holocaust and Redemption” continues to express a power and meaning that is self-evidently valid for a significant majority of Jews in the US and Canada. Furthermore, as indicated by Daniel J. Elazar, American and Canadian Jews who reject Israel’s claims upon them are more or less written off by the organized Jewish community and certainly are excluded from any significant decision-making role. Jewish leaders who can claim to speak in the name of Israel or on behalf of Israel gain a degree of authority that places them in advantageous positions when it comes to other areas of communal decision-making.¹⁰ It is therefore clear that any examination of the identity of

⁶ Ibid., p.207.

⁷ Ibid., p.207.

⁸ Ibid., p.207.

⁹ For an interesting critique of contemporary proliferations of Holocaust monuments and memorials, please see Debra B. Bergoffen, “Improper Sites,” in Alan Rosenberg (Ed.), *Contemporary Portrayals of Auschwitz* (Amherst: Humanity Books, 2000).

¹⁰ Daniel J. Elazar, *Community and Polity: The Organizational Dynamics of American Jewry* (Philadelphia: The Jewish Publication Society, 1995), p.160.

contemporary North American Jewry must address the formative role of the Holocaust and the State of Israel.

If the writings of the novelist Elie Wiesel have been instrumental in lending literary expression to the connection between the Holocaust and the State of Israel, it is in the post-1967 writings of Emil L. Fackenheim that this connection (and its demands upon North American Jewish identity) has found its most sophisticated philosophical and theological expression. Fackenheim's formulations have a certain sociological validity, describing as they do the worldview of a large segment of North American Jewry. An examination of Fackenheim's later work is therefore instructive in terms of understanding contemporary North American Jewish identity, and I was quite surprised at the paucity of scholarship in the area. In fact, I was only able to find one dissertation dealing with Fackenheim's philosophy as it relates to Jewish identity, and in spite of the author's kindness in responding to my inquiries, I was unable to obtain a copy.¹¹

In a general sense, the question that I will be seeking to answer in the present examination is the following: "What, according to Emil L. Fackenheim, is the role of the Holocaust and the State of Israel in defining North American Jewish Identity?" I say "in a general sense" because, for Fackenheim, contemporary Jewish identity (North American or otherwise) is largely defined precisely in relation to the Holocaust and the State of Israel. In a critical vein, I will be examining Fackenheim's recent writings in order to determine whether his philosophy can adequately account for recent historical developments, or if (as I suspect is the case) he has adopted a position that is ultimately

¹¹ Moshe Shner (1996), "The Holocaust as a Turning Point in Jewish Identity – Reflections on the Philosophy of Emil L. Fackenheim," Doctoral Dissertation, The Jewish Theological Seminary of America, New York, New York, USA.

ahistorical and escapist. I will also seek to determine the extent to which his position has shifted to the right of the political spectrum. In so doing, I hope to gain insight into the challenges facing the (primary) contemporary North American Jewish identity, and as a secondary benefit, make some progress towards the development of a just Jewish critique of the Judaic system outlined by Neusner.

This project is comprised of two chapters. Chapter One consists of a careful reconstruction of Fackenheim's philosophical and theological thought, particularly his later (i.e., post-1967) position. It was in *God's Presence in History* (published in 1970)¹² that Fackenheim first articulated his mature position vis a vis the Holocaust and the State of Israel, and in which he formulated his well-known "614th commandment." Because the work represents a concise and accessible statement of the author's later position, and since the important questions that it raises are those that will preoccupy Fackenheim throughout his career, I have chosen to focus on this specific text in the aforementioned reconstruction. However, where necessary I have included references to later works (i.e., *What is Judaism?*, published in 1990) in order to demonstrate any developments/modifications in Fackenheim's philosophy.

For the most part, I have deliberately chosen not to focus on *To Mend the World*, which is Fackenheim's self-described *magnum opus*. I have made this choice for a number of reasons. First, it is a very dense and philosophically sophisticated book, and the intricacies of the arguments contained therein are not especially germane to the present examination. Of far greater importance are the questions and challenges with which Fackenheim grapples, and these are by-and-large unchanged from those first raised in *God's Presence in History*. In citing at length Michael Morgan's important

philosophical critique of *To Mend the World* and Fackenheim's response to that critique, I have sought to give an assessment of the content and sophistication of that text. I regard Morgan's critique to be authoritative due to his status as Fackenheim's most devoted disciple in the Academy.

Chapter two consists of an examination of Fackenheim's most recent writings, with particular emphasis on his views concerning the Holocaust and the State of Israel in the 1990's to the present. As previously indicated, I will attempt to determine the extent to which Fackenheim's philosophy remains vulnerable to recent history, and I will assess whether or not there has been any significant shift in his political position. My sense is that Fackenheim has indeed adopted an "escapist" ahistorical position vis a vis the State of Israel which has as its main consequence the muting of any potential criticism (especially by Diaspora Jewry) of its policies, particularly as they relate to the treatment of its minority (i.e., non-Jewish) citizens. I will attempt to point out the dangers that are inherent in this position, as well as articulate the need for (and parameters of) a just Jewish critique.

Throughout both chapters I will be considering a number of important authors who have written about Fackenheim. In Chapter One, I have included a brief reference to Steven T. Katz in order to demonstrate that Fackenheim's views concerning the "Uniqueness" of the Holocaust have been taken seriously by other scholars in the field. The historian Ze'ev Mankowitz has raised important questions concerning Fackenheim's historical (or better, Metahistorical) perspective. Although Michael Wyschogrod's theological critique of Fackenheim's position¹³ is the one that is most frequently cited, I

¹² And based on the aforementioned Charles F. Deems Lectures delivered in 1968.

¹³ Michael Wyschogrod, "Faith and the Holocaust," *Judaism* 20 (Summer 1971), pp.286-94.

have found the critiques of Michael Oppenheim and Sheila Shulman to be equally insightful, and so I have made extensive references to the latter authors. Furthermore, Wyschogrod's critique is somewhat limited by the fact that he accepts a very traditional view of Jewish thought and practice. Kenneth Seeskin and Gregory Baum have drawn attention to the problem of the "ideology of survival" in Fackenheim's philosophy, while Dan Cohn-Sherbok's theological critique serves to demonstrate that there continue to exist viable traditional Jewish theological responses to the Holocaust. Seeskin is cited a second time with reference to Fackenheim's use of the midrashic genre. As Fackenheim's most devoted student in the academy and the editor of an important reader, *The Jewish Thought of Emil Fackenheim*, no examination of Fackenheim's philosophy would be complete without a reference to Michael L. Morgan. The essay by Morgan that I have cited is of particular value for two reasons: First, as previously indicated, it deals with the philosophy of Fackenheim's *magnum opus*, *To Mend the World*. Second, Fackenheim has responded directly to the essay in question, and I have made a point of including much of this response immediately following Morgan's critique.

In Chapter Two I cite an essay by Louis Greenspan, who critically examines Fackenheim's Zionism along with the latter's notion of the State of Israel as the embodiment of *Teshuvah*. Harvey Shulman is a staunch defender of Fackenheim's philosophy as it relates to Jewish attitudes/responsibilities towards the State of Israel, while Zachary Braiterman asks whether Fackenheim's recent thought has "risen above" history. Finally, Heidi M. Ravven critiques the latter's Hegelianism and asks whether or not the "uncritical embrace of fragmentation" is inevitable or desirable.

I have made some editorial decisions regarding my treatment of Fackenheim's critics that may appear to be counterintuitive, and so before proceeding any further, I feel that some explanation is in order. First of all, I have grouped the authors in question in accordance with the division of my thesis into two chapters. The authors considered in Chapter One are therefore grouped together because they comment primarily on Fackenheim's treatment of the Holocaust, whereas the authors considered in Chapter Two comment primarily on his treatment of the State of Israel. This in itself is not very problematic, although it is obvious that, generally speaking, all of the authors under consideration are concerned with the nature and character of the Judaism that emerges as a result of Fackenheim's formulations. Second, my strategy has been to deal with each author separately, and this is perhaps more problematic and in need of explanation. I recognize that, from the perspective of the reader, this approach makes it more difficult to identify thematic criticism than if I had integrated my discussion of Fackenheim's critics. I have mitigated this problem somewhat by grouping the authors together in such a way as to emphasize the major themes, and I summarize these themes in my Conclusion. I believe that my strategy is justified because a number of the authors considered offer critiques that are highly nuanced, and many of these nuances would have to be sacrificed for the sake of coherency in an integrated approach. Furthermore, I believe these nuances to be indicative of the breadth and complexity of Fackenheim's own thought, and my approach to his critics therefore derives in part from my commitment to preserve and accurately convey that complexity to the reader.

The secondary sources that I have cited in both chapters are not exhaustive, but I feel that they best represent current scholarship as it relates to Fackenheim's later thought.

Chapter 1: Fackenheim and The Holocaust

1.i The Midrashic Framework and Modern Challenges to Judaism

Emil Fackenheim characterizes the first two chapters of *God's Presence in History* as having been written from the perspective of one who has temporarily suspended their religious commitment on the basis of phenomenologico-historical and philosophical detachment. The first chapter is “phenomenological” in the sense that it consists of a “structured essence” that it not sheer historical fact but rather is vulnerable to epoch-making events. The second chapter consists of a philosophico-theological encounter and remains limited to the discovery of compatibilities. Fackenheim describes the third and final chapter as “neo-midrashic” and suggests that it represents “immediacy after reflection.” It is written from the perspective of one who is without any religious detachment whatsoever.

Chapter one begins with a quote from Ezekiel 1:1 and a related Midrash which suggests that what Ezekiel (and the other prophets) saw in heaven was far less than what all of Israel saw on earth at the Red Sea.¹⁴ In other words, even the lowliest maidservant at the Red Sea saw what Isaiah, Ezekiel, and all the other prophets never saw, and Fackenheim notes that this Midrash affirms God’s presence in history in full awareness of the fact that the affirmation is strange, extraordinary, or even paradoxical.¹⁵

Among the greatest paradoxes from a modern perspective is that of a God who is both infinitely Divine and above the human and yet is accessible to a whole people at least once. Fackenheim suggests that modern man and philosophy therefore seem compelled to deny God’s presence in history. After all, how can there be “supernatural”

¹⁴ Emil L. Fackenheim, *God's Presence in History: Jewish Affirmations and Philosophical Reflections* (New York: New York University Press, 1970), p.3.

incursions into “natural” history? How can Divine Providence rule over history and yet allow human freedom within it? And how can one reconcile the notion of divine Providence with the existence of evil within history? Fackenheim identifies the following as the principal modern/radical (18th and 19th century) theological response to these problems: There is no externally superintending divine Providence compelling human freedom and using evil for its own purposes; rather, divine Providence is immanent in human freedom and consists of its progressive realization. Meaning in history lies in its forward direction- one in which human freedom raises itself ever higher towards Divinity, and evil comes ever closer to being conquered.¹⁶

Fackenheim cites the examples of Hiroshima and the Holocaust and suggests that these events seem to have destroyed the ability to trust in any kind of Providence whatsoever. He further notes that anyone who today still seeks the Divine at all must totally contradict the aforementioned ancient Midrash and turn away from history in his search for God- whether to Eternity above history, to nature below it, or to an individualistic inwardness divorced from it.¹⁷ And yet even though a Jew today risks exposing himself or his offspring to a future Auschwitz, to abandon Judaism would be, according to Fackenheim, “a betrayal of his post.”

In order to address these problems, Fackenheim turns to the notion of “epoch-making events” and “root experiences.” Examples of the former are the end of prophecy, the destruction of the first and second Temples, the Maccabean revolt, and the expulsion from Spain. Each such event makes a new claim upon the Jewish faith, but they do not produce a new faith- in other words, the old faith is tested in the light of contemporary

¹⁵ Ibid., p.4.

¹⁶ Ibid., p.5.

experience.¹⁸ Fackenheim notes that past faith originated in historical events, and he terms these events (after Irving Greenberg's "orienting experiences"), "root experiences." Fackenheim identifies three conditions without which a past event cannot continue to make a present claim. The first is that a dialectical relation between present and past is necessary in order for the past experience to legislate to the present. The second condition is (at least for Judaism) its public and historical character. For example, at the Red Sea Israel experienced both a natural-historical event and the saving presence of God, and Fackenheim asks how it is that subsequent generations can have access to the "vision of the maidservants"/presence of God. The third and final characteristic of a root experience in Judaism is just such an accessibility of past events to the present.¹⁹

Fackenheim asks how we are to understand this third characteristic, and indeed, "how to understand the original event itself- a divine Presence which is manifest *in* and *through* a natural-historical event, not in the heavens beyond it?"²⁰ He indicates that an answer is to be found in a passage of Martin Buber's *Moses*, in which Buber suggests that, "the real miracle means that in the astonishing experience of the event the current system of cause and effect becomes, as it were, transparent and permits a glimpse of the sphere in which a sole power, not restricted by any other, is at work."²¹ In other words, the "sole power" is immediately present at the Red Sea, in and through the natural-historical event for the abiding astonishment of the witnesses. Fackenheim believes that three major terms introduced by Buber are necessary and are only intelligible in their relation. The first is that, except for the immediate presence of the sole Power the

¹⁷ Ibid., p.6.

¹⁸ Ibid., p.9.

¹⁹ Ibid., p.10.

²⁰ Ibid., p.11.

natural-historical event would not be a miracle but rather a strange incident in need of explanation; and the astonishment would only be curiosity or, in any case, not abide, for it would vanish when the explanation is given.²² The second term is that, except for the abiding astonishment, the sole Power would not be present or, in any case, not be known to be present; and the miracle would, once again, be a mere incident to be explained.²³ The third term is that, except for the natural-historical event, the sole Power, if present at all, would either be present in the heavens beyond history, or else dissolve all historical particularity by its presence within it; and the abiding astonishment would be equally historically vacuous (whereas the salvation at the Red Sea is certainly not historically vacuous).²⁴ Fackenheim therefore states that, in reenacting the natural-historical event, the pious Jew at the Passover Seder reenacts the abiding astonishment as well, and makes it his own. Hence the “sole Power” present then is present still, memory turns into faith and hope, the event at the Red Sea is recalled now and will continue to be recalled even in the Messianic days, and the reenacted past legislates to the present and future.²⁵ The event is therefore a root experience in Judaism.

Fackenheim identifies the necessity for human action at the Red Sea, for no salvation would have occurred had Israel shrunk in fear from walking through the divided sea. He indicates that a commanding Voice is heard even as the saving event is seen; and salvation itself is not complete until the Voice is heeded.²⁶ The astonishment therefore abides as the commanding Voice is heard: this becomes clear when that Voice

²¹ Martin Buber, *Moses* (New York: Harper Torchbooks, 1958 [London: East and West Library]), p. 77.

²² Fackenheim, *God's Presence in History*, p. 13.

²³ *Ibid.*, p. 13.

²⁴ *Ibid.*, p. 14.

²⁵ *Ibid.*, p. 14.

²⁶ *Ibid.*, p. 15.

comes on the scene in its own right to legislate to future generations- in the root experience of Sinai.

Fackenheim cites a Midrash that affirms that at Sinai, as at the Red Sea, the whole people saw what Ezekiel and the other prophets never saw. However, because the divine Presence is at Sinai a commanding (rather than just a saving) Presence, the astonishment has a different structure.²⁷ Specifically, the abiding astonishment turns into deadly terror. Fackenheim notes that such a Presence is paradoxical because, being commanding, it addresses human freedom, while being sole Power, it destroys that freedom because it is only human. Yet the freedom destroyed is also required.²⁸

The Divine commanding Presence can therefore only be divine, commanding, and present only if it is doubly present, just as the human astonishment must be a double astonishment. This is because as sole Power, the divine commanding Presence destroys human freedom; as gracious Power, it restores that freedom, and indeed exalts it, for human freedom is made part of a covenant with Divinity itself.²⁹ And the human astonishment, which is terror at a Presence at once divine and commanding, turns into a second astonishment, which is joy, at a Grace which restores and exalts human freedom by its commanding Presence.³⁰

Fackenheim notes that threats to the reenactment of the root-experiences of Judaism arise from two principal quarters, the first being history itself. Since the reenactment does not occur in an historical vacuum, each historical present, or at any rate each epoch-making historical present, makes its own demands over against the past and

²⁷ Ibid., p. 15.

²⁸ Ibid., p. 15.

²⁹ Ibid., p. 16.

³⁰ Ibid., p. 16.

its reenactment; and, since each epoch-making present must be taken seriously in its own right, it is not possible to anticipate the outcome.³¹ The second threat is that posed by reflective, philosophical thought.

Because the root experience itself and its reenactment by subsequent believers is an immediacy, it is also the potential object of philosophical reflection, and the moment such reflection occurs it reveals the root experience to be shot through with at least three “all-pervasive, dialectical contradictions.”³² The first such contradiction is that between divine transcendence and divine involvement. The “sole Power” present at the Red Sea and Mount Sinai manifests a transcendent God, for involvement would limit His Power; it manifests an involved God as well if only because it is a Presence.³³ Fackenheim notes that this contradiction is logically first, but no more significant than the other two—respectively, between divine Power and human freedom, and between divine involvement with history and the evil which exists within it.

An infinite divine Presence is a present sole Power which “explodes the fixity of nature and history,” rendering “transparent” the causal nexus constituting both; and this negates the self and its freedom.³⁴ Fackenheim notes that at the same time, the divine Presence requires the self and its freedom in the very moment of its presence. There is no abiding astonishment unless men and women exist who can be astonished; furthermore, the divine Presence—saving as well as commanding—remains incomplete unless human astonishment terminates in action.³⁵

³¹ Ibid., p. 16.

³² Ibid., p. 16.

³³ Ibid., p. 17.

³⁴ Ibid., p. 17.

³⁵ Ibid., p. 17.

The third contradiction is that between a God revealed as sole Power in one moment of history, and who is also revealed in that very same moment as the God of all history. Universality is therefore implicit in the particular. However, if the God present in one moment of history is the God of all history, He is in conflict with the evil which is within it.³⁶ Fackenheim indicates that this must be viewed as a contradiction over and above that between divine Power and human freedom, if only because not all evil in history is attributable to human sin; and, still more decisively, because sin cannot be regarded as an act of freedom which, real from a human standpoint, is, from the standpoint of divine Providence, either an unreal shadow or an instrument to its purposes.³⁷ He notes that these views are ruled out by the root experiences of Judaism—by the fact that the divine Presence occurs within history, not as its consummation or transfiguration.

Upon becoming aware of these contradictions in the root experiences of Judaism, philosophical reflection is tempted to remove them, and to do so by means of a retroactive destruction of the root experiences themselves.³⁸ Fackenheim notes that it is at this point that Jewish theological thought exhibits a stubbornness which, soon adopted and rarely if ever abandoned, may be viewed as its defining characteristic. Negatively, this stubbornness is characterized by a resistance to all forms of thought which would remove the contradictions of the root experiences of Judaism at the price of destroying them. Positively, it is characterized by the development of logical and literary forms which can preserve the root experiences of Judaism despite their contradictions.³⁹

³⁶ Ibid., p. 18.

³⁷ Ibid., p. 18.

³⁸ Ibid., p. 18.

³⁹ Ibid., p. 18.

Fackenheim identifies a dialectical tension which develops within Jewish theological thought and which points to a future in which evil is vanquished by divine Power and human freedom, and in which divine Power and human freedom are reconciled. This future is a necessity both for theological thought and for immediate experience as well, and while it rivals in significance the root experiences of the Red Sea and Sinai, it is not according to Fackenheim itself a root experience (since it is a future anticipated rather than a past reenacted).⁴⁰ Fackenheim further states that if it is as basic as these root experiences, it is because, without that anticipation, any reenactment of the root experiences of Judaism remain incomplete.

If, as previously indicated, Jewish theological thought negatively resists the dissipation of the root experiences of Judaism, then positively, it aims at preservation.⁴¹ Fackenheim believes that it succeeds in its aim by becoming Midrashic, and he identifies the following five characteristics of Midrashic thinking:

- 1) Midrashic thinking reflects upon the root experiences of Judaism, and is not confined to their immediate (i.e., liturgical) reenactment.
- 2) Midrashic (like philosophical) reflection therefore becomes aware of the contradictions in the root experiences of Judaism.
- 3) Unlike philosophical reflection, however, it a priori refuses to destroy these experiences, even as it stands outside and reflects upon them. For it remains inside even as it steps outside them, stubbornly committed to their truth.
- 4) Midrashic thought, therefore, cannot resolve the contradictions in the root experiences of Judaism but only express them. This expression (a) is fully conscious of the

⁴⁰ Ibid., p.19.

⁴¹ Ibid., p.20.

contradictions expressed; (b) is fully deliberate in leaving them unresolved; (c) for both reasons combined, is consciously fragmentary; and (d) is insistent that this fragmentariness is both ultimate for human thought and yet destined to an ultimate resolution. Midrashic thought is therefore both fragmentary and whole.

- 5) Seeking adequate literary form, the Midrashic content can find it only in story, parable, and metaphor.⁴²

Fackenheim believes that Midrash is “the profoundest and most indigenous Jewish and hence most authoritative theology ever to emerge within Judaism” precisely because it does not take the form of propositions and systems put forward/demonstrated as true, but rather of stories and parables.⁴³ He further notes that these stories never pretend to have all the answers, and that the beliefs that they express are not binding—nevertheless, they are authoritative due to the limits that exist on the Midrashic storyteller.⁴⁴

After citing a few examples of the Midrashic genre, Fackenheim finds that the contradictions between divine transcendence and divine involvement and between divine Power and human freedom are not resolved but only expressed; and, indeed, that the expression could not be more frank, open, and conscious.⁴⁵ Nevertheless, the Midrash holds fast to the truths of these contradictory affirmations even as it expresses their contradictoriness. Fackenheim notes that in rabbinic theology, the term “as it were” (*k'b'yakhol*) is a fully developed technical term, signifying, on the one hand, that the affirmation in question is not literally true but only a human way of speaking; and, on the

⁴² Ibid., p.20.

⁴³ Emil L. Fackenheim, *What is Judaism?* (New York: Summit Books, 1987), p.72.

⁴⁴ Ibid., p.72.

⁴⁵ Fackenheim, *God's Presence in History*, p.23.

other hand, that it is a truth nonetheless which cannot be humanly transcended.⁴⁶ The rabbinic thinker therefore both reflects upon his or her relation to God and yet stands directly before Him, and his or her theology is consciously and stubbornly fragmentary.⁴⁷ It is the *k'b'yakhol* that enables Midrashic thought to hold fast to that principle which Fackenheim identifies as the ultimate one in Judaism, namely, the intimacy of the divine infinity.⁴⁸

Rabbinic thought is also understood by Fackenheim to stubbornly reject the notion that the aforementioned contradictions are transcended from the standpoint of God, i.e., that human history is transparent in the light of divine Power, and all darkness consists of insubstantial shadows. Rather, it stubbornly holds fast to the reality of human history, for to do otherwise would be, in the final analysis, to be unfaithful to the root experiences of Judaism- to a God present in history.⁴⁹ Fackenheim asks how Divinity could actually be present as commanding unless obedience and disobedience made a real, ultimate difference, and further, how a saving Divinity could actually be present if the human perception of salvation were a matter of irrelevance? Because the root experience in Judaism is fragmentary, it points to a future (Messianic) consummation in which the fragments/contradictions will be resolved; thus God and humankind in Judaism pay each their price for their stubbornness with which they hold fast to actual- not “spiritual”- history.⁵⁰

Fackenheim indicates that seriousness in holding-fast to history is tested in self-exposure to crisis situations. He cites the destruction of the Second Temple by Titus in

⁴⁶ Ibid., p.24.

⁴⁷ Ibid., p.24.

⁴⁸ Fackenheim, *What is Judaism*, p.286.

⁴⁹ Fackenheim, *God's Presence in History*, p.24.

70 C.E. and the transformation of Jerusalem into a pagan city by Hadrian in 135 C.E. as two examples in which Rabbinic faith was uniquely tested, and further states that the “well-nigh inescapable temptation of the times was to flee from history into either gnostic individualism or apocalyptic otherworldliness.”⁵¹ However, the rabbis chose instead to remain within the Midrashic framework, and responded to the radical crisis with the most profound thought ever produced within that framework. Fackenheim believes that this was because they both faced the present with unyielding realism and held fast to the root experiences of Judaism with unyielding stubbornness.⁵² Their response entailed striking out in a new direction; far from being unconcerned with their plight or concealed, God, so to speak, “cried out every night in bitter lament, as with a lion’s voice.”⁵³ Rather than judge the righteous through the wicked, He, as it were, lamented His own decision; in causing His Temple to be destroyed and His people to be exiled, either He could not act otherwise or had grievously erred.⁵⁴ This response ensured that, although the Jew would be in exile, he or she would not be cut off from the divine Presence. He or she could therefore still hold fast to history, for the God who had been present in history once was present in it still and would in the end bring total redemption. Fackenheim notes that for nearly two millennia the Jew- mocked, slandered, persecuted, homeless- held fast to the God of history with a faith which, if not in principle unshakeable, remained in fact unshaken.⁵⁵

The ancient rabbis are therefore understood to have remained within the Midrashic framework; ever since the rise of the modern world, Fackenheim states that

⁵⁰ Ibid., p.25.

⁵¹ Ibid., p.25.

⁵² Ibid., p.26.

⁵³ Ibid., p.28.

Jewish theological thought has confronted the challenge of secularism- that of stepping outside the framework and of calling it into question from outside. He further notes that, ever since the Nazi holocaust, Jewish theology has faced the necessity of questioning the Midrashic framework from inside as well.⁵⁶ The Jewish theologian would be ill-advised were he or she, in an attempt to protect the Jewish faith in the God of history, to ignore contemporary history, for according to Fackenheim, the God of Israel cannot be God of either past or future unless He is still God of the present.⁵⁷

Having established that Jewish theological thought must remain open to the present, Fackenheim seeks to expose that thought to the major philosophical challenges of the modern period. As previously indicated, the Biblical and rabbinic faith affirms an immediate divine Presence, whereas in the view of the secularist critic, what is immediate is at most the feeling or appearance of such a presence, and any actual divine Presence is an inference to account for this feeling or appearance.⁵⁸ In other words, according to the secularist, the God of Biblical and rabbinic faith remains a hypothesis, one that is framed to account for religious experience rather than for the earth or the stars of three-story universes.

In *What is Judaism?*, Fackenheim asks what might happen if a modern historian were somehow transported back in time so that he or she could witness, along with 600 000 Israelites, the revelation at the foot of Mount Sinai. Although the historian would share in the experience, he or she would not be able discount the possibility of “mass delusion” to explain the event; in other words, his or her “facts” would include only a

⁵⁴ Ibid., p.28.

⁵⁵ Ibid., p.29.

⁵⁶ Ibid., p.31.

⁵⁷ Ibid., p.31.

human hearing of a divine voice, and not a divine voice itself.⁵⁹ Fackenheim cites Gotthold Ephraim Lessing (1729-81) to illustrate the religious implications of this difference between the pre-modern and modern mind. The latter states that, unlike “truths of reason” (which are “necessary”), “truths of history” are at best only “probable.”⁶⁰ How then can one stake one’s religious world-view on truths that have no more than probable certainty? That, Lessing laments, is the “nasty, broad ditch” that he cannot “get across, however often and however earnestly...(he has) tried to make the leap.”⁶¹

Fackenheim believes that no pre-modern precedent exists for this challenge to faith because faith in the pre-modern world could seek refuge, when challenged, in authoritarianism.⁶² On the other hand, the modern believer cannot (according to Fackenheim) accept the divine Presence on the authority of Scripture; he or she can at most accept any authority of Scripture because of a divine Presence manifest in it.⁶³ When faced with the natural-historical event at the Red Sea, the abiding astonishment of the modern secularist would pass once immediacy had yielded to critical, scientifically inspired reflection.⁶⁴ Reflection would reconstruct the whole course of events, and whatever the terms in which such a reconstruction would be articulated, an actual divine Presence would not be among them. The actual divine Presence in history, as asserted by millennia of Jewish (and Christian) faith, has vanished.⁶⁵ And if in history a new truth appears the modern mind does not consider it as having a divine origin, but at the most as

⁵⁸ Ibid., p.42.

⁵⁹ Fackenheim, *What is Judaism?*, p.25.

⁶⁰ Ibid., p.25.

⁶¹ Ibid., p.25.

⁶² Fackenheim, *God's Presence in History*, p.42.

⁶³ Ibid., p.42.

