# THE ROLE OF THE JEWISH LAW IN MOSES MENDELSSOHN'S AND HERMANN COHEN'S PHILOSOPHIES OF JUDAISM

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# ABSTRACT

## THE ROLE OF THE JEWISH LAW IN MOSES MENDELSSOHN'S AND HERMANN COHEN'S PHILOSOPHIES OF JUDAISM

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This study attempts to analyze two ways of adapting the Jewish law to the new realities which Jewish life was to encounter in modern times. The study begins by examining Mendelssohn's approach to the Jewish law. At the outset it will be argued that Mendelssohn adopts a restrictive methodology whereby a total distinction is formed between Judaism, representing a body of practical observances, and religion, representing a group of theoretical truths. Judaism thus is left as a law and the Jew therefore is not distinguished from all other people in his particular knowledge of religious truths. Consequently, all that is binding upon the Jew are the laws of the Torah. These have been revealed in an act of supernatural revelation and as such human reason cannot and need not necessarily prove or understand their rationale. The Jewish law, being uncontestable by human reason, must be strictly observed -- its rational validity being an irrelevant factor.

The study then proceeds to analyze Cohen's approach to the Jewish law. Unlike Mendelssohn's Judaism which is, at best, not incompatible with reason, Cohen's Judaism is a

religion of reason. The law of Judaism must therefore be both understood and affirmed by reason. Thus, the laws of Judaism become subject to human discretion -- reason must accept them as duty. Ethics too has its origin in reason. It follows that the directly ethical laws must eternally be preserved. But the ceremonial laws must be constantly examined, modified or completely discarded insofar as they do not promote the idea of ethics.

Finally, this study will identify the differences between Mendelssohn's and Cohen's treatment of the Jewish law. Mendelssohn distinguishes between Judaism and the religion of reason while Cohen identifies the two. But moreover, for Cohen, Judaism is not simply a religion of reason, it is in fact the religion of reason. No other religion reached the degree of purity of monotheism that Judaism reached. Unlike for Mendelssohn, for Cohen, Judaism is a world religion; Judaism takes in Cohen's philosophy the place assigned to natural religion in Mendelssohn's system. Thus, in opposition to Mendelssohn, Cohen emphasizes the great contribution that must be made by the Jews to the rest of mankind.

Universal messianism being at once both the task and raison d'être of Jewish existence, total seclusion from the rest of humanity is a contradiction in terms. Thus, while Mendelssohn rejects seclusion only from cultural and political considerations, Cohen rejects it as part of his religious scheme. Again, the ceremonial law, the main element of Jewish isolation, becomes subject par excellence

to reforms. While for Mendelssohn, the entire law must be preserved, for Cohen, what is to be preserved is only what must be preserved -- the bare minimum -- that which guarantees the Jewish universal mission.

Mendelssohn's Judaism is indeed an inward looking religion which does not presume to bring the light to the nations. As such it ultimately remains steadfast in its observation of the entire law. Cohen's Judaism is clearly a message-bearing religion professing to deliver the world. As such it ends up restricting that which is considered by many to be essential to its very being.

TABLE OF CONTENTS

# INTRODUCTION

לנשמת אימי.

The purpose of this study is to shed light on two different philosophical approaches, that of Moses Mendelssohn and that of Hermann Cohen, on the role of the Jewish law in modern Judaism. This investigation is founded upon two basic assumptions, that Judaism is essentially a religion of law, and that the most obvious difficulties to which Judaism was and is exposed in modernity are caused precisely by its being a religion of law.

The assumption that Judaism is a religion of law is valid regardless of the ongoing debate as to the relative weight and magnitude of the law among the other aspects of the Jewish religion. No matter how one may reduce the importance of the law and regard it as a mere means serving religious ends, there still remains a substantial margin of difference between the weight of the law and that of any other aspect of Judaism. Even in those instances where an attempt was made to deprecate the relative importance of the law by defining it as a practical manifestation of a religious essence, it was still admitted that Judaism is "halakhacentric" and that the law is a unique and indispensable element in Jewish religion, the absence of which would render it meaningless.[1]

Conceived as a religion of law, Judaism addresses itself to, and demands the all-encompassing loyalty of

Jewish life. Whether of a positive character, demanding action, or of a negative nature, commanding self control by prohibiting certain acts, the law encompasses every aspect of the Jews' existence both with respect to his private and public interests. Prior to the modern era, i.e., prior to the Enlightenment, hardly any sustained challenge to the role of the law, to its total authority over Jewish life is to be noticed.[2] In the very obvious isolation of the Jewish ghetto, life in its totality was imbued with a single unquestioned loyalty to the religious law. However, the appearance of the Enlightenment on the stage of European history marked the conclusion of this chapter; the law could no longer retain its exclusive position, it had to be adapted to the new realities.

Two essential factors, a socio-political one and a cultural one, contributed to the change in the position of the Jewish law in modern Jewish life.[3] First, the new era of legal equality made it practically impossible for the Jews to continue the pre-Enlightenment state of affairs in which a rigidly organized Jewish community existed on the fringes of the general society and was governed almost exclusively by a different set of laws. Thus, the Jewish law which prior to the Enlightenment regulated exclusively the communal as well as the individual life, had to be reconciled with another set of laws -- the laws of the state. This however was a relatively minor problem. Since the method of reinterpretation of the law was applied throughout the entire Jewish existence in exile, it was only natural to

employ this method to overcome apparent contradictions between religious and civic laws. But Judaism after the Enlightenment did not just differ from that of the preceding period in its socio-political structure. Not only was physical seclusion no longer possible, above all cultural and intellectual isolation could no longer be maintained. Under the impact of modern culture and intellectual development, Jewish tradition faced the problem whereby the rigid concepts of the religious heritage and the new ideas of modern civilization did not necessarily relate to each other and in fact quite frequently clashed. Again, it was inevitable for Judaism to undergo a process of transformation and adaptation.

Adaptation of theoretical concepts of religion in Judaism is one thing, but adaptation of the religious law is another. Judaism, it can be readily seen, is reasonably flexible with respect to theoretical concepts. Jewish thinkers throughout the ages have felt quite free to develop their own conception of Judaism, each of them seeking to comprehend the religious ideas in accordance with their individual perspective and philosophy. To the extent that it was grounded in tradition, each scholar could substantiate his standpoint by falling back upon the dictum of the rabbis, "These and these are the words of the living God." However, Judaism is considerably less flexible in its attitude to the actual practice of the law. True, traditional Judaism is generally not opposed to investigating the law and to the search for its meaning in order to make it

intelligible to each person and to each successive age. But this to be sure is not an absolute requirement. Where genuine piety and simple undoubted faith prevail there is hardly any need to seek for the reasons for the commandments. The very fact that they represent the will of God, that they are Mitzvot Melekh (royal decrees) is reason enough for the laws to be observed. But with regard to those who are by nature given to intellectual inquiry, to whom the search for taamei ha-mitzvot is a vital value, Judaism does not seem to pose any opposition. This however is true only when accompanied by the strict a priori acceptance of the notion that the law is divinely granted. Thus, Jewish law may be examined and reinterpreted but it is not subject to drastic modification. Indeed, removing the origin of the law from the human sphere, traditional Judaism clearly distinguishes between reflection upon the law and the practice of the law.

For a great many Jews in the Enlightenment era the flexibility provided by Judaism with respect to its law was no longer sufficient. Seeking total involvement and integration in the freshly blossoming culture and ideologies, they needed much more than reinterpretation or mild modifications. Thus, there arose a Jewish group who believed that the contradiction between the law and the spirit of universalism is too wide to be bridged. For this group the only possible solution was to do away with the law altogether or to reduce it to a bare minimum of universally applicable ethical decrees. On the other hand, there were those who realized

fully well that the preservation of the law in its entirety is achievable only through total disregard of the world without. Still another group sought the solution to the problem of the law by taking a middle position between these two extremes. Protesting against both, they argued that a Jew can be a person knowledgeable in science, languages, literature and philosophy, an informed and active citizen, yet a strict and uncompromising adherent of the law in its totality.

The rapid growth of these various and conflicting movements in Judaism of the post-Enlightenment era essentially arose out of the encounter between the religious law and modern life. The question of the Jewish law which hardly existed in the consciousness of ancient and medieval Jewry became a burning issue for the Jew of the post-Enlightenment era and is still as thorny for the contemporary Jew. In some Jewish milieus, it is safe to say, no other aspect of the Jewish religion has been discussed and written about so extensively as the question of how to reconcile the religious laws with modern Jewish existence. In other Jewish environments, on the other hand, there appears the desire to drop the subject as nonexisting or inconclusive and to find the meaning of Jewish existence in other aspects of life, not necessarily in the practice of the law. Yet, the problem of the law always returns; it can hardly be avoided in any serious discussion of the condition of the Jewish nation in the modern world. Some will indeed claim that the entire existence of Judaism depends on the ability of the modern Jew to address himself

meaningfully to this problem and to provide a satisfactory solution.

Judaism, as has been previously suggested, is a religion of law. It is for this reason that no authentic philosophy of Judaism can be developed while disregarding the role of the law. It is not at all possible to approach the world of Jewish thinking without entering into the world of Jewish practice which is the domain of the law. This is true of past Jewish religious philosophy and it is all the more so true of modern Jewish religious philosophy, composed in a time of great perplexity with respect to the law. Indeed, the discussion of the law occupies a central position in both Moses Mendelssohn's and Hermann Cohen's Jewish philosophies.

To a large degree Mendelssohn's and Cohen's approaches to the law reflect the two poles in the Jewish attitude to this matter after the Enlightenment period. Whereas Mendelssohn insists on strict and unconditional observance of the law in its minute details, Cohen maintains that the law must become subject to serious reforms. Arriving indeed at totally different conclusions, both however began from a similar standpoint. Both of these Jewish philosophers were influenced by the Enlightenment doctrines and for both the notion of universal religion of reason was the point of departure. However, emerging from this similar starting point they arrived, as stated, at totally different conclusions with respect to the law. Mendelssohn accepted the notion of a religion of reason but went only so far as to investigate

to what extent historical Judaism was identical with, or different from, such a religion of reason. What he found is that nothing in Judaism is opposed to the concept of a religion of reason. For him the revelation of Mount Sinai does not conflict with the religion of reason, though it does not fall within its confines. This revelation, Mendelssohn held, did not take place to impart faith but only to impose laws, because faith, according to reason cannot be decreed. The Sinaic law, on the other hand, does not address human reason but only man's will to act. Even at this early stage we perceive that Mendelssohn removed the law from the arena of struggle between traditional Judaism and the concepts of the Enlightenment. Reason, the domain of man, cannot affect the law since the latter belongs entirely to the realm of the divine. Hence, whether the law be consistent with human reason or not is irrelevant to the question of its practice. Whether humanly understood or not, proven or otherwise, the law is still binding.

By the same process of reasoning Mendelssohn established that the law may not be changed by man. Having removed the law from the realm of human reason, he was thus able to claim that even if there be a need to change the law, to bring it into harmony with particular historical circumstances, only God, in a new and public revelation, can do so. Indeed, with this view Mendelssohn joins the traditional position of Judaism that the law is the revealed word of God which is binding in its totality at all times.

Mendelssohn, as indicated above, went only so far as to argue that Judaism does not contradict the Enlightenment concept of a religion of reason. Cohen, on the other hand, could not stop short at this point and went all the way to equate Judaism with the religion of reason. More precisely, Cohen maintained that the Jewish religion is in fact the ideal embodiment of a religion of reason. This of course is not to say that Judaism is in Cohen's mind the only manifestation of a religion of reason. For Cohen, as for Mendelssohn, a religion of reason is a function of human consciousness and cannot exhaust itself in the consciousness of any single given ethnic group or people. Since such a religion has its origin in the universal sphere of reason, it is applicable to all men at all times and places. Therefore, Cohen also went on to investigate the content of Judaism and to discover to what extent it correlates with the ideas of the religion of reason. More exactly, Cohen attempted to find out to what degree the religion of reason can be detected in the historical sources of Judaism. It is at this juncture that Mendelssohn and Cohen diverge. Whereas the former will concede that at best there exists no contradiction between Judaism and a religion of reason, the latter declares Judaism as the ideal, perhaps the only pure manifestation of a religion of reason. Hence, there is a further distinction to be drawn between the above philosophers: whereas Mendelssohn conceives Judaism to be a religion intended only for the benefit of the Jews, Cohen's Judaism

must appeal to all rational beings. Cohen therefore, contrary to Mendelssohm, provided Judaism with the task of propagating its truth among all people.

Obviously, in Cohen's mind not all the historical manifestations of Judaism are equally valid but only those which are in accord with the concept of reason. The concepts of Judaism, it follows, must perforce be examined while attempting to bring them into the realm of reason. This indeed is Cohen's way of interpreting the historical event of revelation on Mount Sinai. Unlike Mendelssohn who dis-associated this particular Jewish phenomenon from the universal rational revelation, Cohen combined the two. To his mind, revelation on Sinai is but one among many manifestations of the ongoing, rational universal revelation.

Placing the Sinaic revelation in the rational domain, the law, its product, becomes for Cohen a subject par excellence for rational examination and alteration. Again, unlike Mendelssohn who removed the law entirely from the arena of struggle between traditional Judaism and the Enlightenment concept of reason, Cohen places the law in the very midst of this struggle. For Mendelssohn, we recall, reason is irrelevant to the question of observance of the law; to Cohen, on the other hand, it is the only validating criterion. Viewed conceptually from this perspective, Cohen asserted that the law as a general notion stands in perfect accord with reason. This however is not the case with every particular law. The ceremonial and ritual law, an essential

part of the Jewish code to be sure, is made subject to great changes and radical reductions. Philosophically, as I hope to demonstrate, Cohen gave cohesiveness to the thrust of the Reform Movement -- to the reform of the Jewish ceremonial and ritual law.

To sum up, both Mendelssohn and Cohen reacted to the crisis of the Jewish law in its encounter with modern Jewish life. Both, belonging to the rational school of post-Enlightenment philosophy, attempted to analyze the law in the light of the concept of religion of reason. Yet Mendelssohn, on the one hand, removed the law from the realm of reason so that he could argue for absolute and unconditional observance of the law. Cohen, on the other hand, placed the law entirely within the realm of reason, thus demanding radical reforms.

As indicated, Mendelssohn's and Cohen's approaches to the law reflect the two extreme positions with regard to this problem in contemporary Jewish life. Mendelssohn's approach might be identified with what is called Orthodox, or perhaps Neo-Orthodox Judaism. Cohen, on the other hand, can be identified with the movement of Reform Judaism. In this respect they represent the ongoing tension and controversy in the Jewish nation which began in the time of the Enlightenment and still permeates Jewish life in our own days. Therefore, shedding light on their attitudes to the Jewish law becomes important for anyone attempting to understand the condition and the problem of modern Jewish existence.

The purpose of this study is not only to present and compare Mendelssohn's and Cohen's views but also to place these two perspectives within the overall manifestation of the problem of the law in modern Judaism. The structure of this study will follow the above outlines. I shall first examine the views of Mendelssohn and Cohen separately, then I shall locate and define the essential differences between them, finally I shall place them within the framework of the various responses to the problem of Jewish law in modernity. For this purpose the present study will be divided into three parts. In the first two parts I shall concentrate on the views of Mendelssohn and Cohen respectively. In the third part I shall analyze the difference between them and place their attitudes in the general context of the response of Judaism to this dilemma.

The first chapter of part one will be devoted to establishing Mendelssohn's general attitude to the Jewish law. I shall outline the historical and social context in which Mendelssohn's writing took place. Then I shall attempt to discover Mendelssohn's methodology. I shall argue there that Mendelssohn's methodology is reductionist in character, and employ this particular methodology in order to demonstrate his outlook on Judaism in general and on the law in particular. At this point I shall attempt to show that not only does Mendelssohn reduce Judaism to a set of laws, but he goes on in employing his methodology in order to further reduce the law to its ceremonial and ritualistic aspect.

After completing the discussion of Mendelssohn's view on the law in general I shall move on to present his particular rationale for the law. Mendelssohn's labour, in this connection, is done within the traditional framework of the inquiry for the reasons of the laws (tammei ha-mitzvot). Here, I shall analyze the problem which such a method could present for Mendelssohn's outlook. In a system which is essentially marked by an attempt to divorce the observance of the law from rational speculation, a method of inquiry into the reasons of the law presents an obvious problem. I shall demonstrate in this context the means which Mendelssohn uses to overcome this problem.

Entering into the main body of chapter two I shall point out the reasons and purposes which Mendelssohn attached to the law of Judaism. First, Mendelssohn believed that all ancient people had originally a true concept of God's attributes which was eventually distorted with the use of written means of communication. In his mind, only an unwritten--a practical means of communication such as a law--can convey the message of God's attributes in its original purity. Therefore, I shall elaborate on Mendelssohn's view that the law is intended to serve as a means for religious communication. Second, Mendelssohn believed that the distorted concept of God's attributes is still prevalent (the Christian understanding of God is dismissed by him). The Jewish people, thus, must continue to preserve their religious unity and seclusion as the only true bearers of the true religious

notions. The law, to Mendelssohn's mind, is an essential instrument for the purposes of safeguarding the unifying bond of the Jewish people. Thus, the law as a unifying bond will be the subject of my second analysis. Third, Mendelssohn claimed that the fundamental purpose of the law was to provide a civic political legislation in the ancient Jewish state. I shall elaborate on this purported function of the law while attempting to establish whether it was perceived by Mendelssohn as merely an inseparable ingredient of an ancient historical context, or perhaps as an instrument designed to preserve the option of a Jewish national revival in the future. Finally, faced with the early buds of assimilation and conversion to Christianity, Mendelssohn believed that only strict observance of the law may guarantee the continuous existence of the Jewish nation. The discussion of this immediate value of the law will conclude the second chapter of part one.

Part two of the present study will be devoted to shedding light on Hermann Cohen's attitude to the Jewish law. In the first chapter of this part I shall introduce the basic premises underlying Cohen's view on the law. I shall open with a brief survey of the historical background and the biographical factors which encouraged Cohen to take an explicit stand with regard to the Jewish religion. Then I shall proceed to demonstrate the basic philosophical assumptions, Jewish and general, upon which Cohen's outlook on the law rests. I shall, in this connection, review his

concept of ethics, God, man, creation and revelation. Here, I shall particularly emphasize Cohen's reinterpretation of the Sinaic revelation as a natural and rational process. I hope to demonstrate that Cohen had no choice but to deviate on this point from the traditional concept of revelation in order to formulate his liberal view of the law. The discussion of Cohen's interpretation of revelation will lead me into establishing his basic view of the law. I shall argue that whereas he affirms both the moral and ritual sections of the law, the ritual is affirmed only in principle. That is, Cohen views it as a merely symbolic and educational practice which is valid only when serving moral ends. That being the case, Cohen inevitably draws his inescapable fundamental conclusion with regard to the ritual law that, in effect, it must be reformed. This however I shall further dwell upon in great detail in the concluding chapter.

After establishing the main principles of Cohen's approach to the law I shall employ them for the purpose of understanding his evaluation of some particular sections of the law. I shall firstly introduce Cohen's interpretation of the laws concerning non-Jews. Cohen's treatment of this question will illustrate his attitude to the entire moral section of the Jewish law. Then I shall turn to relate Cohen's overall view of the ritual and ceremonial law to three particular laws of Judaism. Firstly, I shall introduce his view of the sacrificial laws as exemplifying

those rituals and ceremonies which, to his mind, Judaism has to do away with altogether. Second, I shall review Cohen's interpretation of the Sabbath and the Day of Atonement -- the only two ceremonial laws which he seems to unconditionally accept as valid. Finally, I shall discuss Cohen's estimation of the Three Jewish festivals -- ceremonies which, it seems, Cohen accepts as valid but not indispensable.

In the concluding chapter of part two I shall compare some aspects of Cohen's interpretation of the law with traditional Jewish sources. In the development of his Jewish philosophy and consequently of his view of the law, Cohen makes substantial efforts to impress upon his readers that his approach is in agreement with classical Jewish sources -- Biblical, Talmudic, Midrashic and philosophic. It is therefore both fair and revealing to compare his analysis with traditional sources in order to evaluate his reliability and method of selection in his use of classical Jewish material. Thus, I shall employ some of Cohen's interpretations and review them in light of classical material, mainly the material that Cohen himself relies upon.

Part three of this study will be devoted to locating and analyzing the differences between Mendelssohn's and Cohen's attitudes to the Jewish law and then placing these attitudes within the framework of the general spectrum of approaches to the problem of the law in modernity. In the first chapter of this part I shall present both Mendelssohn's

and Cohen's interpretations of the law in the light of the general trend prevalent in modern Jewish thinking to address Judaism as an ethical phenomenon. In the second chapter I shall place these two philosophers within the context of the various movements which arose in Judaism in modern times.

Attempts have been made in modern times to provide a substitute ideology for the old concepts of traditional Judaism, an ideology to which Jews who are not strict followers of the law would be able to adhere. Perhaps the most obvious ideology in this connection is that which identifies the Jewish religion with the realm of ethics. We therefore witness in modern Jewish thinking an extraordinary insistence upon the primacy of the role of ethics in Judaism and consequently in its law. Ethics, in many instances, ceases to be but one among many considerations of Judaism and becomes the pivotal, if not the only one. Judaism and the Jewish law, it is frequently argued, was created in fact only to promote universal ethics.

The prominence attached to ethics in modern Judaism is essentially traceable to two reasons, a philosophical and a social-cultural one. In the philosophical context the shift of Judaism to ethics is probably due to a similar shift of interest in general modern thinking. In modern philosophy there seems to have been a shift in emphasis; interest in metaphysics per se has given way to an interest in the human condition--in man's ethical condition in particular. And Jewish modern philosophy could not lag behind. Thus, modern

Jewish philosophy, in many instances, also shows a great interest in bringing Judaism into the realm of ethics, more precisely, in explaining the Jewish religion as primarily an ethical phenomenon.

The second reason for the insistence upon the ethical dimension of Judaism stems from social and cultural considerations. For the Jews in the post-Enlightenment era, who were struggling to attain equal civic rights and involvement in European civilization, Judaism had to be presented as a universal, culturally relevant religion. In the general atmosphere of ethical awareness of that time the presentation of Judaism as primarily an ethical system was an obvious solution.

Both Mendelssohn and Cohen formulated their Jewish philosophy at a time of great insistence on ethics. Moreover, both defined their outlook of Judaism at a period in which attaining civic and cultural involvement were the primary quests of European Jewry. Thus, one might assume that both, to an equal degree, would have been inclined to present Judaism and its law as essentially an ethical teaching. Interestingly enough, this was not the case. Whereas Cohen, in keeping with the general mood, does indeed interpret the law as an ethical system, Mendelssohn, on the other hand, refuses to see the law as primarily ethical. In fact, he removes any ethical meaning from the law. The philosophical explanation of this interesting phenomenon will be considered in the first chapter of part three.

The controversy and dilemma concerning the role of the Jewish law that has afflicted modern Judaism have had their practical manifestations in the development of a variety of frequently conflicting Jewish religious movements. It is commonly believed that Mendelssohn was the forerunner or the initiator of the movement of Reform Judaism, that movement which attached the least importance to the rigid observance of the law. It will be the task of the first section of the last chapter to attempt to refute this fallacy. In fact, I shall argue there that Mendelssohn in his attitude to the law represents the absolute opposite extreme. If anything, his formulation of Judaism resembles the Orthodox or Neo-Orthodox line of argument.

Cohen, on the other hand, is hardly even associated with the movement of Reform Judaism. Although it is generally agreed that Cohen's philosophy represents a liberal religious line, he is commonly not classified as an explicit representative of the reform ideology. It will be my argument that Cohen's interpretation of Judaism, and his way of addressing the law, posits him in absolute harmony with that of the main trends in the Reform Movement. In the concluding part of the last chapter I hope to show that Cohen's thinking is basically a highly sophisticated philosophical formulation of the basic premises of Reform ideology.

In the conclusion I will look closely at an issue which all Jewish philosophers had to face when composing a

philosophy of Judaism. The problem of integrating a Jewish philosophy, particularistic by definition, with a system of general philosophy, universalistic of necessity, is indeed a central dilemma with which all Jewish thinkers had to wrestle in their philosophical endeavour. Moreover, this dilemma is further augmented when the Jewish law is the central topic of discussion. Abstract theory can perhaps be relatively easily integrated with universal principles. This is not the case when dealing with the practical dimension of the Jewish religion. Here Judaism is distinguished by its concern with daily life which explicitly severs the Jew from other people. Thus, I found it worth while to devote the conclusion to shedding light on the relationship between the "particular" and the "universal" in Mendelssohn's and Cohen's interpretation of the Jewish law. This discussion will reveal the most dramatic points of opposition between the two philosophical statements with which this study is concerned.

This study began with an intention to formulate a more systematic perspective on the role of the law in modern Jewish thought. Initially my intention was to analyze a wider sample of five modern Jewish thinkers and attempt to establish their contribution to the development of the attitude to the law in modern Jewish life. For a variety of reasons my original ambition proved to be beyond me, and I had to limit the scope of the study and deal with two modern Jewish scholars who, in my opinion, represent the two extreme positions presently held with regard to the dilemma of the law. Thus, my original

ambition proved to be beyond me, and I had to limit the scope of the study and deal with two modern Jewish scholars who, in my opinion, represent the two extreme positions presently held with regard to the dilemma of the law. Thus, my original grandiose ambition was not entirely fulfilled. Nonetheless, I hope that my more limited aim has been achieved. I hope that I have been able to provide a few clues to the problem of the Jewish law in modern Jewish life and to the way it was dealt with by two prominent philosophers. Indeed, this is a problem which has merit both on purely academic grounds, and also on grounds of practical interest.

# PART I

## THE ROLE OF THE LAW IN MOSES MENDELSSOHN'S JEWISH PHILOSOPHY

## CHAPTER I

### MOSES MENDELSSOHN: JUDAISM AS LEGISLATION ONLY

The pre-17th century Jew who had deliberately segregated himself from the general community in dress, appearance and choice of residence, who had been perceived by his neighbours as observing a strange and somewhat awesome tradition, quite evidently did not arouse undue sympathy and his being deprived of civil rights was accepted as being in the nature of things. Hence when voices such as John Locke's and John Toland's began to be heard, claiming that the Jews may not be excluded from civil rights, it was indeed the heralding of the dawn of a new and revolutionary chapter in the history of European Jewry.[1] However, one needs not be overly hasty and take these proclamations out of their general and rather literary restricted context and construe them as presaging a new and more positive attitude to Judaism.[2] Nor is it to be interpreted as an attempt to atone and repent for Christianity's distorted view of the Jewish religion.[3] At the core of this attitude lay the attempt to remain true to a new ideology. For those who had embraced such concepts as 'universal rationalism,' 'universal human nature,' or 'universal law,' the extension of civil rights to all beings was obviously a matter of intellectual integrity

and ideological consistency. Evidently, in that particular intellectual climate, it became all the more important to present the universally scorned Jew as able and noble and deserving of equality of rights if only to validate the universalist theories.

Hence, the very appearance of Moses Mendelssohn on the stage of European philosophy was for the intellectual elite, one may say, a God sent opportunity. Here there was a concrete illustration of the new ideology: a Jew, the most alien of beings, a member of a separate and self-confessed ethnic community, who is capable of being a true European, an eminent philosopher and an integral part of German society. Evidently, Mendelssohn's warm reception by the German intellectuals is to be seen as a further attempt to strengthen the very foundations of Enlightenment rather than an expression of a new outlook on the Jewish people and its religion. This point is made even by Lessing, Mendelssohn's great friend, in his portrayal of Mendelssohn. Clearly, the emphasis is placed upon the possibility of a Jew being enlightened rather than upon his Jewishness. "He is really a Jew," Lessing writes, "a man of twenty and some years who without any guidance has achieved strength in languages, in mathematics, in philosophy and in poetry."[4] Presumably, the European intellectual elite accepted Mendelssohn as an exceptional Jew.[5] They did not, however alter their opinion of the Jewish people and the Jewish religion as a whole.

It seems that Mendelssohn's intentions were rather different. As a devout Jew who cherished his ties with his brethren, he would rather have been presented as a symbol of a different kind. Steadfast in his Jewish faith, he believed it to be wholly compatible with the ideas of Enlightenment. Thus, Mendelssohn's life and his intellectual work constitute a major effort to serve as a living example of a man who refutes the apparent contradiction between a person's Jewishness, on the one hand, and his being a full fledged citizen and member of the civic community as envisaged by the tenets of the Enlightenment, on the other hand. In this disparity between what he believed he represented and the way he was perceived lies the very essence of Mendelssohn's tragedy. Moreover, in a way, this gap also constitutes, if one may borrow an expression, the tragedy of Mendelssohn's philosophy.

It was apparently only in 1763, after many years of philosophic activity and rather close social ties with the Gentile community of Berlin, that Mendelssohn recognized his error. Only with the particular incident, commonly called "The Lavater Dispute," did Mendelssohn fully grasp that his liberal way of life, his social involvement, the treatises he had written, and more specifically, the fact that he had refrained from dealing with particular Jewish topics, had actually exposed him to the impression that here is a man of Jewish extraction who set little store by his Jewishness.[6] It is in this context that we ought

to see the rather covert but oft repeated attempt of German intellectuals to convert Mendelssohn to Christianity, and Lavater's public and clear opinion as expressed in his letter to Mendelssohn that "it were but God's will that you were a Christian."[7]

It is rather inconceivable that Mendelssohn could have previously been so innocent or so insensitive as to entirely not realize the pitfalls of his public stand. However, Lavater's public appeal had a shattering effect upon him.[8] Heartbroken and disillusioned he seems to have never recovered from this blow. For the first time he clearly realized that both sides had presumably been labouring under a serious misconception, and his protracted struggle to establish Judaism's rightful place within the framework of Enlightenment had turned out to be a rather limited success. It may have dawned upon him that the German public perceived him as symbolizing the self effacing Jew, ever ready to be so to safeguard his position in society.

Mendelssohn's position was further aggravated by the fact that Jewish society had adopted a rather ambivalent and at times downright hostile attitude towards him. There were of course a group of enlightened Jews who were willing to accept Mendelssohn as a model to be emulated, but to many among the orthodox community he was still quite suspect. Truly enough, the walls of the Jewish Ghetto had begun to crumble under the weight of new ideas, however, a fully

integrated Jew was still an unusual phenomenon.[9] Thus, we witness the spate of probably largely unfounded rumours that Mendelssohn no longer meticulously observed the Jewish law. Regardless of the probity or provenance of such evidence it goes to show to what extent he was suspect in the eyes of many in the orthodox Jewish community.[10]

Consequently, it would seem to us that Mendelssohn's work relating to Judaism was in essence a response to pressures from both within and without Jewish society. Having said that much, let us further assert that we do not intend to question his statement that he had been deeply involved in examining Judaism prior to the Lavater affair.[11] However, one may contend with a fair degree of certainty that these examinations would not have been made public had it not been for external pressures.[12]

Mendelssohn's marked reluctance to deal with Jewish philosophy is presumably traceable to a number of both overt and covert reasons. It seems obvious that any attempt to deal with Jewish matters would present a direct or at best an oblique challenge to Christianity, and Mendelssohn, although he had been accepted by the Christian elite, was rather apprehensive of the consequences.[13] Furthermore, since Mendelssohn perceived Judaism to be totally devoid of any missionary spirit -- as almost God given -- he considered it most undesirable to enter into a dispute with Christianity.[14] These considerations coupled with Mendelssohn's total lack of combativeness on the one hand, and his insistence

upon religious freedom on the other, probably account for his deliberately restricting himself to those truisms which he acknowledged as being "of equal importance to all religions."[15]

Mendelssohn's very treatment of Jewish philosophy was of course in the nature of a novelty; however, it did not indicate a change in basic approach. He persisted in his belief that the integration, both social and cultural, of the Jews in the general society is desirable and is in no way at odds with the basic tenets of the Jewish religion. This ideology being the aim, Mendelssohn had to reconcile Judaism with the concepts of rational, universal and natural religion -- the prevailing ideas of the day. Generally, these concepts were an outcome of the Enlightenment quest to achieve an interreligious community. The idea of a natural and rational religion founded upon the autonomy of reason, thus transcending the boundaries of any institutional religion, was at the core of the Enlightenment. And Mendelssohn, a devotee of the Enlightenment ideology, was keen to have his brethren the Jews embrace such a universal faith.[16] He did not, however, postulate that adherence to such a natural religion would axiomatically necessitate the abolition of Judaism. As we shall see, the two are not, to his mind, mutually exclusive, and the Jew can belong at the same time to both: he can adhere to the principles of natural religion and simultaneously devote himself to Judaism. Furthermore, as Mendelssohn was wont to argue: the preservation of Judaism is crucial to the spreading of the natural religion

since Judaism posesses that unique instrument which can keep the concepts of natural religion in their desired purity.

To attain this goal of reconciling Judaism with universal, natural religion Mendelssohn could have chosen either of two methodologies. He could have chosen an all inclusive methodology, that is, he could have constructed a complete and integral system of Judaism and then attempted to demonstrate that this system is in no way incompatible with the ideas of natural religion. He could have, on the other hand, used a reductionist methodology, namely, he could have presented a narrow picture of Judaism which can be placed next to (though by no means within) the natural religion of reason so as not to clash with it.

The most cursory of glances at Mendelssohn's style in his writings should suffice to show that he had chosen the latter methodology. "Judaism knows nothing of ....,"[17] Judaism "adds nothing to ... save ....,"[18] this is not Judaism ....,[19] are but random illustrations pointing to the fact that Mendelssohn set forth his view of Judaism in a negative and reductionist form. It would seem that his interest lies more in defining what Judaism is not than what Judaism is. Yet, his choice of the negative and reductionist methodology was probably an outcome of a gradual process of development accompanied perhaps by perplexity and painful hesitancy. It appears that with the early formulation of his outlook of Judaism Mendelssohn at least attempted to

impress upon his readers that he employs a more integral, all inclusive, method of reconciliation. In his early "Counterinquiry" to Bonnet's "Palingenesis" (1769) Mendelssohn defines "The religion of the Israelites"[20] -- to be sure, not explicitly Judaism -- within an integral framework of three basic categories "God, Providence and Legislation."[21] This pattern places the religion of the Israelites within the framework of two distinct domains: on the one hand God and providence, the speculative and theoretical thus universal principles, and on the other hand the law, the concrete and particular Jewish embodiment of the said principles.

Had this been Mendelssohn's interpretation of Judaism per se it would not have been sharply different from the normative Jewish view which may be conceived of as a combination of theoretical and practical concepts functioning in a cyclical fashion whereby theory inspires action and action in turn inspires theory. In the following I will attempt to demonstrate that this was not Mendelssohn's outlook of Judaism. However, even at this early point Mendelssohn cannot conceal the offshoots of his reductionist methodology. The theoretical principles, being rather vaguely defined by Mendelssohn, do not at all distinguish the particular Jewish scheme of God and providence.[22] On the contrary, this self same scheme was, even according to Mendelssohn himself, known to all people before they "have deviated from the simplicity of this [natural] religion."[23] It follows that the particular image of Judaism which cannot be encompassed by natural,

universal religion is expressed only in the third principle, the concrete, namely the law.

Two years later in 1771 in a letter to Elken Hertz, Mendelssohn seems once again to attempt to convince that his outlook of Judaism is integral in character. The Jewish religion, he claims, "rests on the foundations of reason," and it has "no doctrines contrary to reason."[24] However, having made this point that the difference between Judaism and natural religion is not that crucial, Mendelssohn seems to be stuck on the horns of a dilemma. On top of being a man of his time, a product and follower of the Enlightenment, Mendelssohn was a strict observer of the Jewish law and insisted upon the need to preserve Judaism. Yet it follows from his argument that Judaism will not be all that zealously preserved as it does not suggest any particular different system of religion worth maintaining.[25] Thus, to the universal elements which the Jew shares with the civilized community Mendelssohn adds the particular aspect which makes Judaism what it is. "We add nothing to natural religion," he writes, "save commandments and statutes."[26] It is precisely on this point that once again Mendelssohn's overall restrictive methodology surfaces: that which makes Judaism a particular religious system worth maintaining is merely an addition.