⁶⁴ Ibid., p.43.

the work of something we call “genius,” to be absorbed by future history and superceded by the work of future genius.⁶⁶

Fackenheim has therefore described a stance of critical reflection which dissipates every supposed divine Presence into mere feeling and appearance. He further notes that such critical reflection does not ignore the evidence of faith, but rather hands it over for explanation, and the terms in which the explanation is given or promised are such that what he has referred to as the Midrashic framework lies in ruins.⁶⁷ However, Fackenheim indicates that it is one thing to admit the incompatibility of faith and modern secularism, quite another to admit that faith is refuted by such secularism. In order to illustrate his point he contrasts the views of Bertrand Russell and Martin Buber. For Russell (who articulates secularism) existence is shut off from the divine Presence, for there is only a feeling of presence and nothing more. For Buber (who articulates Jewish faith) existence is open to the presence of God, and feeling is a mere by-product.⁶⁸ Fackenheim notes that, whereas Russell places reflection above immediacy, making it its interpreter and judge (and thus assuring its dissipation), Buber places immediacy above reflection (thus assuring the impotence of reflection to dissipate the divine Presence).⁶⁹

The two positions are both irreconcilable and mutually irrefutable; the secularist cannot refute but only convert the religious believer, and this possibility is mutual. Fackenheim asks how it can be that secularism can represent a challenge without precedent, if it cannot refute but only contradict Jewish faith? He notes that it is so because in modern times, the secular world is “where the action is,” and that a God of

⁶⁵ Ibid., p.43.

⁶⁶ Fackenheim, *What is Judaism?*, p.24.

⁶⁷ Fackenheim, *God's Presence in History*, p.43.

⁶⁸ Ibid., p.44.

history must be where the action is.⁷⁰ Nevertheless, self-exposure to secularity involves self-exposure to secularism- the critical dissipation of the very possibility of the presence of God, and so faith and modern secularism do not in fact confront each other on even terms.

Fackenheim believes that modern Jewish faith can authentically preserve the Midrashic framework only after having stepped outside that framework, thus calling it into question- a stance of faith that was called by Soren Kierkegaard “immediacy after reflection.”⁷¹ To illustrate this stance, Fackenheim gives the example of an imaginary Jew at the Passover Seder, and asks how he or she might participate in a modern yet authentic manner. He answers that the Jew may no longer participate in a religious immediacy which has never thought of stepping outside the Midrashic framework (i.e., as in the pre-modern period), nor is it at all possible to participate in a stance of critical reflection which stands outside only and merely looks on. Rather, nothing is possible except an immediacy after reflection which is and remains self-exposed to the possibility of a total dissipation of every divine Presence, and yet confronts this possibility with a “forever reenacted risk of commitment.”⁷²

Fackenheim notes that this stance of faith is part of what Buber referred to when he spoke of an “eclipse of God” (in his work of the same name, New York: Harper and Bros., 1952), a metaphor inspired by the Biblical “hiding” of the divine Face. Self-exposed to a secularism which would dissipate every claim to a divine Presence into mere feeling or appearance, modern Jewish faith comes face to face with the possibility that

⁶⁹ Ibid., p.44.

⁷⁰ Ibid., p.46.

⁷¹ Ibid., p.47.

⁷² Ibid., p.49.

man is in principle cut off from God.⁷³ It is therefore only by virtue of an unprecedented stubbornness that the modern Jewish believer can be a witness, in and to the modern secular world, of God's presence in history- such is the testimony of a faith which is immediacy after reflection.⁷⁴

Fackenheim identifies a second form of modern secularism that poses a far deeper challenge to faith, Friedrich Nietzsche's "Death of God" atheism. Nietzsche's atheism overcomes God Himself, by regarding the God-hypothesis as a finite projection, always false and the product of mere ignorance, superstition or neurosis; the God of Nietzsche is an infinite projection, true while it lasted, and producing a world-historical transformation when the old truth turns into an anachronism.⁷⁵ As Fackenheim indicates, to deny the otherness of the Divine (as Nietzsche does) is to affirm the potential divinity of the human, and so Nietzsche's atheism constitutes a new rival religion, the passion and power of which match the old.⁷⁶ This "rival religion" constitutes a serious threat to Jewish faith because it has been adopted by left-wing Hegelianism- a tradition which begins with Ludwig Feuerbach, culminates in Karl Marx, and gives in Ernst Bloch impressive proof of its continued vitality.⁷⁷ Fackenheim notes that here, as in Nietzsche, there is a dialectical denial of the otherness of the Divine which produces the affirmation of a new, human (or more-than-human) freedom. However, this freedom differs from that of Nietzsche in that it is embodied not in great aristocratic individuals, but rather in new forms of human community; and for this reason, history as a whole assumes a

⁷³ Ibid., p.49.

⁷⁴ Ibid., p.49.

⁷⁵ Ibid., p.51

⁷⁶ Ibid., p.51.

⁷⁷ Ibid., p.52.

forward, Messianic direction.⁷⁸ Fackenheim states that it is precisely because left-wing Hegelianism shares the Jewish Messianic expectation that this post-religious religion negates Jewish religious existence absolutely, as it denies the God of Israel and affirms a universal humankind raised above his or her Jewish, religious, human limitations.⁷⁹

Fackenheim notes that this new (but in his view premature) Messianism also differs from the old forms, the difference being a dialectical move by which God dies away into “free” humanity, and Jews, once singled-out witnesses, die away into that humanity.⁸⁰ This dialectical move is considered necessary because only if the God other-than-man is dead can human freedom be real. Fackenheim notes that when Nietzsche and Marx issued their respective clarion calls they could be believed, but today they sound unbelievable to all except belated theological celebrants of the modern secular world.⁸¹ He also states that no Jew in the age of Auschwitz- and of persisting anti-Semitism despite and because of Auschwitz- is likely to place Messianic expectations in the modern secular world. On the other hand, it does not necessarily follow that Auschwitz by itself warrants a “return to religion,” for as Fackenheim attempts to demonstrate in the third chapter of *God's Presence in History*, the secularist and the believer inhabit the same world, and there is in this age “hope and despair both within faith and without it.”⁸² Fackenheim notes that it was not in behalf of an easy religious optimism that Buber dismissed the phrase of the “death of God” as a “sensational and incompetent saying,” and himself affirmed an eclipse of God.⁸³

⁷⁸ Ibid., p.52.

⁷⁹ Ibid., p.52.

⁸⁰ Ibid., p.59.

⁸¹ Ibid., p.60.

⁸² Ibid., p.61.

⁸³ Ibid., p.61.

1.ii The Holocaust as Radical Rupture

Fackenheim begins the third chapter of the aforementioned book by citing a story of Elie Wiesel's about a small group of Jews who were gathered to pray in a little synagogue in Nazi-occupied Europe. Mid-way through the service a pious Jew who was slightly mad burst in through the door, and after listening silently for a moment as the prayers ascended, said: "Shh, Jews! Do not pray do loud! God will hear you. Then He will know that there are still some Jews left alive in Europe."⁸⁴ Fackenheim contrasts this story with Friedrich Nietzsche's tale of the madman who declared that "God is dead," noting that in one story there is horror because God is dead, while in the other because He is alive. One madman addresses God's murderers; the other, his victims.⁸⁵

Fackenheim notes that the contrasts between the two stories pale in comparison to another. Specifically, the Nietzschean event of the death of God signifies the loss of the old and also the gain of new treasures, and it inspires a mixture of mourning and celebration; however, the death occurs in the inward realm of the spirit alone, and nowhere else.⁸⁶ In other words, such catastrophes as it includes are internal catastrophes only, and even the vast contemporary catastrophes (such as Auschwitz and Hiroshima) appear only, as it were by accident.⁸⁷ In Wiesel's story Auschwitz is not an accident, but remains rather the center of the event, and this despite and because of the fact that God is a part of it. Fackenheim believes that Wiesel's is a Jewish story because it refuses to spiritualize history, whereas Nietzsche's is a Christian, pseudo-Christian, or post-

⁸⁴ Ibid., p.67.

⁸⁵ Ibid., p.67.

⁸⁶ Ibid., p.68.

⁸⁷ Ibid., p.68.

Christian story, for in it spiritualization of history is of the essence.⁸⁸ And yet in the story in which Auschwitz is accidental God is dead, and in the story in which it is essential He is alive.⁸⁹

Fackenheim therefore notes that the two madmen suffer two wholly different kinds of madness. Nietzsche's madman comes too late to have gods for company and too soon to be able to bear the new solitude; his present madness is therefore of the spirit alone, as are the two sanities- the old, past sanity (which was companionship with the gods) and the new, future one, which will be human solitude.⁹⁰ In contrast, Wiesel's madman has all along held fast to a God who is Lord of actual history, its external events included, and his was a sanity which held fast to God and to the world and was unable to disconnect the two.⁹¹ Therefore it now turns into an unheard-of madness, for if sanity is not of the spirit only, but rather contact with the world (and with God in and through the world), then such sanity, when the world is Auschwitz, is destroyed by madness.⁹² And if sanity consists of flight from the world, then such flight, when the world is the Nazi holocaust, is necessary if even a shred of sanity is to remain- however, Jewish prayer cannot achieve this sanity since it cannot disconnect God from the world.⁹³ Fackenheim notes that any Jewish prayer at Auschwitz is therefore madness, and such is the terrible Midrash of Wiesel's madman.

Fackenheim believes that Wiesel's Midrash has no precedent in the ancient Midrash, because the Nazi holocaust has no precedent in ancient Jewish history- or medieval or modern. Nor, once the necessary distinctions are carefully made, will one

⁸⁸ Ibid., p. 68.

⁸⁹ Ibid., p. 68.

⁹⁰ Ibid., p. 68.

⁹¹ Ibid., p. 68.

find a precedent outside Jewish history.⁹⁴ Fackenheim notes that even actual cases of genocide still differ from the holocaust in at least two respects- whole peoples have been killed for “rational” (however horrifying) ends such as power, territory, wealth, and in any case supposed or actual self-interest, but no such end was served by the Nazi murder of the Jewish people. The Nazi murder of the Jews was an “ideological” project; it was annihilation for the sake of annihilation, murder for the sake of murder, evil for the sake of evil.⁹⁵ Fackenheim asks where one would find a counterpart, among any criminals, to Eichmann, who, with the third Reich in ruins and ashes, declared that he would jump laughing into his grave because he had sent millions of Jews to their death.

Fackenheim enumerates the following characteristics that, in his view, distinguish the Holocaust from all comparisons with other events of human history: First, six million Jews were killed not because of their faith or faithlessness, but because their great-grandparents continued to see themselves within the history of the covenant between God and Israel. Second, the killing was an end in itself, in that the killing of Jews was regarded as the Nazi’s first priority. Fackenheim supports the latter assertion with three examples: (1) Eichmann diverted trains desperately needed at the Russian front to send more Jews to Auschwitz.⁹⁶ (2) The less well known example of the so-called death-marches, in which the SS at Auschwitz chose to death-march their victims westward in order to further torture and humiliate them, rather than flee (the natural thing to do)

⁹² Ibid., p.68.

⁹³ Ibid., p.69.

⁹⁴ Ibid., p.70.

⁹⁵ Ibid., p.70.

⁹⁶ Emil L. Fackenheim, “Philosophical Considerations and the Teaching of the Holocaust,” in Emil L. Fackenheim and Raphael Jospe (Eds.), *Jewish Philosophy and the Academy* (Cranbury: Associated University Press, 1996), p.193.

before the advancing Russians.⁹⁷ (3) The fact that the only two principles that remained inviolate for Hitler (expressed in his last testament) as he lay in his bunker at the end of the war were that the *Fuhrer* is always right, and that the Jews are the poisoners of the world.⁹⁸

Fackenheim states that these examples serve to completely discredit the so-called “covering law theory of historical explanation” (also referred to as the positivistic theory). In its place, he advances his own (well formulated) theory of the Nazi *Weltanschauung*, and uses it to answer his own “big” question concerning the Holocaust, which is to say, why didn’t the Nazis allow his grandmother’s best friend (an old and frail spinster named Bertchen Bacher, “the most inoffensive of persons”) to die in peace in her bed? The notion of a Nazi *Weltanschauung* addresses both this question along with the evidence for viewing the killing of Jews as an end in itself.⁹⁹

In discussing the Holocaust, Fackenheim distinguishes the attempt to “explain” it from the quest for a genuine response to it. According to Fackenheim, all attempts to explain the Holocaust according to some preexisting theological category are inherently blasphemous, just as all philosophical attempts to comprehend (and thus transcend) the event are unintelligible:

We cannot comprehend it (the Holocaust) but only comprehend its incomprehensibility. We cannot transcend it but only be struck by the brutal truth that it cannot be transcended. Here the very attempt to see meaning, or do a placing-in-perspective, would *already* constitute a dissipation, not only blasphemous but also untruthful and hence unphilosophical, of either the *whole* of horror- the fact that it was not random, piecemeal, accidental, but rather integrated into a *world- or else the horror* of the whole- the fact that the whole

⁹⁷ Ibid., p.193.

⁹⁸ Ibid., p.194.

⁹⁹ Ibid., p.201.

possessed no rational, let alone redeeming purpose subserved by the horror, but that the horror was starkly ultimate.¹⁰⁰

Fackenheim clearly believes that the very attempt to find a theological or philosophical “solution” to the problem of the Holocaust serves merely to undermine the full horror of the event, and he even wonders whether God Himself will be able to put this event into a fully meaningful context.

Although Fackenheim has criticized attempts to “understand” the Holocaust, this has not prevented him from considering the various historical treatments of the event, nor has it stopped him from advancing such theories of his own. This is because Fackenheim believes that it is the task of the historian to ask the “small” question concerning the Holocaust, i.e. “*how* did they (the Nazis) do it?”, rather than the “big” (philosophical) question of “*why* did they do it.”¹⁰¹ More specifically, the “big” question for Fackenheim is the following:

Why did they (the Nazis) decide quite literally to *exterminate* the Jews, i.e., murder *every available* Jew; why they *acted* on this decision, not letting even the old die in bed; and- this surely most startling but also most revelatory!- why this action *remained sacrosanct* even when at length it became contrary to their most elemental interest, i.e., when their own Reich was in its death throes.¹⁰²

Fackenheim further indicates that the task of the philosopher is to attend to the “big” Holocaust question while reflecting on the nature of historical explanations.¹⁰³

Although Fackenheim is well aware that in attempting to grapple with the Holocaust he is examining a phenomenon that stubbornly resists most intellectual and spiritual efforts, he nevertheless finds himself obligated to speak about the event, rather

¹⁰⁰ Emil L. Fackenheim, *To Mend The World: Foundations of Future Jewish Thought* (New York: Schocken Books, 1982), p.238.

¹⁰¹ Emil. L. Fackenheim, *Jewish Philosophers and Jewish Philosophy* (Indianapolis: Indiana University Press, 1996), p. 146.

¹⁰² *Ibid.*, p.147.

¹⁰³ *Ibid.*, p.147.

than remaining silent as many contemporary Jewish thinkers have chosen to do. As he has stated, “to find a meaning in the Holocaust will forever be impossible, but to find authentic responses is an imperative which brooks no compromise.”¹⁰⁴ Among the responses that Fackenheim dismisses as “inauthentic” are those that make use of the categories of “the unique and the universal”.¹⁰⁵ Specifically, he states that treating the Holocaust as simply unique means that for Germans, the event becomes a single aberration in an otherwise respectable history, which latter may therefore be simply resumed.¹⁰⁶ For Christians, the event becomes a foreign episode, in which Nazi anti-Semitism is denied any relation whatsoever to Christian anti-Semitism.¹⁰⁷ When Jews treat the Holocaust as an “utterly unique” event, they make it into an episodic catastrophe, as it were, an event which need change nothing in the Jewish stance, whether religious or secular, and which is, moreover, destined to fade from memory.¹⁰⁸ Lastly, Fackenheim notes that scholarly responses that view the Holocaust as simply unique will fragment the scholarly community into two separate groups without essential communication. The first group will painstakingly gather fact upon horrifying fact; but such facts will be unintelligible both in themselves and within the wider panorama of history, since the unique is by nature unintelligible.¹⁰⁹ The second group will, according to Fackenheim, bury the findings of these colleagues of theirs in footnotes, if it does not ignore them altogether, since the facts would otherwise completely undermine the

¹⁰⁴ Emil L. Fackenheim, “Concerning Authentic and Inauthentic Responses to the Holocaust,” *Holocaust and Genocide Studies*, Vol. 1, 1 (1986): 102.

¹⁰⁵ *Ibid.*, p. 103.

¹⁰⁶ *Ibid.*, p. 104.

¹⁰⁷ *Ibid.*, p. 104.

¹⁰⁸ *Ibid.*, p. 104.

¹⁰⁹ *Ibid.*, p. 104.

scholarly task of providing explanation/understanding.¹¹⁰ For Fackenheim, to regard the Holocaust as simply unique is therefore to view it as completely disconnected from history before and after.¹¹¹

Fackenheim has also stated that inauthenticity must follow from the attempt to see in the Holocaust merely the universal, of making it merely a case of the species of 'persecution-in-general', 'racism-in-general' or the like.¹¹² Such a response means that everyone- Germans, Christians, Jews, the world- " will be morally obliged to transform all 'fruitless' brooding upon that particular past into universal future action: against racism in South Africa, hunger in India, oppression and hatred everywhere."¹¹³ While Fackenheim claims that such responses are authentic in themselves, he also says that they are unauthentic "insofar as they flee from the unique past."¹¹⁴ In other words, there exists for Fackenheim another response to the Holocaust that has greater authenticity, that undermines/transcends the seeming authenticity of "universal action." He indicates that such a response must unite the universal and the unique through the medium of history¹¹⁵, a position that evokes the notion of a Hegelian *Zeitgeist*.

For Fackenheim, there can be no authentic response to Auschwitz (which he understands to have climaxed a millennial combination of Jew-hatred with Jewish powerlessness) which omits a determination to put an end to this unholy combination; for Jews themselves, this implies the duty however reluctantly assumed, of acquiring the means of self-defense.¹¹⁶ Fackenheim notes that this duty has found an indispensable

¹¹⁰ Ibid., p. 104.

¹¹¹ Ibid., p. 104.

¹¹² Ibid., p. 104.

¹¹³ Ibid., p. 104.

¹¹⁴ Ibid., p. 104.

¹¹⁵ Ibid., p. 104.

¹¹⁶ Ibid., p. 116.

expression in the establishment of a Jewish state.¹¹⁷ And further: “Jewish responses to the Holocaust would lapse into unauthenticity if they therefore wavered in their commitment to Zion.”¹¹⁸ While Fackenheim has sought authentic philosophical responses to the Holocaust, he has equally sought authentic theological responses (and has in fact often blurred the distinction between the two by formulating his questions in philosophical terms and answering them theologically).

Fackenheim identifies the situation of the victims as even more incontestably unique than the crime itself; the more than one million Jewish children murdered in the Nazi holocaust died neither because of their faith, nor despite their faith, nor for reasons unrelated to the Jewish faith. Rather, since Nazi law defined a Jew as one having a Jewish grandparent, they were murdered because of the Jewish faith of their great-grandparents.¹¹⁹ Fackenheim notes that, had these great-grandparents abandoned their Jewish faith, and failed to bring up Jewish children, then their fourth-generation descendants might have been among the Nazi criminals; they would not have been among their Jewish victims. Fackenheim compares this situation to that of Abraham, in suggesting that European Jews some time in the mid-nineteenth century offered a human sacrifice, by the mere minimal commitment to the Jewish faith of bringing up Jewish children- but unlike Abraham, they did not know what they were doing, and there was no reprieve.¹²⁰

Fackenheim states that we are forced to ask whether or not Hitler succeeded in destroying the Jewish faith for those who escaped. Mid-nineteenth-century European

¹¹⁷ Ibid., p.116.

¹¹⁸ Ibid., p.116.

¹¹⁹ Fackenheim, *God's Presence in History*, p.70.

¹²⁰ Ibid., p.71.

Jews did not know the effect of their action upon their remote descendents when they remained faithful to Judaism and raised Jewish children, but what if they had known? Could they have remained faithful, and just as importantly, should they? Fackenheim asks the same questions of contemporary Jews who do know, and who must consider the possibility of a second Auschwitz three generations hence. He further asks which would we rather have our great-grandchildren be- victims, or bystanders and executioners?¹²¹ And yet for contemporary Jews to cease to be Jews (and bring up Jewish children) would be to abandon their millennial post as witness to the God of history.¹²²

Fackenheim notes that the terrifying nature of such questions serve to help explain why Jewish theological thought observed a nearly total silence on the subject of the holocaust for almost two decades after the end of the war. But while the theological silence was necessary, according to Fackenheim the time of silence is irretrievably past now that “among the people the floodgates are broken.”¹²³ But to even begin to speak is to question radically some time-honored Midrashic doctrines; and, of these, one is immediately shattered.¹²⁴ Fackenheim has indicated that even the ancient rabbis were forced to suspend the Biblical “for our sins we are punished,” perhaps not in response to the destruction of the Temple by Titus, but in response to the paganization of Jerusalem by Hadrian. He further notes that we too may at most only suspend the Biblical doctrine, if only because we, no more than the rabbis, dare either to deny our own sinfulness or disconnect it from history. Yet it must be suspended, for regardless of how this doctrine is interpreted in response to Auschwitz, it becomes a “religious absurdity and even a

¹²¹ Ibid., p.71.

¹²² Ibid., p.71.

¹²³ Ibid., p.72.

¹²⁴ Ibid., p.73.

sacrilege.”¹²⁵ Similarly, the traditional doctrine that all Israelites of all generations are responsible for each other also fails in response to Auschwitz, because not a single one of the six million died because they had failed to keep the divine-Jewish covenant: they all died because their great-grandparents had kept it, if only to the minimum extent of raising Jewish children. Fackenheim identifies this as the point where radical religious absurdity is reached, where the “for our sins we are punished” suffers total shipwreck.¹²⁶

Jews at Auschwitz therefore died because of the sins of others, and evidence continues to mount that these others were by no means confined to the Nazi murderers. Fackenheim believes that what is in question is whether a religious meaning can be found in this fact- whether we, like countless generations before us, can have recourse to the thought of martyrdom.¹²⁷ The Midrash concerning Abraham’s sacrifice of Isaac transfigures the story into one of martyrdom, but Isaac was not a child but rather a grown-up man of thirty-seven years, and he was no unwilling sacrifice but rather a willing martyr- for *Kiddush Hashem*, the sanctification of the divine Name.¹²⁸ Fackenheim notes that this Midrashic interpretation continued to be alive in the Jewish religious consciousness, and during the crusades it sustained countless martyrs. However, he asks if it can sustain the Jewish religious consciousness after Auschwitz. Whereas during the crusades the Jews had a choice (in theory if not in practice) between death and conversion, thus enabling them to choose martyrdom, Fackenheim notes that at Auschwitz there was no choice; the young and the old, the faithful and the faithless were

¹²⁵ Ibid., p. 73.

¹²⁶ Ibid., p. 73.

¹²⁷ Ibid., p. 73.

¹²⁸ Ibid., p. 74.

slaughtered without discrimination.¹²⁹ He therefore asks if martyrdom can be an option where there is no choice.

Fackenheim states that where martyrdom is not an option, then perhaps there can be a faithfulness resembling it, when a man has no choice between life and death but only between faith and despair. But could and did Jews at Auschwitz choose faithfulness unto death, when every effort was made to destroy faith where faith had existed? Fackenheim notes that, whereas Torquemada destroyed bodies in order to save souls, Eichmann sought to destroy souls before he destroyed bodies. He notes that throughout the ages pious Jews have died saying the *Shema Yisrael*, but that the Nazi murder machine was systematically designed to stifle it on Jewish lips before it murdered Jews themselves.¹³⁰ Auschwitz was "the supreme, most diabolical attempt ever made to murder martyrdom itself and, failing that, to deprive all death, martyrdom included, of its dignity."¹³¹

Yet we still insist, according to Fackenheim, and this with certain knowledge, that pious Jews did die in faithfulness, their faith untouched and unsullied by all the sadism and the horror; even so, Jewish if not Christian exaltation of martyrdom is radically shaken- perhaps forever.¹³² Fackenheim notes that the Midrashic Abraham remonstrates with God after the trial is over, because he insists on knowing its purpose; and he is told that the idolatrous nations, not God Himself, had stood in need of his testimony.¹³³ He further notes that this Midrash was remembered by the martyrs at Worms and Mayence when they saw their children slaughtered, and indicates that they must have questioned whether murder and idolatry had diminished since the time of Abraham, and whether any

¹²⁹ Ibid., p. 74.

¹³⁰ Ibid., p. 74.

¹³¹ Ibid., p. 74.

¹³² Ibid., p. 75.

purpose was served by further Jewish martyrdom. The question after Auschwitz is far worse, however, for “is the grim truth not rather that a second holocaust has been made more likely, not less likely, by the fact of the first?”¹³⁴ Fackenheim notes that there are few signs anywhere in the world of that “radical repentance” which alone could rid the world of Hitler’s shadow.

Fackenheim believes that after Auschwitz, any Jewish willingness to suffer martyrdom would serve as an encouragement to potential criminals, and further, that even the saintliest Jew is “driven to the inexorable conclusion that he owes the moral obligation to the antisemites of the world not to encourage them by his own powerlessness.”¹³⁵

Fackenheim next examines the Midrashim of protest, and asks whether Jewish protest today can remain within the sphere of faith. He notes that Jeremiah protests against the prosperity of the wicked, while we protest against the slaughter of the innocent. But while to Job the children were restored, that the children of Auschwitz will be restored “is a belief that we dare not abuse for the purpose of finding comfort.”¹³⁶ Fackenheim states that in faithfulness to the victims of the Nazis we must refuse comfort; and in faithfulness to Judaism we must refuse to disconnect God from the holocaust—thus, in our case, “protest threatens to escalate into a totally destructive conflict between the faith of the past and faithfulness to the present.”¹³⁷

The Midrashim of powerlessness also fail to provide comfort; in the Midrash the fear of God still exists among the nations, and Israel survives, albeit powerless and

¹³³ Ibid., p.75.

¹³⁴ Ibid., p.75.

¹³⁵ Ibid., p.76.

¹³⁶ Ibid., p.76.

scattered among the nations. In Nazi Europe, however, Fackenheim notes that the fear of God was dead, and Jews were hunted without mercy or scruple. Furthermore, in the Midrash God goes into exile with His people and returns with them, whereas from Auschwitz there was no return. To stake all on divine powerlessness today, therefore, would be to take it both radically and literally- God suffers literal and radical powerlessness, i.e., actual death, and any resurrected divine power will be manifest, not so much within history as beyond it.¹³⁸ Fackenheim therefore indicates that a Jew would have to become a Christian, but “never in the two thousand years of Jewish-Christian confrontation has it been less possible for a Jew to abandon either his Jewishness or his Judaism and embrace Christianity.”¹³⁹

Fackenheim therefore concludes that Jewish faith cannot find refuge in Midrashim of divine powerlessness, in otherworldliness, in the redeeming power of martyrdom, and most of all in the view that Auschwitz is punishment for the sins of Israel. So unless the God of history is to be abandoned, “only a prayer remains, addressed to a divine Power, but spoken softly lest it be heard.”¹⁴⁰

Regarding Buber’s image of the eclipse of God, Fackenheim believes that it too fails to sustain Jewish faith in its confrontation with the Nazi holocaust. Only if the divine Presence remains an object of hope can the root experiences of the past continue to be reenacted- therefore, a divine eclipse which was total in the present would cut off both past and future.¹⁴¹ Fackenheim notes that the unprecedented catastrophe of the holocaust now discloses for us that the eclipse of God remains a religious possibility within

¹³⁷ Ibid., p. 76.

¹³⁸ Ibid., p. 77.

¹³⁹ Ibid., p. 78.

¹⁴⁰ Ibid., p. 78.

Judaism only if it is not total, for if all present access to the God of history is wholly lost, the God of history is Himself lost.¹⁴²

With this conclusion Fackenheim brings us face to face with the aforementioned possibility- that Hitler has succeeded in murdering, not only one third of the Jewish people, but the Jewish faith as well. He notes that only one response may seem to remain- the cry of total despair- “there is no judgement and no judge.”¹⁴³

Fackenheim has considered the possible theological consequences of the holocaust for the religious Jew, but he has equally examined the impact of the event on Jewish secularism. Specifically, he has stated that “a Jew who confronts Auschwitz and reaffirms his or her Jewishness discovers that every form of modern secularism is equally in crisis.”¹⁴⁴ He has noted that Jewish secularism has been a possibility ever since the Age of Enlightenment, and that its vitality has been confirmed in the present time by the foundation of a secular Jewish state. The secularism that Fackenheim has termed subjectivist reductionism dissipates all gods, destroys all meaning except what is humanly created, and deprives Jewish existence of its millennial distinctiveness. He thus asks why Jews should want to (rather than be rationally compelled to) accept such a creed? Fackenheim indicates that for the secularist, a life without Absolutes is one of liberty, and the belief in the divine Presence seems merely to stifle life’s natural pluralism; the life of faith is therefore “abnormal,” and the dissipation of faith ushers in human normalcy.¹⁴⁵

¹⁴¹ Ibid., p.78.

¹⁴² Ibid., p.79.

¹⁴³ Ibid., p.79.

¹⁴⁴ Ibid., p.79.

¹⁴⁵ Ibid., p.80

Fackenheim notes that it is this vision of “normalcy” that has always had a special attraction for modern Jews. The modern Jew has become modern by virtue of the Emancipation, and the Emancipation has been a process of “normalization.” Fackenheim has indicated that its Gentile donors may have often had in mind the end of the Jewish people, and its Jewish recipients wished to normalize the Jewish people even when they were determined to perpetuate it.¹⁴⁶

He also notes that it is not surprising, in view of the many centuries of religious discrimination and persecution, that “Jewish normalcy” has often been the ultimate goal. Fackenheim states that this is true of many “religious” Jews when they categorize themselves as Jewish by “denomination” and British, French, or American by “nationality.”¹⁴⁷ It is even more true of “secularist” Jews proper when they define themselves as a “nationality” like all others.¹⁴⁸ And it is true most of all of those Zionist Jews who, when they embark on the most abnormal enterprise of restoring a nation after two thousand years, are committed to the goal of becoming a nation like all others.¹⁴⁹ According to Fackenheim, the assimilationist has wished all along to solve the so-called “Jewish problem” by dissolving Jewish existence, and the secularist has wished to solve it by depriving Jewish existence of its millennial distinctiveness.

Fackenheim believes that had normalcy remained the all-overriding goal, then the Jewish response to the holocaust should have been the exact opposite of the one which actually was and is being given. For twelve long years Jews had been singled out by a hate which was as groundless as it was implacable, so that any Jew, then or now, making

¹⁴⁶ Ibid., p.80.

¹⁴⁷ Ibid., p.80.

¹⁴⁸ Ibid., p.80.

¹⁴⁹ Ibid., p.80.

normalcy his or her supreme goal should have been, and still should be, in flight from this singled-out condition in total disarray.¹⁵⁰ However, secularist no less than religious Jews have responded with a reaffirmation of their Jewish existence “such as no social scientist would have predicted even if the holocaust had never occurred.” Fackenheim notes that while Jewish theology still does not know how to respond to Auschwitz, Jews themselves have responded in some measure all along.

In rejecting the normal explanations for this phenomenon, Fackenheim notes that the Jew at Auschwitz was not a specimen of the class of “victims of prejudice” or even “victim of genocide,” but was rather *singled out* by a demonic power which sought his or her death *absolutely*, i.e., as an end in itself.¹⁵¹ For a Jew today to affirm his or her Jewish existence is therefore to accept his or her singled-out condition, just as it is to oppose the demons of Auschwitz in the only appropriate way- with an absolute opposition. Fackenheim also states that it is to stake on that absolute opposition nothing less than his or her life and the lives of his or her children and the lives of his or her children’s children.¹⁵²

For Fackenheim, the holocaust has therefore placed the Jewish secularist into a position for which secularism has no precedent within or without Jewish existence. In other words, as a secularist, the aforementioned Jew views the modern world as a desacralized world from which all gods have vanished, while at the same time he or she knows that the devil, if not God, is alive.¹⁵³ Whereas the secularist has relativized all former absolutes, the Jewish secularist opposes the demons of Auschwitz absolutely by

¹⁵⁰ Ibid., p.81.

¹⁵¹ Ibid., p.81.

¹⁵² Ibid., p.81.

¹⁵³ Ibid., p.82.

his or her mere commitment to Jewish survival- thus, according to Fackenheim, a radical contradiction has appeared in Jewish secularist existence in the present time. He further suggests that as secularist the Jewish secularist seeks Jewish normalcy, while as Jewish secularist he or she fragments this normalcy by accepting his or her singled-out Jewish condition.¹⁵⁴ Throughout the ages the religious Jew was a witness to God, but after Auschwitz “even the most secularist of Jews bears witness, by the mere affirmation of his (or her) Jewishness, against the devil.”¹⁵⁵

Fackenheim suggests that the Jewish secularist cannot escape this contradiction unless he or she either pretends that the Nazi holocaust had never occurred or else flees from his or her Jewishness. He does however identify a form of Jewish secularism that does not necessarily fall into immediate contradiction- one which internalizes and transforms all religious absolutes and opposes the demons of Auschwitz absolutely , but in behalf of “free,” autonomous, post-religious humanity. Fackenheim notes that a Jewish secularism of this kind has always been problematic, since the ancient religious absolutes must either remain absolute in the process of internalization (thus becoming universals such as Reason or Progress), thus rendering Jewish existence accidental- or else they remain particularized enough to sustain Jewish existence in its particularity, thus becoming idolatrous unless they lose their absoluteness.¹⁵⁶ In other words, the internalized God of secularism could only be either universal (and then not single out at all) or else particular (and then not single out absolutely).¹⁵⁷

¹⁵⁴ Ibid., p.82.

¹⁵⁵ Ibid., p.82.

¹⁵⁶ Ibid., p.82.

¹⁵⁷ Ibid., p.83.

Fackenheim indicates that after Auschwitz, both secularist alternatives are fragmented- Jewish opposition to the demons of Auschwitz cannot be understood in terms of humanly created ideals. Those of Reason and Progress fail, but least adequate of all are any ideals which might be furnished by a specifically Jewish genius, for Jewish survival after Auschwitz is not one relative ideal among others but rather “an imperative which brooks no compromise.”¹⁵⁸ In other words, within the context of Jewish existence the secularism which Fackenheim has termed subjectivist reductionism is breached by absolute Jewish opposition to the demons of Auschwitz, and the secularism which he has seen exemplified in Nietzscheanism and left-wing Hegelianism is breached because internalized absolutes either cannot single out or else cannot remain absolute. Jewish opposition to Auschwitz cannot therefore be grasped in terms of humanly created ideals but only as an “imposed commandment,” and “the Jewish secularist, no less than the believer, is absolutely singled out by a Voice as truly other than man-made ideals- an imperative as truly given- as was the Voice of Sinai.”¹⁵⁹

Fackenheim cites the Midrash that says that God wished to give the Torah immediately upon the Exodus from Egypt, but had to postpone the gift until Israel was united; he then suggests that the distinction today between religious and secularist Jews is superceded by that between unauthentic Jews who flee from their Jewishness and authentic Jews who affirm it. This latter group includes religious and secularist Jews, and these are united by “a commanding Voice which speaks from Auschwitz.”¹⁶⁰ The complete text of the commanding Voice at Auschwitz is as follows:

¹⁵⁸ Ibid., p. 83.

¹⁵⁹ Ibid., p. 83.

¹⁶⁰ Ibid., p. 84.

Jews are forbidden to hand Hitler posthumous victories. They are commanded to survive as Jews, lest the Jewish people perish. They are commanded to remember the victims of Auschwitz lest their memory perish. They are forbidden to despair of man and his world, and to escape into either cynicism or otherworldliness, lest they cooperate in delivering the world over to the forces of Auschwitz. Finally, they are forbidden to despair of the God of Israel, lest Judaism perish. A secularist Jew cannot make himself believe by a mere act of will, nor can he be commanded to do so....And a religious Jew who has stayed with God may be forced into new, possibly revolutionary relationships with Him. One possibility, however, is wholly unthinkable. A Jew may not respond to Hitler's attempt to destroy Judaism by himself cooperating in its destruction. In ancient times, the unthinkable Jewish sin was idolatry. Today, it is to respond to Hitler by doing his work.¹⁶¹

Fackenheim notes that Elie Wiesel has compared the holocaust with Sinai in revelatory significance, and has expressed the fear that we are not listening. He further indicates that while we shrink from this daring comparison, we shrink even more from not listening. Fackenheim states that he was able to make the aforementioned fragmentary statement only because "it no more than articulates what is being heard by Jews the world over- rich and poor, learned and ignorant, believing and secularist."¹⁶² He then proceeds to expand on the four main fragments that it contains.

The first fragment relates to the need to remember the victims of Auschwitz and to tell the tale. Fackenheim indicates that today, suggestions come from every side to the effect that the past had best be forgotten, or at least remain unmentioned, or at least be coupled with other (but quite different) human tragedies. He notes that sometimes these suggestions come from Jews rationalizing their flight from the Nazi holocaust, but more often they come from non-Jews who rationalize their own flight, or even maintain that unless Jews universalize the holocaust (thus robbing the Jews of Auschwitz of their

¹⁶¹ Ibid., p.84.

¹⁶² Ibid., p.85.

Jewish identity) they are guilty of disregard for humanity.¹⁶³ But for a Jew hearing the commanding Voice of Auschwitz “the duty to remember and to tell the tale, is not negotiable. It is holy.”

The second fragment relates to the need to survive as Jews. As Fackenheim states, “Jewish survival, were it even for no more than survival’s sake, is a holy duty as well.”¹⁶⁴ Jews after Auschwitz represent all of humanity when they affirm their Jewishness and deny the Nazi denial of their humanity. Furthermore, they would fail to deny the Nazi denial if they affirmed merely their humanity-in-general, permitting an anti-Semitic split between their humanity and their Jewishness, or, worse, agreeing to vanish as Jews in one way, in response to Hitler’s attempt to make them vanish in another.¹⁶⁵ Fackenheim states that “Jewish survival is a commandment that brooks no compromise. It was this Voice which was heard by the Jews of Israel in May and June 1967 when they refused to lie down and be slaughtered.”¹⁶⁶

Fackenheim notes that present-day Jews are granted the right to survive as Jews only on certain conditions. Whereas peoples unscarred by Auschwitz ought to protest when any evil resembling Auschwitz is in sight (such as black ghettos or Vietnam), the Jewish survivors of Auschwitz have no right to survive unless they engage in such protests. And while other peoples may include secularists and believers, Jews must be divided into bad secularists or Zionists, and good- albeit anachronistic- saints who stay on the cross.¹⁶⁷ Fackenheim states that the commanding Voice of Auschwitz bids Jews reject all such views as a monumental affront, and bids them reject as no longer tolerable

¹⁶³ Ibid., p.85.

¹⁶⁴ Ibid., p.86.

¹⁶⁵ Ibid., p.86.

¹⁶⁶ Ibid., p.86.

every version of the view that the Jewish people is an anachronism, when it is the elements of the world perpetrating and permitting Auschwitz, not its survivors, that are anachronistic.¹⁶⁸ He further notes that the Voice commands that Jews descend from the cross and suspend the time-honored Jewish exaltation of martyrdom.

The third fragment relates to the commandment forbidding Jews to “despair of man and his world, and to escape into either cynicism or otherworldliness.” Fackenheim states that the commanding Voice of Auschwitz bids Jews, religious and secularist, not to abandon the world to the forces of Auschwitz, but rather to continue to work and hope for it.¹⁶⁹ He notes that two possibilities are equally ruled out: to despair of the world on account of Auschwitz, abandoning the age-old Jewish identification with poor and persecuted humanity; and to abuse such identification as a means of flight from Jewish destiny. In other words, it is precisely *because* of the uniqueness of Auschwitz, and *in* his or her Jewish particularity, that a Jew must be at one with humanity, for it is because Auschwitz has made the world a desperate place that a Jew is forbidden to despair of it.¹⁷⁰

The fourth and final fragment identified by Fackenheim relates to the commandment that the religious Jew after Auschwitz continue to wrestle with his or her God in however revolutionary ways; and it forbids the secularist Jew (who has already, and on other grounds, lost Him) to use Auschwitz as an additional weapon wherewith to deny Him.¹⁷¹ Fackenheim notes that in continuing to hear the Voice of Sinai as he or she hears the Voice of Auschwitz, the religious Jew’s citing of God against God may have to

¹⁶⁷ Ibid., p.87.

¹⁶⁸ Ibid., p.87.

¹⁶⁹ Ibid., p.87.

¹⁷⁰ Ibid., p.88.

assume extremes which dwarf those of Abraham, Jeremiah, Job, and Rabbi Levi Yitzhak. In other words, “for the religious Jew, who remains within the Midrashic framework, the Voice of Auschwitz manifests a divine Presence which, as it were, is shorn of all except commanding Power.”¹⁷²

Fackenheim believes that this Power is no less escapable for the secularist Jew who has all along been outside the Midrashic framework, and this despite the fact that the Voice of Auschwitz does not enable him or her to return to that framework. Furthermore, he or she cannot return, but neither may he or she “turn the Voice of Auschwitz against that of Sinai. For he may not cut off his secular present from the religious past: the Voice of Auschwitz commands preservation of that past.”¹⁷³ Fackenheim also states that the Voice of Auschwitz commands Jewish unity; therefore, the secularist Jew is forbidden to widen the chasm between him or herself and the religious Jew.

Fackenheim asks whether, after Auschwitz, a Jew can remain a “witness unto the nations,” and, if so, what is his or her testimony? Of the second part of the question he suggests that the world, which is a desperate place for the Jew after Auschwitz, is becoming increasingly desperate for all men. Furthermore, this is an age in which former believers seek refuge in secularity, even as formerly self-confident secularists seek old or new gods. Fackenheim notes that the only universal seems to be an apparent unwillingness or incapacity to *endure* through the present worldwide crisis, to “work and hope with unyielding stubbornness for a time when our present crisis may have passed, and a new, possibly post-‘religious’ and post-‘secular’ age may come in sight.” He

¹⁷¹ Ibid., p.88.

¹⁷² Ibid., p.88.

¹⁷³ Ibid., p.89.

therefore states that the Jew after Auschwitz is a witness to endurance.¹⁷⁴ According to Fackenheim, the Jew after Auschwitz is “singled out by contradictions which, in our post-holocaust world, are worldwide contradictions. He bears witness that without endurance we shall perish. He bears witness that we *can* endure because we *must* endure; and that we must endure because we are *commanded* to endure.”¹⁷⁵

In asking whether or not the miracle at the Red Sea can still be reenacted, Fackenheim notes that when at Jerusalem in 1967 the threat of total annihilation gave way to sudden salvation, it was because of Auschwitz (and not in spite of it) that there was an abiding astonishment. And while nothing of the past was explained or adjusted, and no fears for the future were stilled, the very clash between Auschwitz and Jerusalem produced a moment of truth- a wonder at a singled out, millennial existence which, after Auschwitz, is still possible and actual.¹⁷⁶ Although Jews after Auschwitz will never understand the longing, defiance, and endurance of the Jews at Auschwitz, so far as is humanly possible “they must make them their own and carry the whole Jewish past forward into a future yet unknown.”¹⁷⁷

¹⁷⁴ Ibid., p.95.

¹⁷⁵ Ibid., p.95.

¹⁷⁶ Ibid., p.96.

¹⁷⁷ Ibid., p.98.

1.iii Fackenheim's Critics

In his response to Fackenheim, Steven T. Katz advances some further reasons in support of the assertion of the uniqueness of the Holocaust. For example, Katz notes that, whereas the Turks incorporated 200,000 women and children into their harems during the Armenian Genocide of WWI, being a woman constituted (for the first time in recorded history) an automatic death sentence for the Jews of Nazi-occupied Europe, since the ultimate "crime" was to bear a Jewish child.¹⁷⁸

There have been other thinkers who have been critical of Fackenheim's formulation of the "uniqueness" of the Holocaust. In his response to Fackenheim, the historian Ze'ev Mankowitz has asked whether the uniqueness of the Holocaust derives from a consideration of the historical evidence, or whether it is a metahistorical uniqueness, which is assumed through faith.¹⁷⁹ He notes that in the latter case, the evidence is dealt with as a theologian would deal with human experience, in an attempt to bring it into line with his or her theological assumptions.¹⁸⁰ Mankowitz notes that some approaches to the uniqueness of the Holocaust are indeed metahistorical, in that they do not start with the evidence, but rather with something else.¹⁸¹ For example, he cites the commitment of certain Orthodox Jews to the belief that the Holocaust is as unique as is all of Jewish history, and from that point of view is not especially unique.¹⁸² He also cites the example of Elie Wiesel, who arrives at a metahistorical uniqueness derived from his personal testimony; it is not something that he ever attempts to demonstrate, but

¹⁷⁸ Steven T. Katz, "A Response to Emil Fackenheim", in *Jewish Philosophy and the Academy*, p.208.

¹⁷⁹ Ze'ev Mankowitz, "A Response to Emil Fackenheim," in *Jewish Philosophy and the Academy*, p.211.

¹⁸⁰ Ibid., p.211.

¹⁸¹ Ibid., p.211.

¹⁸² Ibid., p.211.

rather is something that he only articulates.¹⁸³ With regard to Fackenheim's position, Mankowitz states that he has never been able to definitively decide where the former stands in this regard, but his intuition is that Fackenheim's is a metahistorical position, that his claim derives from "something else" and can only be dealt with as a question of faith.¹⁸⁴ If Mankowitz is correct in this regard, then Fackenheim's response to the aforementioned "big question" concerning the Holocaust, i.e. "why did they do it?" is necessarily "too small" according to the criteria that he himself advances. Although Fackenheim personalizes the "big" question when he asks why his grandmother's best friend was murdered, it is nevertheless implicit in his formulation of the Nazi *Weltanschauung* that his answer (however plausible) is intended to be of general (rather than merely personal) relevance.

Mankowitz praises Fackenheim for his emphasis on the perpetrators, and notes that we operate with a strange distinction: Whereas in terms of history and the making of history, the focus is on Germany and on those who did the murdering, who organized it and provided the infrastructure that made it possible, the emotional focus of uniqueness attaches to the victims and not to the perpetrators.¹⁸⁵ He notes that the emphasis on the perpetrators is salutary in the sense that it avoids many of the questions faced by students when they focus on the victims.¹⁸⁶ And he states that in its most vulgar form, the uniqueness of the Holocaust is perceived in terms of degrees of suffering, and not in terms of the intention of the perpetrators.¹⁸⁷

¹⁸³ Ibid., p.211.

¹⁸⁴ Ibid., p.211.

¹⁸⁵ Ibid., p.210.

¹⁸⁶ Ibid., p.212.

¹⁸⁷ Ibid., p.212.

Mankowitz's question for Fackenheim is the following: "How does one move from the proper focus on the perpetrator (i.e. the Nazis) to Jewish identity?"¹⁸⁸ He notes that this move seems problematic, and that it creates a chasm that he is no longer able to bridge except by a notion of opposition and defiance- *not* by building on the uniqueness of the Holocaust.¹⁸⁹ In other words, Mankowitz believes that the most appropriate response, from a Jewish perspective, to the events of the Holocaust would seem to be the classic Jewish formulation of "may their name be obliterated and wiped out."¹⁹⁰

Mankowitz identifies another problem facing the historian, namely, that for the person who starts from history and arrives at uniqueness in history, and for whom uniqueness then integrates into identity, views of history keep changing.¹⁹¹ However, identity persists, and so it is impossible for a person to start from history rather than metahistory, and to build history into identity.¹⁹²

Sheila Shulman begins her very powerful critique of Fackenheim's thought by citing the text of his so-called "614th Commandment," which contains Fackenheim's formulation of the "commanding Voice of Auschwitz." Shulman notes that the "commanding Voice of Auschwitz" exists by analogy in Fackenheim's thought with the commanding Voice at Sinai, except that at Auschwitz, the Voice "manifests a divine presence which is shorn, as it were, of all except commanding Power."¹⁹³ Shorn as it is, Shulman notes that the Voice is nonetheless "an imperative as truly *given*" by "a Voice as

¹⁸⁸ Ibid., p.212.

¹⁸⁹ Ibid., p.212.

¹⁹⁰ Ibid., p.212.

¹⁹¹ Ibid., p.212.

¹⁹² For an additional critique of Fackenheim's position on the Holocaust, please see Douglas P. Lackey, "Extraordinary Evil or Common Malevolence: Evaluating the Jewish Holocaust," *Journal of Applied Philosophy*, 1986; 3: 167-181.

¹⁹³ Sheila Shulman, "An Encounter With Fackenheim," *European Judaism* 22,1 (1989), p.38.

truly other than man-made ideals” as was the Voice at Sinai.¹⁹⁴ Since the Voice(s) are analogous (although Shulman questions whether or not Fackenheim is really implying identity through his use of the “as it were”), so the events are analogous, though Fackenheim recognizes how difficult it is to grasp the comparison.¹⁹⁵ Nevertheless, he claims that the events are analogous in their singularity, their magnitude, their centrality to Jewish experience, and, as he cites Elie Wiesel as saying, in their revelatory significance.¹⁹⁶ The Jews were “singled out” in both events, although whereas they were singled out for life at Sinai, at Treblinka they were singled out for death.¹⁹⁷ Shulman notes that, such a spectacular caveat notwithstanding, Fackenheim’s claim of analogy between the events, and hence of analogy between the “commanding Voice(s)” which emerge from them, is large indeed.¹⁹⁸

As previously indicated, Fackenheim has gone to great lengths to demonstrate that the Nazi Empire, and therefore the Holocaust, is a *novum* both in Jewish history and in history-in-general. Among the other events that he so identifies are the Red Sea and Sinai, and it is implicit in his argument that a *novum* is the only possible kind of event out of which such a “commanding Voice” will speak.¹⁹⁹ For example, in *To Mend the World* Fackenheim cites Rosenzweig’s notion of “surprise” as having an “objective, revelatory, ontological status.”²⁰⁰

As Shulman has indicated, Fackenheim points out that in traditional Jewish thought the only other possible *novum* (besides the Red Sea and Sinai) will be the advent

¹⁹⁴ Ibid., p.38.

¹⁹⁵ Ibid., p.38.

¹⁹⁶ Ibid., p.38.

¹⁹⁷ Ibid., p.38.

¹⁹⁸ Ibid., p.39.

¹⁹⁹ Ibid., p.38.

²⁰⁰ Fackenheim, *To Mend the World*, p.36.

of the Messiah.²⁰¹ Therefore, the “commanding Voice of Auschwitz” represents both a break with traditional Jewish thought and an acknowledgement that because the Holocaust was unique in history, it requires a theological response of a radically different order from those made to other catastrophes in Jewish history.²⁰²

Among the reasons given by Fackenheim for the necessity of a radically different theological response has to do with the Nazi intention to systematically reduce the (Jewish) human being to something less than human, so that the physical destruction was, in fact, so to speak, “merely a cleaning-up operation.”²⁰³ An important element in this systematic reduction was, according to Fackenheim, the very murder of Jewish martyrdom.²⁰⁴ In other words, the historical response of Jewish faith to existential threats was sometimes to choose to die as a witness to Jewish existence and Jewish faith, which were inseparable.²⁰⁵ Fackenheim indicates that this possibility was destroyed by the Nazis, both because the choice was removed, and even if it might have been conceivable it was rendered cheap and banal.²⁰⁶ In other words, the Nazis succeeded in destroying the divine image in some, while in others, it destroyed an ancient way of testifying to the divine image.²⁰⁷ As Shulman has indicated, this double destruction is part of what makes the Holocaust a *novum*. Fackenheim questions how, in light of this “double destruction,” one can witness to the divine image in man and hope to be believed, and how one can believe one’s own testimony.²⁰⁸ Since, according to Fackenheim, the question is raised

²⁰¹ Shulman, “An Encounter with Fackenheim,” p.38.

²⁰² Ibid., p.38.

²⁰³ Ibid., p.38.

²⁰⁴ Ibid., p.38.

²⁰⁵ Ibid., p.38.

²⁰⁶ Ibid., p.39.

²⁰⁷ Ibid., p.39.

²⁰⁸ Ibid., p.39.

by the Nazi murder camp, which is a *novum*, an answer (which shares in the *novum*) can only come *from* the murder camps.²⁰⁹

Shulman has noted that the other part of what makes the Holocaust a *novum* is the radically different meaning of survival (for however long) in such conditions.²¹⁰ In other words, when every effort is made to reduce dying to a banality, life does not need to be sanctified, since it already is holy.²¹¹ Just as Fackenheim's evidence for the radically different meaning of destruction comes from those who have experienced it, so his evidence for the radically different meaning and reality of survival comes from the same source- for him the only legitimate source (although Shulman notes that he never acknowledges his own selectivity or the grounds for it)- those whose experience it was (is).²¹² Fackenheim draws upon Terence Des Pres' book, *The Survivor*, which takes what he feels is the only legitimate stance, which is to say, it does not attempt to psychoanalyse or explain the survivor, but rather exposes itself to his/her testimony.²¹³ From the weight of this collective testimony Fackenheim learns: (a) that sometimes, somehow, for some people, they did not succumb, and found in themselves a hitherto unacknowledged will-to-live; (b) that in a world that was... hell itself, some found... an imperative and a law to help others as much as to be helped by them; and (c) that for some, recognition of the Nazi system as such made them feel as though they were under orders to live, and not to become the "contemptible and disgusting brute my enemy wished me to be..."²¹⁴

²⁰⁹ Ibid., p.39.

²¹⁰ Ibid., p.39.

²¹¹ Ibid., p.39.

²¹² Ibid., p.39.

²¹³ Ibid., p.39.

²¹⁴ Ibid., p.40.

The possibility of witnessing to the divine image, and to the knowledge that the destroyed divine image can be restored, was therefore not entirely destroyed.²¹⁵ But, according to Fackenheim, the possibility of witnessing to it by martyrdom was.²¹⁶ As Shulman notes, the witness can no longer be Akiva, who in his situation was prepared to die for the knowledge (that the destroyed image can be restored), but “the survivor, determined to live and be human in a world where murder was law and degradation holy; whose testimony consisted, with every breath, of restoring the divine image in him/herself even as it was ceaselessly being destroyed.”²¹⁷

As Shulman has indicated, this is the substance of the *novum*- at once existential, historical, philosophical, theological- this acute contradiction: “*both...the fact that the image of God was destroyed, and...the fact that the unsurpassable attempt to destroy it was resisted, supremely so, by the survivor.*”²¹⁸

Although Shulman pays tribute to the “sophistication, the urgency, (and) the courage” of Fackenheim’s discourse, she also indicates her discomfort with certain rhetorical elements in that discourse.²¹⁹ One effect of these elements is to “sort of skid us past our capacity or even our desire to discriminate”, while another is a “certain excess of symmetry, a trimming into dialectical balance of elements which, looked at more closely, are more messy, more obscure, more complex.”²²⁰ A final rhetorical element that Shulman identifies is the “grave extent” to which the passion, the complexity, the acuteness, and even the mass of particulars that Fackenheim musters, “are all pressed,

²¹⁵ Ibid., p.40.

²¹⁶ Ibid., p.40.

²¹⁷ Emil Fackenheim, *The Jewish Return into History: Reflections in the Age of Auschwitz and a New Jerusalem* (New York: Schocken Books, 1978), p. 248.

²¹⁸ Ibid., p.251.

²¹⁹ Shulman, “An Encounter with Fackenheim,” p.40.

²²⁰ Ibid., p.40.

with immense skill and sophistication, into the service of a bald and dangerous oversimplification.”²²¹

Shulman cites her anxiety about the provenance of the “commanding Voice of Auschwitz” as an example of one of the aforementioned “skids.” Specifically, she is not satisfied with Fackenheim’s claim²²² that both the agnostic and the believer have to face “the fragmentariness of their hearing.”²²³ As Shulman indicates, “either the *metzaveh* is God or it is not God. If the *metzaveh* is God, then the eclipse (postulated by Martin Buber and cited by Fackenheim) is clearly not complete, and what are the implications of that? One implication must be that God was therefore present in the camps. I cannot begin to think what that might mean. But if the Voice spoke, as Fackenheim says it did, then that is a possibility; Fackenheim is obliged to reckon with it, and he does not. He fudges.”²²⁴

Shulman also identifies a large problem inherent in Fackenheim’s analogy of the events and the commanding Voice(s). She asks whether the Voice speaking at (or out of) Auschwitz is another *matan torah*, and if so, whether it supercedes (or even adds to) that which was spoken at Sinai.²²⁵ She astutely asserts that this would raise grave problems, of which the theological status of a metaphor may be the least. While Fackenheim does not say that it is another *matan torah*, he also doesn’t say that it is not.²²⁶ And if it is, Shulman asks whether it was spoken to all Jews, or just to those who were there? She notes that Fackenheim answers the question with a resounding “all authentic Jews,” while

²²¹ Ibid., p.40.

²²² Fackenheim, *The Jewish Return into History*, p.23.

²²³ Shulman, “An Encounter with Fackenheim,” p.40.

²²⁴ Ibid., p.40.

²²⁵ Ibid., p.41.