The final formulation of Mendelssohn's reductionist methodology is fully displayed only some twelve years later in his Jerusalem. Here Mendelssohn, as I shall attempt to demonstrate, does not only forcefully diagnose the theoretical

and universal religious principles, but categorically -- and this time explicitly -- removes them from within the realm of Judaism. Mendelssohn, I hope to prove, will not assign any theoretical truths as pertaining to the domain of the Jewish religion. In his mind these are all exclusive possessions of the universal natural religion, they all belong to human reason and can be discovered, explained and verified by human faculties only. Thus, all that Mendelssohn leaves for Judaism is its practical category, its commandments, precepts and ordinances, i.e., its divinely ordained law which only as such (to be sure, not as a rational derivative) must be strictly and meticulously observed.

In Jerusalem Mendelssohn arrives at the above method in a gradual way, and this gradualness of treatment may lend itself to erroneous interpretation of his thesis. In his first, and which later came to be recognized as his essential statement of Judaism, Mendelssohn says the following:

> I believe Judaism knows nothing of a revealed religion in the sense in which Christianity defines this term. The Israelites possess a divine legislation -- law, commandments, statutes, rules of conduct ...., but not dogmas ....[27]

The assumption that the above is Mendelssohn's fundamental statement of Judaism, or that it is at all a statement of Judaism, might constitute the basis for great error. It might be inferred that only religious truths in the Christian sense of the notion, by virtue of their being irrational in Mendelssohn's eyes, are removed by him from within the content

of Judaism. But when it comes to rational theoretical truths, it might be further claimed, Mendelssohn would accept them as part and parcel of Judaism. To be sure, the above is not a statement of Judaism, and even less so a fundamental one. All that it is, is a statement of Judaism versus Christianity. In the following which is indeed Mendelssohn's most clear-cut and revealing statement of Judaism, he will deprive it of all speculative religious doctrines including those which stand in perfect harmony with reason.

> Ein anderes ist geoffenbarte Religion: ein anderes geoffenbarte Gesetzgebung. Die Stimme, die sich an jenem grossen Tage, auf Sinai hören liess, rief nicht: "Ich bin der Ewige, dein Gott! Das notwendige, selbständige Wesen, das allmächtig ist und allwissend, das denMenschen in einen zukünftigen Leben vergilt, nach ihrem Tum." Dieses ist allgemeinene Menschen-religion, nicht Judentum.[28]

The distinction between Judaism and universal, natural religion is clear and no longer open to interpretation: theoretical doctrines are not a property of Judaism nor are they a common property of Judaism and natural religion. They are an exclusive property of Allgemeine Menschenreligion.

The above quoted statement seems to have been ignored by those who suggest that Mendelssohn was not entirely averse to the belief that Judaism might represent an all embracing religious system, constituted upon the three tenets: God, providence and legislation. Alexander Altmann, however, presumably recognized the problem which this statement poses to such an interpretation. Having claimed that Mendelssohn defines Judaism within the triple framework of "God, Providence

and Law,"[29] he seems unable to understand a statement in which the two major attributes of God, His omnipotence and omniscience, are obviously omitted from the Jewish religion. And lest I seem ungrateful or irreverent, let me grant that Altmann's contribution at this point lies in toto in adding the word "specifically," in brackets of course, to Mendelssohn's statement. "This is universal religion," Altmann cites Mendelssohn, "not [specifically] Judaism."[30] This, in my opinion, is an attempt to bypass or totally dismiss the most crucial problem in the understanding of Mendelssohn's Jewish philosophy, that is, the question whether he really reduces Judaism to law only.

Although the interpretation that Mendelssohn does define Judaism as a combination of both theoretical doctrines and a prescription for action is, in my opinion, erroneous, it is still apparently grounded in Mendelssohn's writings. In three different places it might appear as if he presents Judaism as an integral religious system. The most explicit one is that which I mentioned above.[31] The tenets of God, providence and legislation seem there to be combined and integrated by Mendelssohn in his presentation of Judaism. Is it therefore only an inconsistency, or perhaps an inner contradiction in Mendelssohn when in one and the same breath he claims that Judaism both lacks and possesses theoretical doctrines? This indeed calls for further elaboration.

Unquestionably, the above mentioned statement, in which it might appear as if Mendelssohn defines Judaism as

consisting of God, providence and law, is borrowed by him from the philosophy of Josef Albo. This fact was already noticed by Alexander Altmann;[32] it can also be noted in Mendelssohn's hints to this effect; and finally it can be demonstrated by comparing Albo's and Mendelssohn's arguments. Mendelssohn, as previously mentioned, speaks about "God, providence and legislation," Albo for his part speaks about "the existence of God, revelation of the Torah and reward and punishment."[33] Two things must be emphasized here with respect to Albo's statement. First, this is not Albo's definition of Judaism per se but of the common principles upon which a divine religion in general must rest.[34] Second, Albo's entire argument in this connection is permeated by the claim that one who acknowledges these three principles should not be regarded as a heretic from the Jewish point of view.[35]

That Mendelssohn was deeply concerned lest his philosophy of Judaism might bring upon him the accusation that he is a heretic is abundantly clear both from reading his biography and from his statements to such an effect in Jerusalem.[36] This I will discuss later in some detail. For the time being I will only cite Mendelssohn's statement which demonstrates that he employs Albo's philosophy in order to defend himself from being possibly declared as a heretic because of his religious views. "No one, to the best of my knowledge," he asserts, "accused Albo of being a heretic because he attempted to reduce their number [i.e., the

number of religious principles] and to base them on more universal rational principles."[37] Indeed, Mendelssohn agrees that every universal rational religion must rest upon an all inclusive basis and must contain theoretical rational principles. Therefore, Albo lives on in Jewish annals as a true believing Jew, and in keeping with that Mendelssohn sought to retain the same recognition. As for Judaism per se, as far as I know, in no place does Mendelssohn explicitly state that it consists of more than laws. He does indeed speak about "The religion of the Israelites" that "encompasses. ... three principles,"[38] he does discuss "ancient Judaism" which "consisted [clearly, in the past tense] of doctrines and laws,"[39] and he also summarizes the viewpoint of "Judentum der vorigen Zeit" from an all inclusive point of view, emphasizing that this Judaism is according to the "Absicht des Stifters."[40] However, no statement indicates that Judaism, in the absolute sense, contains more than laws.

The "founder" to whom Mendelssohn refers above is of course none other than Moses who, as one might expect, is also the one referred to by Albo when he bases all divine religions upon the three principles: "These three [principles] embrace all the principles of the various divine laws, such as the law of Adam, the law of Noah, the law of Abraham, the law of Moses, and any other divine law."[41] And indeed, Mendelssohn affirms that Moses discovered "religious doctrines and tenets of eternal truth about God, His world, His providence."[42] But these theoretical truths, Mendelssohn immediately

declares, have not been revealed to Moses in virtue of his being a Jew but in virtue of his being a rational human being. More precisely, it is not Judaism which disclosed to Moses religious truth, it is the allgemeine Menschenreligion. Consequently, the manner in which the "founder" of Judaism comprehended the religious theoretical doctrines is described by Mendelssohn as part of the general system by which such doctrines are attained. Accordingly, Moses discovered theoretical doctrines when

> The supreme Being has revealed them to all rational creatures through concepts and events inscribed on their souls with a script that is legible and intelligible at all times and in all places.[43]

Unmistakably, to Mendelssohn Judaism is nothing but a law and includes no "religious doctrines and tenets which are necessary for man's salvation."[44] Only Judaism combined with the universal, rational, that is, natural religion embraces all three motifs needed for the Jew in order to attain salvation.[45]

Having reduced Judaism to law only, Mendelssohn can hardly assume that his system will be sympathetically approached by his readers. Clearly, he is fully aware that those people, "who have spoken of Judaism as if it were ... revelation of those religious doctrines and tenets which are necessary for man's salvation," would find his narrow definition of Judaism "shocking and hard to accept."[46] Yet, he is fully convinced that there is no contradiction at all between his thinking and that of traditional Judaism. In

clearly appears that Mendelssohn had but little doubt that the Bible is in full agreement with his view. "The divine book," he declares, "is essentially a book of laws, containing ordinances, rules of conduct, and prescriptions."[47] Of course, he cannot but resign to the fact that the Bible "also includes ... an inexhaustible treasure of rational truths and religious precepts."[48] But these are not coercive and not automatically mandatory. At most, the speculative doctrines are an attempt to guide, to stimulate man's quest for the truth. Thus, the Jew may accept them only after being convinced by virtue of his own reason.

> But all these excellent notions address themselves not to our ability to believe but to our capacity to understand and reflect. Among the precepts and ordinances of the Mosaic law, there is none saying "You shall believe" or "You shall not believe." All say, "You shall do" or "You shall not do." You are not commanded to believe, for faith accepts no commands: it accepts only what comes to it by reason.[49]

It seems that Mendelssohn has no difficulty with the Bible and perhaps that is why he uses it so widely. That is not the case with Jewish philosophy of the Middle Ages. Here Mendelssohn has great difficulty primarily because of Maimonides' formula of Jewish dogma as reflected in his Thirteen Principles of Faith. After all, Maimonides cannot be cavalierly dismissed with Mendelssohn's assertion that books of dogma are in fact rare in Jewish religious literature.[50] Thus Mendelssohn's unconcealed sarcasm: "The only result which Maimonides' eforts has produced was the hymn

Yigdal."[51] Evidently, Judaism does not set much store by such deeds, witness, as previously mentioned, Albo who further reduced Maimonides' said principles.[52] It follows then that neither Maimonides' nor Albo's acts were of great concern to Jewish religion since Albo was never "accused of being a heretic because he attempted to reduce their number."[53] At this point we might be able to deduce another analogy, though an implicit one, which Mendelssohn draws between his own Jewish philosophy and that of Josef Albo: since Albo's attempt to reduce the number of Maimonides' speculative principles to three only, was not considered an act of heresy, then neither should his own attempt to remove such principles altogether be considered as such.

Needless to say, Mendelssohn differs from Maimonides not only with regard to the issue of principles of faith but in his overall methodology and outlook. Whereas Maimonides, according to Mendelssohn's own admission places Judaism upon a broad and comprehensive system "from which everything could be deduced ....,"[54] Mendelssohn himself perceives it in a narrow reduced dimension.

Up to this point I have attempted to establish Mendelssohn's methodology and with that the basic premise of his Jewish thinking. Mendelssohn, as demonstrated, employs a reductionist methodology with which he dminishes Judaism to a law -- to a way of life ordained by God. Judaism is not, in Mendelssohn's eyes, a system of theoretical doctrines

either rational or irrational. Those are recognized by him as the common property of all men who adhere to universal, rational thus natural religion. The Jews indeed are not denied by Mendelssohn's theoretical truths which are indispensable for human salvation and felicity. However, the Jews may attain them not by any exclusive means provided by their particular religion, but by means of free rational and logical deduction. Having established Mendelssohn's methodology, I will continue employing it in order to analyze his interpretation of the various details of Juddism and of the Jewish law in particular.

The reduction of Judaism to law only obviously implies a narrow and one dimensional outlook of the concept of revelation particular to it. More specifically, Mendelssohn's reduction of the content of Judaism to law only must be followed by a parallel reduction of the content of the Sinaic revelation. This however is not to imply that Mendelssohn sets only little importance on the historical phenomenon of the Jewish revelation. On the contrary, revelation in Sinai is to him the "great day," the day of the "sound of thunder and the blast of trumpets,"[55] in which Judaism attained its essence. However, at this point again one can witness an evolution in the style of Mendelssohn's presentation of Judaism. In his early "Counterinquiry" to Bonnet's "Palingenesis" Mendelssohn tends to underrate the Jewish religion and to argue that there is no crucial difference between the Jews and all other people. Consequently,

revelation on Mount Sinai is presented as follows:

> He gave revelation to the Israelites not because human beings, as such, could not be saved without revelation but because it was His intent to bestow some particular grace upon particular people.[56]

Thus, a specific act of revelation was not an essential need for Israel just as it is not indispensable to any other people.

While the negative style permeates Mendelssohn's early presentation of the Jewish specific revelation, in Jerusalem it is essentially positive in character. Here the Biblical account of revelation is presented as follows:

> I am the Lord, your God, who made a convenant with your fathers ... and who swore unto them to raise a people from their seed unto myself. The time for fulfillment of this promise has finally come .... I am your Redeemer, your Sovereign and King. I make a covenant with you and give you laws.[57]

Unquestionably, there is a marked shift of emphasis in Mendelssohn's presentation of the event on Mount Sinai -- no longer does he use a vague and apologetic language underplaying the value of the Jewish particular revelation; now the event on Mount Sinai is a crucial juncture in the history of the Jewish people. Yet, in spite of the shift of style and emphasis, the basic argument is still sustained. Mendelssohn still insists that laws and not speculative religious principles were revealed at the supernatural revelation received by the Israelites, and thus the Jewish particular revelation does by no means impinge upon the realm of universal, rational and natural religion. Furthermore, he still maintains that

the natural and rational human faculties are sufficient for man in order to discover all theoretical doctrines needed for attaining salvation. Man therefore stands in no need of any specific and extraordinary revelation.[58]

Having reduced revelation on Mount Sinai to legislation only, Mendelssohn paves the way for the affirmation of still another revelation, that in which the speculative truths are being revealed. Obviously, no revelation which belongs exclusively to one nation only, to one place only and to one generation only, can possibly be the source of those doctrinal truths indispensable for human salvation. Thus, the conceptual ideas concerning God's existence -- His goodness, His omnipotence and omniscience -- are of necessity universal in character and must, by definition, be constantly revealed in a manner attainable to all men in all places at all times by the exercise of unaided reason.[59]

By affirming the natural ongoing revelation Mendelssohn joins the general tendency in modern religious philosophy to reformulate the traditional view of revelation. Revelation is no longer regarded a specific and mysterious phenomenon in which some truths, unattainable by human reason, are divinely ordained. In conformity with the new optimistic approach to man, revelation is defined as an eternal process wherein the truths necessary for human happiness are disclosed to man through his intellectual faculties. Mendelssohn, a devotee of Enlightenment ideology, cannot but subscribe to such a concept of revelation. But as a believing Jew he cannot neglect

the Jewish exclusive one. His solution to the problem is to place one next to the other. Reducing the concept of the Sinaic revelation to mere legislation, he is able again to place both the basic notion of Enlightenment and that of traditional Judaism side by side.

However, in Mendelssohn's system the value of the on-going and rational revelation, the domain of natural religion, clearly overshadows the value of the Sinaic revelation which is only a source of practical observances and is devoid of any speculative doctrines indispensable for human salvation. Of course, at this point one cannot but be tempted to question why, in Mendelssohn's mind, a special revelation was at all necessary to the Jews if the essential tenets of knowledge are in fact attainable by means of unassisted reason through the natural revelation. Mendelssohn, to be sure, fails to adequately address this problem. In the following, as we shall see, he will argue that only the practice of divine commandments is an adequate method to safeguard the purity of the theoretical doctrines. But then, if practice of divine laws is so valuable, why was it confirmed only upon a single group and not upon the whole of humanity? Moreover, why did God find it necessary to select this particular group of men and not another? All that Mendelssohn has to say in this connection is that is was "some particular grace ...." which God bestowed upon the Israelites, or that it was for "quite specific reasons ...."[60] that He revealed commandments to them. But in no place does Mendelssohn seem to be willing to disclose what this reason

actually was.

Mendelssohn's method of differentiating between two types of revelation and restricting the content of the Jewish particular revelation to "revealed legislation" only reflects his manner of reconciling Judaism with universalism. It is also argued that the self same method serves Mendelssohn in reconciling Judaism with still another ideology to which he was devoted, that is, the teachings of deism. More specifically, it has been frequently suggested that Mendelssohn was primarily a deist and only secondarily a Jew.[61] In this context Heinrich Graetz is not the most severe critic of Mendelssohn when stating that Mendelssohn is "rejoicing in his thought that the essentials of Judaism were in perfect harmony with deistic philosophy."[62] To be sure, there is much injustice in this claim. Mendelssohn's attitude to religion, his description of God as not only creator of the world but also as sustainer of His creation, as omnipotent in power and omniscient in wisdom and ever present in man's life, is sufficient for excluding his philosophy from the specific realm of standard deism. Nevertheless, Mendelssohn, as it was argued by many of his critics was profoundly influenced by Spinoza's thinking and adopted some of the deistic notions.[63] Here again, the dualistic concept of revelation whereby the Jewish one is totally distinct from the universal is inevitable for Mendelssohn in order to retain the two worlds -- traditional Judaism, to which he was devoted and those deistic ideas, which he selected as valid.

"Judaism," Mendelssohn states in his first statement of revelation in Jerusalem, "knows nothing of a revealed religion in the sense in which Christianity defines this term."[64] The fact that Mendelssohn finds it necessary to open his discussion of the Jewish revelation with a rejection of the Christian approach, obviously reveals still another reason for his great insistence upon laws as the only possible product of revelation on Mount Sinai. Unmistakably, the reduction of the concept of the Jewish revelation to law only, marks Mendelssohn's unequivocal denunciation of any attempt at equating Judaism with Christianity. Had Mendelssohn stressed the idea that the intrinsic value of Judaism lies in its revealed articles of faith, he would have reduced Judaism to the state of Christianity -- the religion which in his mind stands in total contradiction to universal religion of reason, thus to the sanguine temper of Enlightenment.[65] Consequently, Mendelssohn does not hesitate to take issue with the Christian view which insists upon revelation as a proclamation of dogmatic truths. With unconcealed sarcasm he stresses that Christian theology assumes that God in His kindness condescended to disclose to man the truths upon which his happiness rests, yet, either lacking omnipotence or benevolence He did not grant man the capacity to discover these truths for himself.[66]

In summing up, we may say that Mendelssohn's overall reductionist methodology is most vividly manifest in his interpretation of the Jewish concept of revelation. In

consistency with this methodology he narrows the meaning of revelation in Sinai to nothing more than a message embodying the practical and daily rules of conduct. Consequently, the Sinaic revelation is devoid of any cosmic idea content and also fails to reveal any knowledge concerning the attributes of God. Man, claims Mendelssohn, stands in no need of a specific and supernatural revelation in order to attain cosmic truths since those are realizable to anyone possessing natural insight.[67] As for God's attributes -- these too were not revealed to the people of Israel through the specific episode on Mount Sinai. In fact, Mendelssohn argues, the people of Israel, being no different from any other people, had to constantly prepare themselves through study and observation throughout "many days of preparation ...."[68] that had preceded the actual act of supernatural revelation. Only then, when by means of natural intellect, that is, by means of natural revelation, the people were made able to grasp the attributes of God, the supernatural revelation occurred and the commandments revealed.

It is almost axiomatic to assume that the Jewish law has essentially an ethical character. Despite the fact that this character of the law was interpreted differently at different periods of Jewish thought, it was generally agreed that the connection between the realm of ethics and the world of the Jewish law is no less than intimate. But even this connection is not taken for granted by Mendelssohn. In keeping with his overall attitude to Judaism, he goes on to make

ethics subject to his reductionist methodology. This aspect of Mendelssohn's Jewish philosophy will be dealt with extensively in the concluding section of this study. At this point, for the purpose of developing the present argument I shall deal with only one strand of Mendelssohn's attitude to the role of ethics in Jewish law.

As demonstrated, for Mendelssohn the speculative thus universal character of a principle is a sufficient reason to dislocate it from the particular Jewish context and to put it at the disposal of universal, natural religion. Ethics, being a speculative principle, is indeed subject to such a method -- it is removed by Mendelssohn from the domain of the Jewish law and located within the category of natural law.[69] But still, there is another way for Mendelssohn to point out the lack of particular ethical teaching in the Jewish law. Because of its very definition, says Mendelssohn, ethics relies on internal conviction of man which motivates him to do good.[70] Consequently, the determination of an ethical act cannot be done according to the final practical result of the deed but by the initial intention of the doer. True, Mendelssohn does not separate inner intention from the general religious domain. "Religious deeds without ... conviction" he emphasizes "are empty mechanical notions."[71] This hypothesis, however, does not lead Mendelssohn to include ethics among the categories of Judaism. As we have seen, to him, Judaism is not a religion in the ordinary sense, but a law. Thus, Judaism transgresses the boundaries of religion

which is essentially an expression of conviction "of the truth of principles and values ..."[72] and relies on "enforcement by means of punishment."[73] With that, mandatory laws in general and the law of Judaism in particular are in fact automatically excluded from the realm of ethics, and Judaism is further stripped -- this time from its ethical content."[74]

Of necessity, Mendelssohn's reductionist methodology will ineluctably turn into a severe, rigid, well-nigh "fanatic" attitude. Having restricted the essence of Judaism to law only, and having removed from the latter its ethical marrow, there remains but little room for intellectual manoeuvre or for any display of "excessive" liberalism.

As indicated, in the act of removing all principles of reason from within the Jewish religion, Mendelssohn intends to remove the major obstacle on his road towards bringing Judaism into harmony with the spirit of his time, which so optimistically trusted human reason and so zealously defended and promoted man's right of free speculation. However, not always can the intellectual liberality which Mendelssohn allows all men be that easily extended by him also to the Jews. Whereas all laws, being a function of human intellect, are subject to intellectual elaboration and thus to change and modification, this is not the case with the law which governs and determines the Jews' life. Since the law of Judaism is not a domain of human intellect it may hardly become a medium of the Jews' intellectual activity. Naturally, at this juncture Mendelssohn seems to be quite perplexed. True to

the spirit of his days and consistent with his overall philosophical outlook he cannot but permit theological investigation. Consequently, he accepts the notion that reflection upon the law is permissible and that the Jew may "search for its meaning."[75] Furthermore, he even concedes that some laws can only be meaningful in terms of a "particular time, place and set of circumstances."[76] But this reflection, Mendelssohn warns, must be subject to strict limitations and deep religious humbleness. "Who can say," he asks rather rhetorically, "I have entered God's sanctuary; I have comprehended the system of His intentions."[77] Torn between his faith in human reason and his deep commitment to the unconditional observance of the Jewish law, Mendelssohn cannot but disconnect the two and finally emasculate reason. "I may make conjectures," he writes, "but not decide and act according to them."[78] Ironically, the great Jewish representative of Enlightenment liberalism addresses his own religion (i.e., the Jewish law) as follows:

> The laws of Moses are strictly binding upon us as long as God does not revoke them explicitly and with the same public solemnity with which He has given them .... Human laws can be changed by men in response to changing times and circumstances. But divine laws remain unalterable until we can be utterly sure that God himself announced a change.[79]

In short, Mendelssohn's strictness and severeness in matters of the observance of law knows no limits. He permits no human interference of any sort even in those cases where he himself is convinced that the law needs to be changed and modified. "No sophistry of ours," he states can free us

from ... strict obedience."[80] This attitude is apparently not due only to Mendelssohn's philosophical conviction but is also a result of his fear of the practical consequences of his own excessive liberalism. It seems that the intoxicating sense of religious liberalism which no doubt gladdened Mendelssohn's general liberal propensity, did however arouse grave anxiety in his soul. He probably realized well enough the undermining effect it might have upon the future observance of the law which in his mind is the only legitimate property of Judaism. Thus, realizing the strictness and rigidity of his method, Mendelssohn calls upon the Jew to "shoulder his burden ..."[81] and to tread the narrow path "with patience, in submission ... and without sidestepping an inch."[82]

## CHAPTER II

### MENDELSSOHN: REASONS OF THE COMMANDMENTS

The search for the "reasons of the commandments" might be traceable to many tendencies. It might be an expression of an internal basic intellectual need for a rational explanation of the laws, or it might be a manifestation of the desire to present to the non-Jews the Jewish law as aimed at producing a people of great virtue. Yet, for most of the Jewish scholars the search for the reasons of the commandments springs from the desire to enhance religious obedience of the laws by investing them with intrinsic meaning while discovering their rational purpose. On this point, however, the attitudes are quite debatable. Along with the great many scholars who invested in great efforts in order to formulate a comprehensive system of "reasons of the commandments", we witness for example R. Simon Bar Yohai who basically opposed this field of inquiry. According to him, the Ta-ammi Torah are not revealed in the Bible and should not be revealed afterwards. Furthermore, he claims, the yoke of the law is to be cherished without probing its reasons.[1]

It appears that for Moses Mendelssohn this problem simply does not exist. Being essentially the scholar of Enlightenment

he could not but examine his religion and only then decide upon his action. In his letter to Lavater he confesses:

> My study of the foundations of my religion does not date from yesterday. Very early in my life I had become aware of the need to examine my views and my actions. If my decision ... had not been entirely in favour ..., I would certainly have found it necessary to make my conviction known to all.[2]

Mendelssohn here relates to the study of Judaism in general, however, having restricted the essence of the Jewish religion to the observance of the commandments, he would not have been content with a general conceptual examination, but had, of necessity, dealt with the particular field of inquiry -- the search for the "reasons of the commandments."

But not only for himself does Mendelssohn open the field of inquiry on the law. The same liberalism which he allows himself is also extended to others. In fact, Mendelssohn enjoins every Jew "to form conjectures and to draw conclusions."[3] In this matter however, Mendelssohn's liberalism must not be taken too literally. As indicated in the opening chapter, along with his repeated and enthusiastic encouragement there are concomitant serious qualifications. The inquirer, warns Mendelssohn, must not translate his findings into language of practical conclusions. If findings are at odds with the law itself, they will not transgress the realm of thought and will not be implemented. "The humble inquirer," Mendelssohn writes, "is ... permitted to form conjectures ..., as long as he remains mindful of the fact that he may do nothing but form conjectures."[4]

Mendelssohn's insistence upon the separation between speculation and practice was obviously an immediate response to concrete instances demonstrating the "perniciousness" of unrestricted inquiry. Seemingly, the dilemma of reconciling religion with the spirit of Enlightenment had not always been resolved in favour of the former. Many a learned Jew attempting this intellectual feat began to doubt and eventually abandon the law because the task had proved beyond him.[5] It must have been quite clear to Mendelssohn that not all ceremonial practices could be explained away as logical propositions. Hence the cautionary note: "Their value lies in their practice, not in understanding their original purpose."[6]

But not only objective observation motivated Mendelssohn to draw a heavy line between intellectual investigation and practical observance of the law. His personal experience must have convinced him to tread warily in the inquiry for the rational purpose of the law. Seemingly, in the process of his inquiry he himself has been led to rather dangerous conclusions. Even in his letter to Lavater, he cannot but confess that he found "certain ... excesses and abuses."[7] Thus Mendelssohn -- the person reflecting the spirit of both Judaism and Enlightenment -- must for himself as well as for other Jews bridle at the destructive potential of unrestricted inquiry of the reasons of the commandments:

> No sophistry of ours can free us from strict obedience we owe to it. Reverence for God must draw a line between speculation and observance, beyond which no conscientious person may go.[8]

For Mendelssohn, the essential purpose of the law of Judaism is to convey a message concerning the true attributes of God. These as indicated, are attainable to man by means of pure reason. However, their preservation in an uncontaminated form requires a particular device. Towards this end, Mendelssohn investigates the development of the written word in order to flatly reject the notion that religious doctrines can successfully be handed down from one generation to another in a written form. To his mind, the true notions of God can be preserved and saved from perdition only through actual practice. Mendelssohn believes that all ancient people had originally a true concept of God's attributes which was eventually distorted by means of the written communication.[9] This way, claims Mendelssohn, idolatry was introduced into the world. The ancient Israelites, on the other hand, being determined to hand down "a pure religious concept free of idolatry ...," foresaw the danger and transferred their message "through ... laws of conduct" about which "there is nothing permanent and enduring."[10]

With that Mendelssohn explains the great comprehensiveness of the Oral Law and its indispensable role in Judaism. Since laws are instructions for human life and cannot be preserved intact till the end of time in their original form, they must be explained and clarified. On this point Judaism remained on the alert ever ready to repel the danger of idolatry. Therefore:

> It was an unwritten law, the oral tradition, the living instruction from person to person and from mouth to mouth that were to explain, enlarge, limit or define clearly.[11]

Consequently, it seems obvious that the decision to write down the Oral Law was not to Mendelssohn's liking. Though he does quote the traditional rationalization "It is time when for the sake of the Lord the law must be destroyed,"[12] he immediately asserts his firm belief that such an act "was not in harmony with the original intent."[13] Therein perhaps lies the root of Mendelssohn's ambivalent attitude to the Mishnah. Though he is willing to accept the Mishnah as the final authority, one cannot doubt that in the final analysis he would have much preferred an unwritten, simple and less artful interpretation.[14]

As previously indicated, for Mendelssohn the essential message transmitted by the Jewish law concerns the "wholesome and undoubted ideas of God and His attributes."[15] In fact, the very observance of the law compels man to perceive the true essence of God. On this point there is an apparent contradiction that Mendelssohn must resolve. Having previously claimed that Judaism is entirely free from dogma he can hardly argue now that the observer of the law is provided with clear-cut ideas concerning God. It seems that Mendelssohn was not unaware of the possible pitfalls of his argument, and indeed trod very warily in the expansion of this thesis. He repeatedly emphasizes that the practice of the law is to be conceived as a process conducive to the stimulation of

thinking rather than dogmatic preaching:

> Each of these prescribed acts, each rite, each ceremony ... provides an incentive for a man in search of truth to reflect about these sacred matters or to seek instructions from a man of wisdom.[16]

Consequently, laws and theoretical truths remain two distinct categories in Mendelssohn's system each belonging to a different realm. Thus, the practice of the Jewish law does in no way impinge upon man's freedom of thought.

Having claimed that the observance of the law is conducive to a deeper and more accurate perception of God's essence, Mendelssohn is still faced with the dilemma of explaining away the rather anomalous fact that a message of obvious universal value had been entrusted to a rather small community of nomads wandering in the Sinai Desert. It was obviously inconceivable for Mendelssohn to claim that the true purport of divine revelation had been to restrict the practice of the law to this small band of nomads, unless it be that they might become the standard bearers of God's message so that it might ultimately come "to the attention of all mankind."[17] Mendelssohn obviously assumes that this mission will bear fruit and describes its accomplishment in classical terms of Biblical messianism. "Ultimately," he writes, "there will be one shepherd and one flock and ... the knowledge of the true God will cover the earth as water covers the sea."[18]

The Messiah, according to Mendelssohn, will witness the abolition of the Jewish laws; indeed, their very raison d'être will have disappeared with their task accomplished.[19]

But not only the law will no longer prevail, the whole preservation of the Jewish nation as a separate entity will no longer be necessary. However, as long as Judaism is the only pure theism, thus Mendelssohn, the role of the law which saves Jews from deterioration is still meaningful. This reason for the commandments was mentioned by Mendelssohn only three years before his death. In a letter to Hertz Homberg he writes:

> Their necessity as a unifying bond of our people has not been lost. And this unifying bond will, I believe, have to be preserved in the plans of Providence as long as polytheism, anthropomorphism, and religious usurpation are rampant in the world.[20]

Mendelssohn does not specify as to how this mission is to be accomplished. Is it the mere passive existence of the Jews among the nations and their serving as a living example? Or, is it an active role which the Jewish people must take upon itself? Mendelssohn's insistence upon the spirit of tolerance and upon the non-missionary character of the Jewish religion certainly points to one direction. On the other hand, Mendelssohn's oft repeated emphasis of the fact that the ancient Christians scrupulously observed the law, does perhaps point to a different direction.[21]

Mendelssohn fully recognizes the fact that the Jewish law, in most respects, served, first of all, as the civic and national constitution of the Jewish people inhabiting a specific territorial environment.[22] However, the very attempt to explain the rationale of the law in civic terms would not only lay Mendelssohn open to serious perils, but would also expose him to glaring contradictions. Evidently,

one cannot easily reconcile Mendelssohn's claim that the Jewish religious law is essentially civic in character with his own central argument in the first chapter in Jerusalem insisting upon the need of total separation of religion and state.[23] Furthermore, having claimed that most of the laws are religiously ceremonial in character, Mendelssohn would obviously be in difficulty in attempting to reconcile the ceremonial and constitutional aspects of the self same law.

In one of his central arguments Mendelssohn lays the foundations for resolving the above apparent contradictions: "State and religion in this original constitution were not united but identical, not joined together but one and the same."[24] Thus, it seems obvious to Mendelssohn that the conflicts arising out of an artificial union between state and religion could not have occurred in ancient Israel. In an entity which by its very definition is both religious and political, where religion and civic laws are in fact synonymous, it is clear that "man's relation to society and his relation to God ... could never come into tension."[25]

The above thesis is drawn by Mendelssohn from two fundamental tenets of his religious philosophy. First, that the Jewish law is wholly God given. Second, that the lawgiver is omnipotent in power and therefore He has no wants. Now, these two axioms lead to the third:

> He demands nothing of the people except what will serve their own good and promote the state's well being, just as the state, for its part, could not demand anything that was contrary to the duties toward God or that had not indeed been commanded by God.[26]

Consequently, Mendelssohn sees no essential difference between social and ritual laws. Since neither social laws nor ceremonial laws are intended to serve God's wants but only to promote the state's well being, one cannot artificially separate laws of ritual from state laws. It follows that "every act of civic service becomes at the same time an act of divine worship."[27] For example, Mendelssohn declares, "public taxes" were in fact also "offerings to God," and "officers of law enforcement" were simultaneously the people who "stood in the service of God."[28]

Up to this point Mendelssohn depicts the Jewish religious laws as standing in perfect harmony with the laws of the state mainly by demonstrating that those law which at first sight appear to be constitutional in nature are in fact also religious character. From here on he moves to establish the truth of his formula from the opposite direction, namely, to argue that the apparently pure religious laws also served as civic and state regulations. This apparent methodological switch, the switch of emphasis upon religious laws serving civic purposes, is best illustrated in Mendelssohn's treatment of the penal code. "He whoever desecrated the Sabbath," Mendelssohn writes, "willfully nullified ... a fundamental law of civic society."[29]

It is obviously essential for Mendelssohn to adopt this reversed methodology. Having previously assumed that the religious establishment must be deprived of penalizing authority the desecrator of the Sabbath must be regarded as one who

is punished for the violation of a civil norm rather than of a religious one.[30] Thus, Mendelssohn is at least methodologically consistent in his insistence upon the need to deprive the right of the church to inflict punishments. Whereas the religious establishment, Mendelssohn argues, punishes for "unbelief," and acts obviously at odds with the basic Enlightenment ideas, the Jewish law restricts its punitive power only to civic aspects -- to "misdeeds ... against the state."[31]

Nevertheless, it would appear that the punitive authority of the Jewish law is not totally to Mendelssohn's liking. Faithful to his basic claim regarding the stimulative nature of the law, he would certainly have preferred less enforcement of the Jewish legal system. Thus, apart from justifying the punitive power by virtue of its civic necessity, he repeatedly and comprehensively insists upon the spirit of liberalism, tolerance and conciliation which the Jewish punitive system reveals:

> Consider how lenient the punishment for even ... capital offenses was, how extraordinarily tolerant of human weakness! ... Indeed, as our rabbis say, any court which is empowered to deal with capital offenses and is concerned for its reputation must see to it that in a period of seventy years no more than one person ever be sentenced to death.[32]

As previously indicated, Mendelssohn's attempt to interpret the law in civic terms is designed so as not to conflict with his basic premise in that religion should be deprived of its punitive power. Unmistakably, his statement in this context is essentially directed towards the Christian

Church. However, Mendelssohn's argument is obviously also intended to cope with criticism and attacks coming from the offended Jewish establishment. "I have abrogated Judaism by my argument against church rights,"[33] thus Mendelssohn's own testimony to the claim of his Jewish opponents. Having made a clear distinction between punishments for "unbelief" and the penalizing of "misdeeds against the state,"[34] Mendelssohn can rightly profess that these accusations are "far from truth."[35]

The very treatment of the "reasons of the commandments" in civic terms suggests that their observance is linked with a particular political and territorial entity and environment. However, Mendelssohn makes every effort to dispel the impression of automatic stipulation which might prevent Jews from taking the well-trod path of Judaism. Wholly in line with the traditional concept he accepts the temporary cancellation of those particular laws associated with land ownership and Temple service, but leaves no doubt in one's mind that the exile from the land and the destruction of the Temple do not absolve the people from the law. Consequently, "Commandments, duties imposed upon every son of Israel which are unrelated to Temple service and land ownership ... must ... be strictly observed according to the word of the law."[36]

Mendelssohn's arguments concerning the constitutional aspects of the Jewish law are naturally presented in the past tense, and the emphasis is continuously put upon their relationship to a concrete past historical period. Here one

is tempted to speculate on the motivation of Mendelssohn in so closely associating the laws with their political functions. Was it indeed a purely intellectual conclusion, or was he perhaps desirous of the possibility that the observance of the law would at least preserve the option of a Jewish political revival? More exactly, the issue now is whether Mendelssohn includes a future national rebirth among the reasons which he assigns to the law.