²²⁶ Ibid., p.41.

yet not being explicit about whether we are faced with another *matan torah*- a point that has very serious implications for Jewish *praxis* in the post-Auschwitz world.²²⁷

Shulman states that, for all his commitment to contradiction and ambiguity, at one point Fackenheim does strongly imply that the same Voice spoke at Sinai and at Auschwitz, and therefore collapses analogy into identity, or elides analogy into identity, without ever saying outright that that is what he is doing.²²⁸ It occurs in one sentence when Fackenheim says that, at Auschwitz, the Voice “manifests a divine presence which, *as it were*, is shorn of all except commanding power.”²²⁹ Shulman identifies the “as it were” as the English equivalent of *k’v’yachol*, the phrase used in Rabbinic midrash to preface an apparently anthropomorphic statement about God, a statement which, often, implies some limitation in God, in order to speak about God as God is “with us.”²³⁰ Shulman also cites Fackenheim as stating that Midrash recognizes, exists within, and refuses to dissolve the tension between “a God who is divine only if he is omnibenevolent and omnipotent, and a world which is truly world only because it contains elements contradicting these divine attributes, namely evil and human freedom.”²³¹ This tension can only be maintained in story, which, unlike philosophy, can sustain a very high level of ambiguity, and remains rooted in experience.²³² Shulman notes that in Midrash, the element that makes story possible is precisely that *k’v’yachol*, that “as it were”, since after all one cannot “really” say such things of God.²³³

²²⁷ Ibid., p.41.

²²⁸ Ibid., p.41.

²²⁹ Fackenheim, *God’s Presence in History*, p.88.

²³⁰ Shulman, “An Encounter with Fackenheim,” p.41.

²³¹ Fackenheim, *The Jewish Return into History*, p.263.

²³² Shulman, “An Encounter with Fackenheim,” p.41.

²³³ Ibid., p.41.

When Fackenheim says that “the endurance of the tension has been continuous; that prior to the Holocaust it has never been broken,”²³⁴ Shulman notes that we have to conclude from what he is saying that in the Holocaust the tension did break.²³⁵ In other words, the tension fell apart “because the sustaining peg, the *k’v’yachol* that makes story possible, could no longer be used.”²³⁶ This notion is central to Shulman’s critique: In saying that the Voice of Auschwitz “manifests a divine Presence which, *as it were*, is shorn of all except commanding power,” Shulman brings attention to the fact that Fackenheim is using a mode which he insists was only possible *until* the Holocaust.²³⁷ Specifically, he is using the traditional Rabbinic mode of sustaining tension which works because it “knows, believes, trusts, insists, that the covenant is unbroken.”²³⁸

Shulman states that Fackenheim cannot have it both ways. In other words, either “everything has changed, or nothing has changed.”²³⁹ Fackenheim cannot simultaneously legitimate the “commanding Voice of Auschwitz” by linking it to traditional midrash with that “as it were” (thus lending it authority), while at the same time insisting that the tradition, and perhaps even the Covenant, was broken in the Holocaust (thus severing it with the claim of a radical rupture in order to determine it’s utterance).²⁴⁰

Shulman provides as an example of the aforementioned “dialectical trimming” Fackenheim’s contention that the possibility of martyrdom itself was murdered, that is, that dying in order to witness at Auschwitz was and since then is no longer a viable Jewish option, and that therefore the classical tradition of Judaism, of Jewish witness,

²³⁴ Fackenheim, *The Jewish Return into History*, p.264.

²³⁵ Shulman, “An Encounter with Fackenheim,” p.41.

²³⁶ *Ibid.*, p.41.

²³⁷ *Ibid.*, p.41.

²³⁸ *Ibid.*, p.41.

²³⁹ *Ibid.*, p.42.

²⁴⁰ *Ibid.*, p.42.

was and is disrupted.²⁴¹ She notes that experientially, what he says is simply not so, that “this is a particularly bald instance of rhetorical pressure,” and that “it is Fackenheim who chooses not to consider the option because it does not fit his argument.”²⁴² Fackenheim says repeatedly that the only valid testimony can come from the camps, and Shulman offers as just one example among many, Eliezar Berkovitz’ book *Faith After the Holocaust*.²⁴³ Berkovitz brings testimony as unimpeachable as Fackenheim brings, “but the testimony he brings affirms that *Kiddush-ha-Shem* was not only possible but actual, an honorable Jewish option.”²⁴⁴ And as Shulman indicates, Fackenheim is, like Berkovitz (to use Berkovitz’ terms), “only Job’s brother, and not Job.”²⁴⁵ Shulman notes that Berkovitz makes a formidable argument asserting not only that “the questioning of God’s providence in the death camps was taking place clearly within that classical tradition of Judaism,” but that, “although God remained silent... there was a Job who kept his faith to the end, who affirmed it at the very doors of the gas chambers, who was able to walk to his/her death defiantly singing his/her *anima'amin*.”²⁴⁶ Shulman further indicates that we should try to bear in mind also “the immense range of human response to intolerable conditions that was neither survival at any cost nor martyrdom but was yet both Jewish and honorable.”²⁴⁷

Shulman summarizes Fackenheim’s formulation of what the “commanding Voice at Auschwitz” says (which he does at the end of *God's Presence in History*) as follows:

²⁴¹ Ibid., p.42,

²⁴² Ibid., p.42.

²⁴³ Ibid., p.42.

²⁴⁴ Ibid., p.42.

²⁴⁵ Ibid., p.42.

²⁴⁶ E. Berkovitz, *Faith After the Holocaust* (New York: KTAV publishing house, 1973), p.69.

²⁴⁷ Shulman, “An Encounter with Fackenheim,” p.42.

First, we must “remember and tell the tale.”²⁴⁸ Then, “Jewish survival, were it even for no more than survival’s sake, is a holy duty as well,” because “after Auschwitz, Jewish life is more sacred than Jewish death, were it even for the sanctification of the divine name.”²⁴⁹ Further, “the Voice of Auschwitz commands Jewish unity,” which is to say, unity between the religious and the secular Jew.²⁵⁰ Shulman notes that Fackenheim is claiming that the religious Jew remains within the midrashic framework, but that it is a transmogrified “midrashic framework” that derives from the “*novum*” of the Holocaust and in response to the “commanding Voice at Auschwitz.”²⁵¹ In Fackenheim’s “midrashic framework” the religious Jew says: “You have abandoned the covenant? We shall not abandon it. You no longer want Jews to survive? We shall survive as better, more pious Jews.”²⁵²

Shulman indicates that the force of these statements (and the force of much of Fackenheim’s argument) is to endow the Voice of Auschwitz with the power of a new scripture, based on a broken covenant.²⁵³ She also notes that at Sinai, all of those who were there “heard” the same commandments (and that common “hearing” provided the ground for the notion of *klal yisrael*), whereas not everyone “heard” the same “commanding Voice” at Auschwitz.²⁵⁴ Shulman questions whether or not Fackenheim can claim a true “midrashic framework” for the religious Jew that he postulates here unless he explicitly acknowledges that the Voice articulates a new scripture heard by all

²⁴⁸ Ibid., p.42.

²⁴⁹ Ibid., p.42.

²⁵⁰ Ibid., p.42.

²⁵¹ Ibid., p.42.

²⁵² Fackenheim, *God's Presence in History*, pp. 85-89.

²⁵³ Shulman, “An Encounter with Fackenheim,” p.42.

²⁵⁴ Ibid., p.42.

Jews, which in turn would lead to other difficulties.²⁵⁵ She further states that he cannot legitimately say of the secular Jew (in this context) that “he cannot return (to the ‘midrashic framework’) but neither may he turn the Voice of Auschwitz against that of Sinai. For he may not cut off his secular present from the religious past. The Voice of Auschwitz commands preservation of the past.”²⁵⁶ Shulman asks what “preservation of the past” means if the covenant is broken, and suggests that Fackenheim cannot turn one voice against the other because for Fackenheim they are, as previously indicated, the same for purposes of authority but radically different in terms of their utterance.²⁵⁷

Although Fackenheim presents this commentary in the form of fragments which he says are in conflict, Shulman believes that they are not fragmentary, but rather lead (as his whole argument has been leading) to one simple certainty. Specifically, the “simple certainty” is the survival of the Jewish people, which he equates with the survival of the state of Israel, at all costs.²⁵⁸ While Shulman accepts Fackenheim’s statement that “at the heart of every *authentic* response to the Holocaust- religious and secular, Jewish and non-Jewish- is a commitment to the autonomy and security of the state of Israel”²⁵⁹, she notes that the statement “begs too many questions, leaves the way open to too many unholy alliances, and most of all, once again overrides with rhetoric the necessity to discriminate, to make distinctions.”²⁶⁰

Shulman identifies this point as the basis of the “bald and dangerous oversimplification” that she made reference to previously. She notes that the *praxis* to which the “commanding Voice of Auschwitz” directs us is *survival*, but survival to what

²⁵⁵ Ibid., p.43.

²⁵⁶ Fackenheim, *God's Presence in History*, p.89.

²⁵⁷ Shulman, “An Encounter with Fackenheim,” p.43.

²⁵⁸ Ibid., p.43.

end and at what cost?²⁶¹ Fackenheim relates the story of a theologian who asked at a Jewish conference held in the Quebec hills in the mid-1960's, "what is the point of mere Jewish survival?", to which Milton Himmelfarb exploded: "After the Holocaust, let no one call Jewish survival 'mere'!"²⁶² Fackenheim goes on to say that he has thought fondly of Milton ever since.²⁶³ This of course answers nothing. Elsewhere Fackenheim responds to the criticism, i.e. "must Jews not go beyond mere Jewish survival to a higher purpose," with questions of his own.²⁶⁴ He asks whether Judaism can exist without Jews (to which the obvious answer is 'no'), and whether or not Jews will always exist.²⁶⁵ To the second question he notes that, as a pre-modern belief, the eternal survival of the Jews was based on divine authority, but that after the Holocaust- the unheard-of attempt to murder *every last Jew on earth*- theology must think in new ways of the Jewish future.²⁶⁶ In other words, having once been a fact, a Holocaust is known to be a possibility; "*precariousness therefore attaches henceforth to Jewish survival- and also to Judaism.*"²⁶⁷

Shulman has stated that, for all Fackenheim's humanist stance, at bottom what he says contains a "terrible triumphalism, a kind of denial of the powerful midrash that at the Red Sea God wept, and an equally terrible tautology: What he says demands that we do not question, do not criticize."²⁶⁸ She further states that, if Fackenheim's position is now *the authentic Jewish position* (and in Fackenheim's terms it certainly is), "then we have

²⁵⁹ Fackenheim, *The Jewish Return into History*, p.282.

²⁶⁰ Shulman, "An Encounter with Fackenheim," p.43.

²⁶¹ Ibid., p.43.

²⁶² Fackenheim, *Jewish Philosophers and Jewish Philosophy*, p.217.

²⁶³ Ibid., p.217.

²⁶⁴ Ibid., p.193.

²⁶⁵ Ibid., p.193.

²⁶⁶ Ibid., p.193.

²⁶⁷ Ibid., p.193.

lost all connection with the Voice of Sinai, the 'Voice of Auschwitz' has superceded the Voice of Sinai, and we have been severed from our past. If this is not handing Hitler a posthumous victory, I'm not sure what is."²⁶⁹

Dan Cohn-Sherbok has also examined Fackenheim's views regarding the Holocaust, and echoing the critique of Shulman, has noted that the difficulty with Fackenheim's view is that he does not attempt to justify his claim that Auschwitz was a revelation-event bearing Torah to twentieth-century Jews.²⁷⁰ This is something that is simply asserted, yet it is not at all clear why this should be so.²⁷¹ Instead, for many Jews the Holocaust has made it impossible to believe in the traditional Jewish picture of God as a Lord of history who has revealed His will to the Jewish people.²⁷² For many such Jews the world is a tragic and meaningless place where human beings have no basis for hope in Divine aid or in any ultimate solution of the ills that beset them.²⁷³ Though they might agree that the lesson of the Holocaust is that the Jewish people must survive against all odds, this would not necessarily be because of God's revelation in the death camps.²⁷⁴ Cohn-Sherbok also states that it is difficult to see how Fackenheim's admonition to believe in God "lest Judaism perish" could actually sustain religious belief, since trust in God is of a different order altogether from commitment to the Jewish people.²⁷⁵

Cohn-Sherbok concludes that it is necessary when confronting the Holocaust to make reference to the Jewish notion of the Hereafter, which is to say, the idea that the

²⁶⁸ Shulman, "An Encounter with Fackenheim," p.43.

²⁶⁹ Ibid., p.43.

²⁷⁰ Dan Cohn-Sherbok, "Jewish Faith and the Holocaust," *Religious-Studies* 26 (September 1990), p.288.

²⁷¹ Ibid., p.288.

²⁷² Ibid., p.288.

²⁷³ Ibid., p.289.

²⁷⁴ Ibid., p.289.

righteous of Israel enter into a realm of eternal bliss where they would be compensated for their earthly travail.²⁷⁶ He notes that without the eventual vindication of the righteous in Paradise, there is no way to sustain the belief in a providential God who watches over His chosen people.²⁷⁷ Moreover, the divine attribute of justice demands that the righteous of Israel who met their death as innocent victims of the Nazis will reap an everlasting reward.²⁷⁸ Cohn-Sherbok therefore provides as an answer to the religious perplexities of the Holocaust the traditional notion of the promise of immortality, which in the past sustained the Jewish people in periods of suffering and martyrdom.²⁷⁹ However, to judge from the enormous outcry that resulted from Rabbi Ovadia Yoseph's recent attempt to offer a "positive" theological explanation for the Nazi extermination of Jews, such "solutions" must be advanced with great care, and are likely to remain (at best) highly controversial.²⁸⁰

Kenneth Seeskin agrees with Shulman in indicating that the problem with Fackenheim's formulation of the 614th commandment is that, from a philosophic perspective, its emphasis is on survival.²⁸¹ While no Jew will argue that survival is not a worthy goal, it is not an end in itself. In other words, at some point one must address the more fundamental question: for what purpose are we surviving? Seeskin notes that unless that question is addressed, the Jewish people run the risk of recognizing no ideal

²⁷⁵ Ibid., p.289.

²⁷⁶ Ibid., p.289.

²⁷⁷ Ibid., p.292.

²⁷⁸ Ibid., p.293.

²⁷⁹ Ibid., p.293.

²⁸⁰ John F. Burns, "Israeli Rabbi Sets Off a Political Firestorm Over the Holocaust," *New York Times*, August 8th 2000.

²⁸¹ Kenneth Seeskin, "Emil Fackenheim," in Steven T. Katz (Ed.), *Interpreters of Judaism In The Late Twentieth Century* (Washington ,D.C: B'nai B'rith Books, 1993), p.51.

other than the perpetuation of their own existence, a position that is morally bankrupt.²⁸² Fackenheim is aware of these problems, and he claims that he was once critical of Jewish philosophers who advocated survival for its own sake.²⁸³ However, he goes on to note that in the present age, Jewish survival is an act of faith, a rejection of evil, and therefore the traditional objections to survival as an end no longer apply. While Fackenheim allows in another context²⁸⁴ that Jewish survival, though a duty, is not an ultimate end, Seeskin notes that there is a question of emphasis. In other words, if survival is not the ultimate end, what is? What commandment bids Jews to strive for the ultimate end? Although one might ordinarily conclude that monotheism is the ultimate end and idolatry the ultimate sin, this ultimacy is called into question in Fackenheim's presentation of the 614th commandment. Without the state of Israel to spearhead Jewish survival, Fackenheim thinks that there would be little reason to remain a Jew. Seeskin therefore suggests that the traditional reasons for remaining Jewish no longer appear to be valid for Fackenheim.²⁸⁵

The Christian theologian Gregory Baum has also drawn attention to the problems associated with Fackenheim's emphasis on survival. He indicates that it is precisely because Fackenheim has not sufficiently unfolded the meaning of survival that the latter has not adequately resolved the question(s) raised by his understanding of Holocaust uniqueness.²⁸⁶ Echoing Seeskin, Baum wonders what precisely the commanding Voice is ordering Jews to do? He notes that Fackenheim insists that what is meant here is the

²⁸² Ibid., p. 51.

²⁸³ Fackenheim, *The Jewish Return Into History: Reflections in the Ages of Auschwitz and a New Jerusalem* (New York, 1978), p.21.

²⁸⁴ Ibid., p. 110.

²⁸⁵ Seeskin, "Emil Fackenheim," p.52.

²⁸⁶ Gregory Baum, "Fackenheim and Christianity," in Louis Greenspan and Graeme Nicholson (Eds.), *Fackenheim: German Philosophy and Jewish Thought* (Toronto: University of Toronto Press, 1992), p.200.

physical survival of the people, but that the testimony of Pelagia Lewinska²⁸⁷ has a much richer meaning.²⁸⁸ Fackenheim never tries to unpack the meaning of the divine orders received by Lewinska, and Baum believes that it is a mistake not to reflect on this important testimony in a more sustained manner.²⁸⁹

Baum has also indicated that, on occasion, Fackenheim's own discourse of survival breaks down. For example, Fackenheim writes (in *The Jewish Return into History*, p.27) that, if Judaism ever forgot the six million who were murdered, it would not "deserve to survive," and Baum wonders what is meant by this statement. He notes that Fackenheim is claiming that, by forgetting the Holocaust, Judaism would have disobeyed the commanding Voice and reversed God's message, and thereby forfeited the inner reason for its existence.²⁹⁰ While Fackenheim's judgment in this instance is strictly theological, Baum indicates that he does not question whether the 614th commandment contains other messages, such as "survival as human beings, holding on to human dignity," that also define the inner reason for Jewish existence and also demand fidelity. As a result of having left these questions unattended, Baum believes that Fackenheim has failed to supply the Jewish community with appropriate norms for the important contemporary debates about social responsibility, in general, and concrete public policies,

²⁸⁷ Baum notes that Fackenheim has derived his own language of the "commanding Voice" from the witness of a courageous woman, Pelagia Lewinska, whose memorable words he cites many times. Appalled by the disorder and confusion in the concentration camp to which she had been sent, she suddenly saw clearly: "And then I saw the light! I saw that it was not a question of disorder or lack of organization but that, on the contrary, a very thoroughly considered conscious idea was in the back of the camp's existence. They have condemned us to die in our own filth, to drown in mud, in our own excrement. They wished to abase us, to destroy our human dignity, to efface every vestige of humanity... to fill us with horror and contempt toward ourselves and our fellows... From the instant when I grasped the motivating principle, it was as if I had been awakened from a dream... *I felt under orders to live*... And if I did die in Auschwitz, it would be as a human being. I would hold on to my dignity... And a terrible struggle began which went on day and night." (*To Mend the World*, p.25).

²⁸⁸ Gregory Baum, "Fackenheim and Christianity," p.200.

²⁸⁹ Ibid., p.200.

²⁹⁰ Ibid., p.200.

in particular.²⁹¹ Furthermore, “his theology does not help Jews in North America who look for ethical guidance in the important policy debates, including those regarding nuclear weapons and economic justice, and it does not supply Jews in Israel with principles useful for the debate in their country in regard to strategies and national objectives.”²⁹²

As Michael Oppenheim has indicated, Emil Fackenheim’s writings between 1964 and 1966 are characterized by an intense searching in which references to the Holocaust become more frequent and more central than in his previous works.²⁹³ He thus affirms at the end of this period that the Jews may not think about religion without reflecting on Auschwitz.²⁹⁴ The years between 1964 and 1966 also witness an increasing amount of attention to the problem of the meaning of history, the possibility of God’s radical incursion into history, and to Jewish testimony to God in the present.²⁹⁵ In all, the problem of somehow bringing together God’s Presence and the event of the Holocaust is expressed, in a variety of fragmentary forms, again and again in his writings.²⁹⁶

The great turning point, and what Oppenheim identifies as the third stage in Fackenheim’s work, commences when he finds that the Jew can finally bear to testify, bespeak a Presence, and even to powerfully witness to God’s voice in relation to the Holocaust.²⁹⁷ All of Fackenheim’s work that is published after 1967 therefore takes the Holocaust as its point of departure.²⁹⁸

²⁹¹ Ibid., p.201.

²⁹² Ibid., p.201.

²⁹³ Michael Oppenheim, *What Does Revelation Mean for the Modern Jew?* (Queenston: The Edwin Mellen Press, 1985), p.94.

²⁹⁴ Ibid., p.94.

²⁹⁵ Ibid., p.94.

²⁹⁶ Ibid., p.94.

²⁹⁷ Ibid., p.95.

²⁹⁸ Ibid., p.95.

As Oppenheim has noted, Fackenheim asks us to renounce the wide range of ways that religious people in earlier times explored the meanings of the metaphor of the providential God when they faced particular terrifying historical events.²⁹⁹ For instance, gone are the possibilities of speaking of the unfathomableness of God's ways, or of God's silence, or of waiting for future events to provide a deeper perspective- rather, Fackenheim requires that we test the power of a very limited and reified sense of this metaphor to give us insight into the Holocaust and to give us hope to look beyond it.³⁰⁰ After setting up the test (i.e., through the notion of a *Tikkun* in the acts of those who lived during the Holocaust and in the lives of us who follow) in order to determine whether God was present at the Holocaust, Fackenheim decides that God was there and salvages the metaphor of the providential God.

Oppenheim believes that much of the appeal of Fackenheim's position lies in its powerful description of the resisters. His descriptions provide insight into our own feelings and it reminds us of things that we ought not to forget.³⁰¹ However, while compelling, it is also partial, in that it is both more than we can say and not enough.³⁰² It is more, because, as Oppenheim has noted, in seriously examining the Holocaust we do not have the power to say that God was there.³⁰³ It is insufficient because at times we are also driven to say that God was absent.³⁰⁴ Oppenheim states that one would feel that a fundamental truth had been expressed by Fackenheim had the latter identified what he is

²⁹⁹ Michael Oppenheim, "Can we still stay with him? Two Jewish theologians confront the Holocaust," *Studies in Religion*, 16,4 (1987), p.412.

³⁰⁰ Ibid., p.412.

³⁰¹ Ibid., p.412.

³⁰² Ibid., p.412.

³⁰³ Ibid., p.412.

³⁰⁴ Ibid., p.412.

offering as a story/midrash and coupled it with another story/midrash about God being absent.³⁰⁵

Oppenheim also echoes the previous critiques of Shulman and Mankowitz when he notes that Fackenheim's "foundations" do not provide us with a reliable orientation to our past or our future.³⁰⁶ Specifically, he asks how it is possible to live with the test that he sets up- if God was not present at that time, he never was present, nor will he be- and with the resulting reified metaphor of the providential God?³⁰⁷ And further, "must we conclude that past Jewish historical experiences of destruction were not real tests, or that God met them? Will we need to set up constant tests from out of our present and future experiences? In such cases, will our belief that God was present during the period of the Holocaust force us to say that God has already passed whatever tests the future holds? Or, alternatively, if we find that God fails a future test, are we then forced to conclude that, after all, God was not present then?"³⁰⁸ Oppenheim notes that we cannot live with this reified metaphor, and that Fackenheim does not salvage but rather destroys for us the power and meaning of the notion that God acts or is present in history.³⁰⁹ Furthermore, although we are obligated to confront the threat that the Holocaust surely poses to the notion of the providential God, there is no positive truth within this collective event of cruelties and murder that can provide a new basis for our theological efforts.³¹⁰

Perhaps as a response to (or an evasion of) Oppenheim's critique, Fackenheim notes in the preface to *The Jewish Bible After the Holocaust: A Re-Reading* that, "whether Judaism can survive the vastly greater catastrophe of the Holocaust... cannot be

³⁰⁵ Ibid., p.412.

³⁰⁶ Ibid., p.413.

³⁰⁷ Ibid., p.413.

³⁰⁸ Ibid., p.413.

known prior to a post-Holocaust Judaism that will have to pass tests, some of which we may have as yet no inkling of.”³¹¹ In other words, Fackenheim’s views on the matter have not changed (nor have I come across any evidence that they have changed in the eleven years since the publication of *The Jewish Bible After the Holocaust*), and he continues to view the survival of Judaism as (at best) highly precarious.

Oppenheim argues that *To Mend the World* presents a position that is based on the conviction that the metaphor of the providential God only stands if God can in some sense be recognized as interferer.³¹² Fackenheim disallows the elasticity of the metaphor as it was utilized in the past, when the community was faced with examples of meaningless destruction.³¹³ He notes that in earlier times the Jewish community would compose *midrashim* to allude to the ultimate mystery of God’s ways or God’s unaccountable silence.³¹⁴ While these responses did not necessarily produce a feeling of comfort, they allowed the struggle with God to continue- however, Fackenheim writes that it is not enough to rely on the strategy of speaking of mystery or silence.³¹⁵

As Oppenheim has indicated, the continued viability of the concept of God as person cannot be affirmed if this necessarily entails that God somehow be seen as interferer in terms of the event of the Holocaust.³¹⁶ Rather, there is no satisfactory theological meaning to be found in the event of the Holocaust- it stands as a radical test of all theological meaning and in the face of it, the best that we can do is to speak of

³⁰⁹ Ibid., p.413.

³¹⁰ Ibid., p.414.

³¹¹ Emil L. Fackenheim, *The Jewish Bible after the Holocaust: A Re-Reading* (Bloomington and Indianapolis: Indiana University Press, 1990), p.xi.

³¹² Oppenheim, “Can we still stay with him? Two Jewish theologians confront the Holocaust,” p.416.

³¹³ Ibid., p.417.

³¹⁴ Ibid., p.417.

³¹⁵ Ibid., p.417.

³¹⁶ Ibid., p.417.

God's mystery or silence.³¹⁷ Oppenheim states that this does not mean that the Holocaust or the evil of man is ignored, but rather, "we turn to statements about the divine mystery or silence with the sense that all affirmations of meaning will now be even more shot through with questions and with doubts."³¹⁸

In arguing that the metaphor of the providential God remains viable, Oppenheim is disputing the contention of Fackenheim that the Holocaust is rupture or caesura, utterly shattering the old liturgical and theological patterns.³¹⁹ Although he notes that Fackenheim's arguments are not to be taken lightly, he also believes that they are not fully convincing. Rather than examining the event itself, Oppenheim proposes that we determine if the Holocaust represents a rupture by making careful observations about the life of the Jewish community today, an idea that is very much consistent with the philosophical thought of *To Mend the World*.³²⁰ In other words, if a rupture has occurred, then this will be indicated by the failure of the metaphor of God as providential partner to play an active role in the everyday life of the community.³²¹ This is clearly not the case, as in such areas as the liturgical life of the community, the experience and practice of *Halakha*, and the theological and artistic endeavors to struggle with the Holocaust, the metaphor retains its power.³²²

In Fackenheim's defense, Oppenheim also notes that the criticisms offered in *To Mend the World* of Rosenzweig's and Buber's ahistorical treatment of the life of the

³¹⁷ Ibid., p.417.

³¹⁸ Ibid., p.417.

³¹⁹ Ibid., p.418.

³²⁰ For example, see Fackenheim's contention on p.15 of the introduction that, "it is clearly necessary for Jewish thought (and not for it alone) to go to school with life."

³²¹ Oppenheim, "Can we still stay with him? Two Jewish theologians confront the Holocaust," p.419.

³²² Ibid., p.419.

Jewish people are irrefutable, and that the indisputable lesson of the Holocaust is that the Jews live in history and are vulnerable to its worst horrors.³²³

As Kenneth Seeskin has indicated, Fackenheim continues to insist in *What is Judaism?* that God has entered into history on at least two occasions: the Exodus from Egypt and the Revelation at Sinai. However, the question still remains: if God saved the Jewish people from certain death at the Red Sea, why did He not do so at Auschwitz? Seeskin notes that traditional Jewish philosophy would answer that God does not enter into history in the way that a director enters into a play. For the medievals, God affects the world through a series of celestial spheres or intermediaries, whereas for a modern thinker like Hermann Cohen, God is a moral ideal which human reason can approach in the same manner that one approaches a mathematical limit.³²⁴

Fackenheim rejects both of these approaches, and in so doing Seeskin indicates that he saddles himself with an impossible difficulty: If God *can* enter the world, and did so before, why did He not do so again?³²⁵ Having rejected the philosophic conception of God as too distant, Fackenheim has little choice but to turn to midrash. Seeskin notes that he uses midrashic materials at the end of *What is Judaism?* in order to try and construct a way of looking at God's failure to act. While Fackenheim does not succumb to theodicy, neither does he arrive at a satisfactory conclusion, and in the final analysis he can do nothing but quote a Kabbalistic saying that effort from below calls for a response from above.³²⁶ Seeskin believes that Fackenheim has pushed the midrashic framework further than it is capable of going, and, echoing Oppenheim, indicates that nothing will

³²³ Ibid., p.419.

³²⁴ Kenneth Seeskin, "Emil Fackenheim," p.55.

³²⁵ Ibid., p.55.

³²⁶ Ibid., p.55.

explain God's silence at Auschwitz as long as one retains the notion that He enters history in a direct or immediate way.

In discussing the heart of Fackenheim's *To Mend the World* (which he correctly identifies as Chapter 4, sections 8 and 9, and especially subsections c to e of section 9) Michael L. Morgan indicates that the task of these sections is the definition of resistance during the Holocaust as an ultimate reality, the justification of that ultimacy, and the philosophical analysis that moves from impotence of thought to resistance as ontic reality, and finally resistance as ontological category.³²⁷ Morgan understands this line of thought to be a dramatic enrichment of an earlier line of thinking that was developed in the third of the Charles Deems Lectures delivered in 1968 and published as Chapter 3 of *God's Presence in History*.

Although the line of thinking in the latter book is systematic and openly exposed to the Holocaust, it is also fragmentary, and the account of the Holocaust's unprecedented character is- according to Morgan- preliminary and insufficient.³²⁸ Furthermore, the result that thought- theological, historical, psychological, philosophical- cannot comprehend the event is "inadequately developed and supported," and the turn to subsequent Jewish life, as a result of the impotence of thought, is "unjustified and ungrounded, as is the *deduction* of the obligation and of the Commanding Presence."³²⁹ Morgan believes that both the possibility and the necessity of opposition and recovery need a more secure ground, and he notes that the interpretation of obligation, first, as an

³²⁷ Michael L. Morgan, "Philosophy, History, and the Jewish Thinker: Philosophy and Jewish Thought in *To Mend the World*," in Louis Greenspan and Graeme Nicholson (Eds.), *Fackenheim: German Philosophy and Jewish Thought* (Toronto: University of Toronto Press, 1992), p. 150.

³²⁸ Ibid., p.151.

³²⁹ Ibid., p.151.

imperative to oppose Nazi purposes and, further, as a fourfold articulation seems arbitrary, or nearly so.

Morgan therefore states that, in view of the aforementioned weaknesses, *To Mend the World* can be understood as an attempt at enriching the line of thinking or, alternatively, at “replacing it with a subtle, more developed movement of thought that thoroughly exposes thought to the Holocaust in order ultimately to identify resistance and mending as fundamental categories for subsequent life and thought.”³³⁰

The principal subject of Morgan’s essay is the joining-together in *To Mend the World* of Fackenheim’s Jewish and philosophical thought, or, more precisely, the exact nature of this joining-together. After reviewing Fackenheim’s treatment of Heidegger, Morgan notes that the universality of Heidegger’s existential analysis, of his notion of decisiveness and his conception of technicity, all may be refuted by Auschwitz and the latter’s incapacity to decide against it.³³¹ However, no such refutation sets aside the existential notion of a radically-situated self-making, so that if man is radically situated and the hermeneutical situation characterizes life as well as thought, then the encounter with historical events and the recovery of the past both arise ‘from an always-already-existing “pre-understanding” of the past, “prejudiced” in that it is historically situated.’³³² Morgan notes that such a pre-understanding or prejudice is inescapable both for life and for thought, which means that such a prejudice operates in Fackenheim’s enterprise “not only at the ‘late’ stage, when the past is retrieved as a constituent of an act of *Tikkun* or mending, but also at the early stages, when thinkers such as Spinoza, Rosensweig, Hegel, and then Heidegger, Buber, Deutscher, and Celan are judged, broadly speaking, to be

³³⁰ Ibid., p.151.

³³¹ Ibid., p.153.

escapist.”³³³ In other words, the hermeneutical requirement, that the assessments along the way, which move thought to a recognition of its own impotency and beyond, be ‘prejudiced,’ “should lead us to underscore the ‘personal standpoint’ of Fackenheim’s ‘new thinking’.” Morgan therefore wonders, as Rosenzweig once did, whether such thinking can still be ‘science’ (i.e., whether or not it can still claim objective validity).

Morgan indicates that this question is pressing when one considers that such judgements are made throughout the central sections 8 and 9 of Chapter 4, where thought, first, describes and defines resistance; second, provides an ontological analysis of resistance as an ultimate category; and, finally, becomes ‘deontic’ in the form of an imperative to resistance *in actu*.³³⁴ In other words, if the whole movement of thought is fraught with subjectivity, then so is the aforementioned wholly remarkable effort.

The discussion of the notion of the radically situated self leads Morgan to ask why Fackenheim adheres (if he still does), after the radical rupture of the Holocaust, to his conception of the individual as a self-constituting process. Is it, as Morgan proposes, because to a large degree it is a conception that recommends itself and that survives exposure to the event? And if this is the case, is it none the less in principle refutable? He further asks whether the movement of thought that first concludes with ‘where the Holocaust is, *no* thought can be, and...where there is thought it is in flight from the event,’³³⁵ then defines resistance during the event, and finally provides an ontological analysis that becomes deontological, rises to universality?³³⁶ In other words, does the

³³² Fackenheim, *To Mend the World*, p.257, cited by Morgan on p.153.

³³³ Morgan, “Philosophy, History, and the Jewish Thinker: Philosophy and Jewish Thought in *To Mend the World*,” p.153.

³³⁴ *Ibid.*, p.153.

³³⁵ Fackenheim, *To Mend the World*, p.200, cited by Morgan on p.154.

³³⁶ Morgan, “Philosophy, History, and the Jewish Thinker: Philosophy and Jewish Thought in *To Mend the World*,” p.154.

definition and its defense constitute a metaphysical truth that is, at least provisionally, universal, objective and not subjective, and, though arising out of history, none the less in a sense 'timeless'?³³⁷ And further, "does the definition of resistance and the ontological analysis that follows constitute a kind of transcendence?"³³⁸

Morgan indicates that it is not clear that Fackenheim tells us either what status should be assigned to the category of resistance and its justification or how radical is his acceptance of historicism. However, that he thinks the results of section 8 and 9 are more than merely subjective is evident. Morgan notes that, if in Rosenzweig's *The Star of Redemption* (which Fackenheim examines at length) the concept of revelation is the bridge between subjective and objective validity- if it is what makes theology philosophical and requires that it be so, then one wonders whether in *To Mend the World* the philosophical description, definition, and defense of resistance as an ontological and deontological category does not function in a similar way.³³⁹ In other words, Morgan asks if the concept of resistance- a concept that emerges from the resistor's own thought about the very character of his or her life- what joins theology to philosophy- is what makes Fackenheim's 'new thinking' scientific? Or is it rather "the philosopher's own movement of thought that finally confronts the whole of horror within its surprised grasp that does so?"³⁴⁰

Morgan notes that *To Mend the World* exhibits Fackenheim's allegiance to philosophy and his struggle to identify its responsiveness to history without witnessing its self-destruction. However, the option that he takes once he concludes that thought is

³³⁷ Ibid., p.154.

³³⁸ Ibid., p.154.

³³⁹ Ibid., p.155.

³⁴⁰ Ibid., p.155.

paralyzed when confronted with the Holocaust is perplexing, for he chooses to stay with the event (i.e., to think it through), first by describing resistance within it and then justifying that resistance, as manifest in the resistor's own self-awareness, by means of a philosophical movement through the levels of criminality responsible for the event and the objects of that resistance.³⁴¹ Morgan indicates that the end result of this movement of thought is that, while thought never 'understands' or 'comprehends' the evil, it can confront it- but only as a 'whole of horror' and with a surprised horror.³⁴² Furthermore, thought recognizes (as the final result of a dialectical movement) that there is no understanding of the evil more epistemologically ultimate than that of the resisters themselves. Lastly, since their recognition did not remain reflective but rather led to action, to resistance, so must ours, and it is here that ontological analysis becomes deontological imperative. A mode of being therefore "becomes an ontological category, a ground of possibility, and finally a mandate."³⁴³

Morgan notes that this development in Fackenheim's thought is perplexing because of its character as a way of thinking, and not especially because of its results. Specifically, it is perplexing because it is an example "of dialectical and existential thinking, of descriptive phenomenology and ontological analysis, of moving from personal experience and self-understanding to philosophical reflection and back again."³⁴⁴ Just as there are antecedents here (i.e., Kant, Hegel, Heidegger, Buber, Rosenzweig), so are there those whose conception of philosophical method is rejected by

³⁴¹ Ibid., p.156.

³⁴² Fackenheim, *To Mend the World*, p.247, cited by Morgan on p.156.

³⁴³ Morgan, "Philosophy, History, and the Jewish Thinker: Philosophy and Jewish Thought in *To Mend the World*," p.156.

³⁴⁴ Ibid., p.156.

Fackenheim- Aristotle, Spinoza, Maimonides. In rejecting one type of philosophical thinking, Fackenheim grasps another, and Morgan wonders why this is so.

In noting that Celan (together with Appelfeld and others) raises most profoundly the question of the impotency of language and thought before the horror, Morgan notes that some might be inclined to side with him; language and thought are not merely paralysed, they are totally shattered, and there is no coherent response. However, it is at this juncture that Fackenheim's fidelity to philosophy reveals itself most dramatically. For even though he turns to the victims and the survivors, to their lives and their reflections, his mode of thinking through their actions and their self-understanding is philosophical, and the results- definition and defense- are philosophical results.³⁴⁵ Against this background, Morgan asks if dialectical philosophical thinking is in principle refutable, and if such a mode of thinking can be discredited- or destroyed.

As previously indicated, the principal subject of Morgan's essay is the manner in which Fackenheim joins together philosophy and theology (more specifically, Jewish thought) in *To Mend the World*. In noting that religious thought only comes on the scene in the latter text in Chapter 4, section 10, with the concept of *Tikkun Olam* ("mending the world"), Morgan indicates that it is not theology that is made philosophical (as is the case with the concept of revelation in Rosenzweig's *The Star of Redemption*) but rather philosophy that is enriched, completed by Jewish thought.³⁴⁶ Morgan asks whether the real issue is not what makes religious thought philosophical but rather the militantly Jewish one- what makes philosophy Jewish?

³⁴⁵ Ibid., p.157.

³⁴⁶ Ibid., p.157.

According to this reading, the Jewish concept of *Tikkun* gives content to the philosophical imperative of resistance. Morgan notes that without that content the ontological and deontological category is no more effective than Heidegger's 'decisiveness-as-such' or Kant's categorical imperative by itself. In *To Mend the World*, Judaism itself may enter only at the eleventh hour, to give content to a philosophically articulated and defended imperative. However, the entire enterprise (from the encounters with Spinoza and Rosenzweig to the refutation of Heidegger and beyond) is framed by Fackenheim's 'pre-understanding,' a pre-understanding constituted in significant part by a Jewish life and thought of a very rich kind.³⁴⁷ In other words, Judaism is present "from the beginning of Fackenheim's labor, for it- Midrash, Bible, Jewish thought, and so on- is there in the author, and hence his life and thought." *To Mend the World* is therefore a philosophical book from its outset, but it is also a Jewish book through and through.

It is at this point that Morgan arrives at what he regards as the final and most profound answer to the question that he has been investigating. While philosophy and theology are not united in *To Mend the World*, philosophy and Jewish thought are joined together, and this joining-together occurs because the two are already joined together in its author's life and thought.³⁴⁸ In other words, as Fackenheim responds, at every level of analysis and all along the way, to the event of the Holocaust with an 'unknowing horror,' he "infuses his assessments, his judgements, and his systematic thinking with his own standpoint, his own point of view as one thoroughly Jewish and yet thoroughly philosophical."

³⁴⁷ Ibid., p. 158.

³⁴⁸ Ibid., p. 158.

In addition to being an enrichment of the third chapter of *God's Presence in History*, Morgan states that *To Mend the World* may also be understood as a preface to the earlier work's first chapter. In that chapter, Fackenheim gives a formal-substantive account of Midrashic thought and Midrashic life in order to expose that world, first, to the challenges of secularity and, then, to the Holocaust. But Morgan notes that even then one might have asked, what is the hermeneutical situation out of which that return to the Midrashic world is initiated, what authorizes such a return at all, and what accounts for its specific content as Fackenheim understands it?³⁴⁹ And further, why is it understood in terms of a modern, Buberian concept of revelation and retrievable only in terms of the viability of that concept? Morgan indicates that a partial answer to these questions is to be found in *To mend the World*, but that the other, more existential dimension is not available anywhere in full. He notes that it is given primarily and wholly in Emil Fackenheim's life- and partially, with intimations- in the few autobiographical reflections that appear among his published works.³⁵⁰

In his reply to Morgan, Fackenheim states that he finds it disturbing that the former views *To Mend the World* as both genuinely Jewish and philosophical by dint of his 'pre-reflective'- i.e., personal- commitments, which are said to be themselves both genuinely philosophical and Jewish.³⁵¹ *To Mend the World* was meant to be a contribution to philosophy and Jewish thought, and Fackenheim asks what is to be said of this contribution if it ultimately rests on personal- that is, arbitrary- foundations? He indicates that there is indeed a fundamental arbitrariness in the work, but that Morgan has

³⁴⁹ Ibid., p.159.

³⁵⁰ Ibid., p.159.

³⁵¹ Emil L. Fackenheim, "A Reply to My Critics," in Louis Greenspan and Graeme Nicholson (Eds.), *Fackenheim: German Philosophy and Jewish Thought* (Toronto: University of Toronto Press, 1992), p.277.

identified it in the wrong place. Rather, the actual arbitrariness is to be found, according to Fackenheim, in the specific thinkers (Spinoza, Rosenzweig, Hegel, Heidegger, etc.) that he has chosen to expose to the event of the Holocaust.³⁵²

The thinkers with which *To Mend the World* begins, providing as they do the setting for what is to follow,

help make the book *non*-arbitrary; but the choice of *these particular* thinkers is *itself* arbitrary; and, in the perspective provided by Morgan- Athens, Jerusalem, and *history*- the arbitrariness that counts is a feature they share: Spinoza on the state, Rosenzweig on Jewish existence as matrix of the *Star* and Yom Kippur as its highest confirmation; Hegel, if not in himself, so in the post-Hegelian, fragmented middle; and, finally, Heidegger in his later thought by his own admission and insistence: these are all *vulnerable*, if not to *history*, to historical *catastrophe*, if not to catastrophe-in-general, to the *unique* catastrophe of the *Holocaust*.³⁵³

Fackenheim goes on to state that from the standpoint, say, of Plato, there would be no spectre of historicism; and, as a topic for philosophy, the Holocaust would be a 'problem' that does not 'arise.'

Fackenheim states that, left alone after so much philosophical company, *To Mend the World's* thought goes itself to school with life, a move arbitrary, perhaps, for others, but not for a Hegelian-after-Hegel; and the life chosen for the schooling is both the 'irresistible' assault by the Holocaust-world and the 'resistance-despite-irresistibility' by its victims.³⁵⁴ Upon being schooled by life, the schooled thought, like Hegel's own,

seeks a transcending, overcoming, comprehension of a *whole* but, confronted as it is (and Hegel never was) by *that* whole- a unique *whole-of-horror*- it can escape being *itself* overcome (Jean Amery) only through an unprecedented inversion, i.e., by 'circumnavigating' (Kierkegaard's expression) the Holocaust-whole with an *unyielding, uncomprehending, but altogether unarbitrary resistance*.³⁵⁵

³⁵² Ibid., p.277.

³⁵³ Ibid., p.278.

³⁵⁴ Ibid., p.278.

³⁵⁵ Ibid., p.278-9.

Fackenheim goes on to state that at least one non-arbitrary conclusion can be seen to emerge from *To Mend the World*: If there is no positive Absolute- for philosophy, the True, the Good, the Beautiful; for faith (Jewish but also Christian) the trustworthy Word of God- there is at least an absolute negative, the Holocaust world of radical evil, and with this one positive absolute, the necessity- moral, religious, philosophical- to resist it.³⁵⁶

³⁵⁶ Ibid., p.279.

1.iv Additional Critique

It should be obvious on the basis of the responses to his work that have been considered thus far that Emil Fackenheim's post-1967 writings continue to generate great controversy. As we have seen, even Michael Morgan, who is arguably Fackenheim's most devoted student within the academy, has pointed-out the subjective (and thus arbitrary) foundation on which he believes the thought in *To Mend the World* (Fackenheim's *magnum opus*) is based. Others feel that Fackenheim has either said too much or too little; that he has not provided an adequate defense of his position; that he has blurred the distinctions between theology and the "objective" study of history; and that his conclusions are in a sense predetermined by his pre-philosophical axiomatic commitments. Yet in spite of the fact that much of his later thought has been rejected by intellectuals in the academy, Fackenheim has repeatedly expressed great satisfaction with the fact that many of his ideas seem to resonate with the common "man on the street."

If Mankowitz is right (as I am certain that he is) in stating that the emotional focus of the "uniqueness" of the Holocaust attaches to the victims and not to the perpetrators, it may help to explain (despite Fackenheim's emphasis on the perpetrators) the appeal of his later thought. In other words, by arguing for the uniqueness of the event, Fackenheim is expressing an emotional truth that resonates with a great many people. And (as will be examined in the next chapter) by associating the full force of the memory of the Holocaust with the anxieties and elations of June 1967, Fackenheim has given powerful philosophical meaning to sentiments felt by vast numbers of Jews.

Still, while there does appear to be a certain sociological validity to Fackenheim's later formulations, there are also a vast number of Jews (both in the Diaspora and in

Israel) who do not share his views. This fact is clearly recognized by Fackenheim, and he has tried to provide explicit guidance to the community (*To Mend the World* is subtitled, “Foundations of Future Jewish Thought”). This concern with providing guidance might help to explain Fackenheim’s problematic characterization of the Holocaust as unique, and his attempts to identify authentic responses to the event. As an example of “radical (i.e., Satanic) evil,” the Holocaust undermines the secularism of those Jews who would otherwise seek “normalization” (primarily within the Diaspora, but also for those working to transform the state of Israel into a state like all others).³⁵⁷

Fackenheim is absolutely correct in condemning those who would suggest that Jews have no right to protest their own persecution unless they also protest that of all other peoples.³⁵⁸ However, in undermining the authenticity of the “universal future action” response to the Holocaust, Fackenheim may also be attempting to insulate the State of Israel against criticism of its treatment of the Palestinians during the Occupation. While he does not make this point explicitly, he is certainly aware that Israel’s critics often clothe their arguments in such “Universal Human Rights” rhetoric. Fackenheim’s Zionism and his views regarding the Diaspora will be examined in greater detail in the next chapter, but suffice it to say for the moment that he would not have felt it necessary to characterize the aforementioned responses as “inauthentic” if he did not recognize them as fairly widespread (thus having a sociological validity of their own) and, in his view, dangerous.

³⁵⁷ Fackenheim, *God's Presence in History*, p.82.

³⁵⁸ One recalls, in a Canadian context, the recent comments by Yves Michaud, which led to his public censure via a unanimous vote in the Quebec National Assembly.
<http://www.ledevoir.com/que/2000d/mich151200.html>

There are at least two more difficulties that come to mind with Fackenheim's characterization of the Holocaust as unique. Firstly, how does one defend such a claim? I have summarized the evidence that Fackenheim has provided in order to prove that the murder of Jews was an end-in-itself which took precedence over everything else, including the very survival of the Reich. However, there is also evidence that might contradict this claim that Fackenheim chooses not to consider. For example, in 1939, the late Jewish philosopher Emmanuel Levinas was drafted (as a French citizen) into the French army. Shortly thereafter, along with the entire French Tenth Army, he was captured at Rennes and made a German prisoner of war. After a few months detention in France, he was transported to a POW camp near Hanover, Germany, for Jewish French soldiers. Although he was forced to do manual labor, Levinas' Jewish life was saved by his French uniform, because of the fact that Hitler *adhered to the provisions of the Geneva Conventions regarding prisoners of war* for signatory nations such as France (italics mine).³⁵⁹ So at least in the case of Levinas and the other French Jews imprisoned along with him, the Nazi program of murdering every available Jew was subordinated to the provisions of the Geneva Convention. I don't know whether or not this is merely an isolated case, but it nevertheless contradicts some of the evidence that Fackenheim has provided. More importantly, I find the task of testing Fackenheim's evidence to be extremely unpleasant (who, except for the most rabid anti-Semite, would delight in trying to undermine his claims on the nature of the Nazi atrocities?), and this relates to my second difficulty with his "uniqueness" theory. Specifically, to advance such theological claims in an "objective" academic context is necessarily to subject them to criticism and

³⁵⁹ Richard A. Cohen, "Emmanuel Levinas," in Steven T. Katz (Ed.), *Interpreters of Judaism in the Late Twentieth Century* (Washington, D.C.: B'nai B'rith Books, 1993), p. 209.

potential refutation, and I wonder if there might not be more productive ways of addressing the issue- say, by encouraging Jewish-Christian dialogue on the subject. The subject of the uniqueness of the Holocaust is not something that can be resolved in an historical or philosophical context, and I have to agree with Mankowitz when he proposes that it is best left as a matter of faith.

A final point that I wish to consider regarding Fackenheim's treatment of the Holocaust in some ways echoes many of the previous criticisms- namely, whether the "Judaism" that emerges from his confrontation with the Holocaust is viable and/or recognizable as Judaism at all. For example, in questioning whether God was present while simultaneously insisting on the presence of "Satanic" (i.e., radical) Evil, Fackenheim is describing a theology that has more in common with Manichaeism or Zoroastrianism than with traditional Judaism. While Fackenheim might respond that this is the crux of his argument- the inadequacy of traditional Jewish thought vis-à-vis the Holocaust- I cannot help but question the extent to which his conclusions are predetermined by his specific mode of inquiry. In other words, has Fackenheim identified in the event of the Holocaust a true *caesura*, or has he rather demonstrated the limitations (at least for Jewish thought) inherent in dialectical reasoning? In his response to Morgan, Fackenheim noted the "arbitrary" nature of the selection of thinkers that he examined in *To Mend the World*. He stated that this was due to the fact that the problem of the Holocaust would simply not arise in the first place for thinkers such as Plato and Maimonides, and so he chose not to consider them. Fackenheim has elsewhere expressed his distaste for the psychological (i.e., "reductionist") analysis/critique of the Holocaust,

which he dismisses as “escapist.”³⁶⁰ Although he may be correct, Fackenheim does not really provide a convincing justification for why one mode of reasoning (the dialectical) is to be preferred to another (the psychological). After all, both modes are ultimately foreign/alien to traditional Jewish thought- both are (in spite of Fackenheim’s best efforts) equally outside of the “midrashic framework,” and are only useful (at least from a Jewish point of view) to the extent that they can provide guidance/solace to Jews. The ability to say more using one mode of thought does not in itself validate that mode, nor does it necessarily discredit alternative modes of thought.

Fackenheim’s arguments are very subtle, and they are largely directed at “secular” Jews. However, at times he seems to strongly imply that his mode of philosophical reasoning is consistent with traditional Jewish thought, when this is clearly not the case. Take for example the specific language with which he describes “post-Hegelian” thought:

These results at the extremes suggest the necessity of moving toward what may be called the post-Hegelian broken middle. The middle is ‘broken,’ first, in that there can be no thought of a return to Hegelianism, a possibility which, if it ever was real, is gone beyond recovery; second, in that there can be no thought of compromising the integrity of the extremes- the God of revelation and a modern self-confident secularity- in a flat, un-Hegelian syncretism; third, in that the extremes, with a new un-Hegelian sense of their fragmentariness, show a new, post-Hegelian openness toward each other. As for philosophic thought, this cannot either (as in Hegel) rise above the extremes, or (as in Kierkegaard and Marx) point to one extreme so as to overwhelm the other. It must rather locate itself *between* the extremes; and if it can dwell in this precarious location and is not torn assunder, it is because the extremes show a new willingness to be vulnerable. This new willingness is a crucial feature of the age *post Hegel mortuum*. It marks the end of Constantinianism.³⁶¹

In reading his description of post-Hegelian thought, it is almost as though Fackenheim is describing the “midrashic framework” (see page 6 of the present examination), and *To Mend the World* can even be understood as a *Midrash* of sorts. Is

³⁶⁰ Fackenheim, *To Mend the World*, pp.226-227.

Fackenheim proposing that the midrashic genre is in fact “post-Hegelian” in nature, that it can only be properly understood as such? While he does not explicitly make this claim, I believe that it is implicit in his writings that he thinks this to be the case.³⁶² And while I do not wish to understate the subtlety and complexity of his discourse, in the final analysis Fackenheim is trying to lay a foundation for post-Holocaust Jewish thought that derives from decidedly *non-Jewish* (and arbitrarily selected) philosophical sources. For this reason the Orthodox Jew can reject his conclusions out of hand, whereas the non-Orthodox/secular Jew can seriously call into question their objective validity.

³⁶¹ Ibid., p.127.

³⁶² please see Fackenheim, “Demythologizing and Remythologizing in Jewish Experience: Reflections Inspired by Hegel’s Philosophy,” *Proceedings and Addresses of the American Philosophical Association*, 1971; 45: 16-27.

Chapter 2: Fackenheim and The State Of Israel

2.i A Political Philosophy for The State Of Israel

Fackenheim has clarified his views regarding the State of Israel in an essay (written during the outbreak of the first *Intifada*) that appears in *Jewish Philosophers and Jewish Philosophy*. In it, he indicates that Israel is alone among current states in having been under siege since the day of her birth. He further notes that to the rest of the world,

this has become a fact of all-but-natural life, much as once were slavery in America, colonies in Africa, and Jewish homelessness. Among these all-but-natural facts of the siege of Israel are Iraqi nuclear weaponry, Syrian missiles and poison gas, the unyielding PLO demand for the death of the 'Zionist Entity,' the Iranian lust for Jerusalem, and, last but not least, an economic boycott participated in even by 'moderate' states near and far. An all-but-natural fact, the siege is not new, nor does it make the news.¹

Fackenheim claims that Israelis cannot take so nonchalant a view of their own condition, nor can they accept it as all-but-natural, and neither was this possible in times gone by for slaves in America, the colonized in Africa, or homeless Jewish refugees. Furthermore, following the Six-Day War and the Yom-Kippur War, those conducting the siege transformed the war into one of words and transferred its chief locale to the Western democracies, and this was accomplished by means of three rules:

- 1) "Israel vs. the Arab nation" had made Israel into David; "Israel vs. the Palestinians" would not make it into Goliath.
- 2) "The Jews into the sea" had aroused sympathy for Israel; "self-determination for Palestinians" would not shift it to Israel's enemies.

¹ Fackenheim, "A political Philosophy for the State of Israel," in Michael L. Morgan (Ed.), *Jewish Philosophers and Jewish Philosophy* (Bloomington and Indiana: Indiana University Press, 1996), p.196.

3) This above all: the “self-determination” demanded would be unspecified and must remain so at all costs, for whereas the means of warfare had changed, the goal had not- the eventual destruction of Israel. The PLO National Covenant that seeks Israel’s demise has not been amended. Nor has an amendment been asked for by those who, in one way or another, have raised the prestige of that organization. Not by the United Nations when it gave the PLO observer status. Not by the countries that have permitted PLO offices on their soil. Not by the current Pope when he granted an audience to Yasser Arafat.²

Fackenheim has noted that the aforementioned strategy has proved to be extraordinarily successful, and he has expressed surprise at the ease with which states not hostile to Israel have submitted to the blackmail. However, the truly astounding fact has been the headway the new warfare has made among Israel’s friends, i.e., the Western democracies.³ Residual antisemitism, although it continues to exist, is not the most probable explanation; rather, their weariness of the “Arab-Israeli conflict” is explanation enough. In other words, “already disposed to view the siege as an all-but-natural fact of life, they have widely responded to the war of words as though the siege did not exist. In this- unwittingly, one hopes- they have helped those who continue to lay the siege with few signs of tiring.”⁴

Fackenheim has also indicated that the besieged are tired of the siege themselves. He notes that the Israeli Right cries that Israel cannot withdraw from Judea and Samaria, that demands for evermore withdrawals would not end until Israel is destroyed.

² Ibid., pp.196-197.

³ Ibid., p.197.

⁴ Ibid., p.197.

Furthermore, the Left cries that Israel cannot *not* withdraw, that nonwithdrawal must destroy the hope for Arab-Jewish coexistence, as well as Israel's own soul. In this way,

both make light of the siege itself; the one acting as though those conducting it would be the first to tire, the other as though the siege would be lifted if only Israel behaved more nicely- thus, in Fanon style, the two fight each other. There is, however, one big difference. Colonized Algerians at length expelled the colonizers; besieged Israelis cannot end the siege even by mighty military victories. This was proved when, after the Six-Day War, the Arab states- for once united as they seem to be in no other cause- pronounced their three 'No's at Khartoum; when the peace with Egypt did not end the siege; and when the Israeli attempt to end it by unilateral action- the Lebanon war- ended in failure. The true cause of the polarization of the besieged, then, is that each side fears- *has reason to fear!*- that the policy advocated by the other will lead to the destruction of Israel.⁵

As previously indicated, this essay was written by Fackenheim during the outbreak of the first Intifada in the territories. He notes that this "new version of the siege" has divided Israelis more sharply than ever before: At one extreme it is held that no political concessions are possible unless the violence has first been put down by whatever means are necessary; that even then the concessions possible are more problematic than ever; and that in any case to yield now would be the beginning of the end of the Jewish state.⁶ At the other extreme it is held that, if Israel is to survive- "spiritually" as well as physically- not a day is to be lost for the most far-reaching concessions. Fackenheim believes that only the "ideologically blinkered" can be sure which of the two extremes is closer to a safe course that the besieged ought to pursue, and that in the present situation only one thing is certain: wholly wrong- and this morally as well as politically- are those who, far away and safe, supply Israel with moral advice as to

⁵ Ibid., p.197.