To be sure, Mendelssohn's writing in Jerusalem shows no trace of such a national hope, and the preservation of a political option is not included among the rationales which he assigns to the law. In a late stage of his life he indeed mentions the value of the law "as a unifying bond of our people ..."[37] but this reason for the law is not explicitly connected to the possible national revival. Furthermore, Mendelssohn's very insistence upon the need for Jewish social and cultural integration might indicate resignation from the hopes for national rebirth. Thus we find Peretz Smolenskin, one of the most venomous of Mendelssohn's critics, charging him in the following language: "Mendelssohn has removed all traces of nationalism from Israel and has put an end to all Jewish hopes for national salvation."[38] Although at first sight one is inclined to accept Smolenskin's verdict, a deeper study of the subject is likely to reveal other, and perhaps rather different, aspects of this issue.

Undoubtedly, Mendelssohn's prime object was to make sure that the Jews were granted full civil rights which would

ensure both their freedom of spirit and material well-being. His concern for his brethren and his general humanistic outlook combined to make him the herald of the Enlightenment in the Jewish community and his brethren's spokesman in the non-Jewish society. As such Mendelssohn envisages a society in which the religious establishment is separate from the state, thus constituting an enlightened and liberal society which fulfills a humanitarian ideal and consequently guarantees the Jews an adequate civic and religious existence. In this respect Mendelssohn does of course call upon the Jews to remain loyal to their country of sojourn, and, as remarked by Jacob Agus, he would be naturally rather discomfited by the verse "soon the Temple will be rebuilt," especially when accompanied by "in our days."[39] Nevertheless, as for the rather vague and timeless Jewish hope for national resurrections, Mendelssohn must have retained a special sympathy. In his formulation of Maimonides' thirteen principles the national aspect finds its rightful place:

> I acknowledge as true and certain, that the children of Abraham, Isaac and Jacob will not always be removed from the Promised Land and scattered among the nations but that the Lord will inspire, at the time known only to him, a leader ... who will make this people again into a free nation and rule over them in the land of their fathers.[40]

Indeed, one must not regard this emotional declaration as an indication of an enthusiastic manifestation of hope for national revival. The very opposite seems to be closer to the truth. Making use of the Biblical verse "Stir not up nor awake love till it please,"[41] and emphasizing the

Talmudic injunction "Blasted be those who reckon out the ends,"[42] Mendelssohn states that national yearning is rather vague and gives little promise of fulfillment.

However, there are also indications that the dream of concrete national rebirth was not entirely foreign to Mendelssohn, thus indicating that this great emphasis on the political rationale of the laws perhaps stemmed from his reluctance to completely let go the hope of national resurrection. When replying to a question addressed to him concerning the possibility of a Jewish return to the Land of Israel, Mendelssohn writes the following:

> The greatest barrier facing such a program is, I believe, the quality of my nation. My nation is not adequately prepared to undertake a great project .... The oppression under which we have been living for many centuries has deprived our spirit of all its "vigour" .... The natural instinct of freedom has lost among us its active drive.[43]

The pessimistic mood of Mendelssohn's observation above must not blur the real picture. There can be only little doubt that the remarkable insight, which Mendelssohn displays refutes the accusation of a betrayal of the hope of Jewish national resurrection. Furthermore, Mendelssohn's realistic and almost businesslike approach, his practical and detailed analysis all point to the fact that the matter was not totally neglected by him. In this context even more revealing are Mendelssohn's observations in his conclusion of the above reply:

> Such a project, I assume, would require great sums of money, which I do not believe my people would

> be able to raise .... It seems to me that such a project could become accomplished only if the great European powers engage in a world war and each would attend to its own affairs. But in a peaceful condition such as the present one, jealous power could wreck the whole project.[44]

The problem was whether or not Mendelssohn intends to attach any national practical value to his great emphasis upon the constitutional meaning of the Jewish law. To round out the analysis of this question one must consider the above two somewhat conflicting attitudes. On the one hand, reflecting the patriotic spirit of the enlightened Jew searching for civic rights and cultural involvement, he seems to argue that the Jews are people likely to feel at home wherever well treated. When these are the conditions, national revival is put away and considered as no more than a mystical vague dream. But on the other hand, when confronted with the actual possibility, Mendelssohn's approach to the problem shows much practical and detailed consideration which leads him to be concerned with even "trivial difficulties."[45] Consequently, one cannot entirely resist the possibility that at least in the back of his mind Mendelssohn's great insistence upon the constitutional value of the Jewish law bears a remote hope for the re-establishment of its original purpose.

Whether Mendelssohn perceives the observance of the Jewish law as having a future practical national significance remains a moot point. However, this much should be quite obvious -- in the circumstances of his own days Mendelssohn perceived the practice of the law as vital for

the very existence of the Jewish people. At a time of a growing tendency towards assimilation Mendelssohn's heartfelt appeal clearly conveys his conviction that a failure to observe the law would not merely produce godless Jews but would in fact deprive them from any sense of Jewish identity and thus open the floodgates to the destruction of the Jewish nation. Hence Mendelssohn's rather pathetic and not entirely congruous insistence upon the fact that even conversion would not exempt the convert from observing the law. "I cannot," Mendelssohn writes, "find in the New Testament any grounds permitting the dispensation of the Jews from the Mosaic law, even if they embrace Christianity."[46] Indeed, this statement reflects Mendelssohn's reply to those who sought his own conversion into Christianity, but no less his deep anxiety with respect to the condition of the entire Jewish nation. Mendelssohn acknowledges the fact that the particular climate of his time produces great internal and external tension upon the Jews and thus "makes the observance of the religious law ... more burdensome than it need be."[47] However, it is precisely in this social, cultural and religious context that he issues his dramatic and desperate appeal: "Preserve, nevertheless, stand fast in the place which Providence assigned you."[48]

# PART II

## THE ROLE OF THE LAW IN HERMANN COHEN'S JEWISH PHILOSOPHY.

## CHAPTER III

## HERMANN COHEN: JUDAISM AS AN ETHICAL SYSTEM ONLY

The advent of Hermann Cohen (1842-1918) into the world of Jewish philosophy heralded the renewal of an old tradition based on providing Judaism with a total and systematic philosophical framework. In this connection it is interesting to note that Hermann Cohen, the individual who had for many years avoided any real involvement with Jewish thought in order to concentrate on general philosophy, was the one who renewed the tradition whose purpose it was to investigate the Jewish religion in all its aspects and variegation in order to bring it under the rubric of a comprehensive unified clear-cut system.[1]

Cohen's origins do not point to a disaffection from Judaism. Being the son of a cantor and Hebrew teacher, it was only natural that he received a traditional Jewish education culminating in attending the rabbinical seminary in Breslau. But this strong bond to Judaism did not last long. Evidently, the narrow scope of dealing only with Jewish subject matter could not satisfy Cohen's ambitions and he sidestepped rabbinic ordination and embarked on a career in general philosophy. It is at this point that Cohen's genius was revealed. Indeed

only three years after completing his university studies he was appointed a full professor at Marburg University where he established the school for Neo-Kantian studies.

One can only surmise that it was a natural turn of events for Cohen, who had become a highly respected scholar in the field of Kantian philosophy as well as being the first Jew to be appointed full professor at a German University, to drift away from an intellectual involvement with Jewish philosophy. As a matter of fact, by age forty, Cohen had written only three short articles on Judaism which in their time left no lasting imprint nor was their impact felt subsequently. It may well be that this situation would have continued were it not for an incident which converted other philosophers who were Jews to become Jewish philosophers of Jewish philosophy.

It appears that in modern times it was often necessary that a threatening anti-Jewish incident should occur in order to arouse Jewish intellectuals from their inner sense of tranquility as well as an outer sense of well-being, and have their Jewish self respect challenged, all this so that they would turn to their Jewish heritage and feel impelled to define it for themselves as well as for others.[2] Indeed a short while after Cohen was appointed professor he was called on to clarify his attitude to the Jewish problem when in 1879, during a rise in anti-Jewishness, the German historian Treishke attacked German Jewry. Treishke's argument was the traditional anti-Jewish one, namely, Judaism is nothing but

a closed religious clan alien to German culture and society and of no significance to the development and progress of western civilization.

The publication of Treischke's position propelled Cohen into renewing his intellectual ties with traditional Judaism which had been neglected since the days of his rabbinical studies. Shortly thereafter (1880) Cohen countered Treischke by accusing him as a false interpreter of Judaism, and clarified his own position that Judaism is not inherently alien to the spirit of Germanism.[3] On the contrary, claimed Cohen, Judaism is an enlightened religion marching forward side by side with German idealism wherein both reflect confidence in human reason and both are united in the effort to realize humanitarian ideals. Thus, Cohen answered the attack on Judaism but simultaneously urged the Jews to fully integrate into the German culture without dual loyalty but also without abandoning their Jewish roots.

Cohen's call to German Jews to become involved and integrated in German culture was in keeping with the general trend of Jewish patriotic philosophy which characterized German Jewish intellectuals during the 18th and 19th centuries. Actually, despite all ups and downs Cohen remained a German patriot all his life. So enduring was his patriotism that when World War I broke out the seventy-two-year-old Jewish intellectual was ready to take upon himself the German government order to visit the United States and be a German propagandist. This plan did not materialize but during the

days of the war Cohen wrote the highly criticized piece of German propaganda "Deutschtum und Judentum"[4] (Germanism and Judaism), in which he attempted to establish, what seemed to him an obvious thesis, that Germanism and Judaism are two identical cultures and that it is the Jews' duty everywhere to support the German cause. In a parallel vein, this was also Cohen's approach in Jewish philosophy. It was entirely aimed at bringing the message that Jewish religion and German thinking are intimately intertwined in their quest for moral realization.

Cohen's active engagement in the field of Jewish philosophy took place only with his retirement from Marburg University (1912). Increasingly, he began to deeply analyze Jewish material and become absorbed in the great Jewish philosophers, in Maimonides in particular. From the time of his arrival in Berlin to his death in 1918, Cohen taught at the "Lehranstalt fur die Wissenschaft des Judentums" (Institute for the Scientific Study of Judaism) in Berlin where he apparently developed the final outline of his great and most comprehensive book on Judaism Die Religion der Vernunft aus den Quellen des Judentums (The Religion of Reason out of the Sources of Judaism).[5] This book which was completed only at the end of Cohen's life remained unpublished at the time of his death. It was published posthumously in 1919 by his widow with the assistance of Cohen's disciples.

Before entering into the investigation of Cohen's

interpretation of the Jewish law it is important to note the difficulties and objective limitations of such a work. References with respect to the above issues are scattered among many of Cohen's twenty-one books and articles in which he presented his Jewish outlook. I shall therefore limit my study only to Cohen's attitude as reflected in his last, major and definitive book Religion of Reason. Only from time to time shall I refer to other of Cohen's writings. However, this book, Religion of Reason, also presents a problem. Its tremendous scope and wealth of material makes it practically impossible to embrace the wholeness of Cohen's statement with regard to the Jewish law. Thus, it will be further necessary to limit the discussion to some of the twenty-two chapters of that book. Relying mainly on chapter eight I shall grapple with Cohen's ideas relating to the Jewish approach to the stranger -- seeing him as a fellow-man. Basing myself chiefly on chapter twelve I shall review Cohen's interpretation on the Day of Atonement as an embodiment of the messianic idea. Following chapter nine I shall discuss Cohen's presentation of the Sabbath institution as a model of an ethical method. Finally, relying basically on chapter sixteen ("The Law"), the center of my concern, I shall refer to Cohen's overall analysis of the law, to his approach to the three pilgrimage festivals and the laws of sacrifices.

Indeed, Cohen's premises with regard to the value of the Jewish law are derived from a broad spectrum of

fundamental philosophical assumptions. Therefore I shall open my study with a review of Cohen's general notion of ethics, of his interpretation of God, man, creation, revelation and messianism.

"Were it not for the yetzer ha-ra," it is remarked in the Misrash, "a man would not have built a house, or have children, or engage in commerce."[6] Were it not for the yetzer ha-ra (the evil urge), we can argue, Hermann Cohen would not have built a system wherein religion and Judaism are independent and autonomous categories. In following Kant's view that human conscience alone is the source of moral obligation thus "Reinen Willens"[7] is the only possible origin of ethics, Cohen maintains that religion including Judaism with its concept of a living God, can be at most an historical presupposition of ethics, and that it is ultimately destined to be absorbed by ethics. In this connection, the relation between ethics and religion is described by Cohen as follows:

> Nor does ethics have need of a complement with regard to God. The problem of God is exhausted for it in God as the guarantor of morality on earth. The shortcomings in the actualization of morals on earth do not in principle concern ethics at all, since the infinite goal provides the remedy.[8]

Of course, Cohen does not intend to suggest an entire disconnection between God and ethics. In a way the opposite is true; God plays a decisive role in Cohen's system of pure ethics. Ethics provides man with an eternal ideal. Eternity, therefore, is the time framework in which the ethical ideal

is consummated. Real time thus is of no concern for ethics. The question however is what guarantees the eternity of the world since science suggests that it is not eternal but nearing its end. It is at this juncture that God, to be sure as an idea only, enters Cohen's system. God is given an indispensable task -- it is His very function, thus Cohen, to guarantee the eternity of the world, the domain in which the ideal of ethics can be realized. The notion of God as the guarantor of the world was, according to Cohen, already introduced in the Bible. The covenant which God established with Noah,"Neither shall there be a flood to destroy the earth,"[9] is to Cohen the affirmation of his outlook on God. Indeed, this God is entirely different from the personal deity upon whom Judaism insists. As indicated, such a God is a mere idea aimed at guaranteeing the ideal of ethics. "It is not that man demands God for his subjective support," Cohen states in Ethiks des Reinen Willens, "but He is demanded by the need for the objective grounding of ethics."[10]

The above discussion gives only a bare simplified and brief outline of Cohen's attitude to religion and God throughout almost four decades of his academic career at Marburg. Then, in a remarkable shift which developed over a period of six years (1912-1918) Cohen came to recognize the significance of religion, its autonomous position and its decisive role in the human condition. In this respect both of his old age books, Der Begriff der Religion im System der

Philosophie (1915) and Die Religion der Vernunft (1919), reveal by their very title Cohen's change in position. Now it is admitted by him that ethics is concerned only with man as a moral agent, that is, only with man in general not with the individual. Religion, on the other hand, recognizes man as an existing individual with human frailties and anxieties which originate in his self acknowledgment as a sinner, as a possessor of an evil urge (yetzer ha-ra). Religion therefore is assigned by Cohen with the role of relating to the particular problem of the individual's suffering as a sinner. "The discovery of man through sin," Cohen writes in the introduction to Religion of Reason, is the source from which every religious development flows."[11] The individual discovering himself through sin does not comprehend his sin as an isolated coincidental social transgression which can be overcome by an act of social redress. Sin, for the individual, is a total state of existence. Thus, neither dry ethics nor the narrow social human world provided by ethics can help man in his suffering. It is only in the relation with God, correlation in Cohen's terms, that the suffering individual can find remedy. Indeed, this God can no longer be an idea, a mere guarantee for the fulfillment of the ethical ideology; He must be a living reality. Furthermore, religion can no longer be an historical presupposition of ethics which is ultimately destined to be absorbed by it; religion must be an eternal independent domain having a decisive role in the human condition.

"Here," says Cohen, with the individual's suffering from sin, "we touch upon the borderline at which religion arises, and at which it illuminates the human horizon with suffering."[12] As indicated, would it not have been for man's yetzer ha-ra, religion would have not been assigned an independent and central position in Cohen's philosophy, nor would have God been recognized as a living reality.

One must not be misled by Cohen's emphasis on the concept of sin. The very fact that sin is discussed only as a property of the individual man readily discloses that any idea resting upon an assumption that man is hereditarily contaminated by sin is totally foreign to Cohen's thinking. In this connection he introduces verse 7 in the book of Psalms which may be used as a principal Biblical affirmation for postulating the doctrine of "Original Sin." "And in sin did my mother conceive me"[13] is interpreted by Cohen as merely reflecting the Psalmist's intention to "uncover ... man's moral frailty,"[14] and not as a reference to a notion that man is doomed to sin as if compelled by his nature. Judaism, to Cohen's mind, does not conceive sin in terms of the essence and totality of the human race; Judaism recognizes sin only in the strict terms of man as an individual. More exactly, sin in Judaism is not viewed as an overall human attribute but only in the domain of the individual man as such. In this connection the prophetic statement,"The soul that sins shall die,"[15] is to Cohen, fundamental to Jewish religion. It is only the soul that sins that shall

die and the sins of the father shall not be visited upon his son. The soul, as we shall see below, is to Cohen the Biblical terms which always refer only to the individual. Sin thus is only an expression of man's individuality.

In contrast to the doctrine of "Original Sin" Cohen introduces the notion of purity of heart and spirit. "God," he cites from the morning service, "the spirit which thou hast placed within me is pure."[16] However, the approach presupposing the purity of the human heart and spirit may become just as non-creative -- if not destructive -- once it is conceived as an automatic and fixed human faculty. On this point Cohen seems to be aware of the possible pitfalls of his approach. Thus, he brings forth the Psalmist's appeal to God which for him proves otherwise: "Create in me a clean heart O God; and renew a steadfast spirit within me."[17] Purity of heart and spirit are a mere capacity of man which must be renewed and not an automatic state or a permanently innate condition. In fact, thus to Cohen, man is challenged to further morality so as to renew and to attain a state of purity.[18]

The concept of the purity of the human heart and spirit is a most crucial element in Cohen's ethical model for without it man's capacity for self purification is inconceivable. Only with the introduction of this concept can Cohen discuss repentance in terms of a human category and not as a mystical notion which conceives redemption as being entirely out of man's hands. According to Cohen, the individual who becomes

contaminated by sin can redeem himself by renewing his original purity. This idea is set forth in Ezekiel's statement "Cast away from you all transgressions ... and make a new heart and a new spirit."[19] It is in this statement, according to Cohen, that Judaism acknowledges the fact that man is not preordained to sin, but can, given the effort, mend his ways and repent. By virtue of his moral efforts man is able to depart from one way of life and enter another. This, to Cohen, is the practical extension of Ezekiel's above statement. "Cast away from you all transgressions," is interpreted by Cohen as, "Turn away from the previous way of life and ... enter a new life."[20]

The human heart and spirit are not doomed to sin, but this is not to imply that, for Cohen, man is not the originator of sin. One organ, the heart in this case, cannot encompass the Biblical term which describes man's individuality. The heart is for Cohen "only a collective designation for the inwardness of man,"[21] but the soul, which to Cohen reflects man's individuality, is the originator of sin. The Bible, according to Cohen, uses the term 'soul' in order to refer to the distinctive entity of the individual man. For this reason, when the prophet wants to declare that only man as an individual is responsible for his own sins, he speaks of "The soul that sinneth."[22]

It follows then, as a basic premise in Cohen's scheme, that individuality must, perforce, clash with the ethical concept. Whereas human individuality will quite at random

display diversity in its behavioural pattern, it is the task of ethics to establish a harmonious relationship that will do away with the wild outgrowths of any such diversity. Thus, the course taken by ethics to achieve its ultimate and ideal goal, must be the transformation of the human individual, which conflicts with the ethical ideal and finds its definitive expression in shifting the "I of man" into the "I of humanity."[23] In other words, it is ethics that will redeem man from the shackles of private and, inevitably, limited personal desires and will enable him to place them at the service of the general will, and thus merge within the overall human framework. However, Cohen insists that this submission of the individual within society must not result in the total loss of man's individual personality, which, when all is said and done, is the primal concern of the ethical ideal.[24]

Man's individuality may gain an ethical image only when entering into a union with the whole of humanity; this naturally is the ideal to strive for. However, the actualization of this ideal presupposes a gradual process in the course of which an ever higher level of morality is realized within one's immediate social order, which serves as rungs in the rather tall ladder of the general quest for a full realization of the ideal -- the transition of man's individuality -- leading to the establishment of the ultimate kingdom of mankind. In this connection the state becomes for Cohen an essential means for the realization of

the ethical ideal; it is "The transitional organism from individual man to humanity."[25] This to Cohen's mind is a natural phenomenon since it does not contradict the basic human instinct. The original human instinct of affiliation is not denied as the state creates the illusion that "state and nationality are identical."[26] However, the modern scheme of the state contains two elements which do bring it into the realm of ethics. First, the modern state tends to grow "beyond the natural bounds,"[27] namely, beyond its racial orientation. Second, the modern state departs from being governed only by its limited internal law and increasingly becomes subject to "International Law." With this, according to Cohen, man in the state retains his instinct for nationalism, but also "becomes a carrier of humanity."[28] This however is only the first stage in the realization of the ethical ideal. Retaining nationalistic traits -- the state cannot be considered by Cohen as an end but only as an intermediate step on the ethical road. Only when the state will join other states to form a federation of states will the ethical ideal begin to be actualized. The task of the state thus is "to elevate and purify individuality in a federation of states."[29]

As previously indicated, Cohen conceives man's rooted desire for individuality as being completely opposed to the ethical idea. Consequently, the ethical idea by its very nature, constitutes a challenge to man to squarely face the quest for ethical development which should ideally

and ultimately, bridge the gap between reality and ultimacy. Hence, taking into consideration Cohen's basic premise that religion as such is meaningless unless it either serves or embodies an ethical ideal, it follows that religion and the concept of God, central to it, are indeed the appointed route for the redemption of man from his gross individuality, and it alone is capable of leading him to his fulfillment within the sphere of entire humanity. And this methodology is manifest in Cohen's study both of religion in general and Jewish religion in particular. As we shall see below, for Cohen the concept of God within the framework of monotheism is the essential basis of his overall ethical religious model. The act of creation is conceived as testimony to God's desire for a human ethical realization. Revelation, is to Cohen, the point of departure from which man embarks upon his task of establishing an ethical community and ultimately a messianic humanity. Messianism, is finally interpreted as the final stage in the realization of the ethical aspiration. Once we have studied these elements we shall be able to elaborate upon the role assigned by Cohen to the Jewish law and its constituents as part of this model.

The opposition of monotheism to polytheism is not based by Cohen on the question of the number of gods but on the implications of this question.[30] Thus, the significant meaning of monotheistic religious thought lies in its concern with the uniqueness of God. In other words, God as a

concept of monotheism is totally different from all beings; He is not merely "der eine Gott" (one God, a term describing only the distinction between one God and many gods). He is essentially "der einzige Gott" (the unique God, a term extending God's oneness also over nature). Indeed, God's uniqueness is first of all manifest by the lack of any material being in God as against all other beings.[31] However, this differentiation could imply a certain kinship between man and God in that man is both a material and spiritual being. At this point Cohen introduces a further level of differentiation which states that there cannot be any similarity between the spirit of God and the spirit of man. This delineation of the differentiation between the spirit of God and that of man is axiomatically stated by Cohen as he does not seem to bring any evidence to bear. He simply states that God's uniqueness is such that it cannot be ascribed to anything else whatsoever.[32]

God's uniqueness is further extended by Cohen: only He, God, represents the real and genuine being, ergo all other beings in nature and man are but a conditional reality. By that, God is made the indispensable source of all existence since without Him nothing can exist. This principle, according to Cohen, is already evident in God's first revelation to Moses in the burning bush. God's response to Moses "I am that I am" is viewed by Cohen as manifesting that only He is a most real, ever existing, never changing and completely independent reality.[33] In this vein Cohen

analyzes the verse from Isaiah "There is no God beside me."[34] In order to comprehend the perfection of the monotheistic principle embodied in this verse he quotes the parallel verse in the next chapter "nothing is beside me (efes biladai)."[35] The first verse defines the unity of God whereas the second defines His uniqueness, namely, not only is there no God beside Him but there is no being without His being.

The world, indeed, is of a totaly different existence than that of God and therefore one cannot but reject, according to Cohen, the polytheistic principle of uniting the two.[36] The world, consequently, must have been created by God.[37] In this context Cohen faces the classical question concerning creation -- was the world created ex-nihilo? In keeping with the traditional Jewish view Cohen does adopt the principle of creation ex-nihilo.[38] The chaos referred to in the second verse of the Biblical account of creation does not, to Cohen's mind, pose a problem to such an understanding. The mentioned chaos points to the mere fact that there had been nothing prior to this stage of creation. The chaos does not describe the initial phase but the condition of the world after the initial phase of creation. "It is therefore logical," says Cohen, "that the account of creation in Genesis does not begin with chaos; but that chaos (tohu vabohu) starts only after earth has already been created."[39]

Up to this point Cohen's concept of creation is not essentially different from the traditional Jewish religious

outlook. However, whereas traditional Judaism holds that God created the world at one specific point in time, Cohen maintains that creation is an eternal process and that there is a constant work of renewal of the work of creation.[40] Creation thus does not mean that once upon a time God created the world once and for all but that He, the unique Being out of whom the world proceeds, began once with an incessant and infinite process. This concept, Cohen insists, had already been incorporated in Judaism by virtue of the following passage of the morning prayer -- "In His goodness He constantly renews each day the world of beginning."[41]

As indicated, Cohen does not assume that his concept of renewal perforce contradicts the traditional norm of Judaism. Furthermore, according to Cohen, it is precisely the concept of renewal that becomes central in rabbinical thought and took precedence over the concept of episodical creation. This ideological evolution took place because of the ethical basis of Judaism. The daily renewal of creation sharply emphasizes the goodness of the Lord and His everlasting love for His creation.[42]

Evidently, God's creation of the world cannot be viewed as an episodic act after which there is total severance between Him and the world, but as a continuous process indicative of God's everlasting relationship and concern. It is at this point that we can see the link between Cohen's ethical model and his concept of creation. Without divine goodness there would not have been any creation nor its

daily renewal. This concept is designed to make man realize the fact that the world's very existence at any given moment totally depends on divine goodness.[43] This is God's role in creation -- and man's show of gratitude must be expressed by his constant deeds of loving kindess towards his fellow man. In other words, man's unceasing moral development is the logical manifestation of his appreciation for God's everlasting renewal of creation.

It is highly significant that in his analysis of creation Cohen makes no reference to the creation of man. Although he indeed addresses himself to the moral lesson man must learn from creation, nevertheless, he does not deal with the creation of man as such within his discussion of creation.[44] Consequently, it would appear that the creation of man which in the Biblical account is the highest rung of creation is deliberately overlooked by Cohen. Furthermore, the question of when exactly man was created in the order of things also has no bearing on Cohen's philosophical system. What Cohen perceives to be the crux of the matter is at which point did God enter into a special relationship with man.

In creation God enters a relationship with the world but His significance had yet to be determined. Only with revelation when God embarks on His relationship with man, does the moral meaning of the unique God emerge.[45] Consequently, God's revealing Himself is the inevitable outcome of the concept of uniqueness which is basic to Cohen's

model.[46]

By the very fact that Cohen perceives revelation as a logical concomitant of the concept of uniqueness, he negates the possibility, as he does in the case of creation, that it is historically episodical and rigid in context. Thus, the particular revelation on Mount Sinai which is not doubted by Cohen as to its occurrence and as to its importance, is viewed by him as part of the ongoing process of God's revelation to man. "Was the Torah in the entire fullness of its contents revealed in Sinai?,[47] Cohen asks as he no doubt recalls the well known midrash.[48] Judaism, it implies, also views revelation as an ongoing relationship between God and man. However, claims Cohen, Judaism became flawed in that the concept of revelation was diminished and relegated to the view of particular episodic revelation. One aspect that created this problem is, in Cohen's mind, the unfortunate misreading of the notion "Matan Torah" or more exactly the interpretation of the word matan as being derived from the word matanah (gift).[49] Clearly, the word matanah relates to an object given at one specific point in time, thus to a specific episodic revelation. Cohen, obviously, chooses to relate the term matan to the word netinah (giving), thus enabling him to derive the interpretation of ongoing revelation. According to Cohen, in revelation, God functions in the framework of giving of Himself, which is what He does in everything that emanates from Him.[50] This concept of revelation whereby God continuously gives of Himself is,

to Cohen's mind, part and parcel of normative Judaism but it had been shunted aside. In the zeal of preserving monotheism in its purity, Judaism was fearful lest the concept of giving would engender the belief in a material and corporeal divinity.[51] Hence the shunning of this idea.

In a parallel vein Cohen interprets the voices mentioned in the Biblical account of revelation in Sinai. To him, one should not interpret literally these voices but symbolically.[52] God, thus, related to the Israelites by dint of pure reason, -- reason, and not voices, being the medium used in establishing communication.[53] The Israelites standing at the foot of Mount Sinai underwent a prophetic experience, one of intellectual exaltation, which was the means of their comprehending the divine message. Indeed, Cohen insists, a literal interpretation of the voices would have been in complete contradiction to the true spirit of Judaism because it contradicts an indisputable conclusion of the concept of uniqueness, namely, the idea of God's incorporeality.[54]

The phrase "You heard the voice of the words"[55] although an obstacle to Cohen's concept is easily reconciled by him by shifting the emphasis from "voice" to "words". "Words" indeed can be comprehended even if spoken voices are discounted. The term "heard" claims Cohen, in keeping with Maimonides' view, is to be read figuratively. "You heard" means you understood, and once more revelation on Mount Sinai is removed from the sphere of concretization and restored to the realm of

intellectual spirituality.[56]

Such a concept of revelation which is steeped in pure spirituality poses a problem with respect to the role of Moses in the process. The question arises as to the meaning of Moses' part if indeed communication was achieved by means of reason. Here, Cohen emphasizes the fact that traditionally Moses is referred to as "Rabenu" (our teacher), namely, Moses' role was that of a teacher of the law.[57] Cohen in this relies on Ibn Ezra's interpretation which claimed that revelation at Sinai took place without mediation.[58] In a similar vein Cohen treats the breaking of the tablets by Moses. This act, thus Cohen, was not done because of the incident of the Golden Calf, but in order to dramatically make manifest the spiritual character of revelation on Mount Sinai. Were it not the true interpretation of Moses' action, it would be difficult to explain the absence of any punishment or condemnation of Moses.[59]

Cohen's insistence on explaining away every remnant of concrete aspects of revelation is consistent with his overall methodology whereby all phenomena are assessed as a continuing process. It is quite evident that any aspect of concretization would transfer revelation at Sinai out of the realm of a continuous process into the realm of a finite historical episode. Therefore, only an interpretation of revelation in terms of reason and spirituality can extend it from the particularistic boundaries of Judaism into the realm of ethics -- ethics being by definition speculative and thus

universal. Consequently, Cohen is willing to be in conflict with Biblical exegesis and classical Jewish thinking for the sake of totally abolishing any literal interpretation of the various elements mentioned in the Biblical account of revelation. For example, although the subject of voices posed a problem to the Biblical exegesists and classical thinkers not one of them saw fit to totally do away with their concrete interpretation. At most, they engaged in arguments about the character and number of the voices heard.[60] Cohen's ethical model of Judaism however, could be totally destroyed if the voices retain any concrete meaning. A real voice, just as a gift (the above mentioned interpretation of matan), would express a special relationship between God and one particular people. Obviously, divine revelation to only one nation would signify the elimination of the universal ethical element from the religious sources of Judaism.[61]

It is of great significance that Cohen's comprehensive elaboration of the Jewish law is not interwoven nor even abuts his discussion on revelation. There are no less than twelve topics separating the chapters on revelation and the law in Religion of Reason. Obviously, it is inconceivable to demand of Cohen to juxtapose a system of clear-cut uniform laws with a concept of revelation which is amorphic, purely spiritual and universal in character. This is true in particular if one considers the great many ritual laws, obviously particularistic in character, which are included in the Jewish code.

To Cohen, the giving of the law is another manifestation of God's goodness in His relationship with man. "God," he writes, "cannot remain isolated on His Olympus, but as creator of the whole earth He must impose His commandments upon man as laws for his life."[62] Just as revelation is an innate consequence of creation, so is the giving of the law. Therefore, the giving of the law is not an act of volition -- the unique God of morality, unlike the pagan god, cannot sever Himself from the world but must beneficently give of His goodness, represented as commandments to man.[63] The act of the giving of the law is thus not a single and unique event in the relationship between man and God. Precisely as the acts of creation and revelation, the giving of the law is grounded in God's goodness. Consequently, the giving of the law, being a manifestation of God's goodness, must be, as in the cases of creation and revelation, an ongoing unceasing process.

Cohen's desire to bring the law within the fold of a general framework not limited in place or time or audience is expressed by recalling his rejection of the customary reading of Matan Torah.[64] Again, he explains away the Kabalistic interpretation (matan as matanah) and insists that the law is meant for all and is not an esoteric teaching for the chosen few. God, thus Cohen, grants His laws in the same spirit as granting everything else -- bread, life, and death,[65] and if so, how then can the law be regarded

as a particular gift to a particular audience?

There is nothing new in Cohen's assertion that the law in Judaism is a continuous process. Judaism had already expressed a similar concept by virtue of the Oral Law which removes the law from the boundaries of specific place and time. However, the immutable fact that the Oral Law is indisputably linked in traditional Judaism to the particular laws of Moses is a serious problem to Cohen. He cannot, on the one hand, totally deny the connection between the Halakhah and those commandments revealed in Sinai. Yet, a complete acceptence that the entire Halakhah had already been revealed in revelation at Sinai might jeopardize his entire concept of a wholly rational law which is revealed to man by means of pure reason. Thus, Cohen's position with respect to the question of the extent of the link between the Oral Law and the Mosaic Law is remarkably ambivalent. At first reading he seems to affirm the traditional view that the law in the entire fullness of its content was revealed to Moses in Sinai.[66] However, reading between the lines of his argument, one readily detects that Cohen's view in this connection is perforce liberal. Refusing apparently to accept the literal interpretation of the expression "Halakhah le-Moshe mi-Sinai" (laws according to Moses at Sinai), Cohen tends to describe the link between the rabbi's laws and those given to Moses as a mere expression of ideological and rational continuity:

> Out of this national feeling arose a term that otherwise would seem paradoxical: revelation took place not only in the Torah on Sinai, but also in the Halachah which was revealed to "Moses from Sinai". This connection of revelation seems perfectly natural. There is no arrogance in this assertion of the scribes ...; it is rather the outflow of a critical self-consciousness with regard to the written law. The original critical feeling of Deuteronomy, that "the Torah is not in heaven but in your heart", remains alive in this thought.[67]

Cohen's efforts to remove the Jewish law from the domain of the concrete and to establish it within the sphere of the rational and spiritual, are also aimed at uprooting the law from the realm of coercion and firmly placing it within the framework of free will and the sense of personal moral responsibility. On the other hand, there is for Cohen little scope for man's sense of moral duty without an explicit recognition of God's abundant and overflowing goodness. Consequently, since the moral commandment is a function of God's essence -- man's very act of assuming moral responsibility constitutes his response to the divine essence. Hence the law is the point of encounter between God's commandment on the one hand, and man's sense of moral duty towards his God, on the other hand. To Cohen's mind, this encounter between God's commandment and man's free response is expressed in Judaism in the term "Mitzvah" -- the particular term employed to encompass all religious obligations:

> The two senses of the word law are very instructive: Mitzvah means at once law and duty .... The law comes from God; the duty from man. God commands man, and man in his free will takes upon himself the "Yoke of the law."[68]

God, on his part commands, and man in his autonomous will accepts the commandment as emanating from within himself. With that Cohen preserves the two basic elements in his definition of the Jewish law which attempts to reconcile the two apparently contradictory concepts -- yoke and free will. Being God's commandments, the laws are obligatory as if constituting a yoke, however the basic assumption of ethics is not violated in that the deeds still flow in the wake of intention and inner conviction.[69]

By the very fact that Cohen defines all Jewish laws as mitzvot which according to him is the encounter between God's commandment and man's sense of moral duty, he places the entire laws within the realm of ethics. Thus, the ritual commandments relating to man's deeds before God are in fact inseparable from the commandments relating to man's social moral conduct. Whereas the latter -- the laws of social conduct -- are ethical ends, the former -- the laws of ritual -- are but educational and symbolic instruments aimed at advancing man towards a state whereby he is truly capable of observing the moral law.[70] At this point Cohen is faced with a rather ticklish problem: the Jewish blessing which is obligatory before the practice of a ritual law "Blessed art thou Lord our God ... who has sanctified us by His commandments,"[71] may be interpreted as implying that in the very act of ritual practice, man is purified and hallowed and raised to a level of a moral being. Such an implication is obviously unacceptable to Cohen. To his mind, the very

fact that the ritual commandments are symbolic rather than directly moral in character, rules out the possibility that their practice alone can raise man to the height of moral sanctification. Thus, while pointing to the problematic nature of this benediction, Cohen introduces the phrase from the prayer, "Sanctify us by your commandments and purify our heart,"[72] which to his mind is the most clear-cut expression to the limited purpose of the ritual law. This phrase obviously indicates that the moral purification cannot be achieved by mere practice of the ritual law, but that rituals put man in that frame of mind which would enable him to perform acts of direct moral validity, thus, making him a moral being.