⁶ Ibid., p.197.

what she may or may not do if she is to save her soul, but have no advice worth taking seriously as to what she should do to assure her survival.⁷

In an interview conducted in 1995 by *The Jerusalem Post*, Fackenheim has indicated that he is more than just moderately plagued by doubt at what he considers the Israeli (Labour) government's willfully unresponsive attitude to "our political reality."⁸ Now, he has lent his name to a march "across Israel" to be held on the intermediate days of Pessah. The purpose of the march, Fackenheim says, is to highlight the country's shrinking borders:

At its narrowest point the border is just a mere nine miles (14.5km) wide. If the government withdraws to the 1967 border, it's a suicidal move. The state has been under siege since the day of its birth. Quite naturally it has divided the besieged into opposite camps. But this government not only has radicalized the division, but often gives the impression that the 'siege' is over. Unfortunately, that notion is premature.⁹

Fackenheim has noted that despite forty years (at the time of his writing) of Jewish statehood there remains an ambivalence about Jewish power even within the confines of the Jewish state itself. He cites as an example a letter written to the *Jerusalem Post* in the midst of the first Intifada which stated that, "we used to suffer the anguish of powerlessness, now we suffer the anguish of power." Fackenheim believes this statement to be completely false.¹⁰ While he notes that there is deep Jewish anguish on every side as Jewish soldiers club stone-throwing Arab youths, he claims that this anguish is not caused by Jewish power but rather by an insufficiency of it.

When a state (i.e., Israel) is singled out for siege, Fackenheim notes that philosophers can debate its legitimacy only if they broaden the debate (i.e., to initiate a

⁷ Ibid., p.198.

⁸ Netty C. Gross, "Beyond Philosophy," in *The Jerusalem Post*, April 14th, 1995; p.08.

⁹ Ibid., p.08.

debate on the legitimacy of states-in-general, which would aim at a universal inquiry into the multifarious grounds on which the legitimacy of states has been asserted and may reasonably be asserted). However, if the state is not merely one of Jews but also a Jewish state, the broadening cannot be random, so as to include this or that other state, but must focus on a new *category* of legitimacy- the return to its ancient land, of a people cut off from it by the power of enemies for nearly two millennia.¹¹ In a debate of legitimacy under this head, Fackenheim indicates that many facts may be adduced. For example, the second-century Roman emperor Hadrian emptied “Judaea” of Jews and renamed it “Palestina” (i.e., “the land of the Philistines”), thus doubly delegitimizing the Jewish claim to it; Christians, Muslims, and Turks followed in his path; on their part, however, Jews never renounced their claim.¹² The political philosopher may adduce all this, and he may even invoke Jewish faith in a divine promise. Fackenheim states that he must stop short, however, of invoking a divine promise. This would

invite a clash between ‘the religious’ who believe in divine promises and the ‘non-religious’ who reject them; between ‘the religious’ themselves, i.e., those who see the state as fulfilling the divine promise, and those who see it as an antidivine rebellion; last but not least, between Jew, Christian, and Muslim, each appealing to a divine promise of his own.¹³

To be sure, the belief, once widely held, that “in this modern age” resorts to Divinity no longer have political power, is refuted in our time, and Fackenheim indicates that it would be futile for philosophers to attempt to proscribe them. However, one cannot invoke divine promises and remain within the limits of philosophical discourse, for such

¹⁰ Fackenheim, “A Political Philosophy for the State of Israel,” p.201.

¹¹ Ibid., p.204.

¹² Ibid., p.204.

¹³ Ibid., p.204.

unargued and unarguable invocations (which Franz Rosenzweig termed “fanatical”) would shatter it.

Fackenheim indicates that belief in the Jewish state as a divine promise fulfilled-Christian as well as Jewish- must therefore, as it were, be privatized in the context of philosophical discourse.¹⁴ However, this concession to political philosophy *qua* philosophy must be matched by a demand made upon it- the broadening of its categories of political legitimacy as previously described. He further notes that political philosophers may object that this would be to allow a *novum* into their discipline, one all the more dubious because- thus far!- it would apply to but a single state. However, in rejecting or ignoring the new category, they do not stay with the neutrality to the serenity of which they are so accustomed. The medieval Crusaders came, went, and left behind only ruins surrounded by sand- to predict the same fate for modern Israel is the stock-in-trade propaganda of Israel’s enemies.¹⁵ As a serious case,

it rests wholly on blotting out the difference between the Crusaders who *came* and the Jews who *came back*. Philosophers are not true to the impartiality that is required of them by the canons of their discipline when they reject this coming back as a legitimizing category; they are false to them if they just ignore it. Whether wittingly or unwittingly, they in either case cease to be philosophers and become tools of the PLO.¹⁶

Fackenheim reiterated this point about returning to the land in a more recent letter to the *Jerusalem Post*. The letter is instructive in that Fackenheim uses the above-mentioned argument to critique the Oslo accords, which are predicated on the notion of “Land-for-Peace.” It reads as follows:

Sir, - So Yossi Sarid thinks a PLO state would be a ‘positive development’? What would follow is as predictable as the rising of the sun. First, the return to

¹⁴ Ibid., p.205.

¹⁵ Ibid., p.205.

¹⁶ Ibid., p.205.

the state of large numbers of refugees: who would prevent that? Then, the clamor for more territory: since the 1967 armistice lines are not sacred, who could resist that? Next, still more returning refugees, and more clamor for still more land: what is holy about the 1947 partition resolution? The UN has overturned its Zionism-is-racism resolution; that organization being what it is, to overturn the resolution that has sanctioned a Jewish state could be done in a couple of hours. There is only one response to any of this. The Crusaders came to this land; we came back, to reassert a claim that we have never surrendered. They came back and left; we came back to stay. Many have used means fair and foul to make us give up our claim. But neither Babylonian nor Roman conquerors have succeeded; nor has Christian or Moslem triumphalism. Our fidelity to the Land- that is what legitimates our claim to it. And it can be the only basis (*i.e., as opposed to the Land-for-Peace principle*) on which we can negotiate authentically with the Palestinians (*italics mine*).¹⁷

In discussing Jerusalem, Fackenheim has indicated that the 1948 Proclamation of the State of Israel contains in nucleus the state's most profound social contract of all. Its secularist signatories could not in good conscience sign a document containing a reference to the God of Israel, while its religious signatories could not sign one that did not contain it. A formula was found that resolved the dilemma, and what made this formula more than a compromise was the commitment to a shared project, coupled with respect by each side for the conscience of the other. A social contract was thus implied.¹⁸

According to Fackenheim, to philosophically explicate this contract is to recognize that Israel is neither a "religious" nor a "nonreligious" state, that the deepest ground of its Jewish essence lies in a bond between the two. Obscure for the most part, "this bond became a powerful experience when on June 7, 1967, the Old City of Jerusalem, after 1,832 years, was recovered for Jewish sovereignty."¹⁹ The Roman emperor Hadrian had tried to cut the bond between the people and the land, and Christians, Muslims, and Turks were to follow his example, sometimes more closely,

¹⁷ Fackenheim, "Fidelity to the Land," in *The Jerusalem Post*, March 27, 1995; p.06.

¹⁸ Fackenheim, "A Political Philosophy for the State of Israel," p.207.

¹⁹ *Ibid.*, p.207.

sometimes less so. And whereas, defiantly, Jews kept on coming, cap in hand, to ask someone for permission to pray at the Wall, along came Jordan in 1948 and, ignoring solemn agreements, it denied Jewish access to the Old City entirely (for good measure they destroyed most of her synagogues and desecrated her Jewish cemeteries).²⁰

But then came June 7, 1967, “causing ‘nonreligious’ Jews to speak of miracles and ‘religious’ Jews to praise military valor; the whole people was united by a religious-secular wonder.” Fackenheim notes that this wonder was given political expression three weeks later when, having regained Jerusalem after centuries composed of longing and mourning, the Jewish state decided that it would not lose her again. He has characterized Jerusalem as a “city of dreams,” and noted that although the siege shows few signs of ending, there is room for political dreams about her even now, such as an Arab-Jewish sharing of Jerusalem, of brotherliness overcoming ugly political realities. However, such dreams

must not obscure a commitment that is at the heart of the Jewish state’s essence: that never again will Jews come cap in hand to someone- *anyone*- for access to the supremely symbolic place, national to some, religious to others- a place called the Wailing Wall through the long centuries of exile, but to be called that name no more.²¹

In characterizing Jerusalem as a city of dreams, Fackenheim has also noted that such dreams include the Messianic. The Messianic Jerusalem is beyond the sphere of the political, and it is therefore also beyond the scope of political philosophy. In contrast, History remains in the sphere of the political, and just how far the present Jerusalem is

²⁰ Ibid., p.207.

²¹ Ibid., p.207.

from the Messianic Jerusalem, prayed for by Jews through the ages, is a daily, painful experience for Jews everywhere (and especially so for Jews besieged there).²²

And yet Fackenheim notes that they are sustained by Messianic fragments, even in the midst of the siege. A fragment is found wherever there is a building of buildings- and more so of human lives and relations. A Messianic fragment was also found in Golda Meir's remark that Jews could forgive everything to their Arab enemies, except the necessity to shoot at them. Fackenheim indicates that this remark implied the hope that, even short of the Messianic end, the shooting would come to an end.²³

The realm of the political exists where there is power, and Fackenheim notes that where there is power there is conflict and fear. The political power is a burden, as is political philosophy, and one would wish to be rid of them both- no more so than the Jew who has dreamt Messianic dreams through the ages. However, the burden must be borne, and in bearing it one may be sustained by "the transpolitical vision of all nations flowing to Jerusalem, of each sitting under his vine and fig tree, with none to make them afraid."²⁴

²² Ibid., p.207-8.

²³ Ibid., p.208.

²⁴ Ibid., p.208.

2.ii Zionism: pre-Oslo

In writing about Israel as a Jewish state, Fackenheim notes that “in a state of the Jews,” Jews are the majority of the citizens, now and in the foreseeable future. On the other hand, a “Jewish state” is Jewish in essence, and aims at remaining so in the future “beyond the foreseeable.”²⁵ He indicates that in principle, a Jewish essence is already implicit in the choice, made long ago, against some new land, and for a return to the old land, making it into an “old-new land.” This choice was not only made in Zionist congresses, but more authentically when Jewish farmers failed in Argentina, Canada, and other places, but succeeded, against formidable odds, in Eretz Israel.²⁶

In discussing the Israeli Law of Return, Fackenheim notes that a state that is Jewish in essence requires Eretz Israel, “though not necessarily all of it.”²⁷ In any case, the Law of Return was passed, not by a council of rabbis interpreting the Halakha (Jewish religious law), but by the democratically elected Knesset (and it was once again the Knesset that passed subsequent amendments to the law). What was, and was not, of the state’s Jewish essence was therefore democratically decided.²⁸ Fackenheim has further noted that a storm and stress surrounds current pressures for still another amendment, and that this one (i.e., determining who is a Jew?) is a threat to Israel’s democracy. What convert is a Jew? What converting agent is a rabbi? Only one converted under Halakha is the proposed amendment’s answer to the first question; only an Orthodox rabbi is its answer to the second.²⁹ Although a Knesset that passed this amendment would doubtless

²⁵ Ibid., p.204.

²⁶ Ibid., p.204.

²⁷ Ibid., p.205.

²⁸ Ibid., p.206.

²⁹ Ibid., p.206.

act democratically, it would in passing it cause the democratic state at home to show a theocratic face abroad.

Fackenheim has indicated that, if at the “religious” extreme there is a wish to theocratize the Law of Return, at the “nonreligious” extreme there is a wish to abrogate it. After all, the argument in Israel is that most Jews wishing to come have already come, and while not “racist” (as the coming of Ethiopian Jews has demonstrated), the Law is obviously discriminatory in favor of Jewish immigrants. However, if amending the Law of Return in the manner pressed for by the “religious” extreme would undermine Israeli democracy, the abolition of the law, as suggested by the “nonreligious” extreme, would “do away with the historic- nay, heroic- character of the state’s Jewishness.”³⁰ In coming to be, the state ended exile for its Jewish inhabitants, while in passing the Law of Return, it called for an end of Jewish exile in principle and everywhere, and also committed itself to ending it to the extent of its power. Fackenheim has noted that, on the part of a small state barely born, this was a heroic act, and that the stance behind the Law of Return remains heroic to this day. It has also inspired Jewish heroism in many quarters. And further,

in the storm and stress of the growing pains of their state, Israelis often forget its Jewish commitments. They remember them in moments of truth. Such moments occur whenever a prisoner of Zion, having defied the world’s most powerful dictatorship (i.e., the Soviet Union) for endless years, at last arrives in Jerusalem.³¹

Fackenheim has distinguished between the “heavenly” Jerusalem “above,” and the “earthly” one “below.”³² In an essay written shortly after the Gulf War, he spoke of

³⁰ Ibid., p.206.

³¹ Ibid., p.206.

³² Emil L. Fackenheim, “Pillars of Zionism,” in Michael L. Morgan (Ed.), *Jewish Philosophers and Jewish Philosophy* (Bloomington and Indianapolis: Indiana University Press, 1996), p. 209.

the need for Jerusalem “to be wide awake rather than to dream, indeed, to be wary; and the same advice must be given to her friends at home and especially abroad.” Fackenheim noted that not long ago the scud missiles had been falling on Israel, and PLO leader Yassir Arafat had promised to ride on horseback, side by side with his friend Saddam Hussein, not into Hebron or Nablus, and certainly not into Bethlehem, but into Jerusalem.³³ And further,

little publicized but well known to Jerusalemites was that at 10:00 night after night, Jordan TV praised the moral excellence of that other great Mideastern survivor’s support of the Iraqi Hitler (as he was then called), the praise often being voiced by King Hussein himself.³⁴

Lectures given at the time were confined to daytime and, as Fackenheim relates, after one given by him, a left-right argument erupted: “Which way toward *both* peace and survival?” After listening for awhile Fackenheim grabbed the microphone with the following question: “Is anyone in this room prepared to go back on the Jewish return to Jerusalem?” The hushed silence that followed indicated that this was a “moment of truth,” and Fackenheim notes that “the group had discovered- more precisely, rediscovered- a pillar of Zionism. If a pillar collapses, so does the building that rests on it.”³⁵

In 1967 occurred the Jewish return to Mount Zion’s “piece of earth” and the Jewish decision to remain. Fackenheim asks what of a Zionism that, having returned, were prepared to leave once more? He indicates that the whole “building” would collapse if Zionism abandoned Zion, and that this is known to both the Zionists and their enemies. And furthermore, the fact that few foreign embassies are located in Israel’s

³³ Ibid., p.209.

³⁴ Ibid., p.209.

³⁵ Ibid., p.210.

capitol proves that the world has yet to accept the Jewish return to Jerusalem.³⁶ Fackenheim indicates that since 1967, the Jewish state and Jerusalemites have been able to live with this fact because of a silent compact with friendly states: *“Confront the Jerusalem issue first, and nothing will result but head-on conflict. But tackle and resolve first all other aspects of the Arab-Israeli problem, and who knows, an understanding may be reached also about Jerusalem.”*³⁷ Now that the Gulf War is over, peace discussions are underway, and Fackenheim has noted that the talk about reunited Jerusalem containing “occupied territory” has led Zionists to wonder whether the silent compact is still in force with Israel’s friends. In asking when the time will return for dreams about Jerusalem and dreams in Jerusalem, Fackenheim has advanced the following as the “best answer available: when Christians and Muslims come to worship in the city, not despite the fact that Jews have returned but because of it.”³⁸

³⁶ Ibid., p.213.

³⁷ Ibid., p.213.

³⁸ Ibid., p.214.

2.iii Zionism: Post-Oslo

In an essay published in 1995, Fackenheim noted that with its decision in 1967 to make the newly-reunited Jerusalem its Eternal Capital,³⁹ Israel was

obeying the last great Zionist imperative rising from the Holocaust- as unconditional and universal as the other three. Zionism stands on four pillars: the Land, the State, the Law of Return, and Jerusalem. If any one of these pillars were to collapse, so would the entire edifice.⁴⁰

And yet the Oslo agreement reached between Israel and the PLO, which was revealed to the world on August 20th, 1993, and in particular the widely-televised image of the “Washington handshake” between Yitzhak Rabin and Yassir Arafat, have left Zionists “in search of a new imperative for today, one that will be as compelling and universal as the earlier ones.”⁴¹

Fackenheim asks what this imperative will be, and notes that at one extreme, there are Jews who seem to hear flutterings of the messianic dove, afraid only that “peace-wreckers” may drive it away. At the other extreme there are those who are afraid that catastrophe may overtake redemption, that Israel itself, the very “beginning of the growth” of that redemption, has been placed in jeopardy.⁴² Fackenheim has noted that in its brief history the Jewish state has more than once had to make life-or-death decisions, and the Oslo agreement, whether necessary or not, is one of them. However, whereas on all previous occasions the Israelis were united, “this is the first life-or-death decision that has disenfranchised half the population (give or take 10 or 20 percent- who on so grave a matter is counting?), leaving it voiceless.” The Oslo accord has therefore widened the

³⁹ Israel captured East Jerusalem, including the Western (“Wailing”) Wall, from Jordan in the Six Day War, and immediately annexed it in a move that has yet to be recognized by the international community.

⁴⁰ Emil L. Fackenheim, “The Zionist Imperative,” *First Things* 50 (February 1995), p.21.

⁴¹ *Ibid.*, p.21.

⁴² *Ibid.*, p.21.

split in the Israeli electorate gravely, not to say catastrophically, and “it is no accident that the government (of Rabin) dare not test it through an election.”⁴³

In answer to the question that he posed earlier, Fackenheim indicates that a new Zionist imperative is gradually becoming manifest in the present,

post-Oslo, post-handshake situation: it is to fight off weariness and gather strength; it is to wake up from dreams and to stay wide-awake; and it is, above all, to rally in unison in support and defense of the pillars of Zionism, not one of them as yet fully secure. The Land secure? But Hamas and like-minded others still seek their kind of peace- the Jewish departure from Palestine. The State is secure? But the PLO Covenant still calls for its destruction: no steps have been taken to abrogate or even amend it.⁴⁴ Is the Law of Return secure? But water shortages, combined with returning Palestinians, could make it inoperative. Jerusalem? An accommodation might be found, in the end might even become imperative, but not so long as demands for a share in the city must be viewed as attacks on Zion. The Jewish return to Jerusalem, the crucial event of destiny in two millennia of Jewish history for the ‘religious’ and the ‘nonreligious’ alike, has yet to be accepted, with the fullness it both requires and merits, by the world.⁴⁵

In another essay published in 1995, Fackenheim has noted that since the signing of the Oslo accords, a new threat to Jewish Jerusalem has been posed by Yassir Arafat’s PLO, Israel’s negotiating partner and presumed “friend of peace.”⁴⁶ Specifically, the latter is demanding East Jerusalem as capital of a Palestinian state, and he says it not only to politicians and the press, *but also to the children*: “You, the stone-throwers,” he tells them, “have created Oslo,” thus presenting the accord not as an Israeli-Palestinian compromise, but as a Palestinian victory.⁴⁷ Arafat says further that victory is still incomplete, and that they, the children when grown up, may have to complete it- until

⁴³ Ibid., p.22.

⁴⁴ Since Fackenheim wrote the essay in question, the PLO Covenant was further amended, under intense pressure by the US, to remove references calling for Israel’s destruction. It is nevertheless far from certain whether or not Arafat and the PLO are prepared to reconcile themselves to the existence of the Jewish State. The “Right of Return” for Palestinian refugees claimed by the Palestinian leadership and their supporters is widely understood as a euphemism for Israel’s destruction as a Jewish State.

⁴⁵ Fackenheim, “The Zionist Imperative,” p.23.

⁴⁶ Emil L. Fackenheim, “Fighting for Jewish Jerusalem Today,” *Midstream*, Oct. 1995, XXXXI(7), p.22.

there is a Palestinian state, with Jerusalem as its capital. If he did not mean it about Jerusalem-as-capital, he would not indoctrinate children into war- a war which they, or even their children or children's children, may have to go on waging, until eventual victory.⁴⁸

Fackenheim indicates that what Arafat wants is unlimited power over East Jerusalem, including the Old City and the Holy Places, Muslim, Christian and Jewish. He also asks why the "new Arafat"- an enemy with whom, it is said, Israel can now make peace- is no less fanatical about Jerusalem than the most extreme "Muslim fundamentalist." He further inquires into the source of the aforementioned demand, since Jerusalem is not mentioned in either the Koran or the PLO Charter.

Fackenheim's provides the following answer:

*Palestinian nationalism has originated in response to- even in imitation of and competition with- Zionism; and in reaction, respectively to the Zionist 'Law of Return' and the American-Jewish ADL, there is now a Palestinian 'Right of Return,' and an American-Arab ADL counterpart...In search of its Palestinian soul, the PLO wants Jerusalem because Israel has got it. Nothing shows more clearly why the PLO wants Jerusalem as its state's capital- in imitation of, and competition and rivalry with Israel- than the absence of any mention of the city in its own foundational document; and nothing demonstrates so clearly that, even in terms of that document, it has no claim on it.*⁴⁹

This post-PLO Charter Jerusalem-as-capital-claim that Arafat now preaches to the children is therefore a "clarion call-to-war that should shock the Jewish people into a belated awareness of their vulnerability." The PLO "Jerusalem as capital" drive thus emerges as the latest, most up-to-date attempt to cut the Jewish people off from their city,

⁴⁷ Ibid., p.22.

⁴⁸ Ibid., p.22.

⁴⁹ Ibid., p.23.

to create a wedge between them and Jerusalem.⁵⁰ Fackenheim states that the bond is not unbreakable,

that if, after nearly two thousand years of exile a sovereign Jewish state, having reclaimed Zion, were forced or persuaded to- or manipulated or cajoled into- leaving it, thereby reducing the Jewish people once more to going, cap in hand, to someone else, for permission to pray at the Western Wall- *that would be the end of Zionism*. Indeed- do not forget the diaspora!- it might be the end also of Judaism.⁵¹

Fackenheim indicates that the attack on Jewish Jerusalem must be fought, and that no reason exists why, even within the limits of the Oslo Accord, this fight cannot be won. He asks whether or not the Israeli government (of Rabin) is in a half-conscious retreat from Zionism, even as the PLO seeks the end of Zionism. Fackenheim cites the publicity surrounding the Oslo accord to support this view:

The Zionist vision is rebuilt Jerusalem- is it now to be a Middle East Hong Kong, high rise, pollution, and money? The Zionist hope is the ingathering of Jews from exile- is this to yield to hope for partnership in a Mideast Benelux? Zionism celebrates pioneers, who redeem the Land and themselves: are they now to be execrated as colonizing 'settlers,' clearly the recent ones, but- if 'revisionist' historians have their way- in due course also the original ones? With publicity of this kind, the Zionism of the present government is in serious doubt, and shamefaced expressions such as 'post-Zionist' Israel and 'economic Zionism' do not allay it.⁵²

Fackenheim asks how the fight for Jewish Jerusalem can be won, and indicates that it can only happen by recovering the faith in Zionism as a just cause: "After Auschwitz came Jerusalem rebuilt; after Jewish despair, Jewish hope rebuilt. More than the Jews, will the nations rejoice in Jerusalem rebuilt, Jewish hope rebuilt? Perhaps they will, given time, patience, but above all, Jewish fidelity to Jerusalem."⁵³

⁵⁰ Ibid., p.23.

⁵¹ Ibid., p.23.

⁵² Ibid., pp.23-24.

⁵³ Ibid., p.24.

In a very significant interview with *The Jerusalem Post*, Fackenheim has indicated that his “primary concern is Jewish unity or as much of it as possible. I have moved from the center to the right for there have been opportunities for reconciliation that the government (of Rabin), though duty-bound, has not taken.”⁵⁴ Fackenheim cites as an example of such a missed opportunity for reconciliation the failure of the Rabin government to invite Benjamin Netanyahu (then the leader of the Likud opposition) to address a conference of Reform Rabbis in Jerusalem. That Fackenheim regards Jewish unity as being of paramount importance is equally clear from a letter written to *The Jerusalem Post* in 1995. It reads in part:

Sir, The pros and cons of the Oslo-initiated peace process will be subject to legitimate debate until it has either succeeded or failed. Beyond debate, an undeniable fact is that it has polarized Israelis as they have never been polarized before. At least until the next election, it has effectively disenfranchised those Israelis who fear, and have reason to fear, that the Oslo process will lead, not to peace, but to war. And in defense of this disenfranchisement, the best that can be argued is that it is inevitable.⁵⁵

⁵⁴ Netty C. Gross, “Beyond Philosophy,” p.07.

⁵⁵ Emil L. Fackenheim, “Bitter Polarization,” in *The Jerusalem Post*, Feb.26, 1995; p.06.

2.iv Fackenheim's Critics

Louis Greenspan has noted that Fackenheim's Zionism is so thoroughly integrated into the substance of his later thought that it is nearly impossible to separate Zionist themes from the others.⁵⁶ One of the consequences of his having such a broad repertoire of subjects and interests is that Fackenheim cannot be linked with any of the sects and parties of Zionism.⁵⁷ Greenspan indicates that few philosophers in the history of Judaism could make as credible a claim to be the philosopher of the people as can Fackenheim, and that in *To Mend the World*, the latter tells us that he sought to build a bridge between Jewish philosophy and the *Amcha*.⁵⁸ After 1967, he succeeded, and since that time Fackenheim became a Zionist, settled in Israel, and was able to address much of the Jewish people as the thinker "best able to translate their collective experience into philosophical concepts."

According to Greenspan, Fackenheim the philosopher and the people were brought together by the events leading up to the Six-Day War; the build-up of the war, the threat to Israel's existence, and the eventual triumph of Israel's armed forces were a consciousness-raising trauma. For many the lesson was that, while European Jewry without a state perished during the Holocaust, the Jews with a state prevailed.⁵⁹ Israel, Judaism, and the Holocaust were related and became the focal concepts of Fackenheim's

⁵⁶ Louis Greenspan, "Fackenheim as Zionist," in *Fackenheim: German Philosophy and Jewish Thought*, p.203.

⁵⁷ As Fackenheim has moved towards the right of the political spectrum, his thought has become increasingly sympathetic to the Revisionist Zionism of Jabotinski and the Likud party. In the preface to Amnon Ajzensztadt's *Endurance: Chronicles of Jewish Resistance* (Oakville: Mosaic Press, 1987), Fackenheim describes the author (on p.14) as "a follower of Jabotinski, i.e. a Jew who does not hide and pray when the murderous enemy comes, but rather tries to get hold of arms; however pitiful, to defend himself." This characterization of Jabotinski's Zionism is remarkably similar to the "muscular Judaism" that Fackenheim advocates in his later thought. Fackenheim does not discuss the different kinds of Zionism in his early work, so it is difficult to determine if his view has changed over the years.

⁵⁸ Greenspan, "Fackenheim as Zionist," p.204.

⁵⁹ *Ibid.*, p.204.

Zionism because he had come to the conclusion that the end of Judaism and the Jewish people would inevitably follow the destruction of Israel.

In declaring Fackenheim to be a philosopher of post-1967 Zionism, Greenspan does not intend to identify him with the Messianism of such groups as the Gush Emunim (who call for Jewish control over all of Biblical Israel, and advocate the forced expulsion of tens of thousands of Palestinian Arabs). Although he has sometimes been accused of proclaiming a theology of Holocaust and redemption, presumably a weaker version of the aforementioned Messianism, Fackenheim disavows such an interpretation of his writing and, according to Greenspan, all that he has written on Judaism supports such disavowals.⁶⁰ Rather, what sets him apart from many of the post-1967 enthusiasts is his attachment to the realism of the rabbinic Midrash, and this realism is skeptical of all immediate visible redemptive patterns. Fackenheim praises this rabbinic realism “for its capacity to discern intimate relationships between terms, terms such as God and Creation, without removing the distance between them.”⁶¹

Greenspan notes that in spite of this inherent caution, Fackenheim finds that these symbols and the events that they reflect are of the greatest significance- we sense the echo of Hegel in Fackenheim’s writing.⁶² The echo is the Hegelian sensitivity to world historical events, and whereas Hegel thought that the rise of Christianity and the French Revolution were historical watersheds in that they initiated new epochs, Fackenheim portrays the Holocaust and the rise of Israel as “epoch-making events.” The latter refers to the Holocaust as a rupture in history, Israel a new beginning, Jewish hope the link

⁶⁰ Ibid., p.205.

⁶¹ Ibid., p.206.

⁶² Ibid., p.206.

between the two- so unprecedented are these connections that Fackenheim has begun to resort to the language of the kabbala.⁶³

Greenspan identifies two themes in Fackenheim's work that focus his Zionism and illustrate his concept of the mingling of philosophy and history: Israel as a response to the Holocaust, and Israel as an embodiment of primal Judaism, of *Teshuvah*. Much of what is relevant to Fackenheim's understanding of Zionism is an interpretation of the relationship between Israel and the Holocaust, and Greenspan notes that it may seem curious that he insists upon the validity of the relationship repeatedly as though the suggestion of such a relationship generates widespread criticism.⁶⁴ However, Fackenheim's insistence is called for because his view of the Holocaust leads him to reject many of the most familiar characterizations of this relationship. For example, he rejects the conclusions of those who view the Holocaust as a necessary cause of the state of Israel, just as he rejects the views of those who regard Israel as a theological justification of the Holocaust; the Holocaust itself is incommensurable with the normal theological account of punishment and reward.⁶⁵

Greenspan notes that Fackenheim has focused on the challenge of the Holocaust to Judaism. The void that Fackenheim depicts is unprecedented in Jewish writing (which does, after all, include contention and protest against God's rule of the universe), and he recalls with bitterness that those Jews who, in the late nineteenth century, kept the covenant and insisted that their children remain Jews condemned their grandchildren to

⁶³ Ibid., p.206.

⁶⁴ Ibid., p.207.

⁶⁵ Ibid., p.207.

the ovens of Auschwitz.⁶⁶ Such reflections have an edge that carry Fackenheim, himself a devout believer, beyond the traditions of lamentations and indictment of the Almighty.

Fackenheim's account of the uniqueness, specificity, and unprecedented character of the Holocaust has been rejected, for a variety of reasons, by many Jews, secular humanists, and historians. For example, Greenspan notes that many theologians argue along with Borowitz that 'my revulsion (against Nazism) is insufficient to transform their acts into a uniquely qualitative evil which might in consequence thereby attain uniquely commanding power.'⁶⁷ However, at issue is how Fackenheim's view of the Holocaust is connected with Israel, for his view differs from those found elsewhere in Zionist literature, just as those whose views Fackenheim cites approvingly and often (i.e., Adorno and Primo Levi) have not been drawn to Zionism (i.e., they do not share Fackenheim's view that support for Israel is the only authentic response to the Holocaust and that the existence of the State of Israel constitutes a partial mending of the rupture caused by that event).⁶⁸

Greenspan notes that the founding generation of Israel had a much simpler view of the Holocaust, in that it was unprecedented in its scale but continuous with the other calamities of Jewish history. Furthermore, the Holocaust was not a *novum* but rather a paradigm of Jewish existence, a defenselessness that resulted from the habits formed by millennia of Jewish dispersion- the real *novum*, they proclaimed, was the state of Israel.⁶⁹

Fackenheim has sought to strip away what he regards as the veil of forgetfulness and the veil of illusion that surround the Holocaust, but Greenspan notes that any account

⁶⁶ Ibid., p.208.

⁶⁷ Ibid., p.209.

of the relationship between Israel and the Holocaust must come to grips with the wholly inadequate Zionist accounts of 'Galut mentality' or the more current view that the Holocaust is one more manifestation of the eternal law 'of Esau versus Jacob.' Such accounts evade Fackenheim's teachings about the Holocaust, yet he nevertheless does not adequately address them, and Greenspan believes that this is due to the fact that the great writers of the Holocaust that Fackenheim cites are largely unconcerned with Zionism.⁷⁰ Recent Israeli literature about the Holocaust seems to be less concerned with Zionism, and while this does not mean that Fackenheim is mistaken, Greenspan indicates that this issue should be addressed in a more comprehensive manner.

Greenspan has noted that Fackenheim's teaching has juxtaposed, without comment or explanation, conflicting sensibilities regarding the Holocaust, one which seeks to emphasize its utter incommensurability, and the other (represented by Zionism and by some historians and political activists) which seeks to understand, to learn lessons, to look for causes. The difficulty in reading Fackenheim is that these sensibilities coexist: On the one hand it is incommensurable- nothing can be learned in comparing the Holocaust to the Armenian massacre or the bombing of Hiroshima- on the other hand, it is a paradigm for the Jews.⁷¹ While important lessons can be learned about the evils of powerlessness, the need for a state, and the Arab-Israeli conflict, Greenspan makes the important observation that there is no general rule for making these connections other than the political or moral preferences of whoever makes them. He notes that this difficulty emerges in the various parts of Fackenheim's work that draw particular

⁶⁸ for an interesting perspective on Fackenheim's relation to Postmodernism, please see John McCumber, "The Holocaust as Master Rupture: Foucault, Fackenheim, and Postmodernity," in Alan Milchman (Ed.), *Postmodernism and the Holocaust* (Amsterdam: Rodopi, 1998).

⁶⁹ Greenspan, "Fackenheim as Zionist," p.209.

conclusions about the relationship between Israel and the Holocaust, and that “most of them are well known, most of them are problematic, and all of them are at variance in one way or another with Fackenheim’s account of the specificity of the Holocaust.”⁷²

For instance, Greenspan characterizes Fackenheim’s narrative of the founding of the Jewish state in *What is Judaism?* as seriously problematic both for the historian of Zionism as well as for Fackenheim’s view of the specificity of the Holocaust. For the historian, it is problematic because it omits the Middle Eastern context of Zionism, the growth of the national pioneering Zionist institutions, which in fact created the infrastructure of the state; taken as it stands, “it is of questionable value for Zionism and as an argument for the legitimacy of the State of Israel.”⁷³ Furthermore, it gives credence to anti-Israel propaganda that a Jewish state is the product of exceptional circumstances, that such a state is not natural to the Jewish people, and that none would have agreed to it except for the Holocaust. Greenspan notes that Fackenheim’s contention that the State of Israel was the product of a moment of compassion by the nations and a moment of desperation by the Jews implies that Israel should at best be tolerated as an accident.⁷⁴

Greenspan also believes that this account undermines Fackenheim’s contention that the Holocaust cannot be looked upon as in any way creative or a cause of the Jewish state. Some Orthodox Jews, embarrassed by the Almighty’s inaction, point to the Holocaust as the catalyst of the Jewish State, and Greenspan notes that in this instance, Fackenheim appears to be in agreement with them.⁷⁵

⁷⁰ Ibid., p.210.

⁷¹ Ibid., p.210.

⁷² Ibid., p.211.

⁷³ Ibid., p.211.

⁷⁴ Ibid., p.212.

⁷⁵ Ibid., p.212.

Greenspan draws attention to another problematic passage, also in *What is Judaism?*, which seems to reverse all of Fackenheim's previous teachings on the Holocaust. The passage reads as follows:

The Holocaust *has much in common with other catastrophes* (Greenspan's italics) Jewish and non-Jewish past and present. What makes it- thus far- uniquely unbearable is an unprecedented togetherness of helplessness in the victims and wickedness in their persecutors.⁷⁶

Greenspan indicates that this passage treats the Holocaust as an event that, far from being unique, "resembles all other occurrences of victimization in which the victims discover that powerlessness produces more victimization."⁷⁷ However, this is not a formula that calls for a theory of the specificity of the Holocaust- the discovery of the dialectic of powerlessness and wickedness is not a Zionist innovation, nor is the discovery of the state as an instrument of self-defense a product of Zionist genius. Greenspan notes that awareness of this dialectic is behind the formation of many states, the trade-union movement, and other associations that are designed to give power to the powerless.⁷⁸ The formula is therefore valid only if the Holocaust is seen as belonging to the class of evils that can be remedied by a state, and the uniqueness of the Holocaust is less important to Zionism than what it shares in common with other such episodes of victimization. Greenspan notes that this is indeed how the founders of the State of Israel saw it- that, at last, the Jews responded to powerlessness as others would.⁷⁹

For the historian, the State of Israel is therefore viewed primarily as a response to the plight of 19th century Eastern European Jewry (i.e., widespread poverty, the Russian Pogroms, and the general failure in Europe of the promises of the Enlightenment), the

⁷⁶ Fackenheim, *What is Judaism?*, p.238.

⁷⁷ Greenspan, "Fackenheim as Zionist," p.212.

⁷⁸ *Ibid.*, p.212.

growing conflict with the Arabs, and the disintegration of the British Empire, rather than as a response to the Holocaust. Greenspan notes that it could not have been a remedy for the Holocaust as Fackenheim has described the Holocaust, since the latter points out repeatedly that the Holocaust engulfed the world; a Jewish state by itself would have been as powerless as was the Dutch state or the Polish state.⁸⁰ Zionists looking at European powers succumbing to the onslaught of Nazism might therefore have concluded that states are useless- to say that a Jewish state is the only defense against a villainy that almost engulfed the world seems disproportionate.

Greenspan agrees that Israel needs to be powerful, but he indicates that its importance to the Jewish people is not based on its power. The formula of a state making the difference between Jewish power and Jewish powerlessness in the face of anti-Semitism is an old Zionist dogma that continues to linger, but as the example of the Soviet Jews who left Russia for Israel demonstrates, it was the power of the Jewish Diaspora and not the Israeli Air Force that pressured the Soviets to release them.⁸¹

Greenspan also critiques Fackenheim's theory of the transmutation of anti-Semitism into anti-Zionism (expounded on p.298 of *The Jewish Thought of Emil Fackenheim*), in which the latter becomes the form in which anti-Semitism appears in the post-Holocaust era. While Fackenheim is correct in treating the anti-Zionism of the Soviet Radio Moscow as anti-Semitism, Greenspan notes that the use of the term "transmutation" suggests that the anti-Zionism of Radio Moscow, and indeed the anti-Zionism of the Arabs, is the same substance in disguised form, a sublimation of

⁷⁹ Ibid., p.212.

⁸⁰ Ibid., p.212.

⁸¹ Ibid., p.213.

Nazism.⁸² Fackenheim uses the word “politicide” (which he invented), a word that bears a close relation to “genocide.” Greenspan characterizes such terminology as incendiary, and notes that the importation of a sublimated language of the Holocaust into the Arab-Israeli dispute “ignores some of the distinct features of the Holocaust that Fackenheim has called attention to for many years.”⁸³ For instance, Fackenheim repeatedly insists that the decisive feature of the Nazi hatred for the Jews is the absence of any self-interest, and his passages on the logic of destruction provide “a vivid portrait of a psychopathic will to destruction and self-destruction not related to any worldly advantage that the destruction of the Jews could provide.” On the other hand, the conflict between the Israelis and the Palestinians is one in which very real interests are at stake, and while Fackenheim has insisted tenaciously that the Holocaust not be confused with other events, no matter how horrendous, Greenspan asks if this is not an argument for extreme caution in using this language in the Arab-Israeli conflict.⁸⁴

Greenspan further notes that the Holocaust has become highly politicized in Israel, and that one camp (i.e., the Right) sees the Arab-Israeli conflict as a sort of “Holocaust II,” but with the possibility of a new ending, while the other camp recognizes the uniqueness and therefore bans it from the politics of the Arab-Israeli conflict. The latter seems more compatible with Fackenheim’s teachings about the Holocaust, which imply that the Holocaust and its language should be used “only with the most painstaking rigour.”⁸⁵

⁸² Ibid., p.213.

⁸³ Ibid., p.213.

⁸⁴ Ibid., p.214.

⁸⁵ Ibid., p.214.

Another problematic theme in Fackenheim's work to which Greenspan calls attention is the notion of the Holocaust as the "end of history." Fackenheim does not propose the end of history as it is described by Fukuyama and others (though he provides much material for this view), but rather he uses the more judicious phrase- "the interruption of history."⁸⁶ It is as though history, language, all concepts of good and evil have been called into question by the Holocaust, and if this does not mean Armageddon, it means a state of being becalmed or perhaps buffeted by winds blowing in contrary directions, taking us nowhere. And while Fackenheim rejects the announcement of the end of history, he affirms sadly that one history is indeed at an end, the history of Diaspora Judaism. Greenspan notes that this doctrine is one of the most difficult in all of Fackenheim's work, in part because it is only mentioned in passing in a number of passages in his work. It is Fackenheim's version "of the old Zionist radical doctrine of 'Shlilat Hagalut,' denial of the Exile. This was once one of Zionism's most radical assertions, but has quietly dropped into the background, like Marxist doctrines concerning the inevitability of revolution."⁸⁷

Shlilat Hagalut, as some Zionists believed it, taught that the Jews might disappear because of assimilation, or might live in inferiority as a minority ethnic group, or might perish through pogroms, and in this they were essentially correct. However, Greenspan notes that this is not what Fackenheim means, since the latter knows that Galut Judaism represents values- pluralism, religious and political; freedom of worship; and democracy. Fackenheim regards the attempts to depict the Jewish communities of the West as living under oppression as far-fetched, and in calling for 'Aliyah' settlement from the West, he

⁸⁶ Ibid., p.214.

⁸⁷ Ibid., p.215.

calls for them not to leave their own homelands behind but to bring them along.⁸⁸ Greenspan notes that while the Galut might disappear because the lives of Jews in a democratic republic where Jews collectively settle their own fate is a superior one, it will not be because what it stood for was defeated by Nazism.

According to Greenspan, Fackenheim's account of the link between Zionism and Judaism is original and compelling, and suggests uncommon philosophical depth. However, it is also problematic. Fackenheim contends that the link between the two is through the vision of Zionism as a manifestation of *Teshuvah*, which for him represents a basic and irreducible pillar of Judaism- primal Judaism.⁸⁹

Greenspan notes that the concept of *Teshuvah* has been used in Zionism, especially by the Zionist pioneering movement, and has a prominent place in the writings of A.D. Gordon. Labour Zionism understood itself as a moral revolution in which labor on the soil of Eretz Israel transformed the Jewish people from an unworldly existence of petit bourgeois *luftmenshen* into a normal people of laborers and farmers.⁹⁰ Fackenheim agrees on the centrality of *Teshuvah*, but he does not connect it to the classical Zionist transvaluation of Jewish existence. He does not talk about the "conquest of labor," but Fackenheim does see specific embodiment and playing out of *Teshuvah* in the Israeli state. Specifically, he holds that the State of Israel has a destiny in the interplay between the old and the new, and this interplay is embodied in the concept of a state that is both religious and secular, both Jewish and democratic.⁹¹

⁸⁸ Ibid., p.216.

⁸⁹ Ibid., p.216.

⁹⁰ Ibid., p.217.

⁹¹ Ibid., p.218.

According to Greenspan, Fackenheim proposes these themes as clues to the significance of Israel but has not as yet provided an in-depth account of either of them. One can nevertheless surmise that for Fackenheim, the interplay of these themes gives Israel a world-historical significance. Greenspan further notes that Fackenheim's classic work on Hegel (written before he became a Zionist) has vivid pages on Hegel's failed attempt to mediate between the secular and the religious, and he wonders whether this attempted mediation is born again in Fackenheim's Israel. In other words, is Fackenheim's Israel the real embodiment of Hegel's Ethical State? While Zionism might have re-created the polity that suggests a way out of the impasse that we find in modern theology between a religious fideism (such as that of Kierkegaard) that seeks to be immune from history and a secular liberationism (like that of Marx), that self-destructs when it comes to power, Greenspan asks whether Zion has taken up the mantle of the failed European or German state of the nineteenth century?⁹²

Greenspan identifies this question as an intriguing theme in Fackenheim's writings, one that,

in the totality of his oeuvre, sometimes seems as cautious surmise, yet its presence is suggestive. The working out of these themes gives Israel the world-historic importance that Fackenheim seems to suggest. Israel is the embodiment of *Teshuvah* in the dialectical togetherness of the religious and the secular and in a state that is Jewish and democratic. But the status of this proposal is not clear. It raises the question of whether this proposal belongs to the idea of Zionism or to the reality of present-day Israel. Are we supplying Zionism with norms that it must meet, or are we describing what exists?⁹³

Greenspan notes that the present conflicts between the religious and the secular in Israel thus far provide little evidence for the working out of a dialectic of faith and the secular, and Fackenheim avoids the ferocity of this conflict in his descriptions of Judaism

⁹² Ibid., p.218.

in Israel. Fackenheim sees in *Teshuvah* a togetherness of the new and the old, and one does find this in Israel, but Greenspan asks whether one finds in their conflict a meaningful grappling of tradition with modernity. And while Fackenheim may be correct in his insistence that pluralism is the will of God, Greenspan notes that no one has informed Israel's chief rabbinate of this.⁹⁴ An arresting feature of Fackenheim's idea of *Teshuvah* as implying meaningful dialogue between the old and the new is that such a dialogue is more likely to occur in the Diaspora, and while Fackenheim has plausibly stated that Judaism would disappear if Israel went under, it might also be added that, if the Diaspora were to disappear, so would the Judaisms of modernity- Conservative and Reform- and the first stirrings of Jewish feminism would receive a devastating blow.⁹⁵

Greenspan indicates that there can be no doubt that there is a special relationship between Israel and the Holocaust, but how this relationship defines Israel's present struggles is a source of bitter disagreement. The concept of *Teshuvah* raises the prospect of a Judaism that is both ancient and modern, but in Israel the relationship between modernity and tradition has erupted into a serious, and perhaps crippling, conflict, and Greenspan notes that "thus far we don't know if we are in a new dawn or a new fog."⁹⁶ Furthermore, whatever may be said of Fackenheim's views on different aspects of Zionism, there is little doubt that he has located the nerve centers. He has proposed that Israel, while constituting a fragmentary mending, is a world-historic response to the Holocaust. Fackenheim also views Israel as an embodiment of Jewish impulses that combine modernity and tradition, and he has chosen to interpret these themes as though

⁹³ Ibid., p.218.

⁹⁴ Ibid., p.218.

⁹⁵ Ibid., pp.218-219.

⁹⁶ Ibid., p.220.

Israel were their adequate embodiment. Greenspan adds that perhaps they might be expanded so that they can also function as critiques of the Israeli reality and as goals for its continuing endeavors.⁹⁷

Harvey Shulman correctly interprets Fackenheim as stating that, for contemporary Jews, there exists an overriding moral imperative- the survival of the State of Israel: and it is best understood as part of the revelatory-historical covenant between God and His people.⁹⁸ He further notes that Fackenheim rejects a passive messianic vision which is willing to delay Jewish political sovereignty, pending the arrival of the Messiah, as divorcing revelation from free human will. Zionism is therefore “the blending of Judaism and Jewish secularism, of revelation and human will. It is, in fact, Jewish political sovereignty which challenges Hegel’s belief (or Christianity’s, for that matter) that ‘no nation appears on the world-historical scene more than once’.”⁹⁹

While nineteenth-century Jewish thought distinguished, as do many contemporary Zionists, between the Jewish people and Judaism, Shulman notes that Fackenheim is advocating the re-emergence of a distinctive Jewish philosophy-theology, one which would speak to the people in its entirety, secular and religious, those in the *Galut* and those in Israel.¹⁰⁰ In Judaism, the contemplation of the Torah, study, and an ongoing worldly life are interconnected, and Fackenheim argues that Torah study must go along with military service. And those who refuse to do their part in protecting Israel’s national survival are “violating that halakhic obligation of preserving the people.”¹⁰¹

⁹⁷ Ibid., p.221.

⁹⁸ Harvey Shulman, “The Theo-Political Thought of Emil Fackenheim,” *Judaism* 39,2 (Spring 1990), p.221.

⁹⁹ Ibid., p.221.

¹⁰⁰ Ibid., p.221.

¹⁰¹ Ibid., p.222.

Shulman notes that past attempts to delegitimize the State of Israel make it important for Jewry to understand that the 1948 re-establishment of Israel followed upon the existence of a previous Jewish state 2000 years ago. Fackenheim's work is therefore important as it links the Jewish past, present, and future, and thus "enables us to combat the often pervasive ignorance which characterizes much of what passes for Jewish intellectual life."¹⁰² Fackenheim also cautions against modern-day "Hellenists" who would destroy Judaism by asserting its modern relevance separate from its religious-political origins, and Shulman characterizes as an "intellectual travesty" that "contemporary 'universal' Jews are unable to distinguish between valid criticism of Israel, and the type of liberalism which 'objectively' delegitimizes Judaism."¹⁰³

According to Shulman, Jerusalem and the State of Israel represent for Fackenheim the salvation and resurrection of the Jewish people, brought to the verge of annihilation by the Nazis. He further notes that Fackenheim presents us with alternatives: either a peaceful and secure Israel- Hitler's ultimate defeat, or, the destruction of the State of Israel and, with it, the inextricably linked demise of the Jewish people and Judaism. It is the "covenantal religious basis of the Jewish religion and, later, the Holocaust, which constitutes the basis for modern Israel's identity."¹⁰⁴

Shulman notes that Fackenheim rejects traditional pre-Holocaust Jewish religious notions of *Tikkun* which ignore the imperative of national, as well as Jewish religious, survival, and that the Holocaust brings him to a fundamental revision of Jewish Orthodoxy. Fackenheim's concern goes beyond ritual and dogma to Jewish physical survival, and survival demands "a renewed interpretation of Torah to meet the exigencies

¹⁰² Ibid., p.223.

¹⁰³ Ibid., p.225.

of modern life.”¹⁰⁵ Shulman indicates that the attraction of secular culture to most Diaspora Jews constitutes a great threat to the maintenance of an authentic Jewish consciousness, and “ironically, secular Diaspora Jews need Israel’s continued existence in order to affirm their Jewish identity, and, perhaps, in the long run, it is only in the State of Israel that a Jew will be able to be sustained as a non-observant Jew.”¹⁰⁶

Shulman interprets Fackenheim as stating that, in an age where Jewry was almost destroyed and assimilation remains an attractive option, the traditional division between secular and religious is inappropriate; the unity of all Jews, secular and religious, in Zion or in the Diaspora, is a prerequisite to the survival of Israel and Judaism.¹⁰⁷ However, to the consternation of many Orthodox Jews, Fackenheim rejects the notion that the Torah is the Jewish fatherland and instead views the return of Jews to their historical home as the primary redemptive act (and as necessary for Israel’s survival).

Shulman indicates that his understanding of Fackenheim’s importance as a Jewish philosopher

would have to be understood in relation to his familiarity with the larger German philosophical tradition. His method of analysis is informed by his grounding in German idealism, its Hegelian revisions, and Kierkegaardian existentialism. The divisions between religious and secular Jew undergo, in Fackenheim’s analysis, a Hegelian mediation, and assume a secondary importance when juxtaposed to the Holocaust and the existence of the State of Israel.¹⁰⁸

Shulman further notes that, although Hegel was unable to see it,

it is Judaism which is able to ‘mediate’ the universalist presence of God with the particular-finite actions of Jewish man-in-history. Zionism, itself, is not simply modern secular nationalism (if so, other territorial arrangements aside from Israel would have achieved far greater support among the Jewish population), it

¹⁰⁴ Ibid., p.227.

¹⁰⁵ Ibid., p.228.

¹⁰⁶ Ibid., p.229.

¹⁰⁷ Ibid., p.230.

¹⁰⁸ Ibid., p.231.

is also a religiously inspired *teshuvah*. The scene of secular and religious Israeli soldiers embracing at the Wall, following the 1967 liberation of Jerusalem, stands as a resonating theo-political metaphor for understanding modern Zionism.¹⁰⁹

According to Zachary Braiterman, in a post-Holocaust world of broken transcendence, Fackenheim champions unapologetic, uncritical Jewishness.¹¹⁰ Without a fully present God, Fackenheim requires at least this one surety, and Braiterman notes that *The Jewish Return into History* (1978) is filled with such bald appeals to unapologetic Jewishness. He also regards this collection of essays as the weakest link in Fackenheim's thought: "Inured to any possible criticism, Fackenheim defends a morally imperfect political-historical entity with the same fideism he once employed in defense of supernatural revelation."¹¹¹

Braiterman notes that "Israel" does not constitute an incidental or merely sentimental motif in Fackenheim's thought, but represents rather a powerful trope with precise theological and philosophical resonance.¹¹² The reverential tone with which Fackenheim describes the State, along with the manner in which he self-consciously evokes such medieval philosophers as Nachmanides and Judah Halevi, indicates that for Fackenheim, "Israel holds Hegelian and hence universal significance as a site where the antinomies between religion and secularism achieve successful synthesis."¹¹³

Braiterman believes that this philosophical interpretation of the State explains an otherwise banal fascination on the part of Fackenheim with images that conjoin the profane and the sacred in the form of military material and Jewish ritual objects.

¹⁰⁹ Ibid., p.231.

¹¹⁰ Zachary Braiterman, "Fideism Redux: Emil Fackenheim and the State of Israel," *Jewish Social Studies* Vol.4, no.1, Fall 1997, p.115.

¹¹¹ Ibid., p.115.

¹¹² Ibid., p.115.

¹¹³ Ibid., p.115.

Fackenheim maintains that the State manifests a commingling of secular self-reliance and religious hope- the image of a religious Jew praying by the side of a tank has reduced the dissonance between piety and power, so that they no longer constitute antinomies. According to Braiterman, the State of Israel represents more for Fackenheim than geography, demographics, economics, institutions, politics, or policy- it constitutes an embodied Hegelian signifier.¹¹⁴

Israel plays the role that faith in a supernatural God once played in Fackenheim's earliest theological writings; it inspires wonder, and it manifests supposedly contradictory human impulses such as self-reliance and religious hope.¹¹⁵ Braiterman characterizes as "strongly fideistic" the attitude that Fackenheim takes toward the State, in that the latter's faith in the people and the State

remains invulnerable to any historical reality that would disturb his astonishment. Neither war nor military occupation can upset his enthusiasm. Gross internal conflicts, especially between religious and secular Israeli Jews, never unsettle his reflections upon a 'New Jerusalem.'¹¹⁶

Braiterman notes that, for Fackenheim, Israel evokes "Jewish heroism" rather than contemporary political fissure. Fackenheim's pervasive fascination with Israeli power is common enough among Diaspora-born Jews, but his almost incidental reference to Bar Kochba strikes an especially odd tone, because "it strongly suggests that Fackenheim's Zionist reflections prove less open to the ambiguities of Jewish history than to stylistically crafted historical images."¹¹⁷

Braiterman has further noted that, in the 1990's, even the rhetorical effect of Fackenheim's Zionism appears myopic, as it is too early to know whether religious and

¹¹⁴ Ibid., p.116.

¹¹⁵ Ibid., p.116.

¹¹⁶ Ibid., p.116.

secular Israeli Jews will converge to create new cultural forms or whether they will exhaust each other. Additionally, Fackenheim has misjudged the relation between religion and violence (which represent strict antinomies in his writings). Braiterman asks whether Judaism and violence would require Hegelian mediation if, as advanced in Rene Girard's theory about the relation between religion and violence, they were intimately coupled from the start.

Braiterman nevertheless states that it would be a mistake to entirely dismiss Fackenheim's Zionism, for at the very least, Israel represents a powerful iconographic figure. If the Holocaust appears to wash away the ethical foundation upon which the world wobbles, then "Israel" functions for Fackenheim as a precarious moral bulwark, and his love for it is decidedly unempirical- it constitutes "a stubborn, a priori affirmation."¹¹⁸

According to Braiterman, "the ability to incorporate negativity into overarching moral vision constitutes Fackenheim's primary theological accomplishment," and it also serves to at least partially blunt Wyschogrod's oft-cited critique that nothing positive could ever emerge from the Holocaust or from Fackenheim's attention to it.¹¹⁹ Braiterman wonders how the Holocaust could not have become anything other than the central Jewish preoccupation in the late twentieth century, and asserts that the Jewish future "rests upon the fissured historical surface left by the Holocaust."

Braiterman notes that Jewish life in the State of Israel and in the Diaspora astonishes Fackenheim after Auschwitz, and that no matter how fragmentary,

¹¹⁷ Ibid., p.117.

¹¹⁸ Ibid., p.117.

¹¹⁹ Ibid., p.118.

they represent life-affirming supplements to an anti-world predicated on a teleological logic of destruction. Figures of life, they become mysteriously other when juxtaposed to the Holocaust. In a movement integral to Fackenheim's thought, he superadds them to his reflections on Auschwitz.¹²⁰

Braiterman states that no supplement (as Derrida uses the term) "redeems" the negative in Fackenheim's post-Holocaust thought, and no supplement "intervenes or insinuates itself in-the-place of" Auschwitz. Furthermore,

no love or revelation, no redemption or tikkun, not even the State of Israel solves the problem of evil. Nevertheless, after the Holocaust, even the slightest trace-presence of good signifies something, rather than nothing. The State provides the guarded basis for Fackenheim's hesitant affirmations while he accounts for the Holocaust's radical testimony against God, Torah, and human destiny.¹²¹

According to Braiterman, Fackenheim's thought ultimately stumbles, "not over the problem of evil but over the problem of love." While it is true that a "New Jerusalem" never obscures the visage of Holocaust and redeems nothing, Fackenheim

ultimately fails to consider the consequences that attend any attempt to sanctify an imperfect, empirical entity with superordinate status. This discussion of history consistently ignores the moral ambiguity of violence. Despite the rhetoric of historical realism, Fackenheim effectively turns the State into a trope, a set of dramatically stylized images. His reflections upon a rebuilt Jerusalem remain supra-empirical, marked by the power and limits that characterize religious discourse.¹²²

Heidi M. Ravven explores the reasons why Jewish philosophy (parallel to the situation of feminist philosophy) has turned away from philosophical accounts that explore universal aspects of a shared humanity as well as cultural particularities.¹²³ She notes that Fackenheim tells us in a brief autobiographical essay at the end of Michael Morgan's *Jewish Philosophers and Jewish Philosophy*, "A Retrospective of My

¹²⁰ Ibid., p. 118.