The fringes and the phylacteries are used by Cohen as an illustration for his central thesis that the ritual plays only a secondary role in the moral framework of the Jewish law. Basing his understanding on the verse from Numbers, "You may look upon it and remember all the commandments,"[73] Cohen emphasizes that Scripture places the law pertaining to the fringes within the category of "signs" and "memorials,"[74] thus relegating it to a symbolic and educational role only. In other words, the role of the fringes is to remind, educate and motivate the Jew to practice the direct moral duties. Moreover, the very fact that the law of fringes is determined by Scripture as "an embodiment of all other commandments,"[75] is sufficient evidence for Cohen that this law has no absolute value in and of itself, but only in its general symbolic

purpose. In addition Cohen extracts another significance based upon his reading of the word "look" in the above Biblical text. From his reading he derives the interpretation that the law of the fringes is a paradigm of all rituals associated with looking. The term "look" is not read by Cohen in its physical sense but in its abstract and intellectual sense, namely, the ritual refers to a spiritual looking thus indicating the laws symbolic and educational intent.[76]

The law of phylacteries is also subject to the same method of analysis. In this case Cohen relies upon the opening word of the first passage in the phylacteries parchment, "Hear, O Israel," and without his explicit explanation, we understand that for Cohen hearing is analogous to looking. Further on his analysis Cohen attacks the translation of the word "tfilin" as phylacteries, the latter being derived from the Greek term referring to means of defence.[77] Indeed, rendering of the word "tfilin" as meaning a form of amulet may totally refute not only Cohen's symbolic interpretation of the ritual, but also destroy his overall statement that Judaism is the antithesis of polytheism.

There is little doubt that Cohen was concerned lest his merely symbolic interpretation of the ritual would be misconstrued as being an attempt to imitate the Christian method of symbolism. Therefore, immediately upon concluding his argument on the symbolic nature of the ritual, Cohen enters into an attack of the Christian ritual, intended to

disassociate his view from the Christian symbolic method. The dividing line between the symbolism of the Jewish ritual and the symbolism of the Christian ceremonies is defined by Cohen as follows:

> The sacrifice of Christ in the Mass cannot be called a symbol in the same sense as, say, the fringes. For if the practice concerning the fringes is not observed, then the calling of mind of God's commandments which arises from them may not come about, but this would be a break in the work of human education; with respect to God's being, however, nothing would be changed.[78]

The contrary is true in Christian symbolism where the rites are mysterious in character whereby the individual observant is in fact physically sharing in God's act of sacrificing Jesus. Therefore, if a Christian does not participate in the communion he actually expresses his intention to reduce God's essence.[79]

Whether all the various laws of ritual can, in modern times, be categorized as valid educational and symbolic means which serve moral ends, or more precisely, whether all ritual laws should be observed in the present day, is the essential question with regard to Cohen's attitude to the Jewish law. Indeed, this matter will be extensively dealt with in the concluding chapter of this study. For the time being Cohen's following statement will be very revealing:

> What is not moral law in itself [the ritual law] is at least thought of and expressly characterized as a means to the promotion of, and education in, the moral law. It may well be another problem whether this identification actually holds true in all cases. This may be disputed; there may be a difference of opinion, of interpretations and judgements.[80]

Beyond any doubt, the general validity of the ritual section of the law is affirmed, insofar as the various elements of the ritual law -- their validity "may be," or should we say, must be, subject to "opinion, interpretations and judgements."[81]

## CHAPTER IV

## HERMANN COHEN: ANALYSIS OF SPECIFIC LAWS

We have seen thus far that Cohen's concept of the Jewish law envisages a bi-polarity of values: its practices belonging either to a primary or secondary category. In the first category are the direct ethical observances of the Jewish law which evolve directly from the concept of God's uniqueness and thus are permanent components which must not give way to change or modification. This category, as we shall discuss in the present chapter, is illustrated by Cohen particularly through the laws governing the relation between Jews and non-Jews.

The other category contains the secondary practices of the Jewish law, namely, observances which are merely educational and symbolic instruments aimed at advancing the Jew towards higher moral awareness. As such, these laws may be said to be subject to human evaluation and judgement and thus subject to annulment, change or modification. In this category Cohen places all ritual observances. Having claimed that Judaism considers these laws only as a means, Cohen argues, as we shall see below, that it did not hesitate throughout its history to eliminate some of them or to change others according to the requirements of specific

circumstances. In this category we shall examine Cohen's discussion of the sacrificial practices which, in his mind, stand in many respects in contradiction to the overall ethical character of the Jewish law. Judaism thus, in its Biblical, Rabbinic and philosophic manifestations, heavily criticized the sacrificial laws intending eventually to discard them entirely from the Jewish code. We shall furthermore follow Cohen's elaboration of some of the Jewish holidays: the Sabbath, the Day of Atonement and the three festivals which in Cohen's mind have already been significantly altered by historical Judaism, advancing their symbolic and educational ethical meaning.

Within the framework of an ethical model, which is essentially universal in character, one is duty bound to investigate the relationship of any given legal system to the alien. Consequently, Cohen's study which focuses upon the attitude of the Jewish law to the non-Jews is an essential link in his overall Jewish philosophy and a basic premise in his concept of the Jewish law. However, Cohen did not voluntarily initiate this particular study. In fact, it was imposed upon him when he was approached by a German district court to express his opinion with regard to the charge, oft levelled against Judaism, that the Talmudic law does exclude non-Jews from within its protective content.[1] Non-Jews, it was charged, may, according to the Talmud, be robbed and deceived. Now, the very assumption that the Jewish law is an ethical symbol, which in fact was Cohen's point of

departure, naturally presupposes a flat rejection of any such accusation. Cohen, therefore, never tires of emphasizing the tolerance of the Jewish law towards the non-Jew, and its insistence upon his equality and privilege to enjoy all rights. Even his last work on Judaism is marked by the very same spirit. No less than forty years after the above mentioned affair, Cohen still contributed much effort to defend the Jewish legal system against the charge of inequality.[2]

To Cohen's mind, it is precisely the Talmud that formulated the Jewish legal sense of equality. In the very fact that the Talmud insists on calling the non-Jew "The Son of Noah," it implies that he may be capable of righteousness.[3] The non-Jew, thus, cannot by definition, be automatically labelled foreign and suspect. Furthermore, having adopted the classification "The Son of Noah," the Talmud formalizes the attitude of the Jewish law within the framework of the Noahide Laws.[4] These laws, stresses Cohen, are ethical in nature and do not obligate the alien to believe in any particular Jewish religious concept.[5] Consequently, the non-Jews are not required by the Noahide laws to acknowledge the Jewish religion and worship God in the Jewish way.[6] Even the first of the Noahide laws prohibiting idolatry, is not perceived by Cohen as contradicting the assumption that the Jewish laws governing the relation between Jews and non-Jews are not religiously coercive in character. In fact, Cohen claims that the prohibition of idolatry is aimed not against the essence of idol worship but against the way of practice

which is replete with unethical symptoms such as obscenity and unrestrained sexuality.[7]

In his attempt to substantiate his claim Cohen goes on to mention an entire list of various Jewish practices proving that Judaism treats the non-Jew as an equal.[8] Inter alia he recalls the prophet Ezekiel who described conditions in which non-Jews were entitled to the ownership of landed property.[9] He mentions that the non-Jew was entitled to purchase slaves of Jewish origin.[10] The non-Jew was not deprived of the right of sanctuary.[11] He was not discriminated against in matters of usury.[12] Finally, the impoverished non-Jew was entitled to glean the corners of the field and forgotten sheaves.

Of course, there is much more to the Jewish law than mere formality. And the Jewish law, thus Cohen, not only formalizes the attitude to non-Jews, but actually insists upon the obligation to love them as though they were one's own. In quoting the Biblical verse, "Love the stranger for you were a stranger in the land of Egypt,"[13] Cohen makes it clear that since the Jews have actually experienced the stranger's bitter fate, they are duty bound to treat him not merely equitably but also empathetically.[14] To express the fullest and ultimate Jewish view with regard to this idea, Cohen resorts to the Biblical command, "Thou shalt love thy neighbour as thyself."[15] On this point he takes issue with Biblical criticism which claimed that Judaism acknowledges no "rea" (neighbour) except if he be a member of the Jewish

religion.[16] Cohen will of course flatly reject this limiting interpretation. To him the reference is not to co-religionists but to one's fellow-man -- the emphasis being upon the basic Hebrew meaning of the term.

Consequently, the Jewish attitude to the non-Jew marks the beginning of the realization of the ethical ideal which insists upon uprooting man and dislodging man from within the narrow framework of his individuum and leading him towards a recognition of humanity as a whole as his natural domain.[17] Thus the non-Jew is protected and kept safe by Judaism not because he is a member of the Jewish clan or community, but rather because he is a part of humanity.[18] As such, the non-Jew is not privileged by Judaism with only the material earthly rights. Judaism which assumes that its ultimate realization is possible only in the world to come (Olam ha-Ba) could not deny this reward to the non-Jew. Evidently, the righteous non-Jews were given the title of the "Pious people of the world" thus the privilege of Olam ha-Ba.[19]

Cohen, as indicated, insists upon the Hebrew term rea rather than the common translation in the verse, "Thou shalt love ...."[20] With this reading this verse sums up the entire Jewish outlook on man, on Jews and on non-Jews alike, and it establishes both the formal rights along with the moral attitude which goes beyond formality. This commandment, essential to the entire model of Jewish ethics, is observed by the Jews in their relationship to their fellow-man, but its beginning is in their acknowledgement of God the unique.[21]

The Jews, by virtue of recognizing the concept of uniqueness must perforce acknowledge that God is "the lover of the stranger."[22] And since God loves the stranger it becomes their own duty.

In contradiction to the laws governing the behaviour of the Jews with respect to the non-Jews which for Cohen represent the highest value of Judaism, the laws pertaining to sacrifices represent for him the least valuable among the Jewish laws. Even though we may recognize his attempt to sympathetically understand the historical role of sacrifices, his embarrassment and revulsion are eminently apparent and completely overshadow his efforts of reconciliation. It seems very convenient for Cohen in this regard to avail himself of the Maimonidean position, and along with the Maimonidean view to claim that the sacrifices are in fact divorced from the genuine spirit of Judaism.[23] Thus, the sacrificial law, in and of itself, does not stem from the spirit of Judaism and certainly does not reflect a basis of Jewish law, but rather, from its inception it is but a "concession" to the primitive instinct of man and the polytheistic attitude of the early Israelites.[24] Indeed, to Cohen the sacrifice is but a compromise, perhaps one that had to be made, but in the context of the moral framework of Judaism, it must be condemned and eventually done away with. Consequently, Cohen addresses himself to the sacrifice within his general methodological framework, to wit -- that the evolution of the Jewish ritual runs parallel to the evolution of Jewish man and society --

from the primitive upwards to the purely ethical. With respect to this Cohen again completely subscribes to the Maimonidean insight that God, in His infinite wisdom, does not ever require of man that which man's nature cannot possibly accept, and that it is only for this reason that God did not abolish the cult of sacrifices.[25]

Cohen views the sacrifice as reflecting polytheism and containing all the essential elements thereof. It, the sacrifice, harbours the message of the conflict between man and the gods; it symbolizes man's fear of the wrath of the gods; and consequently, it also represents man's efforts to assuage their wrath.[26] Judaism, being the ultimate antithesis of polytheism and all its manifestations, must therefore utterly reject the sacrifice. However, since Judaism was constrained by man's nature from doing so, it did at least see to it that the sacrifice in the Jewish law was shorn of its obvious and direct contradiction to the central theme of monotheism -- the concept of God's uniqueness. According to Cohen, the concept of uniqueness demands such total separation between man and God that it could not co-exist with a form of sacrifice which possibly represents the idea that "the difference between God and man [can] be abolished."[27]

In order to eradicate the possibility of man grasping the idea that the sacrifice could bring him divine status, Judaism changed the original form of the sacrifice by introducing the priest as mediator between God and man. Cohen, although recognizing the necessity of the priesthood, reveals

an ambivalent attitude with regard to its role in Judaism. On the one hand, as we alluded above, he appreciates the institution of the priest if only from the fact that in the Jewish form of sacrifice it is the priest who "always stands between man and God."[28] This fact is seen by Cohen as proof positive that Jewish law dictates to man that the sacrifice can never abolish the difference between man and God. But on the other hand, Cohen does not neglect the danger posed by the priest standing between man and the altar. The person bringing the sacrifice might conceive that it is the priest himself who has the power to absolve him of his sin.[29] This normative aspect of polytheism, obviously in contradiction to ethics, was also abolished in Judaism. On this point Cohen refers to two notions mentioned in the Bible -- forgiveness and atonement -- which in his view are distinct and separate in essence. The special authority of the priest, Cohen insists, was only limited to atonement which is but man's act of recognition and admission of his guilt, but was never extended to forgiveness. "The priest shall make atonement for them,"[30] "the priest shall make atonement for him"[31] -- these verses are cited by Cohen as proof that the priest was involved in the process of atonement. But the endings of these verses, cited above, show that in the final act of purification, the forgiveness, the priest was not involved. Evidently, "... and they shall be forgiven,"[32] "... and he shall be forgiven"[33] -- when it comes to forgiveness Cohen claims, the priest is clearly left out. Forgiveness can be

attained only before God and only by means of moral deeds.

The fact that Cohen recognizes the sacrifice as a means of atonement does not signify any undue sympathy towards the sacrifice. The process of atonement is indeed important in Cohen's eyes since it adds the essential dimension of inner intention, which when combined with deeds leads to the moral act of forgiveness.[34] However, he definitely, as we shall see, prefers atonement on the Day of Atonement and not atonement by means of basically polytheistic sacrifice.[35] This, Cohen believes, is also the position of the Talmud. Even though the Talmud could not eradicate the entire system of sacrifice, it did however succeed in curtailing its power of atonement and limiting it to "unwitting transgressions."[36] Thus, "For sins which are committed intentionally, ... sacrifice was not permitted, according to the Rabbinical law."[37] Precisely this, Cohen will later demonstrate, became eventually the role of the Day of Atonement.[38]

The Talmud's rejection of the sacrifice stemmed from prophecy. In Cohen's analysis of the prophetic attitude to the sacrifice there is an implication of the classical debate concerning the reasons why prophets seem to reject the cult of sacrifices -- was this rooted only in the contemporaneous connection of the sacrifices with undesirable moral elements such as wrong doing and injustice, or was it a struggle against the entire institution of the sacrifice in principle?[39] Cohen's thesis on this topic leaves no doubt as to the position taken by him. After presenting evidence from all

facets of prophetic literature, and particularly after referring to the very detailed rejection in Isaiah chapter 1,[40] Cohen cannot but come to the following conclusion: "One cannot in this way itemize that which is to be rejected and at the same time deride it, if one has not in principle outgrown the whole institution."[41] Although Cohen states this with respect to Isaiah, there is no doubt that this reflects his total outlook on the attitude of the entire prophecy as well as Judaism as a whole to the sacrifice.

Cohen's negative or possibly hostile attitude to the sacrificial laws does not necessarily reflect his overall evaluation of the ritual law as such. In some respects the contrary is true. Certain ritual laws can, under certain conditions, be highly regarded by him. The Sabbath law, the Day of Atonement and the festival laws are all excellent examples of ritual laws which are valued by Cohen to a greater or lesser degree.

Surprisingly, the Sabbath, an institution essentially ceremonial in character, was to Cohen the best loved of all Jewish laws. Having described it as "the quintessence of the monotheistic moral teaching,"[42] Cohen's analysis of the Sabbath is extremely detailed -- he lavishes abundant attention upon it in order to present it as a keystone and model for his overall social ethical teaching.

However, it must be remembered that Cohen's love for the particular Jewish conception of the Sabbath institution was not always of the same texture. In 1869, under what

seems to have been the influence of Reform Judaism, Cohen practically suggested that the Jews change their day of Sabbath to Sunday.[43] Indeed, Cohen was not the first to raise this suggestion. The same suggestion had previously been raised in the early part of the 19th century by the then rising Jewish Reform Movement in Germany.[44] However, this suggestion which had already proven itself as doomed to failure was once again raised by Cohen. Thus, Cohen's attitude to the law of the Sabbath is to be seen as an evolutionary process. Projecting the radical attitude of the early Reform Movement, Cohen in his early interpretation of the Sabbath seems to find only little value in the particular Jewish form of the Sabbath. Only many years later with the revision of his overall attitude to Judaism, did Cohen "Judaize" his view of the Sabbath.[45]

Cohen's analysis of the law of the Sabbath is symptomatic of his personal change of outlook on the matter. His view on the different accounts of the Sabbath commandment in the two Decalogues can be seen as following his own process of development. In fact, the divergence between the two texts, that of the Exodus Decalogue and that of the Deuteronomy Decalogue, is the cornerstone of Cohen's methodology when investigating the meaning of the Sabbath institution.

In the Exodus account Cohen sees, so to speak, that Sabbath which may as well be transferred to Sunday. In this text he detects nothing Jewish in particular, and sees it as

foreign and of little relevance to the ethical spirit of Judaism. Though Cohen acknowledges the fact that the servant's rest is commanded in the Exodus account, nonetheless, the purely religious historical explanation of the commandment seems in Cohen's view to make this text untenable as the true Jewish cause of the law.[46] Only the second account of the Sabbath law, that of the Deuteronomy Decalogue, is indicative, to his mind, of a complete transformation of the Sabbath from the religious historical world into the particularly Jewish ethical realm. The Deuteronomy version, pointing to the particular Jewish experience of slavery in Egypt surpasses and overshadows, according to Cohen, the initial reason of creation. Whereas the Exodus version points to the purely religious notion of the relationship between God and the world, the second version which emphasizes the delivery from bondage, points to the very concrete experience of the Jews and thus becomes a cornerstone of the Jewish outlook upon the relationship between man and man.[47]

The "Jewish" reason given in the Deuteronomy Decalogue for the Sabbath commandment is not considered by Cohen as a mere general and lofty ethical message but as a detailed account of the precise practical elements of an ethical social order. In Deuteronomy the Sabbath law calls for freedom, liberty and equality along with rejoicing and peace which together join to form the two pillars of Cohen's concept of ethics.[48]

For Cohen, the Sabbath is above all a clear

manifestation of God's love for man. It was at first God's love of the Israelites but soon became a "universal law"[49] manifesting God's love to the whole of mankind. It began as a delivery from slavery of the Jewish nation and turned into the release of all men from the oppressive socio-economic system of classes. The heart of the Sabbath commandment, namely the release of the worker from his duties for one complete day, is considered by Cohen a revolution in the structure of society. Apart from the very affirmation of the fact that the labourer should rest one day, the Sabbath manifests the need to abolish all social inequalities among people resulting from the different kinds of work.[50] In the institution of the Sabbath, says Cohen, God's love for mankind shows itself as God's pity for man whom he has driven out from Paradise to labour.[51] All forms of work become here a burden and the essential distinction among the various kinds of work is thus abolished. This is true in principle but its practical manifestation is evident in the day of rest itself. The fact that the law insists upon one particular day of rest for all, is to Cohen a symbol of workers equality. "The manual labourer, too," Cohen writes, "becomes master of himself; the weekly rest on a definite day makes the worker equal to his master."[52]

The last words of the Deuteronomy account of the Sabbath law "as well as thou"[53] have a special significance for the ethical value of the Sabbath institution. Referring to the fact that this very same word (kamocha) is used in the Bible

to describe all human relationships, Cohen shifts his discussion from the immediate to the long-range ethical consequences of the Sabbath. The slave's awareness of the fact that he is his own master on every seventh day will, according to Cohen, lead to the realization that he will finally become his own master in the seventh year. Thus, once the first step, i.e., the establishment of the principle of freedom from slavery, has been made, the world could advance and introduce overall freedom and equality. The Sabbatical Year law is thus the immediate consequence of the Sabbath law, it extends the boundary and complements the process. The abolition, though for one day a week only, of the distinction between slave and master leads to the abolition of the overall distinction among social classes. This to Cohen is manifest in what he calls "the symbolic extension of the Sabbath,"[54] -- the Sabbatical Year and the Jubilee Year -- "the year of release from debts and the year of Jubilee for land-ownership, as well as all other privileges of property."[55]

Equality is to be seen as one of the twin pillars in Cohen's ethical system while peace complements it. It follows then that the Sabbath, being a symbol of an ethical model, must presuppose peace as well as equality.[56] Peace is in fact ordained by the Sabbath since the Jews are commanded to rejoice in its observance. In this context Cohen points to the semantic connection between peace -- the equivalent of the Hebrew shalom -- and completeness which corresponds to the Hebrew shalem.[57] The similarity of the words which are

obviously derived from the same linguistic root is no mere accident. Just as there is no completeness (shlemut) without rejoicing, there can be no peace (shalom) without it. Hence, the rejoicing enjoined upon the Jew on the Sabbath day is not of the pagan sensuous kind, but rather the spiritual joy radiating peace.[58] This matter is summed up by Cohen in exultant tones: "If Judaism had given only the Sabbath to the world, it would by this alone be identified as the messenger of joy and as the founder of peace among mankind."[59]

It is this spiritual greatness that has made the Sabbath the cornerstone of the entire Jewish law, and the ultimate criterion for the observance of all commandments throughout Jewish history. In fact, Cohen claims that it is the observance of the Sabbath that has preserved and kept the Jewish people safe in its darkest days.[60] The Sabbath being primarily a commandment aimed at establishing equality between the low-born and mighty, the humble and proud, ultimately preserved the Jew's dignity even when he was humiliated and hounded by the Gentiles. Throughout the darkest days of the Middle Ages and in the present time, thus Cohen, when the Sabbath candles are lit the Jew regains his confidence and human dignity, which he so often lost during the six days of oft demeaning toil.[61]

However, though willing to concede that the Sabbath in preserving the Jews' human dignity actually ensures the physical survival of the Jewish nation, Cohen rejects the notion that this in itself could have been its very purpose.

By preserving the Jewish nation, the Sabbath has actually preserved the instrument for the diffusion of monotheism, thus affirming the brotherhood of all men. Consequently, the Jew in observing the Sabbath takes a step in bringing nearer the days of the Messiah and in "spreading the light."[62] Witness the fact, according to Cohen, that the Sabbath which was originally given to the Jews, was ultimately recognized and adopted by all humanity which divested it of its particular religious aspects and turned it into a universal ethical symbol. It is in this connection that Cohen criticizes Christianity: celebrating the Sunday as a memorial day for the resurrection of Christ; it in fact regresses to the Jewish primitive norm as described in the early Exodus Decalogue.[63] Thus, it is the observance of the Sabbath on its Jewish prescribed form which will protect its true notions.[64]

Cohen indeed "Judaized" his outlook on the Sabbath. It is obviously a repentant Cohen who emphasizes the great value of the Sabbath as prescribed in the Biblical law. The pathos and great love radiating from Cohen's discussion about the Jewish format of the Sabbath further indicate the major change of heart which took place since 1869, the year in which he advocated transferring the Sabbath to Sunday. Precisely because of this, it is mystifying that in no place in his Religion of Reason does Cohen explicitly state regret with respect to his above original idea. Moreover, as we shall see later, there are ample indications that Cohen

indeed had no intentions of changing his original position. This point, of course, requires further clarification which indeed will be presented in the concluding chapter of the present study.

In Cohen's analysis of the law of the Sabbath he draws a line of demarcation between the Exodus version of the Decalogue and the later Deuteronomy version.[65] On the Exodus side of the line, Cohen evaluates the Sabbath law as being a purely religious manifestation, whereas on the Deuteronomy side of the line, he determines the Sabbath as being a purely ethical manifestation of the law. This same methodological approach characterizes Cohen's analysis of the Day of Atonement. Here too, he seeks that line of demarcation between the Day of Atonement as a purely religious institution and a purely ethical one. This line of demarcation is found by him in the following Talmudic statement:

> For transgressions that are between man and God the Day of Atonement effects atonement, but for transgressions between man and his fellow, the Day of Atonement effects atonement only if he appeases his fellow.[66]

The fact that the transgressor is obligated to earn forgiveness from the one transgressed against, namely, the fact that the Day of Atonement cannot atone until the transgressor performs moral deeds ameliorating the sinful situation, is for Cohen a definitive manifestation of the purely ethical value of the Day of Atonement as prescribed in the rabbinic law.[67]

Cohen rightfully approaches the Day of Atonement primarily through its fulcrum -- the long and detailed

confession, oft-repeated in the service -- "For the sins we have committed....." In this prayer man confesses to every transgression there is -- the poetic form being mnemonic wherein the letters of the alphabet are used. Man, in this recitation of all conceivable sins, essentially admits to his sinful potential, and to the possibility that he too might falter and turn to any possible sin. On the other hand, the confession also poses a problem for Cohen. The confession, being the central prayer of the Day of Atonement, might be perceived by the Jew as sufficient to absolve him. For this reason Cohen immediately reveals the unique character of this confession. The very fact that this prayer has to be recited in public and in full voice in accordance with the Talmud, signifies to Cohen that "the Talmud may well have saved the purity of monotheism in its ritual profundity."[68] It is precisely this point which Cohen sees as the distinction between confession on the Day of Atonement and all other forms of confession. Here, man no longer absolves himself with ease and no longer grants the power of purification to "all the occult arts of priests,"[69] but he stands in public and proclaims his sins. Such a public confession cannot but indicate man's complete and true contrition.

However, in spite of the central role this confession plays, the individual Jew is forbidden to see it as sufficient for cleansing him of his sins. Cohen's ethical model could not have tolerated mere confession, no matter how meritorious, as being equivalent to total moral

purification.[70] It is precisely for this reason that the Talmud, thus Cohen, saw fit to formulate the warning quoted in the opening of this sub-heading: "For transgressions between man and his fellow, the Day of Atonement effects atonement only if he appeases his fellow."[71] In citing this Cohen clarifies his perception that in Judaism the confession is but a spiritual preparation on the part of man for the moral action which must be performed within the domain of reconciliation with man.[72] Cohen, therefore, sees in the Day of Atonement the integration of both essential elements for man's realization of moral purification. Man's inner intention is transmitted through the confession but this is not a substitute and is no "pretext to make easier or to discard moral duty,"[73] -- it is necessary but only a preliminary stage. Final purification will be attained only with the actual moral deed.

The moral purity of the Day of Atonement reaches, according to Cohen, its height in the remarkable fact that the list of transgressions in the confession is totally devoid of any mention of ritual sins, but contains only sins pertaining to man. In this context, Cohen praises the Talmudic sages who in spite of their strong desire to retain and demonstrate "the unity of the Torah,"[74] namely, "the lack of difference between moral laws and ritual,"[75] were willing to curb their "human passion"[76] and to forego adding ritual sin to the long list in the confession. This fact, that the ritual sins were not added to the confession, neither

directly, nor as an accompanying list, proves to Cohen that Judaism strives not to mar in any way the moral perfection of the Day of Atonement.[77]

Finally, Cohen introduces his outlook on messianism into the discussion of the Day of Atonement. The moral perfection of this day goes beyond the dual elements of contrition and moral duties to still another dimension -- it concretizes the transition of individual man to the human collective necessitating mutual responsibility and spiritual equality.[78] On this point Cohen again stresses the significance of the confession being recited in public. The public, among whom the individual confesses, cannot remain indifferent since each of them also confesses. In so doing all participants share in the guilt. This, to Cohen, is the most striking testimony for equality -- the willingness of man, the individual and the collective, to share in his fellow's pain and provide succor.[79]

At the outset of his analysis of the Three Jewish Festivals, Cohen cannot but submit to the basic fact -- these laws served "originally as nature and harvest festivals."[80] As indicated, this state of affairs whereby laws of Judaism are essentially compromises with the spirit of polytheism is indeed not entirely appreciated by Cohen who views Judaism as the complete opposition to polytheism and as aimed at "warding off idolatry."[81] This however does not imply that Cohen rejects the Three Festivals altogether. In keeping with the spirit of his overall methodology, he approaches

these laws as an expression of the process of moral purification undergone by the entire Jewish ritual code.

As in the case of the sacrifice, the basic moral essence of Judaism could not, in the long run, tolerate this framework of the Festivals and devised a method whereby they would take a different direction and significance. In the first stage, claims Cohen, the Three Festivals took on added national historical attributes, shifting thus the focus from nature to the particular Jewish religion. However, this new religious dimension of the Festivals is of course not yet accepted by Cohen as elevating them to the height of pure morality but only to a level bordering on it. It was only with the Talmudic interpretation, declaring that the Festival law of appearance (pilgrimage) "has no fixed measure,"[82] which definitively shifts them from being religious commandments in the narrow sense into becoming purely moral commandments.[83]

According to Cohen, the Talmud, in emphasizing the pilgrimage as central to the Festival law, reinforced two essential aspects. The first, the bringing of the first fruits, satisfies his philosophical outlook primarily since the first fruits "become the substitute for sacrifices,"[84] which, as we have noted, are not in the spirit of his ethical model. The second aspect, the 'tithe for the poor' is to Cohen's mind a clear manifestation of the final purification of the Festivals. From this point onwards the Three Festivals cease to be concerned with pure religion and become

"unmistakably concerned with social and moral conduct."[85]

The "tithe for the poor" namely the commandment of feeding the needy on the Festival is to Cohen an act of social significance and also a principle which is intended to inspire man's ethical conviction. There is no doubt that providing for the poor is an important precept for Cohen, but the crucial aspect for him lies in the fact that this law was introduced by the Midrash as part of a system designated "to purify man."[86] With that the law of "tithe for the poor" contains both elements indispensable for Cohen's ethical program. Man is spurred towards the ethical state of mind and then he actually takes part in a social moral act.

The shift of emphasis of the Festival law from the domain of pure religion into the realm of pure ethics took place, according to Cohen, when the Talmud combined the "tithe for the poor" with the injunction of "deeds of loving kindness" (gemilut hasadim).[87] Here, the religious aspect of man's love to God serves as the springboard of the moral and social aspect of man's love of man. This, to Cohen, is the entire intention of the Jewish religion, to turn "the recompense for God's love"[88] into an ethical instrument -- into love which man extends to his fellow-man.

Indeed, Cohen cannot complete his discussion of the festivals without relating to the rejoicing which was commanded for the days of Succoth. We have already seen in Cohen's interpretation of the Sabbath that to him precisely rejoicing will bring about messianic peace. In this

connection Cohen interweaves the notion of rejoicing and peace together with still another tenet of his messianic vision -- equality among men.[89] After all, he mentions, the Torah does not command mere rejoicing on Succoth, but rejoicing in equality. "Thou shalt rejoice in thy feast, thou ... and the stranger and the fatherless and the widow."[90] Here, according to Cohen, all resemblance between the Jewish norm of rejoicing and the polytheistic norm disappears. Rejoicing as commanded by the Jewish law is not "a Dionysian and not a Bacchanalian delight in lust,"[91] not in format and not in essence. To the Jews rejoicing is a spiritual and social experience whereby the gap between reality and messianic peace and equality is narrowed.

## CHAPTER V

## COHEN AND TRADITION: SOME COMPARATIVE ASPECTS

The novelty of Cohen's thesis is to be sought beyond the bare assertion that Judaism is linked with ethics. Granted that the degree of intensity of the correlation between the world of the Jewish law and the realm of ethics is viewed differently by the various scholars, it is, however, universally accepted that the former is permeated with an ethical aura. Cohen, of course, does much more than that. Having stated that "the law and revelation are identical,"[1] and thus being committed to the idea that the law is a direct outflow of the concept of uniqueness, Cohen seems to attempt to introduce his entire ethical model through the law. In other words, it would seem that to Cohen the law embraces all motifs operative in the ideal of ethics. With the law the Jew may be redeemed from his individuality and led to achieve the purified notion of humanity; with the law the Jew may be led to the realization of the messianic kingdom of perfect equality and peace; and finally, with the law the Jew may pull down the walls of his immediate social ties and thus spread the ethical message to the whole of mankind.

Indeed, presenting the Jewish law as both the expression and framework of an entire ethical model, or more

fundamentally, establishing an entire ethical method upon the aspect which can be considered as the most obvious problem of modern Judaism, is no doubt a worthwhile project. On the other hand, the intensity of Cohen's statement, his great insistence upon the fact that ethics is the only consideration of the Jewish law, exposes Cohen's thesis to obvious criticism. The question whether Cohen's presentation of the law truly reflects the authentic spirit of traditional Judaism cannot but be raised.

Cohen, it appears, was fully aware of the problematic nature of his presentation of the Jewish law as based predominantly on a system of ethics. Thus, in developing this thesis he makes remarkable efforts in order to demonstrate that his presentation and traditional Judaism are in complete harmony. Quoting a multitude of Jewish sources -- rabbinic, philosophic and particularly Biblical -- he attempts to persuade us that his approach not only does not contradict but in fact is in total agreement with the mainstream of traditional Judaism. Thus, an investigation, albeit basic and brief, of the traditional approach to some aspects of the law, and then a comparison between this approach and that of Cohen's is not only legitimate and fair to Cohen but will also grant us the insight with regard to the authenticity of his interpretation.

The concept of suffering plays a basic role in Cohen's ethical teaching. In fact, he invests great efforts in order to reject various attempts to exclude suffering from

within the framework of ethics.[2] To his mind the ability to experience the other's suffering -- to observe and then to share it -- is a basic and indispensable aspect without which moral consciousness is inconceivable. One's experience of the other's suffering turns into pity and pity in turn is transformed into love towards one's fellow. Indeed, suffering becomes a virtue in Cohen's method, and there is no wonder therefore that the great merit of the Jewish nation -- its being chosen by God as Am Segulah -- is addressed by him within the framework of the concept of suffering:

> Hence, Israel's relation to God has been conceived by the prophets as well as the historian as a kind of suffering. God loves Israel as He loves the poor. For Israel is rejected by God, oppressed by enemies, split and divided politically, and finally even driven from its land.[3]

The Jewish law, being both an embodiment of ethics and a reflection of the genuine spirit of Judaism, must indeed predominantly be concerned with human suffering. As we have seen, in his detailed analysis of the laws of the stranger, the Sabbath and the festivals, Cohen places great emphasis upon the concern of these laws with the underprivileged suffering individual. Thus, Cohen's great insistence upon the intimate connection between the concept of suffering and the Jewish law will be the major subject for evaluation.

At first glance it would appear that the norm of personal suffering which stresses compassion for the suffering fellow-man is indeed the main concern of the Biblical law. Helping the poor, protecting the orphan and widow, preserving

the rights of the stranger, the wage earner and servant, are but a brief illustration of the concern Biblical law shows for the underprivileged. Consequently, a superficial view of these commandments might leave the impression that the burden of moral behaviour falls entirely on the wealthy, the master and employer, as if the Biblical morality rests content with regulating personal relations so that the suffering one will not be exploited by the wielders of power. Moreover, the fact that many of these laws are linked with the historical experience of slavery in Egypt might lend further credence to the claim that the Jewish law is preoccupied only with the concept of suffering.

However, precisely within the framework of these laws we find a surprising verse in the Bible. Adjacent to the commandments dealing with the suffering individual -- with the widow, the orphan, the servant and the stranger -- we find the commandment "Neither shalt thou favor a poor man in his cause."[4] At this point, which seemingly contradicts the basic spirit of all the previously mentioned precepts, one can readily see how judiciously balanced the Jewish law is. Here the focal point is shifted from primary concern with the concept of suffering to the concern with the concept of formal justice. More exactly, concomitant with the concern the law shows for introducing the sense of compassion and improving the lot of the suffering individual, it equally aspires towards a formal system of laws applicable to an equal degree to society as a whole whereby there is no

exception to the rule, including those who might merit such exceptions. For this reason the Rashbam connects together the above verse from Exodus with the parallel verse from Leviticus "Ye shall do no unrighteousness ... thou shalt not respect the person of the poor, nor favor the person of the mighty."[5] Obviously, sympathy and compassion are great virtues, but even these must be limited within the boundaries of formal justice.

In the same vein we can view what is considered to be the greatest of all moral precepts of the Biblical law "Thou shalt love thy neighbour as thyself."[6] Along with one's natural inclination to respond only to the obvious positive meaning of the opening words, one must not ignore the limiting factor in the last two words. "As thyself," so that it be completely and unmistakably clear that love and all that it enfolds is deeply engraved in the context of formal justice. Here again the Rashbam makes this point crystal clear: "Your neighbour, if he is good; but if he is evil, it is written: the fear of God, the hatred of evil."[7] Indeed, the above love cannot be viewed as merely a poetic expression of emotionality divorced from real life but rather as an integral part of a formal social outlook.

Of course, there is much more to "Thou shalt love ...." than mere formality. This commandment is the meeting point between the two sides of the moral issue. On the one hand, we view the last phrase, which by being both positive and limiting, proclaims the moral order in its strict formal

phase. But just as we stress formality, we still find emotionality a central theme -- the purpose thereof is to remove morality from the realm of mere formality and place it in the world of feeling and compassion. In a similar vein one must approach the concept of Tsedakah as meaning both formal morality on the one hand, and emotional charity on the other hand. Indeed, that is how Maimonides interprets the matter. He uses Tsedakah as a means of portraying both sides of the moral teaching of the Jewish law.[8]

Cohen, to a large degree, tends to overplay one attribute and to underplay the other attribute of the well balanced formula of the Jewish law. Having made the symbolic and educational purposes of the law its essential value, he, in many instances, compresses the law into the limiting framework of the concept of suffering, while entirely neglecting its formal aspect. Cohen's interpretation of the above mentioned verse "Thou shalt love ...." is perhaps the best illustration of this tendency. The entire value of love, expressed in this verse, is according to him exhausted in the concept of suffering. It is intended only to awaken man's sense of compassion towards the suffering stranger. After a long and detailed analysis of the Biblical legislation concerning the alien Cohen writes:

> Finally, out of these basic determinations of the law the general commandment of the love of the stranger becomes intelligible. Verses 17 and 18 in chapter 19 of Leviticus, which reveals the so-called love for the neighbour are elucidated by verses 33 and 34 of the same chapter, which are as follows: "And if a stranger sojourn with thee ... thou shalt love him as thyself."[9]

Love for the suffering stranger is one notion which elucidates the verse "Thou shalt love ...." Not surprisingly, the only other notion to do so is love for the enemy. The Hebrew Bible, Cohen cannot but admit, does not explicitly contain the commandment of love for the enemy, but this idea clearly springs from the general spirit of "Thou shalt love ....," that is, from the prohibition of enmity, of hatred for one's fellow-man.[10] In this context, even without being guided by polemics, one cannot but notice the apologetic spirit which springs from Cohen's discussion of the concept of love as presented in the Jewish law. Without any doubt, Cohen's "love" is borrowed from without the boundaries of Judaism and thus it is in many respects foreign to Jewish law. Suffering and compassion are of course indispensable notions of the Jewish concept of love, but the idea of moral justice is equally inseparable from it. Ahad ha-Am is basically correct when he claims that love in its Christian unrestricted sense is essentially something alien to Judaism.[11] However, Judaism must not be confused with an entirely formalized approach. Only love which does not transgress the bounds of formal justice and remains within its fold, reflects the balanced formula of morality as perceived by Judaism.

It may very well be that the best expression of the Biblical law bringing into harmony both the formal and non-formal attributes of the law is to be found in the egalitarian legislation in Leviticus chapter 25, the chapter dealing with the Sabbatical year. There, God's proclamation "for the land

is mine,"[12] is without doubt an effort to struggle with the overall problem of privately owned land, the root of social inequality in the old world.[13] However, to the degree that these precepts seem to oppose private property in principle, they also protect its ownership by individuals and families. Thus, the main part of the chapter pertaining to the Sabbatical Year deals almost entirely with ways and means for the redemption of privately owned land. Consequently, this chapter can hardly be interpreted, as Cohen seems to do, as a proclamation of some primitive communism.[14] Here again, we may see both sides of Jewish morality. On the one hand, the general desire for equality is affirmed, but this is contained within formal bounds whereby the possession of private property is guaranteed.

It is obviously significant that the entire concept of equality as reflected by the laws of the Sabbatical and Jubilee years is addressed by Cohen in his chapter "The Problem of Religious Love."[15] Naturally, within such a framework he is able to press this whole matter into the limiting boundaries of his notion of suffering and discuss it in terms such as "love," "loving care" and particularly "compassion" and "pity."[16] Indeed, Cohen's interest in chapter 25 of the book of Leviticus terminates after verse 24.[17] When it comes to the rest of this chapter where all practical formalities and technicalities are described, Cohen seems to lose interest.[18]

Another well balanced formula of the Jewish law is that

which brings into harmony the obtainable reality with the utopian ideal. In this context a vivid, crystal clear expression of Jewish law at the crossroads between reality and ideal is found in Deuteronomy chapter 15. In verse 4 we are astonished by the optimistic portrayal of an unrealistic world, "There shall be no needy among you." This, of course, expresses an idea which would be realized only if the condition stated in the preceding verse were fulfilled -- "If only thou diligently hearken unto the voice of the Lord thy God to observe to do all these commandments which I command thee this day." But only three verses later the Bible brings us back to reality: "if there is among you a needy man." And, in verse 11 the ideal hope disappears completely and reality is finally fully accepted: "for the poor shall never cease out of the land." One cannot imagine a more clearcut juncture of the Jewish law. The ethical ideal is vividly proclaimed, but this does not contradict the fact that the law has to face and to cater to obtainable reality. Evidently, the central theme of this portion of chapter 15 lies in the verses 7 to 11 wherein the formal laws regarding the poor are prescribed. Moreover, if there is any doubt left that reality here is the central concern of the law and the rest is but a lofty desire, the later Talmudic interpretation removes it entirely. From "There shall be no needy among you," the Talmud derives the rule that the search for a lost object belonging to one's self must take precedence over the search for that belonging to another, and this is

reinterpreted by Rashi -- "Beware of poverty."[19] Indeed, neither the Talmud nor Rashi place emphasis upon only the utopian meaning of this chapter.

Cohen, it seems, takes no cognizance of the above traditional interpretations. In his ideological zeal, being permeated with the notion of ideal social order and messianic kingdom of prevailing perfect justice and peace, he fails to recognize the immediate and practical moral thrust of the above law. Referring to chapter 15 in the book of Deuteronomy Cohen says:

> Two sentences stand side by side: one sets up the negative demand, while the other represents the inherited experience against utopianism. The one says: "There shall be no needy among you." The other says: "For the poor shall never cease out of the land." The demand in its rigor is not softened by the presumed experience.[20]

Typical to Cohen, the experience of reality is only presumed, utopia, however, is real. Indeed, for Cohen, the value of the Jewish law lies not in its practical and present observance but only in its being a symbol, a means of education, an ideological milestone pointing to the ultimate realization of his own ethical ideal.

In summing up, it seems that Cohen has artificially upset the balance prevailing in the Jewish law. His emphasis upon the utopian and messianic to the exclusion of the worldly and immediate, the stress he places upon the educational element while belittling the formal aspects of daily practice, must lead him to the reduction of Jewish law to the one notion of suffering. Truly, the Jewish law is

deeply concerned with human suffering. That cannot be gainsaid. However, the Jewish law does not rest content with holding out the hope of a kingdom of heaven in which poor and rich shall be alike, nor does it presume upon human compassion for the sufferer to alleviate his lot. It prescribes immediate concrete and formal steps to be taken to care for the sufferer. Thus, while granting the fact that the Jewish law is, to a serious degree, concerned with the suffering of the poor we need not, as indicated, be led to an acceptance of Cohen's overall outlook of total identification of the notion of suffering with the Jewish law. Nor need we subscribe to his assertion that the entire particular love of God for Israel is in fact a special form of love for the suffering poor.[21] Cohen's analogy between the isolation of Israel -- the landless and homeless -- with the social misfortune of the individual's poverty is, to say the least, artificial. What Cohen does here is to identify the concept of a chosen people with human misfortune. Indeed, Cohen is anything but right in exalting poverty and suffering and raising it to a positive value. The concept of Segulah can hardly be connected to the misfortunes of Israel. After all, one may believe that Segulah is something positive.

# PART III

## A COMPARATIVE ANALYSIS

## CHAPTER VI

## MENDELSSOHN AND COHEN: ETHICS AND THE LAW

There is little doubt that the Jewish religion has always been permeated by a vital concern with ethics. Right down from its Biblical origin to its present state of development the ethical phenomenon has always been essential to Judaism, both as a principle and as a goal. However, this intimate connection between Judaism and ethics received different degrees of emphasis at different times in the process of development of Jewish religious thought and literature. The ethical spirit of the Bible, for example, cannot be denied as it dedicated a large part of its legal and prophetic literature to ethical teaching applicable to all spheres of life. Nevertheless, the Bible did not formulate an abstract and comprehensive definition of ethics. We may take an additional example: the general ethical concern of the Talmudic literature is also undisputed. It never, however, attempted to narrow down Judaism within the strict boundaries of a supposedly comprehensive moral system. This was generally the Jewish approach to ethics throughout the different periods prior to Enlightenment; the ethical imperatives were at most only one category, although a prominent one, within the total content of the Jewish

religious sphere, and the laws classified as ethical constituted only one phase of the Jewish code.[1] What strikes one as revolutionary in modern times, as has already been demonstrated by Nathan Rotenstreich, is the intensity and the insistence upon the primacy of ethics in Judaism.[2] Indeed, no longer is ethics only one among many considerations within the large domain of the Jewish faith, but the pivotal consideration, if not the only one. Ethical conduct is no longer regarded as one indispensable means for the realization of the religious task, from now on it is the exclusive means, perhaps even more, the very task itself, and religion is a mere means for its achievement. This outlook is strongly amplified in Hermann Cohen's early religious postulates in which he claims that "God's significance lies wholly in His guarantee of ethics and His being the guarantor of a moral universe."[3] Undisputedly, religion loses at this juncture its sovereign role and is seen as an instrument. One can claim ethics is now religion's only raison d'être.

The prominence attached in modern times to the ethical value of Judaism is not always traceable to clearly definable religious grounds. For example, Albert Einstein's appreciation of the Jewish quest for morality does not necessarily evolve from any particular terminology. It is not the moral character of the commandments which inspired his love for the Jewish heritage. It is rather the general and lofty Jewish concern with morality which makes him "thank [his] lucky stars" that he belongs to the Jewish people.

> Judaism seems to be concerned almost exclusively with the moral attitude in life and to life. I look upon it as an essence of an attitude to life which is incarnated in the Jewish people, rather than in the essence of the law laid down in the Torah and integrated in the Talmud.[4]

Here the existence of Judaism is no longer justified by virtue of the cardinal place assigned to ethics in its law, but in its role as a prominent phase within the realm of ethical ideology.

In a way, the above mentioned address marks the end of the road which began with the new revolutionary approach to the Jewish religion, the inevitable concomitant of Enlightenment. This shift of emphasis in current Jewish thought from what is called religious, in traditional terminology, to the ethical or moral considerations, resulted no doubt from the increasing indifference of modern philosophy to abstract metaphysics and a transfer of interest to the human condition. However, changes in philosophical trends do not merely indicate abstract intellectual considerations, but must primarily both reflect and cater to new practical and historical realities. In this sense the transition of Jewish philosophy into the sphere of ethics is rooted in the modern Jew's efforts to attain equal civic rights and involvement in the general culture.[5]

Consequently, the assertion that Jewish religion is a unique and exalted religion could, and obviously did, create obstacles on the way towards equal rights and integration in general society. Thus, the modern Jew, loyal to his religious

heritage, but constantly in quest of his place within society and culture, had to assume and to present Judaism as universally valid and relevant to all. Indeed, an insistence upon the universal ethical value of Judaism might render the Jew secure in his position among the general public.

As previously stated, the concern of modern Jewish philosophy with ethics is not new. However, the insistence upon its primacy, where religion is pressed into the service of ethics, is without doubt diametrically opposed to the traditional approach to Judaism. While the rabbinical position does not acknowledge an independent realm of ethics and treats law and ethics as derived from a single divine source, modern Jewish thought in the main insists upon the primacy of ethics and its independent status. This indeed represents a radical departure from the traditional scheme of things.

The inclination of Jewish thinkers since the eighteenth century to treat ethics as a sphere independent of divine law does not necessarily reflect a negative attitude to the commandments. However, in the scale of values assigned to the law revealed in the Torah, the commandments are not as a rule considered by them as an adequate source of ethics. To some of the Jewish modern philosophers the principles of morality are known independently of any external source because they are grounded in human reason. Again, morality no longer enjoys the sanction of religious law but is primarily an independent realm innate in humanity. At this

point Moritz Lazarus' doctrine might serve as a beneficial illustration. "Morality," he claims, "was not created by the Sinaic code; it springs from its own and from man's particular nature."[6] Furthermore, he unhesitantly stresses, "Abraham observed all moral laws, reason was the source of ethical instruction."[7] This no doubt constitutes not only a revolutionary change of Jewish traditional views; it also presents a misrepresentation or perhaps a denial of the rabbinical attitude which firmly insisted on the chronological primacy of the law and upon the fact that Abraham observed the entire Torah before it was given on Mount Sinai.[8]

The approach described above characterizes only in general the treatment of the problem of ethics by Jewish philosophers in modern times. Indeed, one need not assume a complete uniformity of method or of concept. One can certainly distinguish and differentiate various views on the role of ethics in the Jewish law. In this regard Moses Mendelssohn, who is considered the father of modern Jewish philosophy, and Hermann Cohen, who is considered the last Jewish philosopher to view Judaism as a predominantly ethical system, reflect two extremes of modern Jewish philosophical treatment of this issue.

We have already discussed Mendelssohn's dilemma. As we know, he was anxious to preserve the position of the Jewish religious law which he himself meticulously observed. At the same time he was deeply influenced by the prevailing moods and trends of Enlightenment which insisted upon the idea that

all men must be granted equal rights and status in virtue of their being moral agents, the religious persuasion being considered totally irrelevant. Consequently, Mendelssohn's philosophy is primarily aimed at bringing together Judaism with the then flourishing movement of Enlightenment and seeking to guarantee the preservation of Jewish particularity without endangering the civic status of the Jews and without forfeiting the universalism which he believed vital for Jewish social and cultural emancipation.[9] To achieve this goal of integration, Mendelssohn developed his previously elaborated theory that Judaism is not a revealed religion but rather a revealed law. That is to say the theoretical religious truths are not part of Judaism or indeed of any other institutional faith. Furthermore, these truths do not require the support of divine legislation since they are eternal verities which may be grasped by unassisted human reason, and as such are acceptable to all men in all places at all times, regardless of their religious affiliation. Thus, while dismissing certain positive assumptions which have been taken for granted in the traditional concept of Judaism, Mendelssohn is inevitably led to reducing the affirmative aspects of Judaism to one category: the Jewish law.

This, however, does not yet solve Mendelssohn's dilemma, but in a way serves to aggravate it. Since the law that Mendelssohn affirms as being an exclusive possession of the Jewish people is widely recognized for its ethical character,

one could have conceivably suspected him of claiming that morality is part of a special legislation revealed solely to his own people. Obviously, to Mendelssohn such an observation is impossible. Had he classified ethics as a phenomenon available to Jews in a manner inaccessible to all others, it would have placed him in a position at total variance with the spirit of humanism and universalism, the essential tenets of Enlightenment. To avoid this undesirable consequence, Mendelssohn, as demonstrated in the opening part of this study, denies that there is any special internal Jewish moral teaching and he soon establishes the autonomy of morality as evolving from universal and natural religion. Ethics, being a speculative principle, is indeed subject to Mendelssohn's basic reductionist methodology -- it is removed from the domain of Judaism and placed within the category of natural religion. Furthermore, since ethics relies upon internal human conviction it cannot be part of any mandatory law which by definition relies on means of enforcement and punishment.[10]

Thus, Mendelssohn manages to unify Judaism with the rest of humanity. He allows no special moral code or moral knowledge for the Jews by making morality universal and applicable in equal measure to all men in virtue of reason.[11] In his great anxiety to affirm the unity between Jews and the rest of mankind, Mendelssohn seems not to be concerned at all with the fact that the Jewish code includes an entire section of moral prescriptions in which religious conviction and not punishment is the motivating factor.[12] In fact, he never attempts to

confront this problem. All that seems to matter to him is to assure his contemporaries, Gentiles in particular, that Judaism makes no distinctive claim to ethical knowledge and the Jews, like all other men, must approach the fundamental principles of ethics through the light of universal reason.

Mendelssohn's effort to discuss ethics in purely rational terms, suggesting that moral salvation is equally accessible to all men regardless of religious affiliation, obviously exposes him to the embarrassing charge of atheism. Thus, he takes great pains to establish that the principles of universal and natural morality stand in perfect accord with God's will and that morality without religion is in fact impossible. "Without God," he writes in Jerusalem, "love of man is nothing but congenital weakness, and humanitarianism, little more than a chimera into which we try to trick each other."[13] This, to be sure, does not yet lead Mendelssohn to the conclusion that man is obligated to act ethically because it is God's command. Morality, rather, is God's command as He, reflecting His very nature, is by definition capable of willing only what is moral. Although not stated explicitly, one can infer that to Mendelssohn both God and man are equally subject to rational universal ethics.[14]

In short, we find in Mendelssohn an assessment of ethics within the framework of rationalism, which makes it an autonomous domain. As rational, it is available to every enlightened man who takes the pains to meditate, being autonomous it is binding upon all, independently of any

external source of authority -- command or punishment. The command of God, thus, is not indispensable to guarantee human ethical conduct. Here Mendelssohn is confident that man's natural reason and good sense will eventually lead him to make the right moral decision in accordance with the natural law.[15]

Up to this point we presented Mendelssohn's attempt to unify the spirit of Judaism with the prevailing mood of the Enlightenment by separating ethics from the realm of Judaism and the Jewish law. We shall now move to demonstrate Mendelssohn's effort to advocate his theory from within the Jewish religion itself. More exactly, we shall follow Mendelssohn's attempt to prove that the concept of natural moral law is far from contradicting any Jewish traditional notion. In fact, it is wholly consistent with one of the pillars of Jewish law proper. Here, Mendelssohn uses the concept of the Noahide Commandments -- the seven laws considered by rabbinic tradition as the minimal duties enjoined by the Bible on all men.[16] All who "observes the laws of nature," thus Mendelssohn, is called in Judaism "the righteous among other nations," and in order to attain this position one is "obligated only to fulfill the Noachide laws."[17]

It is indeed a standing temptation to employ the seven commandments of the Noahides as a bridging concept between Judaism and universalism. One does not need to elaborate here in order to conclude that with this concept Judaism acknowledges the existence of a potential of morality in

people other than Jews and does not equate it with the observance of the entire Jewish law.[18] However, the matter is much more complicated with regard to the question whether these laws constitute a formulation of natural obligations. Throughout the ages there was a serious divergence of opinion as to whether these laws are considered natural, thus applying to all mankind, or whether these laws are intended to apply only to non-Jewish residents in areas under Jewish jurisdiction.[19] Mendelssohn, nevertheless, does not seem to be disturbed by the complexity of the matter. In his correspondence with Lavater, he unhesitantly identifies the Noahide laws with the doctrine of natural law and natural religion.[20] Presumably, these seven commandments, the observance of which will qualify all men to the privilege of being considered righteous are the basic rules of rational autonomous ethics.

Mendelssohn's emphasis that the Noahide conception is, in effect, the Jewish acknowledgement of an independent rational code may seem at first sight far from being satisfactory particularly with regard to the first Noahide commandment. Indeed, one may be tempted to question the connection between the prohibition of idolatry and those autonomous laws which do not require a particular theological framework. Mendelssohn, however, does not fail to reconcile this possible pitfall of his argument. Having claimed that the correct attributes of God may be grasped by means of reason "through nature and events,"[21] he seems to be logically

consistent in his argument that the prohibition of idolatry is one of the natural laws.

The disparity between ethical authority based on divine revelation as opposed to rational consent reaches a climax in Mendelssohn's criticism of Maimonides' views. At one point, however, their views seem to be as one. Maimonides' assertion that the Torah "has a natural access,"[22] may, at first glance, suggest a basic affirmation of Mendelssohn's outlook. But soon enough when Maimonides' attitude finds its place within the framework of clear-cut Judaism, his divergence from Mendelssohn's views becomes inevitable. "The reason," Maimonides writes, "inclines towards it and in revelation it is confirmed."[23] Mendelssohn's automatic identification of reason with morality is no longer possible according to Maimonides. To Maimonides, all men may be endowed with reason. Morality, however, must be rooted in a clear awareness of the fact that observance is God's command. From this point onwards Maimonides' outlook of the Noahide laws becomes articulate, crystal-clear and no longer open to interpretation.

> A heathen who accepts the seven commandments and observes them scrupulously, is a righteous heathen, provided that he accepts them and performs them because the Holy one, blessed be He, commanded them in the law and made them known through Moses our teacher. But if his observance is based upon reasoned conclusion he is not deemed one of the pious of the gentiles, but one of their wise men.[24]

Quite naturally, Maimonides' insistence that the Sinaic revelation is the only proper basis for acceptance of the Noahide laws arouses Mendelssohn's indignation.[25] The fact

that Maimonides rules out the claim that Judaism affirms that ethical knowledge can be grasped by way of unaided reason must evidently be found by Mendelssohn both painful and unacceptable. Here, the possibility of achieving a synthesis of Judaism and Enlightenment, an issue to which Mendelssohn dedicated his life, becomes questionable.

In short, two sentiments, philosophical and social, join together to form Mendelssohn's concept of the relation between ethics and Judaism. The first is Mendelssohn's awareness of the place of Judaism within the general contemporary philosophical framework, and of the place of the Jews within the general social environment. The second, no less important, is Mendelssohn's acute feeling that he must not step beyond the boundaries of Judaic religious rules and the Jewish community.

Mendelssohn's thesis consists, thus, of two stages. In the first stage he attempts to reconcile contemporary philosophy with traditional Judaism. Here he presents Judaism as a tolerant faith which neither opposes the spirit of the age, nor insists on special privileges, certainly none with respect to ethics. In order to do so Mendelssohn strips Judaism of any doctrinal basis, and particularly emphasizes the fact that it lays no claim to any esoteric knowledge in the domain of ethics. In the second stage Mendelssohn attempts to establish his place within the framework of Jewish values, and among his Jewish brethren. With this end in view he resorts to the Noahide laws to prove that this concept of

ethics is by no means incompatible with traditional Jewish attitudes, and has in fact a firm and well established place within the accepted Jewish norms.

One should not find fault in this particular method of bridging the gap between the spirit of Judaism, on the one hand, and that of other peoples, on the other. And indeed many a Jewish philosopher has adopted the very same approach. However, one should also not disregard Mendelssohn's point of departure and his frame of reference. It is essentially the prevailing contemporary philosophy -- the spirit of the age -- that is held up as a model for comparison and emulation. It is in these terms that Judaism is submitted to critical investigation and whenever any thesis is found to be of universal value, Mendelssohn has no compunction in divorcing it from Judaic particularism, thus allowing Judaism only the narrow scope left to it by the philosophy of the Enlightenment.

Hermann Cohen is of course no less keen on reconciling Judaism with the prevailing moods of his time. However, unlike Mendelssohn, and as the very title of his book Religion of Reason from the Sources of Judaism suggests, he started from diametrically opposite premises. In Cohen's case, as we have seen, Judaism is the point of departure, the source to which a clear-cut philosophical doctrine can be traced. Indeed, Cohen repeatedly tells us that Judaism is wholly consistent with reason and consequently displays universal aspects. This, however, does not lead him to

reduce Judaism to a bare minimum. Thus, whereas in Mendelssohn's case ethics is displaced from Judaism and appears under the heading of natural law, Cohen's intellectual effort is, as we have demonstrated, distinguished by his emphasis upon the fact that ethics has a rightful place within the framework of Judaism and within the framework of its law in particular.

One could say that Hermann Cohen is the last but the most prominent Jewish philosopher of the school which interpreted Judaism as an ethical method. As previously discussed, from the point of view of moral awareness, Cohen finds the purest manifestation of Judaism in the prophets -- in their prophetic message and even in their style of writing.[26] Thus, Cohen could indeed grasp the overall concept of ethics summed up in the perspective of Biblical prophecy. Nevertheless, he concedes the basic fact that religion is a wide sphere and cannot therefore be analyzed through one religious phenomenon only. Furthermore, Cohen agrees that from the point of historical and comparative analysis, the term religion includes a wide range of religious attitudes to the world. Consequently, Cohen's methodology, which aims to present Judaism as an ethical method, consists of an attempt to establish the uniqueness of Judaism in comparison with other types of faith which are objectively called religion -- polytheism in particular. Here Cohen establishes that the most distinctive feature which differentiates Judaism from polytheism is to be found

in the prophetic statements "I am the Lord and there is none else" and "... for I am God and not man."[27] In these verses, according to Cohen, lies the core of all Jewish uniqueness -- the concept discussed earlier in this study of the uniqueness of God -- namely, the perception that the essence of God is totally distinguished from all earthly essences. Now, the main methodological problem facing Cohen is how to reach some form of synthesis between the realm of contemporary philosophy, with its overall ethical concern, and the world of Judaism, with its insistence upon the above concept of the uniqueness of God.

In this respect, Cohen subscribes to Maimonides' basic view that the image of God is totally distinct from the image of man.[28] This idea leads Cohen to the essential feature of the concept of uniqueness -- the distinction between God's and man's position facing the world. Unlike man, God's position is not to be grasped in relation to one or another individual or human collective, but only in relation to the universe.[29] At this point Cohen establishes the meeting ground between Judaism and the ideology of ethics -- Judaism as an isolated and self-enclosed particularity, is granted no special position before God.[30] Only by being an expression of an ethical universal teaching does it attain religious fulfillment. Thus, by becoming an entity oriented to the universe, Judaism, just as in the case of God, cannot be grasped in relation to the narrow sphere of Jewry nor to any other particularity, but only in relation to the whole of

mankind.[31]

From this outlook one may deduce Cohen's understanding of man's role in the world. Just as to him the only meaning of God's existence is in His being the guarantor of a moral universe, so man's very being is warranted by him only in so far as he relates to humanity and strives for a moral mankind. Cohen, as previously mentioned, recognizes that this is not necessarily in harmony with man's very nature. Thus, his scheme presents a demand for man's revolutionary change in attitude toward life. In fact, he calls upon man to combat "the senses" which are "basically common to man and animal"[32] and to lose his individuality so that he will regain it at a later stage, in an exalted purified form.[33]

Having this in mind, it would be beneficial to revert once again to the disagreement between Mendelssohn and Maimonides as to the position of ethics, and thus relate Cohen's argument to the general framework of these ideas.

We have already seen that the passage in Mishneh Torah in which Maimonides makes righteousness conditional upon revelation on Mount Sinai is a disturbingly real problem to Moses Mendelssohn. For him, as stated, all men have equal access to human goodness, regardless of their religious beliefs, for ethics is a natural propensity. In this context lies the fundamental problem involved in the dispute between Mendelssohn and Maimonides. Whereas Mendelssohn affirms the validity of the moral natural law, Maimonides denies such a concept. Or, in other words, whereas Maimonides makes the

ethical life conditional upon divine authority, Mendelssohn claims that divine direct guidance is not altogether necessary for ethics as man's natural virtues are wholly sufficient.[34]

Precisely here lies not only the diverging point of Maimonides and Mendelssohn but also the diverging point of Cohen and Mendelssohn. Whereas Mendelssohn is convinced of the existence of man's natural ethical virtue, Cohen is rather skeptical on this point:

> The ethical personality is not given and may not be presupposed with certain natural tendencies and conditions. ... The ethical subject is not the spirit which so easily becomes a moral ghost. The ethical object is not simply born and hereditarily determined.[35]

The rift between Cohen and Mendelssohn is now deep and unbridgeable: contrary to the above indispensable premise of Mendelssohn's doctrine, Cohen shifts the discussion of ethics from 'what man is' to 'what man ought to be'. For him ethics is much more concerned with man's spiritual growth and his duty to become, than with what he is as a given entity.

Consequently, Cohen seems to dispose once and for all with the deterministic concept of a given, unaided and unchanged natural moral law and to open the gates for a theory of moral education, development and purification.[36] Unlike Mendelssohn who rules out the possibility of moral progress and thus "cannot believe ... that it could ... have been the intention of Providence to let mankind ... advance toward perfection,"[37] Cohen emphasizes the notion that man is not created a morally immutable entity but one who can

and should be made in the image of ethical imperatives. Moreover, contrary to the concept of natural law, which defines man in the restrictive terms of his most primitive and fundamental being, Cohen introduces the quest for the ultimate excellence which originates outside man but is still within his grasp. Finally, contrary to Mendelssohn who actually excludes God, thus religion, from the domain of ethics, Cohen sees ethics as the only relevant concern of religion.[38]

This accounts for Cohen's almost violent rejection of Spinoza and his great admiration of Maimonides.[39] Cohen's conception of an ethical God does not allow for Spinoza's God who is governed by nature, nor does it allow man's morality to be determined by natural law. Unlike Spinoza's God who is nothing but "that which we certainly know to be useful for us,"[40] Cohen's God is "a symbol .... to be emulated by humanity."[41]

Maimonides, on the other hand, is to Cohen the embodiment of the long process of human purification which moves towards the realization of the messianic ethical goal. Maimonides' interpretation of messianism occupies, therefore, an important position in Cohen's ethical religious scheme. Here we find a notable demonstration of Cohen's admiration for Maimonides' claim that in the days of the Messiah "The world will follow its normal course."[42] "We do not long for the days of the Messiah," Cohen cites Maimonides' statement, "because we may ... drink wine, [but] because goodness and

wisdom will prevail."[43]

Hitherto, we have determined three basic doctrines emphasizing the deep gulf between Cohen's and Mendelssohn's views of ethics and its place in religion in general and in Judaism in particular. While Cohen views ethics as a process of human development and purification, Mendelssohn rules out the possibility of human ethical progress. While Cohen sees ethics as the only relevant concern of religion, Mendelssohn divorces the two and places ethics within the domain of natural law. Finally, while Cohen believes that ethical teachings is indeed a main concern of Judaism, Mendelssohn places ethics outside of the boundaries of the Jewish religion. Having made these points we shall move on to compare Cohen's view with that of Mendelssohn with regard to the role of ethics in the Jewish law.

Within this context Cohen's early view sharply differs from his later understanding as formulated in Religion of Reason. Indeed, prophetic Judaism was the central theme in Cohen's early outlook on the Jewish religion. In this connection his message is quite clear: Judaism in its prophetic framework possesses all the ingredients needed to bring about the realization of the "Kingdom of God," namely, a kingdom of "mankind united in the ideal of morality."[44] The "Kingdom of God" which is none other than the messianic era itself, is, no doubt, a concept projected only into the indefinite future. This insistent claim made by Cohen that the realization of Judaism embodies a future potentiality

only, whereby the particular existence of the Jewish nation is no longer a prerequisite, calls for a closer study.

Not unlike Mendelssohn, Cohen, for many years, was reluctant to make his attitude to Judaism public. As previously stated, only in 1880, when the German historian Treischke attacked the Jews and defined them as an alien race did Cohen declare his outlook concerning the Jewish question.[45] Here, in a typical spirit of an enlightened Jew, Cohen called for the total integration of German Jewry into German society without any dual loyalties. With that, however, Cohen's standing as an advocate of Judaism was not yet concluded. A mere eight years later, he was called upon to react to another anti-semitic claim that the laws of the Torah apply only to relationships between fellow Jews and not to relationships between Jews and Gentiles, whom the Jews are permitted to rob and deceive.[46] Cohen was now obligated to bring two notions into harmony -- that of a Jewish particular existence with its own way of life and its own special aspirations, and that of the total loyalty that the Jews are compelled to feel for their host land. Indeed, the concept of Messianism provided Cohen with the connecting link between these two notions. Israel's segregation and isolation is not an act of simple self-preservation but it is primarily directed to the achievement of the welfare and unity of all mankind. Consequently, the justification of Jewish national existence lies in its task to bring about the establishment of the "Kingdom of God."[47]

In this context we may understand Cohen's tendency to present Judaism as valid only for the future days of the Messiah. However, with Cohen's arrival in Berlin and with the first apparent cracks beginning to show in his hitherto steadfast faith in the Jews' cultural integration, he was no longer hesitant to adopt a new attitude to Judaism.[48] Now, he was not content with a definition of the ethical value of Judaism within the limited abstract terms of prophetic messianism, but he reverted to Jewish present reality -- to its religious law. In Religion of Reason, Cohen assigns the same ethical pathos and commitment to the law as he had previously attributed to the prophetic Kingdom of God.

Here again the contradiction between Cohen and Mendelssohn is clear and obvious. Unlike Mendelssohn, who distinguished between ethics and Judaism, and consequently had to differentiate between moral law and Jewish law, Cohen remains consistent in his overall methodology, one which seems to unite the two. Again, we witness the development of Cohen's thought. His early theoretical abstract outlook of "God's unique oneness which implies [that He is] the irreplaceable ... ground of the moral universe,"[49] is now concluded with its practical consequence: "God cannot remain isolated on His Olympus, but as Creator of the whole earth He must impose His commandments upon man as laws for his life."[50] The commandments, by virtue of their ethical nature, are directed to all men; the Jews, who acknowledge the theoretical concept of uniqueness, are those who accept

the yoke of the law. Thus, the essentially abstract idea of ethics was provided by Judaism with the essence of reality.

The conceptual meaning of the Jewish law is analyzed by Cohen within the boundaries of his overall methodology, namely, by comparison to polytheism and within the framework of the concept of uniqueness. Unlike polytheism, in which the uniqueness of God is by definition an inconceivable concept, Judaism does not view the law as the gods' egotistic commands but rather restricts it to its ethical purpose, that of making man more perfect by raising him to the highest moral level.[51] The Jewish law, therefore, in its various manifestations, is not a binding senseless order. This, as previously stated, is the meaning of the peculiar content of the Jewish law which is expressed in the term "Mitzvah."[52] On the one hand, it is a commandment imposed by God, but on the other hand, the obligation to fulfill this law is rooted in man's sense of ethical duty -- the truest expression of his acknowledgement of the uniqueness of the Law Giver.