¹²¹ Ibid., p. 119.

¹²² Ibid., p. 119

Thought,” that in 1967 in the wake of the Six Day War, he underwent “a year of turmoil which forced [him] to face up to the Holocaust.”¹²⁴ According to Ravven,

Fackenheim emerged from that one year convinced of what he had already suspected, that modernity had failed. The failure was of a modernity defined as the Hegelian hope that the political and social institutions of the West would live up to their democratic liberal promise and embody universal ideals while reconciling those ideals with national, ethnic, and other particularist strivings. Fackenheim became convinced that that hope had been murdered along with the Jews in the Holocaust.¹²⁵

Fackenheim therefore came to agree with Franz Rosenzweig that all contemporary philosophy must be precisely the philosophy that emerges from the failure of Hegel’s philosophy, and he has repeatedly remarked that he came to the conclusion that the Hegelian middle, i.e., Hegel’s concept of a process of mediation between the extremes of empty (or “abstract”) universality and utter particularity, is broken.¹²⁶

Ravven has noted that it is the Hegelian hope that Western political institutions can (at least in principle, if not always or even generally in fact) make a peaceful and rational reconciliation of the interests of all their component subgroups that Fackenheim came to believe was unfounded. Like Rosenzweig before him, after Hegel, Fackenheim turns inward to Judaism and the Jewish people and away from universal considerations and hopes not found in Judaism itself; in the light of what they held to be the failure of universal freedom, equality, and reason as historically realizable ideals, Rosenzweig and Fackenheim turned back to the religious revelation of the transcendent God as a source of values and historical hope.¹²⁷

¹²³ Heidi M. Ravven, “Observations on Jewish Philosophy and Feminist Thought,” *Judaism* 46,4 (1997), p.427.

¹²⁴ Fackenheim, *Jewish Philosophers and Jewish Philosophy*, p.222.

¹²⁵ Ravven, “Observations on Jewish Philosophy and Feminist Thought,” p.427.

¹²⁶ *Ibid.*, p.427.

¹²⁷ *Ibid.*, p.428.

Ravven has characterized as “highly suspect and even perverse” to lay at the feet of Nazism the failure of modern liberal societies to enfranchise effectively their various minority and other subgroups and at the same time to create a common public interest in that diversity. She further indicates that,

the rise and temporary triumph of Nazi terror, that great enemy of the modern ideals of human equality and individual self-determination, it seems to me, hardly prove that the cultural and political turn in modernity to a rational consideration of universal human rights has failed- that modernity has failed us- and that, as a result, one must now look for a substitute source of hope in something other than reason thus understood. Nazism is witness to the power of human irrationality and the fragility of reason in human affairs, a fragility that Hegel never denied but affirmed as part and parcel of the empirical nature of the human person and of societies as a whole.¹²⁸

Ravven differs from Fackenheim and from particularist Jewish and feminist philosophical projects in their uncritical embrace of fragmentation as inevitable and even desirable, for that position seems to deny that we can ever learn from others and other perspectives without subordinating ourselves to them, or that we might even come to some shared understanding.¹²⁹ Ravven further rejects the fear that philosophy necessarily entails a choice between dominating and submissive postures as unfounded, and notes that this embrace of the irreducible atomization of the social arena originates not only in a historicist claim of the failure of Hegel’s confidence in modernity but also in a Schellingian critique of Hegel. According to the latter critique, particularity as such cannot in principle be reconciled with universality, and grasped adequately and truly by rational thought, because the singular uniqueness of the particular is beyond the necessary general categories of language.¹³⁰ Ravven notes that this is a position that drives many Jewish and philosophical enterprises “despite the obvious criticism that the

¹²⁸ Ibid., p.428.

¹²⁹ Ibid., p.429.

uniqueness of the individual cannot survive the subgroup any better than it can the philosophic universal.”

Against the postmodernist Jewish and feminist claim that the contemporary world is characterized by historical “fragmentation” that legitimates and guarantees multiple and incommensurable truths (ethnic, religious, and gender) and that fosters a splendid mutual isolation, Ravven believes that we can learn from encounters with each other.¹³¹ She further states that in this manner “we can develop wider understandings, some of which we will come to share across boundaries- but only at the expense of self-critique and change. If we risk encounter, we cannot expect to remain unchallenged and unchanged.”¹³²

¹³⁰ Ibid., p.429.

¹³¹ Ibid., p.436.

¹³² Ibid., p.436.

2.v Additional Critique

Once during a long, hot wearying bus ride from Galilee to Jerusalem, the landscape- trees upon trees- at first seemed to do nothing to relieve the weariness. Gradually, I began to imagine the country-side as it must have been a century ago, and a teaching of Nachmanides came to my mind. The medieval mystic asked the question of when the redemption would arrive, and of how one could recognize the signs. There had been so many false signs and so many false Messiahs! At length he judged there was only one sign that could be trusted. Many nations had conquered and devastated the Land, but none had rebuilt it. When you see trees growing in the Land, Nachmanides concluded, then you may gather hope. I saw the trees of Galilee, and was astonished.¹³³

This passage is significant because it serves to illustrate some of the problems that are associated with Fackenheim's particular philosophical approach. At first glance, it appears to be nothing more than a sincere expression of the hope and expectations that he and a great many contemporary Jews have for the State of Israel. However, a closer reading reveals some serious difficulties, not the least of which is the manner in which Fackenheim's theological language serves to insulate the State of Israel from legitimate Jewish criticism. By "Jewish criticism," I mean a critique that holds that the moral insights found in classical Jewish literature- both Scripture and the voluminous rabbinic sources- constitute the primary source for contemporary Jewish reflection on moral matters. I make a further distinction in this case between legitimate criticism of Israeli government policy (which Fackenheim has done, although to the best of my knowledge it has only been of the policies of the Labour-led governments) and criticism of the Zionist project itself,¹³⁴ which Fackenheim has never advanced in any form. When Fackenheim has criticized Israeli government policy, it has always been articulated in terms of a

¹³³ Fackenheim, "Diaspora and Nation: The Contemporary Situation," in Michael L. Morgan (Ed.), *The Jewish Thought of Emil Fackenheim* (Detroit: Wayne State University Press, 1987), p.305.

¹³⁴ Although it may be argued that there exist a number of Zionist projects, what I have in mind here is a goal that they all share in common- namely, the effort to establish and consolidate a sovereign Jewish State in Palestine.

perceived failure to advance Zionist objectives (as he understands them). The second form of critique has to be possible, at least in principle, in order to identify excesses and allow for real distinctions to be made between actions that are legitimately undertaken to defend the Zionist project (military operations against armed terrorists, for example) and those that are inappropriately defended as such. Fackenheim's ideology of survival seems to blur any and all distinctions between the two.¹³⁵

Let us now turn our attention to the above-cited passage. Fackenheim refers to the "trees of the Galilee" as a sign of the impending redemption. My initial thought is of the hundreds of groves of trees that have been destroyed by the IDF during the present Intifada, ostensibly because they provide cover from which Palestinian terrorists can fire at army outposts and passing motorists. It seems unlikely that Fackenheim would wish to suggest that such actions (undertaken by the Israeli government in defense of the State) serve to delay (or even reverse) the coming Redemption.¹³⁶ Given that these trees were planted and cultivated by Arabs, does this therefore mean that non-Jews living in the Land can play an active role in hastening the coming of the Messiah? This conclusion would seem to follow from a literal reading of the above-cited passage, and yet it seems unlikely that Fackenheim would be willing to concede that non-Jews living in Israel have as valid a theological claim to the Land as the Jews. Fackenheim's contention, in this

¹³⁵ One thinks of the isolated Jewish settlements in the Gaza strip (whose defense during the present Intifada has proven to be very costly) as an example of an activity with very limited significance in terms of the short-term survival of the State of Israel. The existence of these settlements is nevertheless entirely consistent with classical Zionist ideology, and Fackenheim's philosophy appears to make of all settlements, at least implicitly, an expression of a Divinely-mandated soteriological activity. As such, there can be no legitimate Jewish basis for Fackenheim from which to mount a critique, leaving us without the means for making distinctions and, when necessary, identifying alternative courses of action.

¹³⁶ Furthermore, Abed Inbitawi, the chief executive of the Monitoring Committee of the Israeli Arab leadership, has called upon the Israeli public "...to visit unrecognized villages and those which Arabs were forced to abandon in 1948, as well as take part in a mass planting of olive trees on what remains of Arab-owned land. The planting of olive trees is a symbolic act because it demonstrates our attachment to our land." David Budge, "Arab leaders, Police Seek Quiet Land Day," *The Jerusalem Post*, March 30, 2001.

case with particular reference to the Galilee, that “many nations had conquered and devastated the Land, but none had rebuilt it” is therefore highly problematic.

The Galilee region in Northern Israel is of course the focal point of the Land Day protests that occur every year on the 30th of March. These protests by Arab Israelis (joined recently by Peace Now activists) commemorate the killing of six Israeli Arabs from the village of Sakhnin who were shot by Israeli forces in 1976 while protesting against government plans to confiscate 20,000 acres of Arab-owned land in the Galilee.¹³⁷ No apologies have been issued, and to the best of my knowledge, no attempt has been made to adequately compensate the victims. In fact, few attempts have been made to compensate any of the non-Jewish inhabitants who have been displaced since 1948 (i.e., after the War of Independence and creation of the State of Israel).¹³⁸ This strikes me as an example of a very difficult case that demands some form of just ethical critique, yet Fackenheim’s rhetoric makes such a critique all but impossible. His treatment of the State of Israel and the Arab-Israeli conflict is almost metahistorical, and it is difficult (if not impossible) to address real moral dilemmas that occur “on the ground” from such a vantage point. This case also undermines Fackenheim’s claim that “the non-Jewish voters (in Israel) have rights, but also responsibilities, foremost of which is loyalty to the state.”¹³⁹

¹³⁷ The Palestinians who remained in Israel after its creation in 1948 have historically complained of entrenched discrimination and the loss of lands confiscated by the authorities to build Jewish towns and military bases. In any case, this land that was confiscated in the Galilee belonged to Israeli citizens, albeit non-Jewish, and not merely to Arabs living under Israeli occupation in the territories (although such land expropriations are also problematic). And while the expropriation in question may have been necessary (i.e., for security/military purposes), the enormous and unwilling sacrifice that was forced upon these citizens has never been adequately acknowledged by any Israeli government.

¹³⁸ A recent exception is a ruling by Natan Sharansky, the Israeli Interior Minister, who ordered that land which forms a part of the town of Rosh Ha’ayin in central Israel be returned to the Arab village of Kafr Quassam, from which it was expropriated after 1948. To date it is unclear whether or not this order will ever be carried out.

¹³⁹ Emil L. Fackenheim, “Rights and Responsibilities,” in *The Jerusalem Post*, Sept. 7, 1995, p.06.

Fackenheim has examined this idea of the responsibilities of citizens to the state in his discussion of the Social Contract theory. Specifically, he has asserted that

the modern state's minimal moral nature derives from its minimal duty, i.e., the legally enshrined protection of its citizens. On their part, citizens test their state's purported moral pretensions (as well as fight against their perversions) when they assert their rights, minimally, to legal protection. In asserting their rights, however, they *ipso facto* assume duties, both to other citizens and to the state itself. Thus arises the philosophical idea of a social contract. It is indispensable in the political philosophy of every minimally decent modern state. But while Israel is a more-than-minimally moral state, the social contract idea has yet to enter significantly into her political discourse.¹⁴⁰

In suggesting that the social contract idea has yet to enter into the Israeli political discourse, Fackenheim really means that it has yet to be properly internalized and embraced by her Arab citizens. In other words,

...unqualified claims to dual loyalty made by Israeli Arabs are therefore a luxury to which they are not entitled; indeed, so long as it is vague and unspecified, Israeli Arab solidarity with Palestinian Arab aspirations is tantamount to a break in the social contract with their own state.¹⁴¹

Fackenheim cites the exemption of Israeli Arabs from military service ("freeing them as it does from the contingency of having to shoot at non-Israeli Arabs") as an example of the manageability of the status-quo in Jewish-Arab coexistence within the state, although he neglects to mention that the aforementioned exemption also prevents Israeli Arabs from receiving the significant financial benefits awarded by the State to former soldiers. Furthermore, in a society in which the road to positions of political power and influence leads directly through the military, the exemption of Israeli Arabs from military service has led to their permanent social marginalization.

In light of the above, can we confidently assert (as Fackenheim does) the moral decency of the State with respect to its Arab minority? Is it reasonable to demand the

¹⁴⁰ Fackenheim, "A Political Philosophy for the State of Israel," p. 202.

unquestioning loyalty of Israeli Arabs (who have, by and large, been responsible and law-abiding members of Israeli society) to the State? Thoughtful individuals have asked and will continue to ask such questions, and these issues must be debated within a balanced ethical framework. As such questions do not even arise in his discourse, Fackenheim fails to provide us with any useful guidelines for establishing the parameters of such a framework, beyond his assertion of the unintelligibility of attacks on the State of Israel's right to exist. I believe that if one uncritically accepts Fackenheim's particular historical reading, such a critique becomes all but impossible.

It is possible (although unlikely) that Fackenheim was unaware of the land expropriations in the Galilee when he wrote the passage under examination, but he no doubt learned of them after making *Aliyah* in the early 1980's. That he is aware of the issue today is clear from a letter that he wrote to the Jerusalem Post in 1995.¹⁴² Fackenheim has nevertheless remained silent on this issue, which supports my contention that his use of theological language serves to stifle legitimate criticism. It is also a further indication of the metahistorical character of Fackenheim's analysis, and it renders him vulnerable to the charge of escapism.

Fackenheim is certainly aware of such criticisms, and in a response to such a critique by Gregory Baum, has claimed that he must

tread with special caution- without being charged with 'stifling legitimate criticism' of Israel, dare I ask why the thinker who shows concern for Palestinian Arabs shows no sign of concern for the very survival of the state

¹⁴¹ Ibid., p.202.

¹⁴² Emil L. Fackenheim, "Fackenheim Clarifies," in *The Jerusalem Post*, April 28th, 1995, p.02. The relevant passage in the letter reads as follows: "If, aided and abetted by much of the world, Arafat feels that we oppress him unless we let him have a state; unless Jerusalem is its capital; unless the capitol includes the holy places, Moslem, Christian and if only because of proximity, Jewish; *unless 200,000 Palestinian refugees are allowed back in the Galilee* (italics mine); and unless all this is only for starters- then, sooner or later, if this country is to survive, we must be oppressors."

called by fellow Catholic theologian Johann Baptist Metz the post-Holocaust 'house against death'?¹⁴³

He further asks why Baum makes him into a "right-wing ideologue," and indicates that, as philosopher, he dwells "in the fragmented Hegelian middle, including the political."¹⁴⁴

My own response would be that in his commitment to Jewish survival (which he equates with the survival of the State of Israel), Fackenheim's philosophy deliberately obscures the distinction between responses to legitimate existential threats and morally ambiguous acts that are clothed in such "survival" rhetoric. The aforementioned treatment of Israeli Arabs in the Galilee may be an example of the latter, and Fackenheim's seemingly-indiscriminant theological endorsement of this behavior is problematic.

In an interview published in *The Jerusalem Post*, Fackenheim has indicated that he has been careful to

be in the middle of the political debate, but let this country survive, even if it means that we must be oppressors. Is there an alternative? We are under siege. What we don't need is to be taught by these S.O.B.s the morality of the Jewish people. I am sure there have been grievous excesses, and this must be criticized and ended, but it's a big step from there to attacking the occupation as such, and anyone doing so must show that there is a non-self-destructive alternative.¹⁴⁵

Once again, Fackenheim does not provide any assistance in formulating such a critique, but rather makes them all-but-impossible. One individual who *has* attempted to criticize the occupation from a Jewish perspective is Michael Lerner, the editor of *Tikkun* magazine. Fackenheim responds to Lerner's critique while reviewing Edward Alexander's book, *The Jewish Wars: Reflections by One of the Belligerents*. Fackenheim's review is illuminating, and deserves to be quoted at length:

¹⁴³ Fackenheim, "A Reply to My Critics," p.283.

¹⁴⁴ Ibid., pp. 282-3

In *Tikkun* as in his political activities, Lerner turns Judaism against Israel, informing the widest possible audience of her 'manifold misdeeds' (Alexander). He complains about being 'stifled' by the 'establishment leaders,' but, as Alexander puts it, 'never has a stifled voice been heard by so many millions.' Israeli 'misdeeds' are, of course, in Lerner's view directed toward the Palestinians, but recently Lerner has also discovered a 'civil war' in Israel itself. (this is an insult to a country whose democracy- despite strains between left and right, 'non-religious' and 'religious'- is alive and well. I am writing these lines in Jerusalem, on the first anniversary of the assassination, when Yitzhak Rabin's death is mourned by the whole country.) In Lerner's view, then, Israel needs mending from both these conflicts, the 'civil war' within, and the one with the Palestinians without, in the light of the 'best values of Judaism,' i.e., Lerner's own 'politics of meaning.' Here is how he phrases it: 'American Jews should now stand firm in demanding a new Zionism based on the sanctity of every human being.' Lerner goes on to say that the struggle for human rights is indivisible, and that Israeli orthodox denial of them for non-orthodox Jews 'goes hand in glove' with Israeli denial to 'Palestinian national self-determination.' But, as regards the internal conflict, it remains obscure- other than complicating Israeli democracy, in the name of a 'new Zionism'- ironically to lead away from Zion- how this mending would end the 'civil war,' when the 'religious' are to abandon Hebron and the 'non-religious' to embrace a 'Torah-based vision.' Such obscurity tends to confirm suspicion that the 'politics of meaning' is meaningless. As for the conflict with the Palestinians, can a 'moral vision to challenge Israel' be moral when the challenger asks Israel to take risks for peace- to risk even survival- from the safe distance of New York, Los Angeles, or Berkley? Dr. Johnson was wrong, says Alexander, of Lerner, Anthony Lewis, et al.: the last refuge of the scoundrel is not patriotism; it is the prophet Isaiah.¹⁴⁶

Irving Greenberg is also concerned with the significance for Judaism of the Holocaust and the State of Israel. However, he has done a much better job of providing guidance for the Jewish Diaspora, primarily because he believes that the Diaspora has inherent value. He has noted that,

Willingness to criticize Israeli policy has grown- especially among American Jewish leadership. This phenomenon has been portrayed as a weakening of the Israeli-Diaspora bonds. I believe that criticism properly done represents not a

¹⁴⁵ Netty C. Gross, "Beyond Philosophy," in *The Jerusalem Post*, April 14th, 1995; p.10.

¹⁴⁶ Emil L. Fackenheim, "Deserved Polemics," Book Review in *Judaism*, Fall 1997; 46(4), p.502.

backing away from Israel but an important piece of the Jewish ethic of power currently in creation.¹⁴⁷

And further,

World Jewry also can play a role in establishing standards of behavior. Since Israel is wielding sovereignty, its moral responses will be skewed toward realism. World Jewry's responses, being those of observers on many issues, will be skewed toward 'idealist' models. These tendencies can be mutually corrective. As loving critics, world Jewry can be truly helpful to Israel in its efforts to keep on the moral path. However, the key is to avoid stereotypical positions and extreme polarization.¹⁴⁸

I believe that Greenberg serves to demonstrate that it is Fackenheim's dialectical mode of inquiry and his commitment to a Zionism that negates the value of the Diaspora as anything more than a source of potential immigrants, rather than the facts themselves, that inhibit Fackenheim's ability to provide guidance to Diaspora Jews as well as to point to a just critique of Israeli policy.

¹⁴⁷ Irving Greenberg, "The Ethics Of Jewish Power," in Elliot N. Dorff and Louis E. Newman (Eds.), *Contemporary Jewish Ethics and Morality: A Reader* (New York, Oxford: Oxford University Press, 1995), p.408.

¹⁴⁸ Ibid., p.413.

Conclusion

Emil Fackenheim has successfully argued in his post-1967 writings that the Jews live in history and are vulnerable to its worst horrors. He has also argued that Judaism must respond to the Holocaust and the creation of the State of Israel, and especially to the reunification of Jerusalem after the Six Day War. This theme is much more problematic. What kind of historical events must Judaism respond to? What form must the responses take? These are the major questions that have preoccupied Fackenheim in his later writings, and I believe that his responses are unsatisfactory.

In spite of his stated commitment to philosophical fragmentation and “partial mendings,” it is clear that he regards the answers that he provides to these questions as having objective theological and philosophical validity. This is evident when Fackenheim speaks of “authentic” and “inauthentic” Jewish responses to the Holocaust, but it is clearer (and more problematic) in his treatment of the State of Israel and the Arab-Israeli conflict.

The relationship between the Holocaust and the State of Israel in Fackenheim’s thought is also troublesome. On the one hand, we have him characterizing the Holocaust as a *caesura* that paralyzes the metaphysical capacity; on the other hand, we have Fackenheim characterizing the founding of the State of Israel as a “partial mending” or *Tikkun* of the aforementioned rupture, and he arrives at this conclusion via philosophy. In other words, he is employing a type of thinking that the Holocaust was supposed to have paralyzed.

As we have seen, Fackenheim’s attempts to resolve this apparent contradiction between his two *midrashim* are the subject of the third chapter of *God’s Presence in*

History and To Mend the World in its entirety, and while his formulations are very sophisticated, they are not convincing. For instance, there exist survivors of Auschwitz who have felt obliged, precisely as a result of their experiences in the Camps, to speak out against what they perceive to be excessive expressions of nationalism- Jewish Nationalism (and especially its Israeli manifestations) included- and according to the criteria advanced by Fackenheim himself, their testimony is legitimate. I believe that Fackenheim recognizes this, and so he chooses to ignore such testimony entirely.

Fackenheim's ahistorical treatment of the State of Israel leads to serious difficulties as well. The Israel that he defends in his discussion of the "pillars of Zionism" is the State as it existed after June 1967, when Israel captured the West Bank (including East Jerusalem) and Gaza strip. Israeli society has evolved since then; there exist new tensions that must be addressed, and there are important and controversial changes that have to be made, such as the renegotiation of the so-called "status quo" agreement. Should the State continue to fund the religious school systems? Should the ultra-Orthodox be forced to serve in the IDF? Although he is concerned with political philosophy as it relates to Israel, Fackenheim offers no practical guidance on these issues, beyond his somewhat banal assertion that the Israeli government has a duty to pursue policies that promote "unity."

Fackenheim's treatment of the Arab-Israeli conflict is especially problematic. If, as he maintains, Israel's victory in the Six Day War had theological significance and so demanded (and elicited) a response by Jews around the world, then what is to be made of the 1993 Oslo Accords? The formal mutual recognition of the Jewish and Palestinian National movements and the commitment to a negotiated settlement of the conflict,

symbolized in the Washington handshake between Yitzhak Rabin and Yasser Arafat, was clearly a public event of profound significance for world Jewry. At the very least it has led to an easing of the siege and diplomatic isolation to which Israel has been subjected since its founding.

We might therefore have expected Fackenheim to respond to this development with some modification of his position (which previously regarded as next-to-impossible an ideological reconciliation between the two sides), but this did not occur. Instead, he moved from the “Hegelian middle” (i.e., between political extremes) to the right of the political spectrum, and his post-Oslo “Zionist Imperative” is really just a forceful restatement of his earlier views. Fackenheim’s oft-repeated dictum that peace will only come to the region when Christians and Muslims come to Jerusalem to pray because of (rather than in spite of) the return of the Jews is really just another way of saying, “when the swords are beaten into ploughshares”- in other words, it is escapist. It also fails to acknowledge that there are practical options short of a complete ideological accommodation of the maximalist Israeli and Palestinian positions that might serve to diffuse the tensions and undermine the support of extremists on both sides. By deliberately framing the entire conflict as a zero-sum game (even though at times it may appear to be that way), Fackenheim makes any such steps impossible.

I believe that Fackenheim is absolutely correct in pointing out the unintelligibility of critiques of Israel that question the latter’s right to exist. Israel’s critics have tended to create conditions for Israel’s validity that are nearly impossible to achieve; however, fulfilling the conditions advanced by Fackenheim for a “valid” criticism of Israel is also nearly impossible. And I believe that Fackenheim expresses a truism when he asserts

that contemporary Jewish ethics must take into account both the Holocaust and the return of Jewish political sovereignty in Israel.¹⁴⁹

Let us now review the critics of Fackenheim that we have considered, and from whom a number of important themes can be seen to have emerged. Ze'ev Mankovitz, Zachary Braiterman and Louis Greenspan (the latter with reference to Fackenheim's narrative of the founding of the Jewish State) have characterized Fackenheim's approach to history as metahistorical, and I have shown how this in turn leaves Fackenheim vulnerable- especially with regards to the Israeli-Palestinian conflict- to the charge of escapism.

A different critical theme is developed by Sheila Shulman, Gregory Baum and Kenneth Seeskin, who have explored the implications for Judaism of Fackenheim's emphasis on survival. Shulman also draws attention to (and criticizes) the tone and style- that is, of exhortation, commandment, and injunction- of the "Voice of Auschwitz."

Michael Oppenheim rejects as unsustainable the reified metaphor of God as Interferer that Fackenheim employs, while Kenneth Seeskin accuses the latter of pushing the midrashic framework too far. Dan Cohn-Sherbok demonstrates that there continue to exist viable traditional Jewish responses to the Holocaust, while Michael Morgan and Heidi Ravven draw attention to the seemingly-arbitrary (and hence, subjective) character of certain aspects of Fackenheim's philosophy. We have also seen how Fackenheim's conclusions- regarding the uniqueness of the Holocaust and the significance of the State of Israel- have been accepted and expanded upon by scholars such as Harvey Shulman and Steven Katz.

¹⁴⁹ Building upon Fackenheim's thought, Michael L. Morgan has done a better job at spelling out exactly what such a post-Holocaust Jewish ethics could look like. See Michael L. Morgan, "Jewish Ethics after the

I believe that we may therefore be justified in grouping the major themes identified by Fackenheim's critics according to the following (admittedly very general) categories:

- 1) criticism of Fackenheim's philosophical method;
- 2) criticism of Fackenheim's approach to history; and,
- 3) criticism of the Judaism that emerges as a result of Fackenheim's encounter with the Holocaust and the State of Israel.

This scheme is not intended to be exhaustive, and it is almost certainly the case that it provides as much insight into the interests and concerns of Fackenheim's critics as it does about Fackenheim himself. In other words, these elements are all fully integrated in Fackenheim's own thought. Nonetheless, given the scope and complexity of that thought, I believe that the aforementioned framework can be helpful as a preliminary guide to making sense of it.

It remains to address the initial question posed in this examination, namely, is the later thought of Emil Fackenheim relevant for North American Jewry? I have already demonstrated some of the ways in which Fackenheim's thought is limited in its usefulness for the Jewish Diaspora- for instance, in terms of providing reliable ethical guidance.

I believe that Fackenheim is important for North American Jewry because of the questions with which he grapples, and not necessarily for the answers that he provides to those questions. He challenges us to think about the Holocaust and the State of Israel in interesting ways and to reflect on the significance that they have on our lives. And even if his conclusions are problematic and leave many more questions unanswered, they

Holocaust," *Journal of Religious Ethics*, vol.12, no.2 (Fall 1984), pp.256-77.

nevertheless represent important contributions to the ongoing discussion about contemporary Jewish identity and responsibilities. After all, even in rejecting his conclusions, one is nevertheless exposed to the sophistication of Fackenheim's arguments and the powerful rhetoric with which those arguments are expressed. In other words, anyone seeking to articulate an authentic Jewish position regarding the Holocaust or the State of Israel must at the very least consider with care the questions and issues that he raises. And while it is true that not every North American Jew is preoccupied with the political and existential questions addressed by Fackenheim, I believe that most will at some point in their lives be forced to consider them. That Fackenheim has identified and grappled with the most important issues for contemporary Jewry is a testament to his status as one of the most important Jewish thinkers of the twentieth (and twenty-first) centuries.

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