Thus, Cohen reaches his essential conclusion: the Jewish law, being a synthesis of both -- an imposition of the unique God, and an expression of man's moral awareness -- is, axiomatically, an ethical commandment. All that is left now for Cohen to do is to analyze the particular laws and to classify them according to their ethical dimension. In this connection Cohen points out three categories of the Jewish law. Firstly, laws in which the direct moral value is explicitly stated or can easily be comprehended.[53] Secondly,

laws of purely ritual dimensions which serve as symbols and expedients to call to mind and educate man in order to create the state of mind necessary for the acquisition of the sense of moral conviction and obligation. These laws, being mere means, may, according to Cohen's estimation, be reviewed, changed or discarded if time and circumstances so require.[54] Thirdly, "border line" laws which contain both ritual and moral considerations. In this category, claims Cohen, the ritual dimensions are continually discarded along the process of development of the Jewish legal system, so that the particular law is increasingly refined to eventually become purely moral.[55]

Two conclusions may be drawn from the discussion thus far: first, that according to Cohen, God is rightly apprehended by the Jews and therefore their law holds the ingredients of an ethical teaching. Second, this teaching, by virtue of its ethical essence, must be aimed at the whole of humanity. The far-reaching consequence of this statement -- the theory of the Jewish mission and the justification of the exile -- now becomes evident. Here, in contrast to the classical Jewish view which perceives exile in terms of catastrophe and divine punishment, Cohen sees exile as a main part of religion's ethical scheme. "The one God," he argues, "has taken our country from us so that He might give us the concept of mankind."[56] Exile, consequently, is a logical conclusion of God's essence and thus it forms an indispensable category of Judaism. The Jews, therefore, must

fulfill their mission in exile as a true testament of pure monotheism, and propagate it among the nations. This task, according to Cohen, had so far been accompanied by pain and suffering, whereas now it may be fulfilled without paying that price. "Our dispersion," he declares, "had long ceased to mean exile to us, we live in our state as well as for it."[57] To sum up, exile is not a punishment for breaking God's moral commandment, it is rather an essential moral commandment.[58] The Jews who provided the concept of ethics with its notion of reality must become a model and make their teaching and experience part and parcel of the future history of mankind.

The attempt to provide the Jews and the Jewish religion with a legitimate place among the nations is the essential problematic question with which both Mendelssohn and Cohen struggle. The need to come to terms with the tension between Jewish particularism and universalism is, therefore, a mark of both Mendelssohn's and Cohen's doctrines. They do so by addressing themselves to the problem of the relation of ethics to Judaism and to the Jewish law. This, however, is the only common ground between Mendelssohn and Cohen. True, Mendelssohn, like Cohen, holds that God commands us, but unlike Cohen, he believes that ethical commandments are addressed to all -- not necessarily through the particular teachings of the Jewish religion but rather through natural law which by definition is universal. Evidently, Mendelssohn comes to terms with the Jewish modern problem by placing ethics outside Judaism and the Jewish law. In keeping with

his overall reductionist methodology, Mendelssohn presents Judaism as a particularistic religion divorced of any special ethical doctrine. Indeed the greatest merit of Judaism lies, in Mendelssohn's eyes, in its narrow format, namely, in the fact that it does not impinge on the realm of universalism.

Placing ethics outside of the Jewish commandments is seemingly the price which Mendelssohn is ready to pay in order to be able to live in the modern world while still keeping his roots in the Jewish pre-modern norms. Cohen, on the other hand, is not ready to pay this price. For him it is essential to present Judaism as a universal valid religion which should be emulated by all other people. Thus for Cohen it is wrong to speak about a natural moral law. From his philosophical perspective there is no place for ethics which is completely divorced from Judaism. In fact, according to him, ethics is the only concern and task of Judaism and the Jewish law. In total contrast to Mendelssohn's view which does not provide any place for ethics within Judaism, to Cohen Judaism without ethics is meaningless.

## CHAPTER VII

## MENDELSSOHN AND COHEN: REFORMATION OF THE LAW

From an historical perspective it can be asserted that the Enlightenment marks the period of time when an act of rebellion was proclaimed against the past. Even the briefest of analyses of the approaches of Enlightenment would lead to the conclusion that practically all the old and traditional tenets were no longer accepted as a matter of course and were challenged. During this period the human mind was returned to its central position, that of the highest and ultimate criterion for all phenomena. Consequently, both traditional leadership, be it religious or political, and traditional social organization, religious and political alike, were no longer axiomatically accepted. The individual, it was asserted, must be placed in the center; he must be elevated above historically evolved political and religious institutional authorities. Indeed, this historical period which marks a complete break with the past, which regards the past as being a total error, can be defined as one of rebellion.

European Jewry could not disregard this drama which was being enacted in their very midst. Nor could they turn their face aside from a world which, for the first time perhaps, opened its gates to them. Indeed, European Jewry found

itself in a position of having to respond to the challenge issued by the Enlightenment. And, reluctantly and hesitantly in the beginning, sections of European Jewry began to accept the new ideas, and in a short period of time Enlightenment began to show its imprint on Jewish life. To be sure, the Jewish Enlightenment, the Haskalah movement, had just as dramatic an effect on Jewish life as the Enlightenment had on the lives of the non-Jews. On the Jewish side too, practically all that was considered old and traditional was no longer accepted as a matter of course. The long lasting traditional communal structure, the almost hermetically closed Ghetto, was no longer considered the only possible way of life. The rabbinical leadership and strict authority, which was hardly contested before, was both questioned and challenged. Finally, the values and laws of the Jewish religion, which had for centuries determined both the individual and communal life of the Jew, were no longer automatically affirmed as the only possible way of existence.

The cultural aspect of the Jewish response to the Enlightenment was dramatic as well. Languages, literature, arts and science, all subjects of very little interest in the past, became areas of Jewish creativity and Jews began entering into fields of worldly learning. No less significant was the change in the social structure of the Jewish community. The walls of the Jewish Ghetto began to crumble under the weight of Enlightenment and Jews began spreading to non-Jewish neighbourhoods, becoming involved in social circles

hitherto exclusively non-Jewish. Indeed, considering these revolutionary changes in the Jews' lives, religious changes too became an inevitable need. And, it did not take long before the inner conflict in Jewish life found a vocal expression. "Our religion", it was maintained by a group of Jews in Berlin, "clung to the forms and prescriptions that had been handed down for centuries, but our inner religion is no longer in harmony with this interpretation ... and there is a contradiction between our inner life and faith and the external life, the given law."[1] As previously said, the past format of the Jewish religion, being based on strict observance of an uncompromising law and being constituted on a strict communal organization and rigid rabbinical authority, could no longer be retained; it could not but be adapted to the new realities.

The resolutions of the French Sanhedrin (1807) mark perhaps the first submission of a rabbinic body to the pressures of the Enlightenment. A resolution was adopted to the effect that wherever the law of the state clashes with the rules of the Jewish law, the former prevails. In any case, it was decided there, the Jewish law would not be binding while one is enlisted for military service. Of more significance was the ideological principle which was established by the French Sanhedrin: since the law includes both religious and political sanctions, the latter were no longer to be valid as the Jewish people had ceased to exist as an independent political entity.[2] All these resolutions are

highly significant in that they testify to the impact of Enlightenment upon Judaism. However, because they were vaguely defined, their practical consequences seem to be but marginal, unlike the establishment of what was later called the Reform Movement of Judaism which presaged far-reaching practical consequences. In this case, as we shall see, the guidelines determined were not vague and general in character but clear and precise, establishing a form of Jewish religion which was far different from anything known before.

Typical of transition in Jewish religious matters, the Reform Movement evolved gradually. It began with a relatively moderate attempt of some rich German Jews to introduce a new form of prayer house (temple) wherein services would be conducted differently. The German language was introduced into the prayer book, and some prayers were recited in German only. A mixed choir and instrumental music accompanied the Sabbath service and a sermon in German was part of the ritual. Furthermore, an attempt was made to underplay the national character of the Jewish religion. Prayers referring to the coming of the messiah and the return to Zion were deleted. As stated above, all these were but minor changes. Nevertheless, they mark the opening of the floodgates and the consequences were quick to follow. Not surprisingly, this attempt proved to be successful and the idea of reforming Judaism gained more and more adherents. Eventually, the first conference of reform rabbis convened in 1844 and decided to reaffirm the French Sanhedrin's

resolutions and to permit intermarriage between Jews and Christians.[3]

As soon as the second rabbinical reform assembly had convened (1845), the problematic and complex nature of introducing reforms into Judaism became evident. When the religious value of the Hebrew language was contested, a rift was revealed in the reform camp. Whereas the extremists' demand was to significantly reduce the weight of the Hebrew, the moderate members, headed by Rabbi Zechariah Frankel, opposed such a move. Finally, the resolution limiting the religious use of Hebrew was passed, but Frankel together with his supporters left the Reform Movement. And, although the prestige of the movement was significantly damaged it nevertheless continued to spread in Germany, in Western Europe and finally it reached the United States.

It was between the years 1844 and 1885 (between the conference of reform rabbis held in Brunswick, Germany and that held in Pittsburg, United States) that the basic principles of the Reform Movement were formulated. The Pittsburg platform, being the guide for the reform policy for almost half a century, will serve us as a summary of the doctrinal basis of the early Reform Movement. First, the Reform Movement holds that Judaism "presents the highest conception of the God idea" which is "the central religious truth of the human race."[4] It is therefore the mission of Israel to free itself from the past "enforced isolation" and to serve as a "Kingdom of Priests"[5] for the benefit of the

rest of humanity. Second, the modern era, being a time of "universal culture of heart and intellect" holds out the promise of a near fulfillment of this mission and the realization of the messianic hopes "for the establishment of a kingdom of truth, justice and peace among men."[6] The Jews, being willing to realize their mission "consider [themselves] no longer a nation but a religious community."[7] Thus, they "expect neither the return to Palestine, nor sacrificial worship under the sons of Aaron, nor reestablishment of any laws concerned with the Jewish state."[8] These being the basic ideological concepts of the Reform Movement, it goes without saying that any prayer and in particular any law and custom clashing with it was necessarily removed:

> Today we accept as binding only the moral laws and maintain only such ceremonies which elevate and sanctify our lives, but reject all such as are not adapted to the views and habits of modern civilization .... We hold that such Mosaic laws and rabbinical laws as regulate diet, priestly purity ... [were] originated in ages under the influence of ideas entirely foreign to our present mental and spiritual state ....[9]

From an historical perspective, one can argue that the direct and practical imprint of the Reform Movement proved less significant than might have been expected. Reservation regarding the reformists' acts had already been expressed at the early part of the 19th century, even among those influenced by the Enlightenment and willing to adopt the ideas prevailing in European society. Consequently, the doctrines of the Reform Movement have largely been moderated since

then, thus bringing Reform practice closer to traditional norms.[10] But these are not proper bases upon which the impact of the Reform Movement is to be estimated. Its influence goes far beyond its direct practical accomplishments. It is sufficient to mention that what are presently the Conservative and Orthodox Movements, in one way or another evolved as a result or reaction to the Reform Movement.[11] Indeed, the Reform Movement reflects the development which Judaism has undergone and still undergoes in the modern era. It represents the struggle of the Jewish religion in its encounter with the new realities of life after Enlightenment.

As an institution, the movement of Reform Judaism was established during the early part of the 19th century, approximately half a century after Moses Mendelssohn's death. However, the roots of this movement are to be traced to the 18th century, the early stage of the Enlightenment. Mendelssohn, who is commonly held as the spiritual father of the Jewish Enlightenment, is popularly -- and occasionally among some men of learning -- regarded as the forerunner or herald of the movement of Reform Judaism.[12] An attempt to compare Mendelssohn's response to modernity with that of Reform Judaism will be the scope of the first section of this chapter. To be sure, it is my intention to demonstrate that there is really no connection at all between Mendelssohn's Jewish philosophy and the ideas of the Reform Movement. More specifically, by employing elements from both Mendelssohn's thinking and reform ideology, it will be

shown that Mendelssohn's Jewish statement amounts to a total rejection of any ideological basis underlying Reform Judaism.

Basically, the formulation of Hermann Cohen's Jewish philosophy took place during the last part of the 19th century and the early years of the 20th century, times when the Reform Movement had already heavily influenced the perception of Judaism among the German Jews. Cohen's Jewish thinking is occasionally associated with the liberal attitudes to Jewish religion, yet, it is not commonly regarded as representing the precise ideological framework of the Reform Movement. The study of the impact of reform ideology upon Cohen's Jewish philosophy will be the subject of the second section of the present chapter. Here an attempt will be made to demonstrate that Cohen's Jewish teachings are to a considerable extent no more than a most sophisticated philosophical formulation of the essential premises of the movement of Reform Judaism. Moreover, I will argue that in many respects, and in particular in his attitude to the Jewish law, Cohen is not only in full agreement with the Reform views but can be considered a representative of the extreme wing of Reform Judaism.

Finally, in the last section of this chapter I shall employ the insight gained in order to understand Cohen's somewhat surprisingly favorable evaluation of Mendelssohn's philosophy. It will be argued there that Cohen's attempt to associate Mendelssohn with the trends of the Reform Movement are based upon a misrepresentation of the latter's ideas.

In keeping with the general theme of this study, the attitude to the Jewish law will be central to the following examination. Indeed, the ideological and philosophical assumptions which underlie the various approaches to the law will also be presented.

There are two basic philosophical pillars which underlie the Reform theories: the notion of change and development and the concept of rational, ongoing revelation. As for the first, it is maintained that religion, both in its doctrines and its practice, like every human institution, undergoes continuously a dynamic process of change and development. Judaism, being in this respect no different from any other human institution, is a clear manifestation of this process. Thus, any generation and any age not only may, but is in fact duty bound to deviate from the old one. It is the task of every generation to forge a new link in the eternal chain of Jewish religious creativity.

In a religious scheme wherein dynamics and development are the essential notions, revelation can no longer maintain its traditional, episodic and supernatural character. In this connection, the Reform Movement follows a general trend of modern philosophy. The attempt to reformulate the traditional concept of revelation is fundamental to modern religious thought. No longer is revelation regarded as a mysterious phenomenon, an unearthly episodic event in which some truth, unattainable by human reason, was divinely

revealed. In conformity with the new optimistic attitude to man, modern thinking tends to redefine the concept of revelation as an eternal continuous process wherein divine truths are disclosed to man through his intellectual faculties. Basically, such a view of revelation had been offered by the adherents of natural religion. It was maintained that all doctrinal as well as moral prescriptions needed for man's salvation are equally attainable to all, at all times and places by dint of human pure and unassisted reason.

Jewish modern philosophy, to a large extent, also followed this basic concept of revelation. As previously demonstrated, both Mendelssohn and Cohen subscribed to a rational continuous revelation. The Reform Movement of Judaism which declared itself as a progressive movement obviously followed suit. Not only does the concept of rational continuous revelation permeate its ideology, it also becomes the basis for its main religious endeavour -- the reformation of the Jewish law. Abraham Geiger (1810-1874), the most profound ideologist of early Reform Judaism, views revelation as a natural rational enlightenment, a result of a subjective divine inspiration, and not a collective supernatural event:

> We will not narrow the term [revelation] within certain limits in the manner of dogmatical theory; it may be understood in different ways, but as to its essence, it is ever the same; it indicates the point of contact of human reason with the Fundamental Source of things. The ancient teachers of Judaism never denied that this phenomenon was, after all, connected with some human quality.[13]

Mendelssohn was committed no less than Geiger to the idea of a continuous, rational and natural revelation. Indeed, he discarded doctrinal truths and ethical prescriptions from the particular Jewish revelation in order to make them autonomous, natural and rational phenomena. This, however, does not prevent Mendelssohn from affirming an exclusive Jewish revelation which, to be sure, is not connected at all to the universal natural revelation. The Sinaic revelation is not natural but "miraculous and supernatural,"[14] not universal but a "particular grace [for] a particular people,"[15] not ongoing but an event of one "great day"[16] and not truths had been disclosed therein but "laws, commandments, statutes, rules of conduct, instructions of God's will."[17]

In removing the Jewish revelation and setting it apart from the continuous, natural and rational revelation, Mendelssohn removes the Jewish law from the realm of human reason. The law, belonging entirely to the divine domain, is thus uncontestable by human reason -- it needs neither human proof nor understanding, all it needs is human obedience.

> God has given us many commandments without revealing their purpose to us. However, it should be sufficient for us to know that they were commanded by Him. Inasmuch as we have to take the yoke of His dominion upon us, we are obliged to do His will. Their value lies in their practice, not in the understanding of their origin or their purpose.[18]

This being the basic premise of Mendelssohn's Jewish philosophy, any connection between him and the Reform Movement is

absolutely inconceivable. The law, in Mendelssohn's mind, can be rationally understood, and man is capable of -- and to some extent duty bound -- to reflect upon the law and to attempt to discover its meaning. But understanding of the law and obedience of the law are two totally distinct categories. The results of the human endeavour in the law bear absolutely no relevancy to practice -- the law may not be changed or modified. The phenomenon of human reformation of the law is in total contradiction to Mendelssohn's explicit statement. This, to him, is the privilege of God only.[19]

In harmony with the concept of continuous revelation is the Reform emphasis upon the ever changing character of the Jewish religion. Reformation of the Jewish law becomes thus the main labour of the Reform Movement. The law must constantly be reformed so that it will reflect the changing pattern of Judaism. Geiger, in this respect, can be considered as representing the moderate attitude of Reform Judaism.[20] Unlike the extremists, he does not demand a revolutionary change in Judaism but only an evolutionary, gradual development without breaking the ties with the past heritage. For Geiger this means that the law need not be entirely abolished, and he is thus ready to preserve a whole section of the law. Claiming that the moral message of Judaism is an ever present and unchanging tenet, he declares that the moral commandments are eternally valid. Much more complicated is Geiger's approach to the ceremonial aspect of the law. It is obviously declared by him as the evolutionary

section of the law. On the other hand, it is clearly seen that he is reluctant to allow its total abolition. Geiger's solution to this dilemma is rather simple: he reduces the body of ceremonial laws, and treats some laws, traditionally regarded as ceremonial, as purely moral precepts, or at least as fulfilling a moral function. "It would be wrong," Geiger writes, "to consider as ceremonial certain Biblical laws ..., these are necessary expressions of loving kindness."[21] This view is really moderate when compared to that of some other figures of Reform Judaism.[22] It leads Geiger to oppose the attempt to shift the Sabbath to Sunday and yet to permit instrumental music and some manner of work on the same day.[23] It furthermore enables him to retain the practice of circumcision and yet to declare it "ein barbarisch blutiger Act."[24]

Mendelssohn, in direct opposition to Geiger, will not allow for any concept of change or development to interfere with his Jewish thinking. The concept of change and development did not assume any significance in Mendelssohn's view of history in general, nor did it assume any importance in his interpretation of Judaism.[25] In a way, Mendelssohn rejects altogether the validity of the concept of change and development in human history and thus in the history of the Jewish religion. But even when he does mention changes which might take place in human life in different times, he takes great pains to ensure that the reader does not misconstrue his words and does not assume the law to be modifiable in accordance with changing circumstances, unless so decreed.

> The law can perhaps ... be changed according to the requirements of a particular time ... but only if and when it pleases the supreme Lawgiver to let us recognize His will -- to make it known to us just as openly, publicly, and beyond any doubt ..., as He did when He gave us the law itself. As long as this has not happened, no sophistry of ours can free us from the strict obedience we owe to it.[26]

The above discussion gives only a brief and a bare simplified outline of Mendelssohn's attitude to Judaism vis-à-vis that of the Reform Movement. But even this should suffice to show how shaky and groundless are all those assertions of a new structure of Judaism that Mendelssohn intended to build.[27] But furthermore, all along the line the Reform Movement stresses its belief that the crucial task of Judaism is to lift its main character from the narrow system of laws to a wide system of ethical ideas of a universal scope. To that end, it is claimed, Judaism needs to shift its emphasis from its legal aspect to its prophetic teaching. More fundamentally, according to Reform ideology it is the task of Judaism to belittle the centrality of the law and to revert to its true essence which is ethical monotheism and to spread it throughout the world. In this respect again Mendelssohn's system of Judaism is totally incompatible with that of Reform Judaism. In view of the fact that Mendelssohn reduces Judaism to law only, he represents a position of total contradiction with any formula which makes a universal task central to the Jewish religion. If what is essential and unique in Judaism are but rites and ceremonies which are to be practiced exclusively by the Jews, then what message

does it carry to the world? Moreover, if Judaism focuses exclusively upon its law which was handed down in Sinai, namely, upon its past archaic aspect, then what prophetic ideas for the future of humanity can it preach? Finally, if Judaism does in no sense claim the possession of any exclusive knowledge of morality, then what particular ethical teaching can it offer to the rest of mankind?

In summing up, the gulf between Mendelssohn's Jewish philosophy and the Reform ideology is wide, deep and unbridgeable. His overall outlook of Judaism represents a total contradiction to that of Reform Judaism. But above all, his approach to the law, his unequivocal rejection of any change, his impassionate exhortation to observe the law regardless of inner doubt or outer pressure, all combine to place Mendelssohn in a position far different from that of Reform Judaism. Mendelssohn wanted perhaps to reform the Jews -- to provide them with new cultural and material opportunities in modern times but this indeed has nothing per se in common with the attempt to reform the Jewish religion.

Interestingly enough, it was a spokesman of the Reform Movement who exposed the fallacy of the myth that Mendelssohn was the one who initiated the reform ideology. David Philipson (1862-1949) goes only so far as to estimate that Mendelssohn's insistence on secular education for the Jews might have indirectly enabled the coming into existence of the Reform Movement. However, from a philosophical

perspective Philipson declares Mendelssohn's thinking as regressive and anachronistic:

> His [Mendelssohn's] conception of Judaism that it is divine legislation; that since the ceremonial law was revealed by God, it ... must be observed until it shall be replaced by another revelation .... How poorly taken Mendelssohn's position on this matter. ... Mendelssohn's position was altogether inconsistent. He would not grant that religious belief and practice are subject to the same law and progress. ... For him Judaism was a closed chapter. The conception of Reform Judaism is the very opposite.[28]

Philipson's remark regarding the "poorly taken Mendelssohn's position" can of course be contested. Otherwise, his estimation is correct in all its detail. Philipson is right not only in disassociating Mendelssohn from the ideology of the Reform Movement but also in emphasising the lack of consistency in Mendelssohn's Jewish thinking. But this apparently was the price that Mendelssohn had to pay in order to insure that the Jewish law would not be reformed.

The imprint of the previously mentioned reformulation of the traditional concept of revelation is evident in both Mendelssohn's and Cohen's Jewish philosophies. The modern formula of revelation, indeed an essential issue in any religious thinking, will serve us as a methodological link between Mendelssohn's attitude to law reform, on the one hand, and that of Cohen, on the other hand.

Mendelssohn, as indicated, was affected by the concept of revelation as offered by the adherents of natural religion, whereas Cohen reflects the influence of Kant's

reformulation of the concept of revelation.[29] A keystone in Kant's philosophy is that moral obligation is meaningless if not emanating from an inner moral conviction born of free choice. Thus, Kant establishes that human conscience is the source of inner revelation of the law of morality. From this Kant deduces the autonomy of the moral law, maintaining that it cannot but originate in rational will.

Mendelssohn could have subscribed to Kant's theory just as he subscribes to that of natural religion. As previously demonstrated, he removes morality from the realm of the Jewish law in order to make it an autonomous, natural and rational domain, attainable to all by means of natural revelation. Mendelssohn, however, affirms still another set of laws, those which have been revealed at Sinai and which emanate from God's will alone. Thus in Mendelssohn's scheme we are faced with two sets of laws; the rational laws as continuously reflected in the natural revelation, and God's divine commandments as laid down in that unique act -- the revelation on Mount Sinai.

Mendelssohn's dual approach whereby he recognizes the existence of two separate sets of laws is not shared by Cohen. Cohen's method of harmonizing the natural and the Jewish particular revelation is not by totally differentiating the two, but by integrating them into one. To Cohen, as previously demonstrated, revelation on Mount Sinai is not an outstanding and mysterious phenomenon, rather, it is part and parcel of a continuously ongoing process. It follows

thus that in Sinai too man acknowledged the law of morality by dint of pure rational insight. Consequently, the Jewish law is not a distinct category, but an integral part of the universal autonomous moral law.

The above rift between Cohen and Mendelssohn has its origins of course in the most fundamental division between their opinions with regard to the question of the relation between Judaism and natural, rational religion. Whereas Mendelssohn views them as two separate domains, thus removing from Judaism all concepts of natural religion, Cohen integrates the two -- to him all basic concepts of the "Religion of Reason" are to be recognized in "The Sources of Judaism." Here, however, Cohen faces a problem which is legitimately neglected by Mendelssohn: how to integrate into one the laws of Judaism which are Divinely "impose[d]... commandments upon men as laws for their life,"[30] with the moral laws which are, from the Kantian perspective, human "autonomous laws of reason."[31]

As indicated, this integration is achieved by Cohen through the term "Mitzva." Accordingly, Cohen's interpretation of "Mitzva" is rooted in both -- in the Kantian concept of ethics and in the ancient doctrines of the Jewish religion. As in Judaism, the moral laws are commandments which originate in God, but they are equally imperatives as required by Kant's philosophy which presupposes that the moral action can be performed only from free autonomous sense of duty.

The mitzvot of Judaism, being the point of encounter of God's commandment and man's sense of duty, are all, by definition, moral in character. It would seem thus far that Cohen affirms all Jewish laws as valid. However, while recognizing the moral value of the entire Jewish law, Cohen differentiates between those which are directly moral and others which are directed to contribute to Man's moral education. This apparently innocuous distinction made by Cohen leads to far-reaching implications of his grasp of the Jewish law. In keeping with Maimonides' view, Cohen divides the law into two distinct groups -- judgements (Mishpatim) and statutes (Hokim).[32] The Mishpatim, being concerned "with the purely moral sphere,"[33] their eternal value is uncontested by Cohen. The Hokim, however, being concerned "with the sphere of Ritual,"[34] are regarded by him as mere means which "cannot stand by themselves."[35] Of course, Cohen admits that "the divine work of morality makes use of extensive means."[36] Better still, he agrees that "about all of them [the rituals] it is to be supposed that they belong to moral education."[37] Nevertheless, "education might take wide detours in its course."[38] More precisely, all particular rituals must be constantly examined concerning their suitability with regard to their being conducive to morality. Indeed, the reformation of the Jewish law is not only a legitimate religious labour, it is indispensible for the Jewish religion in order to attain its moral purity.

Mendelssohn too, as previously indicated, does not deny

the Jew the right of enquiry and evaluation of his religious observances. Moreover, he would certainly have agreed with Cohen that the present validity of some laws is a matter "that may be disputed."[39] However, removing the origin of the law from the human sphere, he clearly distinguishes between reflection about the law and its practical consequences. For Cohen, on the other hand, such a distinction is inconceivable. To him, the law, on top of being divine, holds a contributing component which is intrinsically human in nature. Thus, he cannot but associate the speculative and practical. In direct variance with Mendelssohn's statement, Cohen's argument is that the ritual law is invariably subject to constant humanly decreed reforms.

Cohen objected to his being classified as a reform Jew.[40] He indeed was neither a member nor a leader of the Reform Movement. To be sure, he is only rarely mentioned in the accounts of Reform Judaism.[41] Nevertheless, considering the above, and examining the ideological development of the Reform Movement, one cannot avoid noticing the similarity between Cohen's teachings and that of the reform school.

There are three essential aspects in which the Reform Movement completely differs from the traditional scheme: the problem of Jewish nationalism, the concept of messianism, and the attitude to the law. Making use of both reform ideology and Cohen's Jewish philosophy, it will be demonstrated that in all these basic aspects Cohen's interpretation of Judaism characterizes him as a Reform Jew.

With respect to the national problem, the attitude of traditional Judaism can be summarized as follows: the Jews' long suffering is viewed as an expression of punishment for sins committed by them. Thus, the dispersion among the nations is recognized as a temporary state which will eventually come to its end. Traditional Judaism therefore continuously expresses the hope for the early resurrection of the Jewish nation wherein all Jews will return to their home-land and become again a political entity.

This scheme is entirely rejected by Reform Judaism. Dispersion among the nations is not regarded as a temporary state of punishment, but as part of the divine plan of the Jewish universal mission. Reform Judaism acknowledges the Biblical Jewish state, but only as a "precious memory of the past"[42] and not as a hope for the future. Therefore, the traditional desire expressed in the prayers to return to Israel is alien to them -- "Reform Judaism desires no return to Jerusalem."[43] It follows thus that the Reform Movement defines Judaism not as a nation but as a "Religious Community."[44]

In this respect again, Geiger can be considered as the main representative of reform ideology. Although he held that the Jewish group must continue existing as a religious community, he nevertheless would not accord them the status of peoplehood. The Jews are, according to Geiger, enjoined by God to teach mankind the true meaning of monotheism thus foster universal morality, peace and justice. The

scattering of the Jews is not regarded by Geiger as a divine punishment but rather a divinely ordained blessing. It follows therefore that the Jews must give up their ethnic and national aspirations; only their religious particularity and unity must be maintained. Thus Geiger insists on the deletion of all references to national aspirations from the prayer book, on the omission of the celebration of the additional festival day, and the removal of the prayers recited in the Hebrew language -- Hebrew being for him a pivotal manifestation of Jewish nationalism.[45]

Cohen's vehement opposition to Jewish nationalism is clearly evident in his rejection of Zionism.[46] Believing that with a political state the Jews will be divesting themselves of their universal messianic task, Cohen views the possibility of a Jewish national political entity as a step in the opposite direction.[47] Consequently, Cohen rejects the very word exile and prefers the use of the term diaspora.[48] The Jewish diaspora is conceived by Cohen as part of the messianic idea. Unlike Reform Judaism Cohen does not demand the deletion of parts of the Jewish prayer book. He comes to terms with the prayers expressing the hope of return to Jerusalem by interpreting them as mere symbols of the messianic need for the continuation of the existence of the idea of "the servant of God" who is invested with the universal task, not however reflecting acknowledgement of a concrete national rebirth.[49]

Unlike classical reform which defined the Jewish entity

as a mere religious community or communion, Cohen regards it as a nationality (nationalitet) -- a people united by historical bonds and by a sacred language.[50] But here again, the difference between Cohen's understanding and that of the Reform Movement is more a matter of terminology than of essence. The Jewish people's necessity to retain their unity is to Cohen not an end in itself but only a means for the fulfillment of their universal mission. This precisely is the claim of the Reform Movement as put, for example, by Kaufman Kohler (1843-1926), another most authoritative ideologist of Reform Judaism:

> Just because of this universalistic Messianic hope of Judaism, it is still imperative, as it has been throughout the past, that the Jewish people must continue its separateness as a "Kingdom of priests and a holy nation."[51]

The different attitudes concerning messianism adopted by Reform Judaism on the one hand, and traditional Judaism on the other, are in effect offshoots of their divergent stands on the issue of nationalism. Whereas traditional Judaism emphasizes the coming of a national "personal" messiah as a concomitant of the redemption of the Jewish people from their exile, the reform ideology emphasizes the universal character of the concept of messianism. According to Reform Judaism the task of messianism is not to deliver Israel from exile but to inaugurate an era of world peace and morality.[52]

Here again Cohen could easily accommodate to the reform program. Belittling the prophet's particular national

notions such as the "Tabernacle of David" and the "Throne of David," he goes on to assert that "nationalism in its arrogant shape is the most offensive antithesis of [prophetic] messianism."[53] The prophetic statements with respect to national resurrection are interpreted by Cohen as merely "national reminiscences permeated through the future divine dominion of the world."[54] More precisely, the messianic idea is grasped by Cohen only in its world wide significance; the return to Israel and the rebirth of this ancient state is not considered by him as part of the messianic scheme but as contradicting its very essence.

The Halakhah was the main subject for reform. In this connection the Reform Movement rejects the idea that all laws are equally binding. The principles of ethical monotheism as expounded and reflected in the moral section of the law are eternally valid, thus this section must be considered as fixed and binding. But rituals and ceremonies are not divinely ordained but only "enactments arising from circumstances."[55] These are mere ways of exemplifying religious truths and are not, in themselves, permanently binding. Practices which may inspire one generation may be objectionable to the other, thus they may be discarded or altered as the need arises. Even the validity of two basic ceremonial laws was contested by Reform policy makers. The rite of circumcision, it had been argued, despite its being ordained in the Bible, must be abrogated. Furthermore, the Sabbath institution, it had been claimed, need not necessarily be

celebrated on the seventh day as in Palestine, but may, under the prevailing conditions, be shifted to Sunday.[56] Though these proposed notions were finally rejected, they may serve as illustrations for the Reform attitude to the Jewish law.

Both Biblical and Rabbinical Judaism, it so appears, did not lose sight of such foreseeable problems which might evolve from the dual character of the law (i.e., from the division of the law into a moral and a ritual category):

> "My judgements" -- these are things which, if not had been written, would have had to be written, such as bloodshed, robbery .... "My statutes" -- these are things to which the Satan ... raises objection .... Should you say "these are empty things," the scripture adds, "I am the Lord, I have made decrees, you are not at liberty to criticize them.[57]

Consequently, from the point of view of obedience, traditional Judaism rejects any attempt at distinguishing among the laws -- be they written or oral, moral or ritual -- they are all equally declared as divinely ordained and thus equally binding: "My judgements shall ye do, and my statutes shall ye keep to walk therein: I am the Lord your God."[58]

Cohen's distinction between the moral and the ritual laws is similar to that of the Reform ideology. As stated, he makes the former goals and the latter means, thus making the rituals subject to reform. Here, however, unlike the Reform program, Cohen does not proceed to explicitly list those rituals to be discarded. But there is still another aspect in which Cohen joins the Reform Movement in its attempt to reform the Jewish law. Exploring this aspect, we shall be able to determine precisely how many and which

rituals Cohen sees as obligatory in modern times.

As previously indicated, Cohen, wholly in character with the reform ideology, places the idea of universal messianism at the top of his Jewish religious pyramid. This spirit of universalism, it was assumed by the early leaders of Reform Judaism, is incompatible with the idea of Jewish nationalistic isolation. Therefore the immediate attempt of the initiators of the Reform Movement was, in Cohen's words, "to weaken and to depreciate all those elements that distinctly mark the Jewish national character."[59] More exactly, the Reform Movement sought to depreciate the ritual law which in their view was the fundamental and most decisive element guaranteeing the national character of the Jewish religion.

Cohen, as might be expected, sympathizes with this approach of the reform ideology. He admits that in the past nationalistic isolation was absolutely essential "if monotheism was to come to thrive at all."[60] Thus, rightfully, "the law was a product of national ferment and has been thought of as such from the beginning."[61] But gradually this isolation becomes superfluous. With the civilized world undergoing fundamental ideological and cultural changes and with the racial character of the nations being largely reduced thus paving the way to the establishment of a confederation of states, Jewish nationalism is no longer indispensible. Now, says Cohen, when "messianism [is already] a factor in world history,"[62] Jewish national isolation is no longer indispensible, but in fact regressive

and incompatible with the prevailing historical reality.

This, however, is not to be interpreted as suggesting that Cohen dismisses the need for Jewish isolation altogether. Religious isolation, which to Cohen's mind is not connected with Jewish nationalism, must still be preserved. Cohen seems to offer two explanations for this anomaly. Currently, there are two other monotheistic religions; Cohen, however, implicitly at least, seems to doubt their monotheistic purity. Jewish monotheism, on the other hand, includes less mythological elements than the other two major religions. Consequently, "isolation remains necessary if the Jewish kind of monotheism is to preserve its undiminished value against the two other kinds."[63] But even when messianism is ultimately realized and monotheism in its crystal purity is equally shared by all religions, the separate existence of the Jewish people will still be permissible. Since Cohen defines messianism in social and political terms, his concept rejects nationalistic isolation, but religious separation does not contradict his system.[64]

Since Judaism must exist indefinitely as a distinct religious entity, the law, the essential instrument of Jewish religious isolation, must not be abolished under any circumstances. Here, however, Cohen faces a problem. "Like a specter," he writes, there appears the Talmudic statement "The laws are abolished in the Messianic Time."[65] But the exception which immediately follows "except the Day of Atonement,"[66] seems to relieve Cohen's anxiety. Now, when

the Day of Atonement is declared as eternally binding, the Talmud no longer clashes with his own stand.

Indeed, Cohen's anxiety, the "specter" haunting him, is not traceable to his fear that all laws might be abolished at some indefinite future. Having declared that messianism is already a factor in current history -- it being well on its way to realization -- the question of what particular laws ought to be observed in the messianic era is no longer a purely theoretical one but assumes acute practical dimensions. It is in this light that Cohen's haunting "specter" and the following question become intelligible. "As the main pillar of religion," Cohen refers to the above Talmudic statement, "must remain eternal ... so the broader question immediately arises whether yet other laws are to be included in, or added to this exception."[67] To be more precise, Cohen's main concern is not with the issue of preserving the Day of Atonement as the only ritual in the remote future, but rather with the issue as to whether in his own days the observance of the Day of Atonement will suffice, or does it require supplementary laws in order to preserve Jewish religious isolation.

It is in the answer to this question that we presume -- in our own terms -- to discover the solution to Cohen's oft disguised attitude to the reform of the Jewish law. Cohen's claims and rationale in this connection are obviously rather sophisticated and not all that easily discoverable. However, in the course of the following study we intend to lay bare

the core of his argument and to demonstrate the similarity between Cohen's approach to the issue of law reform and those of the radical wing of the Reform Movement.

We have dealt so far with two essential principles in Cohen's treatment of the law. Firstly, Cohen excludes the possibility of a complete abolition of the Jewish law in its entirety since it is precisely this Jewish aspect that safeguards the uniqueness and distinctness of Jewish religious existence which -- as indicated -- must be eternally preserved. However, since the degree of isolation, or insulation perhaps, currently required to ensure this existence has considerably diminished, the very apparatus safeguarding the Jewish separate being (the law) stands in need of revision, that is, of reform. It is now incumbent upon us to expose the principle guiding Cohen in this act of reform, and once we have dealt with this issue, it remains to be seen which particular laws are to be abolished, or preferably which are to be observed once the process of weeding out has been accomplished.

Insofar as the guiding principle is concerned Cohen seems to be, as in many other instances, deliberately vague, dropping an occasional hint here and there:

> The continuation of the religion of the Jewish monotheism is ... bound to the continuation of the law in accordance with its general concept -- not to the particular laws -- because the law makes possible the isolation which seems indispensible to the care for, and contribution of, what is at once, one's own and eternal.[68]

Beyond the veiled hints: "what is at once, one's own and

eternal," ("des Einegen"[69] -- one's own and particular) is of course nothing other than the concept of God's uniqueness which to Cohen is the essence of pure monotheism. Thus, not isolation per se is required but only that sufficient extent of isolation indispensible to guaranteeing the existence of pure monotheism. Here one hardly needs to resort to the imaginative faculties in order to divine the extent to which the laws are considered essential to the preservation of this monotheism. Cohen indeed does not suggest a clear list; the following statement, however, will quite explicitly reveal his intention:

> The law, even if it were to be adhered ... only on the Day of Atonement is a bulwark against leveling pure monotheism .... In the same way, the preservation of the Sabbath for the community is a signpost of the fundamental social and ethical teaching of Judaism and protest against the transformation of the Sabbath into a day of remembrance of Christ's resurrection. This transformation of the meaning of the Sabbath is a more weighty matter than substitution of one day for another.[70]

Whereas on the issue of the Day of Atonement Cohen is quite explicit -- indeed; "The Day of Atonement is the day of Monotheism,"[71] when it comes to the Sabbath, his statement is rather abstruse and far from being unequivocal. Let us recall here that in our discussion of the Sabbath we have left open the question whether Cohen retracted his original suggestion that the Sabbath should be observed on the first day of the week rather than the seventh. In this case, as in others, Kaplan's occasionally unclear translation does not necessarily facilitate a clear understanding of Cohen's

stand. The original, however, is much more revealing. Kaplan, for reasons best known to himself, has omitted the word "prinzipielle"[72] and thus what we get is "the preservation of the Sabbath for the community ....," instead of "the preservation in principle of the Sabbath for the community."[73] Thus, it is not the Sabbath with its attendant and specifically elaborated laws that is to be preserved, but rather it is only the general framework of this institution that must be kept alive. At this point Cohen's intention in the latter part of the above quotation stands glaringly revealed; we understand how the exact meaning of "This transformation of the meaning is more weighty than the substitution of one day to another."[74] The Sabbath is to be preserved; however, as for its Biblically assigned timing and rules -- these to Cohen are not weighty matters.

In short, in all fairness to Cohen, one must be led to the conclusion that the observance of two ceremonies only -- the Day of Atonement and the Sabbath in principle, would satisfy his Jewish philosophical system. Hence, Cohen in his reform zeal actually goes beyond the reforms advocated by most of the radicals in the Reform Movement. The implications of his argument of the Jewish law is clearly more far-reaching and radical than that of Abraham Geiger who, as mentioned, rejected the shifting of the day of the Sabbath. Cohen, it appears, comes very close to Samuel Holdheim (1806-1860) whose extremism and radicalism was held up to ridicule and contempt by many among the most devoted members

of the German Reform Movement of Judaism.[75]

Cohen seems to be aware of the restrictiveness of his statement of the Jewish law. He therefore mentions the value of some holidays.[76] He furthermore goes on to suggest the possible contribution of some laws to "the work of art."[77] He also speaks about the value of the burial laws of Judaism.[78] And, he even emphasizes that some laws produced some Jews "who achieved important things for culture in all branches."[79] All these, however, are vaguely stated, non-binding arguments; all these laws are of course not forbidden but considered trivial in Cohen's Jewish philosophy. Thus, there can be but little doubt that diminishing the obligatory practice of the law to a bare minimum marks a central theme in Cohen's attitude to the role of the law in modern Jewish life.

"Cohen," writes Franz Rosenzweig in his introduction to Jüdische Schriften, "was a liberal Jew -- and who if not Cohen was a liberal Jew?"[80] Rosenzweig, it seems, shrank from reaching the obvious conclusion that Cohen's thinking does not merely reflect undefined liberalism but in fact reformism. Mordecai Kaplan, on the other hand, is ready to go beyond Rosenzweig's assessment: "Cohen's rationale for Judaism has much in common with theirs [with that of the Reform Movement]."[81] Finally, Berkovitz is most explicit in his appraisal of Cohen's Jewish outlook: Cohen's Jewish philosophy is nothing but "a philosopher's attempt to lend scholarly dignity to the typical assimilationist ideology of

reform German Jewry."[82] In a way, Cohen himself testifies to the truth of these estimations. His opinion of the Reform Movement is:

> The endeavor to reform the worship is ... completely in agreement with the old law .... The entire tendency of the reform is truly a religious one; it cannot therefore be depreciated as merely extrinsic.[83]

We have thus far amplified the difference in approach to the role of the law in modern Judaism between Moses Mendelssohn and Hermann Cohen, two prominent figures in modern Jewish philosophy. With this in mind we shall now turn to examine Cohen's attitude and appraisal of Mendelssohn's Jewish thinking.

In his Jüdische Schriften, Cohen, with unconcealed pathos declares the following:

> Moses Mendelssohn was a German man, a German thinker and a German writer .... It was his German heart that motivated him, another Luther, to translate the Pentateuch. Thus he gave us access to the German language; enabling us to enter the world of German culture.[84]

The same spirit is revealed in Cohen's remark about the Reform Movement made in the latter part of the above statement: "The Reform [Movement] of Judaism was a German Reform, reaching to you from Germany and through Germany."[85] It would appear therefore that Cohen's deep esteem of Mendelssohn and of the Reform Movement is only matched by his almost notorious adulation of Germanism. Now it remains to be seen whether Cohen attempts to identify Mendelssohn himself with the ideological content of the Reform Movement.

From the social and cultural point of view, Cohen can have little difficulty in placing Mendelssohn in the center of the trend of reforming Jewish life. There can be no denying that Mendelssohn's translation of the Pentateuch,[86] his advocating the German language, his own interest in German poetry and philosophy, did reveal for many Jews, and perhaps for Jewish life as a whole, the horizon of European culture. But Cohen apparently could not rest content with restricting Mendelssohn's imprint on Jewish life to such a narrow perspective. The champion of Jewish enlightenment who had opened up for his Jewish brethren the gates of reason and culture, must, in one way or another, be associated with the trend of reforming the Jewish religion. In his article Deutschtum und Judentum, Cohen makes the following statement:

> And even if we are not allowed to recognize a new teaching in Mendelssohn's Judaism, it would be not only pure thanklessness and even a fateful historic misunderstanding if we were not to recognize Mendelssohn as a reformer of Judaism, and not only Jewishness.[87]

This being the nature of Mendelssohn's religious endeavour, he must be associated with the focal idea of Reform Judaism -- with universal messianism. Mendelssohn, Cohen asserts, "joined a great ... messianic tendency which became important not only for the Jews but also for the teaching of Judaism."[88] Just to recall: the messianic tendency which Cohen mentions here is not a lofty and utopian idea; it is a current concrete process linked to Cohen's understanding of history as a progressing phenomenon

and to his estimation of contemporary historical trends. In general, there is, according to Cohen, a linear progress in the history of the human species. Ethically, humanity, in his mind, constantly undergoes a process of purification and development which will be eventually realized in a confederation of states and ultimately in a messianic kingdom of a united, just and peaceful mankind. After World War I, claims Cohen, this messianic process is well on its way: "The state is ... built up into a confederation of states," and "in front of our eyes ... Messianism becomes a factor in world history."[89]

The extent to which Cohen's concept of messianism is removed from Mendelssohn's understanding, becomes readily evident when even briefly examining the latter's concept of history. It was Cohen himself who criticized Mendelssohn for lacking a concept of human historical progress.[90] Undoubtedly, at this point Cohen is entirely justified; not only did Mendelssohn not suggest the historical progress of mankind, in fact he very explicitly, as previously discussed, denied such a possibility. "I cannot conceive of any education of the human race," he writes in Jerusalem, "I do not believe it to be the intention of Providence to let mankind ... advance steadily towards perfection in the course of time."[91] Indeed, a concept of linear progress in history would have contradicted Mendelssohn's basic assumptions of natural religion. This understanding is put by Alexander Altman as follows:

> History did not assume any significance in Mendelssohn's thinking about natural, universal religion. His firm belief that the means of achieving eternal felicity were freely available at all times and in every clime, militated against assigning to history any essential role so far as religion and morality were concerned. In a sense, Mendelssohn denied the validity of the belief in universal progress.[92]

Indeed, there is no connection at all between Cohen's (and to be sure that of the Reform Movement) view of history and that of Moses Mendelssohn. Thus, their concepts of messianism must also differ fundamentally. But moreover, Judaism, to Cohen's understanding, does not join the current messianic trend as an equal or silent partner. It was the Jewish religion which initially called the idea of ethical monotheism into being, and it is precisely this teaching which will bring messianism to its ultimate realization. As we have already seen, Judaism is provided by Cohen with the ethical, universalistic task. For him, it is this task which is the entire justification of Jewish existence. Mendelssohn, Cohen suggests, by bringing the Jews back into the realm of history, rejoined them with their original messianic mission.[93]

One can hardly conceive a more glaring misrepresentation of Mendelssohn's approach to messianism than the above rather superficial identification of Mendelssohn's view with the ideology characterizing Reform Judaism. Messianism, to be sure, seems to be of only little interest to Mendelssohn, and it is in no way central to his fundamental philosophical work of Judaism. But even in one of his rare allusions to the time when the "acknowledgement of God will cover the earth,"[94]

he discusses messianism in typical national terms and mentions a "leader who will make this people again into a free nation ... in the land of their fathers."[95] But even this, as previously demonstrated, is stated in a rather vague framework and gives little promise of early fulfillment. In short, Mendelssohn certainly did not anticipate the early realization of the messianic era, not the Jewish traditional one and certainly not that of Cohen or of the Reform Movement.

Still less can Mendelssohn be identified with the idea that Judaism possesses some unique teaching which might lead humanity into ethical messianism. In fact his tendency is to underplay the unique features of the Jewish religion and to present it as not crucially better than natural religion. "We add nothing to natural religion but laws,"[96] he writes, but this law, with all its importance as a safeguard device for the true theoretical notions, does not elevate Judaism to any height unattainable by all others by means of pure, freely available, reason. Morality too, as we have demonstrated, is, according to Mendelssohn, attaintable through natural religion and natural law. In this respect again Judaism does not claim any particular knowledge, and thus has very little to offer.

After placing Mendelssohn within the midst of the Reform camp as one who effected the concept of universalistic messianism, Cohen cannot but be puzzled by the fact that Mendelssohn did not join the Reform ranks with respect to the law as well. In other words, it appears self

contradictory to Cohen that the very same philosopher who modified and reduced the basis of isolation in Judaism so as to enable it to undertake its messianic mission, could also argue for a strict observance of the law -- the main basis of Jewish isolation:

> It would appear to be an inner contradiction that Mendelssohn could bring about a new modification of the cultural life of Jewry and of Judaism as well on the basis of isolation of Judaism under the law. His political and cultural effect has been messianic; his inner religious teaching and practice seems to make primary that which, as long ago as the Middle Ages, was recognized as secondary.[97]

It is indeed inconceivable to Cohen that Mendelssohn could have introduced both progress and regression into Judaism -- on the one hand directing it to its very task thus in the right historical direction, yet on the other hand basing Judaism upon an archaic rigid law which is an act standing "contrary to the history of the Jewish religion."[98]

Cohen's way of addressing what seems to him the "inner contradiction" in Mendelssohn is very revealing. He takes it for granted, not to be questioned, that Mendelssohn effected the messianic tendency in Judaism -- that which underlies the Reform ideology. Thus, it is the fact that Mendelssohn rigidly and unconditionally affirmed the law which calls for a serious investigation. Was Mendelssohn a "hypocrite," or "doctrinaire," or perhaps "ignorant ... or even blind that he did not see how this yoke [of the law] was becoming lighter from year to year?"[99]

Cohen here does not explicitly answer, but the sound

of his voice is clearly heard. Mendelssohn indeed was not a hypocrite, nor doctrinaire, and surely not ignorant of the prospects that the future holds for the Jewish law. Mendelssohn was fully aware of the form Judaism will assume in the days to come. And the reader too, Cohen suggests, must not attempt understanding and appreciating Mendelssohn's message by merely reading his philosophy (of course, this way Mendelssohn might be conceived as representing the absolute opposite of the Reform ideology). To fully appreciate Mendelssohn's effect on Judaism, thus Cohen, one must evaluate him through a wide historical perspective. In doing so, it becomes crystal clear that Mendelssohn's impact was not restricted to the cultural phase of Jewish life, but his imprint is revealed in its very essence -- the observance of the Jewish law:

> It was the natural consequence of Mendelssohn's cultural reform that in the inner religious development, too, a balance was sought between the old form of worship and the national spirit and culture of those people in whose historical development the Jews had taken an increasing role. Worship was a part of the law, and as the former became assimilated, so the whole of the law was expected to undergo a corresponding transformation.[100]

Now Cohen's argument is clear: the reform of the "old worship" is but a "natural consequence" of Mendelssohn's way. Exposing the Jewish culture to reforms, Mendelssohn initiated the reform of the Jewish law.

Cohen does not, explicitly at least, argue that reforming the Jewish law was Mendelssohn's intention. It is perhaps his academic integrity which stops him at the edge of saying

so. But Mendelssohn, we cannot but recall, was not "ignorant" nor "blind," he was fully aware of the ways of history. Indeed, explicitly or implicitly, in keeping with Mendelssohn's clearly expressed intention or acting against it, Cohen's "Luther" of Judaism must be brought under the wings of the Reform Movement.

## CONCLUSION

## FROM "THE PHILOSOPHY OF THE WHOLE" TO A PHILOSOPHY OF THE PARTICULAR

We have established already that the idea of reason is the basic conceptual bridge between the philosophies of Moses Mendelssohn and Hermann Cohen. In emphasizing the position of reason shared by these two philosophers we have hinted at the basic problem that characterizes their attempt at constructing a Jewish philosophy which is obviously particularistic in nature. Assigning a place for the particular within the universal, justifying the existence of the individual within the framework of the comprehensive is indeed the central dilemma faced by Mendelssohn and Cohen alike. This dilemma is further augmented in Mendelssohn's and Cohen's discussion of the Jewish law. If, as we have said, Judaism represents the particular, we can further say that the Jewish law represents the particular within the particular. Judaism is here not characterized by theory which is rather easily assimilated in universal principles. Rather, Judaism is here distinguished by its practical concern with daily life which severs the Jew from other men. Moreover, the theory of universal philosophy was not merely an abstract concern in the doctrines of both Mendelssohn and Cohen. The "union of

faiths," the concrete end of natural theology was thought to be nearing realization in Mendelssohn's time.[1] Similarly, the united humanity, the concrete expression of ethical idealism, was thought by Cohen himself as standing on the threshold of history. To a great extent both Mendelssohn and Cohen envisaged the approaching day when the Jew would have to live as a weltbürger (citizen of the world) in a society in which every barrier between men would be destroyed in the name of pure reason. Thus justification of the Jewish law is no longer an abstract Matter for Mendelssohn and for Cohen. It becomes rather a concrete issue of justification of the very existence of a people governed by a particularistic law in a world reaching out for a universal law.

The enterprise of Moses Mendelssohn and Hermann Cohen of finding a justification for the Jewish law within a philosophical system whose key element is the universal will conclude this work.

Although not stated explicitly in the foregoing, it should be apparent what the essential difference is between the methodological forms which served the two philosophers in their attempt to define the place of Judaism on their philosophical map. Cohen uses a method which is common to other Jewish thinkers -- the method of integration. Cohen in effect applies the method characterized by J. Guttmann who views the history of the Jewish philosophy as a process "of successive absorption of foreign ideas which were then transformed and adapted to specific Jewish points of view."[2]

As we have already indicated, Cohen began his philosophical inquiry by absorbing ideas from the philosophical school prevalent in his time and only later transforming these ideas and adapting them to the specific issues within Judaism, in particular the law. Cohen therefore represents the conventional methodology of discussing Judaism within the context of general philosophy. Mendelssohn, on the other hand, represents a method which is utterly different; he adopts foreign concepts but does not assimilate them to his Judaism. He rather sets Judaism and philosophy apart from each other as two distinct categories. Within Judaism Mendelssohn leaves only that which he regards indubitably Jewish, and what is indeed uniquely Jewish does not suffer the same adaptation, it stands apart from the general philosophical framework.

In the two preceding chapters of comparison between the approaches of Mendelssohn and Cohen to the Jewish law we proceeded in a chronological fashion. We began with Mendelssohn's approach and then compared it to that of Cohen. In this summary, because of methodological considerations, we will begin with Cohen and conclude with Mendelssohn -- we will move from the conventional to the extraordinary.

In his introduction to Cohen's Jüdische Schriften Rosenzweig mentions Religion of Reason, declaring that this philosophical work will continue to be read many years after Cohen's "system," like all "systems," loses its vitality.[3] With this Rosenzweig intends to suggest that Religion of Reason, in which Cohen lays out his position of specific

Judaism (an existential position one feels Rosenzweig believes), is what will leave the stamp of Cohen in the world of philosophy and not his general system of "philosophy of the all."[4] Indeed, the importance of Religion of Reason lies in Cohen's attempt, even if unacknowledged by him, to break out of his "system" in order to indicate a philosophical rationale for Judaism as an expression of the particular at a time when the "philosophy of the all" is in the process of stifling the human spirit. Exactly in this connection the dichotomy in the development of Cohen's philosophy is apparent. This same figure who dedicated the better part of his life to constructing a "system," to eradicate the particular, when the time came to take account of his philosophical work, chose to dedicate it to a phenomenon considered by many one of the most eloquent expressions of the particular in the history of human culture. One must therefore read Cohen's interpretation of Judaism and of the Jewish law as the last link in his philosophical chain which precedes initially from a pure conception of "the philosophy of the all," to a second stage in which he acknowledges the value of the religious phenomenon, to the third in which he assigns a place to the Jewish religion within the general religious phenomenon and to the final stage in which he recognizes the importance of the Jewish law.

However, one must not leap here to extremes; Cohen's development from the comprehensive approach to a recognition of place for religion in general and for Judaism is not

simply iconoclasm. The religious phenomenon never gained an autonomous role in the philosophy of Hermann Cohen. The value of religion lies only in its serving as an additional dimension within "the philosophy of the all," that is, within the concept of reason. Already in his introduction to Religion of Reason Cohen is quick to clarify this position. It is not his concern to develop a concept of religion per se, nor does he strive to structure an independent philosophy of Judaism. He is rather interested in "a concept of religion which is anticipated in the ideal project."[5] But nevertheless, a change is already visible. Until now Cohen was prepared to say that reason is composed of two categories, science and philosophy; he now adds religion as the third category which completes the general model. Clearly, Cohen, on this point, is careful not to devalue religion. He does not absorb religion within philosophy or science since this way religion would become merely a vehicle for the common people who have no share in these two disciplines. Alternatively, Cohen does not suggest that religion follows directly from science and philosophy since in this way once again religion would be in a subordinate position; religion would be an automatic possession of those who have a share in science and philosophy. Cohen is thus obliged to agree that "reason does not exhaust itself in science and philosophy."[6] Within the framework of reason religion has a separate and legitimate place.

Ethics is the property of reason to which religion

contributes. Cohen's judgement concerning the importance of religion to ethics has what may be called, with great caution, an existential tone. Indeed, this existential dimension is the means by which Cohen ultimately was able to pass from the "philosophy of the all" to a philosophy of the particular. The existence of the individual as "I" and "Thou," individual suffering, the sense of sin, the desire for repentance, the search for love, all of these are new expressions for Cohen which indicate his desire to make a place for the existing self within objective rationalism. Pure ethics, he admits, does not relate to man as a concrete individual but absorbs him into the whole. Ethics, says Cohen, "knows no man,"[7] it "tries to remove all [man's] sensible characteristics."[8] Not so religion. Religion does not regard man merely as a representative of the whole of humanity, it sees him rather as an individual, existing with his pain and anxiety. Thus, it is only religion that can redeem man.

Human suffering is the crack through which religion enters Cohen's system. It is the shortcomings of religion that enable Cohen to regard religion as a legitimate phenomenon of the human spirit. Since suffering is a problem which cannot be resolved by speculative means via abstract philosophy, "thus we touch upon the boundaries at which religion arises, at which it illuminates the human horizon with suffering."[9] Indeed, we cannot expect Cohen to deal with human suffering simply as an isolated part in the existence of man. Suffering, for him, must be absorbed

within the general scope of ethics. Apart from objective pain, i.e., social suffering from poverty, for Cohen the greatest suffering is that which emerges from man's discovery of himself as a sinner, at which point religion assumes its function: "The discovery of man through sin is the source through which every religious development flows."[10] Sin, for Cohen, can be understood via the religious category alone. Man, as we have noted, perceives himself as not merely having committed a particular social transgression, but finds himself, in all his existence, in a state of sin. And in sin man stands alone. The solitude of man in suffering as a result of sin cannot find its relief in anyone other than God. In this Cohen finds the raison d'être of religion as a whole but not yet for Judaism as a particular religious manifestation.

As we have argued, religion does not assume an independent position in Cohen's philosophy but is only a third category which completes reason. That is to say that true religion is only true in virtue of being a religion of reason. But because the universal nature of a religion of reason is its necessary condition, "there must be a contradiction in our [that is, in Cohen's] intention to derive the latter from the sources of Judaism."[11] The apologetic tone is already apparent: no single religion can claim the title of a religion of reason. But on the other hand, his judgement is unambiguous: "The supremacy of reason in the sources of Judaism [is] indisputable."[12] What then are the special

qualities which give Judaism its incontestable superior share in the religion of reason? Or more precisely, what justifies the particular existence of Judaism in a system which only makes room for the universal religion of reason?

We have already dealt thoroughly with Cohen's conception of uniqueness. Here we will only reiterate the central features. God is one; this is generally the understanding of monotheism. This articulation of monotheism, however, is not the central feature for Cohen. God is one rather in a sense that He is one of a kind, that is, He is unique. In the development of the concept of the uniqueness of God, Cohen takes the crucial step towards specific Judaism. Here he is not only creating a link with the prophets, whom he regards as the purest expression of monotheism, but also with the most important rationalist in the history of Jewish philosophy. For Cohen, like for Maimonides, God is "the first being" and He "creates all other beings," and if "He does not exist nothing else could exist." Thus, "The Lord God is truth and He alone is truth."[13]

God is unique; He alone is truth, and thus He is the necessary being without which there cannot be other being. How can man apprehend the unique existence of God? Mysticism is immediately ruled out by Cohen the rationalist as a romantic activity. Reason is the tool which God created in man and it is the only route by which man can know God: "The first grace of God is the grace of reason, and further there is no other kind of divine grace which is

not bounded by reason."[14] Once again Cohen displays intimacy with Maimonides and stretches out his hand across the ages to the greatest exponent of Jewish rationalism of the past: one cannot know anything of God other than via His attributes which must serve as signposts for man in order that he may follow His ways.

One must see Cohen's embrace of the traditional intellectual origins of Judaism only within its general perspective. Just as Cohen can embrace the particular within Judaism to a point where we forget limitations of this embrace, so he simultaneously breaks out of the accepted standards of Judaism to remind us that whatever is particular within Judaism exists only to serve the ends of the universal. Again "there is no other divine grace which is not bounded with reason."[15] Reason therefore is the content of revelation. Divine revelation on Sinai, more than anything is an expression of the existential particularism of the Jewish people; it is no longer regarded as an expression of particularism but rather one part only, though certainly an important part, of rational revelation through which God reveals Himself to all men in all places -- "Was the Torah revealed in its entire fullness ... on Sinai?"[16] Cohen, no doubt, sees in the Torah the particular book of Judaism. The value of this book, however, does not lie any longer in its setting Judaism apart but in its contribution to anyone to whom God reveals Himself -- its universal contribution. The mission of Judaism in spreading the Torah is clearly for

Cohen the justification for the particularistic existence of Judaism within the universal religion of reason.

The heart of revelation and thus the heart of the Torah is the law of God. This unique God whose Being gives existence to all His creation "cannot remain isolated on His Olympus but as creator of man ... must impose His commandments for their life ..., laws [that are] intended to be valid as the foundation of a moral world."[17] Cohen, as we have already shown, is not a stringent observer of the details of the law. In fact many of the laws are rejected by him as irrelevant to moral ends. Thus, more than its details, the general principle that the law has to be observed is important for him. There is no doubt, however, that Cohen's declaration with respect to the validity of the Jewish law, even as we have seen is done with great reservations, brings him to the heart of the particularism of Judaism.

We have now added the last link and thus closed the chain of development of Cohen's philosophy from "the philosophy of the whole" to the philosophy of the particular. We saw at the outset a pure philosophical system including neither "man" nor "God" and Cohen's subsequent attempt to make a place in this system for the religious phenomenon. We then saw Cohen's efforts to include Judaism as a particular religion within religion as a whole and finally his assertion of the value of Judaism as a way of life which gets its expression in the Jewish law.

Cohen knows no dualism; his general philosophical world and his Jewish philosophy of the particular are interwoven. The use which Cohen makes of the tool of integration, of absorption and adaptation, brings the dimension of unity to his world and enables him simultaneously to be a man of the universal religion of reason and of the Jewish religion. Not so Mendelssohn. Among all the Jewish thinkers Mendelssohn was perhaps the only one who renounced inner integration and chose to live in two separate worlds -- the world of philosophy and the world of Judaism. J. Guttmann, in his near classic statement, defines similarly the spiritual world of Mendelssohn. Guttmann also speaks of "two worlds in which Mendelssohn lived" -- "In his belief, he was a child of universal religion of reason, and in his observance of the law of religion he was a member of the Jewish community."[18] One must assume that Mendelssohn chose to arrange his spiritual world in this way out of his desire to live within two spheres at once, loyal to both, without allowing either to be absorbed into, or to be dwarfed by the other. Mendelssohn attempted to prove to his fellow Jews and to the world that it is possible to live both as a devout Jew, a strict observer of the Jewish law, and as the "German Socrates," and thus he distinguished in a definite manner between the Jewish world and the world of philosophy.

In the opening of his discussion of Mendelssohn, Guttmann defines the concept of the German Enlightenment in the days of Mendelssohn in the following words: "German

Enlightenment still seriously entertained belief in revelation and miracles, both of which were upheld, of course, by historical religions."[19] And therefore: "If Christianity was ....required to surrender two basic elements of its content, Judaism could find a home within such a perspective with little difficulty."[20] If this indeed was the fact of the matter, Mendelssohn would not have had to make any distinction between the world of universal philosophy and particular Judaism. Mendelssohn would have been able to make use of the traditional tool of integration. He would merely have had to develop the basic Jewish concepts in terms of the ideas of philosophy of reason which were established in his days. Guttmann's statement above, perhaps contrary to his intention, as it emerges from his overall view of Mendelssohn, is apt to create a misleading impression with respect to the direction Mendelssohn chose to follow. The model of the Jew which Mendelssohn envisaged was not the religiously "integrated" Jew. Religious integration, one must assume was clear to Mendelssohn, necessitated compromise, and Mendelssohn certainly wanted nothing to do with religious compromises. Even a cursory look into Jerusalem and his other writings gives one a sense of Mendelssohn's apprehension regarding what compromises would do to Judaism. The compromises that Cohen came to were not open to Mendelssohn; his Jewish world was so concentrated and strict that a compromise of Judaism was not a real possibility. In contrast, then, to Cohen and to other modern Jewish thinkers,

Mendelssohn had to decide between the integrity of the "system" and the integrity of Judaism. And for Mendelssohn there could be only one choice. Although he might not acknowledge it, Judaism had to emerge victorious even at the expense of the strength of his adherence to the religion of reason.

In order to bring about the victory of Judaism, its complete preservation at a time when the universal system was supreme, Mendelssohn had to do two things simultaneously. In a seemingly paradoxical manner he had to diminish the realm of Judaism and likewise to limit the absolute dominion of reason. Regarding the efforts of Mendelssohn to narrow the scope of Judaism we have said many things in this work. We have already defined Mendelssohn's approach to Judaism as one of reductionism. But one ought to seriously doubt that Mendelssohn himself saw it that way. Mendelssohn undoubtedly believed that for the Jew as an adherent of strict Judaism, the only thing that is obligatory is obeying the laws of the Torah in all their details and particulars. While one may think what one likes about the Biblical proofs that Mendelssohn offers to demonstrate this particular view, his sincerity is not in question. Mendelssohn's insistence therefore that Judaism does not command the belief in articles of faith is not to be seen as an attempt to reform Judaism to suit the universal religion of reason, but rather as an honest effort to rid Judaism of errors and to set it out in its true light. Mendelssohn's view then is that in

order to preserve the integrity of Judaism there is only one area which is sacrosanct -- the Jewish law. In order to completely and strictly maintain the law, it seems that Mendelssohn was ready to compromise in what threatened its wholeness -- the unlimited faith in the human reason.

The core of universal philosophy Mendelssohn clearly accepted. Human reason is able to discover the existence of God, to recognize His attributes and thus to come to know the eternal truths which are required for the achievement of salvation and happiness. "The eternal truths are necessary for man's salvation and happiness,"[21] and these eternal truths are three: "God, providence and a future life,"[22] without which "love of man is nothing but a congenital weakness."[23] These three eternal truths then must be "intelligible to all men"[24] and therefore one cannot but believe that "God provided man with whatever degree of reason he requires for its understanding."[25] And from this Mendelssohn's essential conclusion: "I recognize no eternal verities except those which can ... be comprehended by the human intellect."[26]

Up to this point Mendelssohn's conclusions are in line with the prevailing notions of universal reason and indeed the Bible, as he reads it, clearly supports them: "From the rising of the sun to its setting My name is great among the nations"[27]; "The heaven declares the glory of God"[28]; "... by the mouth of babes and infants thou hast found a bulwark ...."[29] These taken together, in Mendelssohn's view,

demonstrate the Biblical concept that simple reason is sufficient to grasp the eternal truths necessary for human salvation and happiness.

Up to this point Mendelssohn is speaking as a man, as a humanist who cannot but believe in the intellect of the human species, and refuses to believe that the truth of salvation and happiness are not distributed even-handedly to all men. There is, however, another facet to Mendelssohn, the Jewish religious one, from which flows his conviction that every mortal must accept the truth higher than that which comes from human reason: "And the wisdom of man is as not against Him"[30]; "Weak and nearsighted is the eye of man"[31]; "Who can say, I have entered God's sanctuary, I have comprehended the system of His intention."[32] Standing before God, Mendelssohn's religious humility unsettles his absolute trust in the human intellect. The secure and transparent world of other adherents of natural theology is no longer the world of Mendelssohn. As a devout religious Jew he stands far apart from the German Aufklärung even when it is represented by Lessing, his great friend: "Nothing is so defective that we cannot give an account of the reasons."[33]

Mendelssohn, it is apparent, is ready to "compartmentalize" his spiritual world. As a man he is a devoted member of the philosophy of reason. As a Jew, on the other hand, he cannot but restrict the scope of reason. Mendelssohn's readiness to restrict the scope of reason is what, in the final analysis, enables him to accept a world of values

which, if not exactly opposed to reason, is not completely based on it. He undoubtedly accepts the miracle on Mount Sinai: "All the miracles performed (or are said to have been performed) anywhere in the world, cannot be compared to this great miracle."[34] He does accept that the Torah was heard by Moses spoken from God Himself, and that there is no truth, therefore, to the title given to Moses of "The lawgiver."[35] It is God, rather, who gave the law to Israel. And if indeed God is the Lawgiver, reason cannot but submit before the law. For Mendelssohn there is no place for heretical doubt concerning the validity of any single law even if reason so requires:

> There is no asking why the Lord, Blessed be His Name forbade us meat and milk, for he commanded us many laws and did not reveal to us their reasons .... And I say this not to diminish, heaven forbid, the honor of the masters who laboured with some of these issues and exerted themselves to come to know the reasons of the Laws .... Only it is clear and evident that with all the breath of their understanding they raised nothing but thin arguments founded on little substance .... But to us, the community of the believers in God and in His Torah, our wise men, blessed be their memories, aptly said: And if you say: it is void, -- I am God, I established them and you are not permitted to ponder them.[36]

Now the division in Mendelssohn is clear. As a philosopher, and even as a philosopher of Judaism, he cannot but display liberalism and accept that reflection upon the law is permissible, that the Jew may "search for its meaning."[37] But as a Jew, labouring with the traditional interpretation of the Torah, he cannot but totally reject such an activity. Indeed, for Mendelssohn the traditional adherent of the Jewish religion "there is no asking ...."

We began with the question of how Mendelssohn established the validity of the law of particular Judaism, beside the values of the universal philosophy of reason. We have suggested that Mendelssohn's method is based on a total distinction between the two realms, the realm of the universal religion of reason and the realm of the Jewish law. We have also suggested that in order to preserve the whole of the Jewish law, Mendelssohn was obliged to compromise in the realm of reason. Precisely in his interpretation of the dietary laws, of marginal importance at best, this picture is made especially distinct. When Mendelssohn stands before God and His law as a member of "the community of believers" reason loses its absolute authority and he is no longer permitted to doubt.

## FOOTNOTES

### Introduction

[1]For a discussion of considerations raised in regard to this statement, see Isador Twersky, "Religion and Law," Studies in Jewish Law: A Philosophy, Isador Twersky (ed.) (New York: Ktar Publishing House, 1982), pp. 203-211.

[2]Anti-Halakhic tendencies raised in Judaism can also be recognized during periods prior to the Enlightenment era. One of the most obvious examples is the extreme anti-Halakhic position which characterized the thinking of the radical wing of the Sabbatean Movement (1666). Gershom Scholem describes this phenomenon as "the first time ... [that] the rigid emotional and intellectual attitude born from the continuity of life under the undisputed dominance of the Mosaic and rabbinic Law gave way to a new mood." Major Trends in Jewish Mysticism (New York: Schocken Books, 1974), p. 313. However, there is a substantial difference between this episode in Jewish history and antinomian trends in Judaism after the Enlightenment. First, the extreme anti-Halakhic attitude of the followers of the Sabbatean Movement was largely moderated when it came to the actual practice of the law; the great majority of the adherents of the Sabbatean Movement remained devoted to the rigid observance of the law despite their ideological doubts. (Ibid.) Second, this anti-Halakhic attitude originated primarily from the example of the "maasim zarim" (bizarre anti-Halakhic actions) committed by Sabbatai Zevi (ibid. p. 291 ) and less from ideological considerations, as was the case after the Enlightenment. It is for this reason that these anti-halakhic tendencies did not endure much beyond the actual influence of Sabbatai Zevi himself.

[3]It is important to note in this connection that the Enlightenment affected Jewish life differently in the various countries of Europe. There was a substantial difference in the impact of the Enlightenment on the Jews between Western and Eastern countries. But even the Western countries of Europe differ from one another in many respects that condition the process of Jewish integration: the number of Jews accepted in the general society varied from one country to another and the political institutions and socio-economic conditions, upon which the actual integration depended, also

varied from place to place. Yet, in countries such as Germany, France and England, the Jewish emancipation, in its general sense, occurred more or less simultaneously (1770-1880) and have followed a somewhat similar pattern. Thus, some major trends in the impact of the Enlightenment of Jewish life can be discussed in general terms.

There were of course many other factors which affected the Jewish status during the Enlightenment Era and eventually contributed to the change in position of the Jewish law. An important example is the impact of the new attitude to economics in Europe upon the Jewish community. The new rising socio-economic ideas contributed to the changing attitude towards the Jews. With the appearance of the notion of the welfare of the state people were no longer to be judged primarily by their religious affiliation but by their potential contribution to the state economy. Rulers of Western Europe recognized the usefulness of the Jews' economic experience and extended certain rights to some Jews. This way Jews in Holland, England and later France and Germany were able to break out of the seclusion of the Jewish ghetto. This new toleration was not granted to all the Jews; the great majority still were confined to the ghetto neighborhoods of the cities. But these Jews who succeeded in entering the world beyond the traditional Jewish community brought about the first cracks in the walls of the ghetto and eventually in the rigid concepts of the Jewish religion.

Chapter I

[1]"Neither Pagan nor Mohammeden, nor Jew, ought to be excluded from the civil rights of the Commonwealth because of his religion." John Locke, "A Letter Concerning Toleration," Works, Vol. II (London, n.p. 1823; reprinted Germany: Scientia Verlag Aalen, 1963). " [The Jews are] not otherwise to be regarded, than under the common circumstances of human nature." John Toland, Reasons for Naturalizing the Jews in Great Britain and Ireland (London: n.p., 1914), Ch. 5

[2]It could not have been an expression of a more enlightened perception of Judaism since all these theories that postulated the equality and brotherhood of men derived their strength from a basic act of rebellion against religion and religious authority. Thus, the terminology used by those who promoted the notion of equality essentially diminished man's religious background. In this way Locke included the Jews among the Pagan and Mohammeden and Roger Williams included them within one category of Pagans, Turks, and anti-Christians. For an extended discussion of the attitude of English Deists towards Judaism, see S. Ettinger, ha-Antishemiut ba-Et ha-Hadashah (Tel-Aviv: Moreshet/Sifriat ha-Poalim, 1978), pp. 57-87.

[3]Indeed, both Locke and Toland in their writings exhibit a certain degree of apologetics with respect to what Christianity did to the Jews. Toland went further in that he took the church to task for its treatment of the Jews. In this connection, however, Toland takes great pains to emphasize that granting rights to the Jews would not constitute a threat to Christianity, either by doctrinal or by cultural influence. John Toland, "Two Problems Concerning Jewish Nation and Religion," Appendix 1 to Nazarenus (London: n.p., 1914), pp. 10-11. See also, Max Weiner, John Toland and Judaism (Cincinnati: Hebrew Union College Annual, Vol. XVI, 1941), pp. 215-242.

[4]Cited by M. A. Meyer, The Origin of the Modern Jew (Detroit: Wayne State University Press, 1967), pp. 17-18. See in this connection, L. J. Koplad, "Friendship of Lessing and Mendelssohn," Yearbook of Central Conference of American Rabbis, Vol. XXXIX (Detroit, Mich.: 1929), pp. 370-387.

[5]The same conclusion can be seen in Arthur Cohen's following analysis: "It was fortuitous in that others more profound than Mendelssohn would have been less well received had they appeared in Berlin of the eighteenth century. Nahman Krochmal would not have thrived in Berlin; his Jewish learning and historical sense were too intense, ... and his vision too imperiously Jewish to have been welcomed by European humanists, who wanted the cultural Jew around to prove a point." Arthur A. Cohen, The Natural and the Supernatural Jew (New York, Toronto, London: McGraw-Hill Book Company, 1964), p. 22.

[6]In his article, "Moshe Mendelssohn" ha-Tekufah, Vol. 26-27, 1930, p. 549, S. Ravidovitch mentions a letter by the Christian preacher Ludke which indicates that Lavater believed that Mendelssohn adopted a new form of Judaism which bore only little resemblance to normative Judaism. Therefore Lavater assumed that converting to Christianity would have been welcomed by Mendelssohn.

[7]Cited by M. A. Meyer, The Origin of the Modern Jew, p. 31. For discussion of the intentions behind Lavater's call to Mendelssohn, see B. Mevorach, "ha-Reka le-Pniato shel Lavater le-Mendelssohn," Zion, Vol. XXX (Jerusalem: The Historical Society of Israel, 1965), pp. 158-170.

[8]In a letter to Avigdor Levi (Berlin, March 30, 1770), Mendelssohn confesses: "כי באמת רבים ועצומים טרדותי בפרט מעת אשר נפלתי במהמורות הויכוח עם כהן אחד מכהני הדת הנוצרית, פחד פחדתי ויאחזני."

(Mendelssohn, Gesammelte Schriften, Vol. 16, ed. Haim Borodianski, Introduction by Haim Borodianski (Berlin: Akademie-Verlag, 1929), p. 139. In his letter to Lavater, Mendelssohn declares that the Lavater affair "has shaken me deeply." Mendelssohn, Jerusalem and Other Jewish Writings, tr. Alfred Jospe, Introduction by Alfred Jospe (New York: Schocken Books, 1969), p. 113.

[9]For discussion on this topic, see Yom-Tov Lipmann Zunz, ha-Derashot be-Yisrael, tr. M. A. Zack, ed. H. Albeck (Jerusalem: Mosad Bialik, 1945), pp. 205-224.

[10]That Mendelssohn was suspect of not observing some of the Jewish laws is evident from the letter of R. Jacob Emden to Mendelssohn (Altona, August 14, 1772). R. Emden does not explicitly blame Mendelssohn. Yet, he mentions that rumors of such an effect are spreading in the Jewish orthodox community. R. Emden's letter, which is essentially a critique on Mendelssohn's attitude to Rabbinic authority, concludes as follows: "הדברים אשר נאמרו מחבה יחירה ואהבה ... כדי להסיר ממך עקשות פה ולזות שפתיים ולא לתת מקום לרדות (שבלא"ה רבו המתלוננים על מעלתו שמגדל כלב ... ) חשבתי תוסיף בי אהבה כמ"ש הוכח לחכם כי לא באתי לקנטר ולהלחם עמך רק להרבות שלומך שלא יפגעו בך מרי נפש בשמעם שאתה פונה להבלי בני נכר וחושב לשנות מנהג ישראל הגוי הקדוש כולו שא"א שיטעו בו ולא ישגיחו על זה כל החכמים." Mendelssohn, Gesammelte Schriften, Vol. 16, p. 168.

[11]Even though Mendelssohn does not specifically claim this, it can be deduced from the opening passage of his letter to Lavater (Berlin, December 12, 1769). Expressions such as "My study of the foundations of my religion do not date from yesterday" (Jerusalem and Other Jewish Writings, p. 113) and "after all these years of study" (Ibid., p. 115) are proof positive of Mendelssohn's assertion that he had engaged in a systematic formulation of his philosophical view of Judaism long before circumstances dictated it.

[12]This should not contradict the fact that already in 1758 Mendelssohn devoted some energy to Jewish matters. Together with friends he issued a weekly "Kohelet Mussar," and ten years later he wrote a commentary on Maimonides' logic "Milot ha-Hegayon." These publications, however, were of an episodical nature and did not form a comprehensive philosophical system of Judaism, and consequently, left but a small impact on Jewish religious literature.

[13]"If you add ... the circumstances of my life among my fellowmen, I am sure you will find my position justified. I am a member of an oppressed people which must appeal ... for protection and shelter which are not always granted, and never without limitations." Mendelssohn, Jerusalem and Other Jewish Writings, p. 119. To this we should add D. Eisenstein's

description in order to better understand Mendelssohn's fear of Christian reaction: "Mendelssohn was invited to engage in a religious disputation to elicit one of two positions. Either to demonstrate the value of the commandments, or to openly admit that he does not hold with them. Either route constituted a trap for him. Were he to demonstrate the rational validity of the commandments, he would have been libelled as harming the religion in power ...." D. Eisenstein (ed.), Otzar Vikuhim -- A Collection of Polemics and Disputations, n.p., p. 222.

[14]"According to the principles of my religion, I am not expected to try to convert anyone not born into my faith. Even though many people think that the zeal for proselytizing originates in Judaism, it is in fact completely alien to it." Mendelssohn, Jerusalem and Other Jewish Writings, p. 116.

[15]Ibid., p. 116. The effect of the Lavater affair upon Mendelssohn is also revealed in his letter to Avigdor Levi (Berlin, March 30, 1770): "והנה כל ימי שמרתי דרכי מכל ויכוחי ונצחוני הדתות, כי לא יועילו. כאשר ראינו זה כמה פעמים ...." Mendelssohn, Gesammelte Schriften, Vol. 16, p. 139.

[16]The concepts of natural theology which Mendelssohn was ready to adopt were those which primarily postulated the discovering of basic religious truths that might unify mankind. Thus, he affirmed the approach undermining the traditional claim that any positive religion can possess unique religious truths of its own. However, Mendelssohn did not necessarily accept all concepts offered by natural theology. There were those extremists who rejected revelation entirely with whom Mendelssohn did not share any common position. But natural theology in general remained much more conservative than the radical positive criticism of religion that prevailed among the extremists. Most of the natural theologians did not deny revelation while, however, concentrating their efforts for the discovery of the truths underlying common religion. This religion offered three principles: God, Providence and immortality of the soul as the common foundations of the "religion of humanity." These notions, which seemed to Mendelssohn as not contradicting the Jewish religion, were willingly accepted by him. For elaboration on Mendelssohn's approach to the idea of the interreligious community of faith, see B. Mevorach, "ha-Reka le-Pniato shel Lavater le-Mendelssohn," pp. 158-170.

[17]Mendelssohn, Jerusalem and Other Jewish Writings, p. 61.

[18] "מיר טוהן נישט מעהר הינצל צו דער נטירלכן רעליגיאהן אלס מצוות וחוקים ... ישרים."

Mendelssohn, Gesammelte Schriften, Vol. 16, p. 151.

[19]Mendelssohn, Jerusalem and Other Jewish Writings, p. 61.

[20]Ibid., p. 154.

[21]Ibid.

[22]With respect to the first two categories, Mendelssohn states: "a) God the Author and absolute Sovereign of all things is one and simple. b) This God is aware of all that happens in His creation." Only with the third category -- the law, does Mendelssohn connect his outlook to the particular domain of Judaism: "c) This God has made known His laws to the children of Israel through Moses the son of Amram." Ibid.

[23]Ibid., p. 156.

[24] "אבל עיקרי ויסודי דתנו מיוסדי' על אדני השכל ומסכימי' עם החקירה והעיון האמיתי מכל צד, בלי סתירה ומחלוקת מכל צד."
Mendelssohn, Gesammelte Schriften, Vol. 16, p. 151.

[25]Peretz Smolenskin arrives at a similar conclusion to wit that one can discern stages of development in Mendelssohn's Jewish-thinking. In the first stage, claims Smolenskin, Mendelssohn attempted to base Judaism on reason alone. However, when he realized that in doing so he deprives Judaism of its special characteristics, he substituted legislation for reason: "Thus, said Ben Menahem: ... the pillars of our religion ... rest on the bed-rock of pure reason ... after this declaration was made, a question arose in Mendelssohn's mind: what is the thread that ties Israel together? As a result Mendelssohn was compelled to state: only laws have been given to us." P. Smolenskin, "Et la-Taat," Maamarim (Jerusalem: Defus ha-Poalim, 1925), Vol. II, p. 15.

[26]See note 18 above.

[27]Mendelssohn, Jerusalem and Other Jewish Writings, p. 61.

[28]Mendelssohn, Jerusalem oder über religiöse Macht und Judentum (Berlin: Welt-Verlag, 1919), p. 78. "Revealed religion is one thing, revealed legislation, another. The voice that was heard at Sinai on that great day did not proclaim, 'I am the Eternal, your God, the necessary autonomous Being, omnipotent and omniscient, who rewards men in a future life according to their deeds'. This is the universal religion of mankind, not Judaism."

[29]Alexander Altmann, Moses Mendelssohn -- A Biographical Study (Philadelphia: The Jewish Publication Society of America, 1973), p. 544.

[30]Ibid., p. 537.

[31]See note 21 above.

[32]Alexander Altmann, Moses Mendelssohn -- A Biographical Study, p. 544.

[33]Josef Albo, Sefer ha-Ikkarim, Vol. I, tr. Isaac Husik, Introduction Isaac Husik (Philadelphia: The Jewish Publication Society of America, 1946), ch. 4.

[34]Ibid.

[35]See for example Ibid., ch. 1.

[36]Alexander Altmann, Moses Mendelssohn -- A Biographical Study, p. 544.

[37]Mendelssohn, Jerusalem and Other Jewish Writings, pp. 72-75.

[38]Ibid., p. 154.

[39]Ibid., p. 73.

[40]Mendelssohn, Jerusalem ober über religiöse Macht und Judentum, p. 111. "I am now able to summarize my views of the Judaism of the past and to group them together from an all-inclusive point of view. According to its founder ...."

[41]Josef Albo, Sefer ha-Ikkarim, Vol. 1, ch. 4.

[42]Mendelssohn, Jerusalem and Other Jewish Writings, p. 97.

[43]Ibid.

[44]Ibid., p. 61.

45. "Judaism does not claim to possess the exclusive revelation of eternal truths that are indispensable to

salvation." Indeed, the revelation "indispensable to salvation" is in no way, according to Mendelssohn part of Judaism. Thus, the above is the only logical conclusion of Mendelssohn's argument. Yet, in more than one place Mendelssohn seems to suggest that the Jews might attain salvation only by practicing their law. See Jerusalem and Other Jewish Writings, pp. 61, 99, 128-129. One can only surmise that the inconsistency revealed in these statements is due to Mendelssohn's awareness of what he himself describes as the "shocking" effect of his argument. It appears that Mendelssohn could not but stop short of explicitly stating that Judaism by itself (a purely legal phenomenon not including those "religious doctrines and tenets ... necessary for man's salvation") cannot be a source of salvation.

[46]Ibid., p. 61.

[47]Ibid., p. 70.

[48]Ibid.

[49]Ibid., p. 71.

[50]Ibid., p. 72.

[51]Ibid.

[52]Ibid.

[53]Ibid.

[54]Ibid.

[55]Ibid., p. 78.

[56]Ibid., p. 128.

[57]Ibid., p. 70.

[58]"I do not believe that human reason is incapable of perceiving those eternal truths which are indispensable to man's happiness or that God, therefore, had to reveal these truths in a supernatural way." Ibid., p. 65.

[59]Ibid., p. 96.

[60]Ibid., p. 128.

[61]F. A. Levi, "Moses Mendelssohn's Ideals of Religion and Their Relation to Reform Judaism," CCAR, Vol. XXXIX, p. 353. J. Guttmann's position is less extreme, yet he agrees that "The concept of extreme deism that a specific revelation of eternal truths is impossible, was adopted by Mendelssohn." Dat u-Madda, tr. Shaul Ash, ed. S. H. Bergman & N. Rotenstreich (Jerusalem: Hebrew University Magnes Press, 1955), p. 203. See also N. Rotenstreich, ha-Mahshava ha-Yehudit ba-Et ha-Hadashah, Vol. II (Tel-Aviv: Am Oved, 1966), p. 31. Mendelssohn himself certainly does not deny some affinity between his outlook on Judaism and deistic concepts. However, he does reject, although implicitly, the accusations that his picture of Judaism is totally identical to the deistic ideology. In a letter to Elken Herz (Berlin, July 22, 1771) Mendelssohn writes: "איבר הויפט פלעגן נוצרי' וועדן אללי אונזרי עקרים דעש דעיסמוס או נאטורליסמוס בשולדינג .... ולא אאריך בזה כי בכל אלה דבר שפתי' אך למחסור. בני עמנו זאלטן ביללי'ג דיזש אללעש פון זעלבשט איין זעהן, כי הוא תהילתנו ותפארתנו, וכל ספרי חכמינו מלאי מזה."
Mendelssohn, Gesammelte Schriften, Vol. 16, pp.150-151.

[62]Heinrich Graetz, The Structure of Jewish History, tr. I. Schorsch (New York: Jewish Theological Seminary in America, 1975), p. 228.

[63]Mendelssohn, as argued by J. Guttman, was very closed to the philosophy of Spinoza in many basic points and it is because of this fact that he was compelled to keep distance and to dissociate himself from Spinoza's views in order not to become suspect as an atheist. For Mendelssohn the world must be regarded as completely detached from God, while according to the pantheistic view of Spinoza the world immanently exists within God. With this Mendelssohn is able to approve of the concept of creation of the world by God and the derivative concepts of divine providence, reward and punishment -- concepts rejected by Spinoza. In particular was Mendelssohn compelled to dissociate himself from Spinoza's attitude towards Judaism as expressed by the latter in his Tractatus Theologico-Politicus. Clearly, Spinoza's opinion that revelation of religious truths is an impossibility became a basic tenet in Mendelssohn's interpretation of Judaism. It is perhaps for this reason that all other related opinions of Spinoza are sharply rejected by Mendelssohn. Whereas Spinoza characterizes Judaism as being based on the revelation of merely ceremonial laws aimed at creating a temporal political entity, Mendelssohn denies the inseparable linkage between ceremonial law and the ancient Jewish theocracy. Thus, whereas, for Spinoza, the ceremonial laws lost their validity with the destruction of the ancient Jewish state, Mendelssohn maintains that these laws retained their validity even if they lost their actuality as a political constitution. To Mendelssohn's mind only those

laws directly dependent upon the land of Palestine are no longer binding. For Spinoza's opinions, see Tractatus Theologico Politicus, trans. R. H. M. Elwes, Ch. IV, V (London, New York: George Rutledge & Sons, n.d.). For an extended comparison between Mendelssohn's Jerusalem and Spinoza's Tractatus, see Y. J. Guttman, Dat-u-Madda, pp. 192-218.

[64]Mendelssohn, Jerusalem and Other Jewish Writings, p. 61.

[65]Mendelssohn's arguments pertaining to Christianity are of course scattered all over his philosophical work. However, the most extended and clear-cut statement is to be found in his reply to the Prince of Braunschweig-Wolfenbuttel. (Berlin, 1770). Kitvei Moshe Mendelssohn, Vol. I, trans. S. Herberg and Y. L. Baruch, ed. S. Perelman, Introduction by N. Rotenstreich (Tel-Aviv: Masadah-Ligvulam, 1947), pp. 216-221.

[66]Mendelssohn, Jerusalem and Other Jewish Writings, p. 65.

[67]Ibid., p. 70.

[68]Ibid.

[69]Ibid., pp. 62-69.

[70]"For the fulfillment of our obligations, two things are required in turn: action and conviction. Action is the realization of the duty demanded; conviction ensures that our action springs from proper and correct motives. Human perfection thus requires conviction." Ibid., p. 118.

[71]Ibid., p. 22.

[72]Ibid., p. 21.

[73]Ibid., p. 22.

[74]"Laws do not change attitudes; arbitrary punishments and rewards do not produce a concept of truth nor improve morality." Ibid., p. 21.

[75]Ibid., p. 104.

[76]Ibid.

[77]Ibid., p. 105.

[78]Ibid.

[79]Ibid., p. 155.

[80]Ibid., p. 105.

[81]Ibid., p. 129.

[82]Ibid.

[83]Ibid.

Chapter II

[1]Pes. 119a.

[2]Mendelssohn, Jerusalem and Other Jewish Writings, pp. 114-115.

[3]Ibid., p. 90.

[4]Ibid.

[5]It seems that Mendelssohn was quite aware that his method of separating between speculation and practice was not shared even by some among those educated Jews from his own circle. Some of Mendelssohn's Jewish admirers could only tolerate his approach to this matter but could not emulate him. Some of Mendelssohn's disciples, out of regard for their teacher's feelings made it a rule not to discuss the ceremonial law in his presence. D. Friedlander, a disciple of Mendelssohn writes: "The insignificance ... of the latter [the ritual law] had already become an object of scorn in everyday life." Friedlander is a good example of a learned Jew who could no longer make the distinction between intellectual speculation and practice. Once he could not find any value in the ceremonial laws he could not but contend that these were given by Moses and not by God, thus they might be changed and even abandoned if becoming encumbrances to life in society. Indeed, for Friedlander and for other learned Jews Mendelssohn's statement, "Their value [that of the ceremonial laws] lies in their practice, not in understanding their ... purpose," no longer held true. For extended

discussion of this topic, see M. A. Meyer, The Origin of the Modern Jew, pp. 51-83.

[6]Mendelssohn, Jerusalem and Other Jewish Writings, p. 145.

[7]Ibid., p. 115.

[8]Ibid., p. 105.

[9]"Something as innocuous as mere type of script could quickly degenerate in the hands of some men and lead to idolatry." Ibid., p. 84. "The need for written symbols was the cause of idolatry." Ibid., p. 85. To this Mendelssohn brings the following illustration: when the calligraphic symbols assumed the character of concrete things, the message of God's greatness was transferred to the concept that He is an anthrophomorphic creature such as "man," "animal," "plant." Ibid., p. 87.

[10]Ibid., p. 89.

[11]Ibid., p. 91.

[12]Ibid., p. 74. Mendelssohn relies here upon the Talmudic interpretation of the Biblical verse as "A destruction of the law." Brachot 54a. The common translation of the verse is however: "It is time for the Lord to work -- they have made void the law." Psalm 119; 126. (See translation of Jewish Publication Society).

[13]Mendelssohn, Jerusalem and Other Jewish Writings, p. 74.

[14]Hints to such an affect can be detected in Mendelssohn's letter to R. Jacob Emden (Berlin, October 27, 1769): "ועם בער אנכי ולא למדתי חכמה, הנה אהבת האמת והאמונה בורות בעצמי מוחי מאז ידעתי בין ימיני לשמאלי ונפשי קצה בפלפולי וקלקולי רוב החכמים בעיניהם, הצוללים במים אדירים, ואפי' חרש לחתות אש מיקוד לא מעלים. לכן מאסתי לילך בדרכיהם מיום הייתי לאיש ועד עתה." Mendelssohn, Gesammelte Schriften, Vol. 16, p. 131. For a similar opinion, see Y. Hainemann, Taamei ha-Miztvot be-Sifrut Yisrael (Jerusalem: ha-Histradrut ha-Zionit, 1965), Vol. II, p. 22.

[15]Mendelssohn, Jerusalem and Other Jewish Writings, p. 89.

[16]Ibid., p. 90.

[17]Ibid., p. 89.

[18]Ibid., p. 156.

[19]"At this time divine wisdom may no longer find it necessary to set us apart from other people by special ceremonial laws." Ibid.

[20]Mendelssohn, Kitvei Moshe Mendelssohn, p. 227.

[21]In his counter-inquiry to Bonnet's "Palingenesis," Mendelssohn tentatively points to this direction: "In fact, it (i.e., the divine wisdom) might choose a second public manifestation to introduce ritual observances that will link the hearts of all men in adoration of their creator." Jerusalem and Other Jewish Writings, p. 156.

[22]Ibid., pp. 98-103.

[23]Ibid., pp. 11-49.

[24]Ibid., p. 99.

[25]Ibid.

[26]Ibid., pp. 99-100.

[27]Ibid., p. 100.

[28]Ibid.

[29]Ibid.

[30]See Mendelssohn's argument concerning the right to use coercion. Ibid., pp. 23-49.

[31]Ibid., p. 100. See also p. 101: "It is evident that man must be quite unfamiliar with the Mosaic laws and constitution of Judaism if he believes that they bestow rights and power upon the church or authorize ... punishment for unbelief and heterodoxy."

[32]Ibid., pp. 100-101.

[33]Ibid., p. 101.

[34]Ibid., pp. 100-101.

[35]Ibid., p. 101.

[36]Ibid., p. 105.

[37]Mendelssohn, Kitvei Moshe Mendelssohn, p. 227.

[38]Peretz Smolenskin, Maamarim, pp. 14-15.

[39]Jacob Agus, The Meaning of Jewish History, Vol. II (London, New York, Toronto: Abelard-Schuman, 1963), p. 327.

[40]Ibid.

[41]Mendelssohn, Kitvei Moshe Mendelssohn, p. 175.

[42]Ibid., p. 174. On the other hand, this particular statement made by Mendelssohn might also be considered as nothing more than a reply to those who opposed (in this case Michaelis) the granting of equal rights to the Jews on the ground that their hope to return to the land of Israel makes them ineligible for citizenship. Mendelssohn's reply to this argument is as follows: "The hope for return to Palestine, ... has no influence on our conduct as citizens. This is confirmed by experience wherever Jews are tolerated. In part, human nature accounts for it -- only the enthusiast would not love the soil on which he thrives. And he who holds contradictory religious opinions reserves them for church and prayer. In part, also, the precaution of our sages accounts for it -- the Talmud forbids us even to think of return by force. Without the miracles and signs mentioned in Scripture, we must not take a smallest step in the direction of forcing a return .... The Song of Songs expresses this prohibition in somewhat mystical and yet captivating verse ...." Ibid., pp. 174-175.

[43]Ibid., p. 224.

[44]Ibid., pp. 224-225.

[45]Ibid., p. 224.

[46]Ibid., p. 219.

[47]Mendelssohn, Jerusalem and Other Jewish Writings, p. 104.

[48]Ibid.

Chapter III

[1]There is a lack of written material regarding Cohen's life. The biographical remarks in this work have been gathered mainly from Franz Rosenzweig's introductory essay to Cohen's Jüdische Schriften. (Hermann Cohen, Jüdische Schriften, 3 Vols. pre. Bruno Cassirer, introduction by Franz Rosenzweig (Berlin: C. A. Schwetschke & Sohn/Verlagsbuchhandlung, 1924). However Rosenzweig's intention was far from writing a biographical essay. Rather, biographical details are only implicitly scattered among Rosenzweig's philosophical interpretations. Thus, the biographical remarks on Cohen in this study must be read within theses limits.

[2]Two additional examples may serve to testify to this phenomenon. First, Moses Mendelssohn's writings of Judaism would have most obviously not been undertaken had it not been for Lavater's and other Christians' challenges. See J. Katz, "le-Mi Anah Mendelssohn be-Yerushalaim Shelo?" Zion, Vol. 29, (Jerusalem: The Historical Society of Israel, 1946), pp. 112-132. See also discussion in present study. Another example is Leo Baeck (1873-1956) whose major book, Das Wesen des Judentums (1905) and eventually his entire Jewish theological writings had been motivated by Adolf von Harnak's (1851-1930) attack on Judaism in his "Das Wesen des Christentums." See Ernest Simon's introduction to Baeck's Mahut ha-Yahadut, trans. Lea Zagagy, introduction by A. B. Simon (Jerusalem: Mosad Bialik -- Machon Leo Baeck, 1968), pp. 25-30.

[3]Hermann Cohen, "Ein Bekenntnis in der Judenfrage," Jüdische Schriften, Vol. II, pp. 73-100.

[4]Hermann Cohen, "Deutschum und Judentum," ibid., Vol. II, pp. 237-302. For criticism of this article by Cohen, see Franz Rosenzweig, Naharaim, tr. Y. Amir, introduction S. H. Bergman (Jerusalem: Mosad Bialik, 1977), p. 148. Gershom Scholem regards Cohen's attitude to the relation between Germanism and Judaism as an act of 'self-deception." Gershom Scholem, me-Berlin le-Yerushalayim (Tel-Aviv: Am Oved, 1982), p. 31.

[5]Hermann Cohen, Die Religion der Vernunft aus den Quellen des Judentums (Leipzig: Gustav Fock G. m. b. H., 1919).

[6]Gen. R. 9;7.

[7]I refer here to Cohen's Ethik des Reinen Willens (Berlin: Bruno Cassirer, 1970).

[8]Hermann Cohen, Religion of Reason out of the Sources of Judaism, trans. Simon Kaplan, introduction by Leo Strauss (New York: Fredrick Unger Publishing Co., 1972), p. 237.

[9]Ibid., p. 118 (Gen. 9;11).

[10]Hermann Cohen, Ethiks des Reinen Willens, p. 55.

[11]Hermann Cohen, Religion of Reason, p. 20.

[12]Ibid., p. 19.

[13]Hermann Cohen, Reason and Hope, tr. Eva Jospe (New York: W. W. Norton & Company, 1971), p. 145. In contrast to the Christian view Cohen sees Cain rather than Adam as the first sinner. Religion of Reason, p. 129. Indeed, with this the entire Christian doctrine of "Original Sin" is done away with by Cohen.

[14]Hermann Cohen, Reason and Hope, p. 146.

[15]Hermann Cohen, Religion of Reason, p. 191 (Ezek. 18;4).

[16]Hermann Cohen, Reason and Hope, p. 146.

[17]Hermann Cohen, Religion of Reason, p. 102, Reason and Hope, p. 146 (ps. 51;12).

[18]Hermann Cohen, Religion of Reason, p. 102.

[19]Ibid., p. 194.

[20]Ibid.

[21]Ibid., p. 190.

[22]Ibid., p. 192.

[23]Ibid., p. 14.

[24]Ibid.

[25]Ibid.

[26]Ibid.

[27]Ibid., see also p. 360.

[28]Ibid., p. 14.

[29]Ibid.

[30]Ibid., p. 35. Judaism, according to Cohen, would have renewed nothing had it stressed only the concept of God's unity. It was already Xenophanes who recognized the principle of oneness in the divine. Hermann Cohen, Reason and Hope, p. 90.

[31]Hermann Cohen, Religion of Reason, p. 35.

[32]See Cohen's discussion of the problem of immortality in Ibid., pp. 296-337.

[33]Ibid., pp. 42-43.

[34]Ibid., p. 44.

[35]Ibid., pp. 44, 46.

[36]Ibid., p. 45.

[37]Ibid., p. 65. See also Cohen, Dat ha-Tevunah me-Mekorot ha-Yahadut, tr. Zvi Vislovsky, ed. S. H. Bergmann and N. Rotenstreich, introduction by Sinai Uko, Yosef Ben-Shlomo (Jerusalem: Mosad Bialik -- Machon Leo Baeck, 1971, p. 100, note 13.

[38]Hermann Cohen, Religion of Reason, p. 64. See also Dat ha-Tvunah me-Mekorot ha-Yahadut, p. 100, note 13.

[39]Hermann Cohen, Religion of Reason, pp. 64-65.

[40]Ibid., p. 68.

[41]Ibid.

[42]Ibid., pp. 86-87.

[43]Ibid., p. 68.

[44]In the chapter "Creation" man is referred to by Cohen as "Carrier of reason" and as "Rational being of mortality." Religion of Reason, p. 70.

[45]The nature of the linking element between God and man is not discussed by Cohen in the chapter "Revelation" but surprisingly in the chapter "The Creation of Man in Reason." For Cohen's reasoning in adopting this specific method, see Religion of Reason, pp. 71-72.

[46]Ibid., p. 71.

[47]Ibid., p. 73.

[48]Minchot 29.

[49]Hermann Cohen, Reason and Hope, p. 99.

[50]Hermann Cohen, Religion of Reason, p. 84, Reason and Hope, p. 99.

[51]Hermann Cohen, Reason and Hope, p. 99.

[52]Hermann Cohen, Religion of Reason, p. 74.

[53]With that Cohen discards the entire notion of miracles from within the concept of revelation: "Revelation cannot be a miracle, it is not an anomaly .... Revelation is the creation of reason." Ibid., p. 72.

[54]See Cohen's discussion on the problems with respect to God's materiality which the Deuteronomy text creates. Religion of Reason, p. 73.

[55]Ibid., p. 74 (Deut. 4;12).

[56]Ibid. A similar intention is detected by Cohen in the verse -- "The Eternal made not this covenant with our fathers, but with us, who are all of us here alive this day." Ibid., p. 76 (Deut. 5;3).

[57]Ibid., p. 75.

[58]Ibid.

[59]Ibid., pp. 77-78. Moses' saying "which I teach you" (Deut. 4;14) reveals, to Cohen's mind, that Moses himself recognized that he is a mere teacher of the law. Ibid., p. 78.

[60]Judah Halevi, for example, although being aware of the problem which the voices present to the principle of God's incorporeality, insists upon the materiality of the voices in Sinai: "The first of the Ten Commandments enjoins the belief in divine providence. The second command contains the prohibition of ... the association of any being with Him, the prohibition to present Him in statues, form and images, or any personification of Him .... We must not, however, endeavour to reject the conclusion to be drawn from revelation. We say, then, that we do not know how the intention became corporealised and the speech evolved which struck our ear. ... He does not lack the power." Judah Halevi, Kuzari, tr. Hartwig Hirschfeld, introduction by Henry Slonimsky (New York: Schocken Books, 1968), Book I, #89, pp. 62-63. The Midrash too insists upon the materiality of the voices at Mount Sinai: "The voice became seven voices so that they will hear them." (Gen. R. 5).

[61]Consequently, the law revealed at Mount Sinai consists only on "purely moral perceptions and social and political institutions and requirements." Hermann Cohen, Religion of Reason, p. 78. The purely ritual commandments, it so appears, are discarded by Cohen altogether from the event at Mount Sinai.

[62]Ibid., p. 338.

[63]See also Cohen's discussion of the sacrifices. Ibid., p. 339. His conclusion there is: "God's law is a necessary concept of monotheism."

[64]Ibid., p. 83.

[65]Ibid., p. 84.

[66]Ibid., p. 73.

[67]Ibid., p. 28.

[68]Ibid., p. 345.

[69]Ibid., pp. 344-345.

[70]Ibid., pp. 339-340, 343.

[71]Ibid., p. 343.

[72]Ibid.

[73]Ibid., p. 342 (Num. 15;40).

[74]Ibid.

[75]Ibid.

[76]Ibid.

[77]Ibid. See also note in Hermann Cohen, Dat ha-Tvunah, p. 369.

[78]Hermann Cohen, Religion of Reason, p. 344.

[79]See Hermann Cohen, Dat ha-Tvunah, p. 370, note 1a.

[80]Hermann Cohen, Religion of Reason, p. 345.

[81]See, for example, Cohen's argument regarding the purifying process which the ritual in Judaism goes through. Ibid., pp. 340-341. See also the treatment of Cohen's interpretation of the Sabbath in the present study.

Chapter IV

[1]Cohen's testimony in the German district court was published in an article entitled "Naechstenliebe im Talmud," Jüdische Schriften, Vol. I, pp. 145-174.

[2]Apart from discussing the matter throughout the entire book Religion of Reason, Cohen dedicated an entire chapter to this particular issue -- The Discovery of Man as Fellowman. Hermann Cohen, Religion of Reason, pp. 113-143.

[3]Hermann Cohen, Religion of Reason, p. 122.

[4]Ibid.

[5]Ibid.

[6]Ibid., p. 123.

[7]Ibid., p. 330. In another place Cohen accepts a purely religious reason of the first Noahide commandment and explains it as aimed at the "preservation of monotheism." Hermann Cohen, Religion of Reason, p. 123. However, in both places he insists upon the non-religious coercive character of the law: a) "The belief in the Jewish God is not required" (ibid., p. 123). b) "Faith in the unique God is not demanded" (ibid., p. 330).

[8]Ibid., pp. 125-127.

[9]This verse is cited only in the Hebrew translation: "... that you shall divide it by lot for an inheritance unto you and to the stranger and sojourner among you" (Ezekiel 47; 22). Hermann Cohen, Dat ha-Tvunah me-Mekorot ha-Yahadut, p. 163.

[10]This is deduced by Cohen from the Biblical statement that the Israelite might be sold to a stranger to whom he is in debt. (Leviticus 25;47). Ibid., p. 126.

[11]Here Cohen relates to the Biblical verse: "For the children of Israel, and for the stranger ... shall these six cities be for refuge." (Num. 35;15). Ibid., p. 126.

[12]Here Cohen employs the verse: "And if the brother be waxen poor, and his means fail with thee; then thou shalt uphold him; as a stranger ... shall he live with thee; take thou no interest of him or increase." (Leviticus 25;35). Ibid., p. 125.

[13]Ibid., p. 145. (Lev. 19;34).

[14]Ibid., p. 145. For discussion of the significance of "experience" in Cohen's system, see Rosenzweig's introductory essay to Jüdische Schriften. Franz Rosenzweig, Naharaim, tr. Y. Amir, introduction by S. H. Bergman (Jerusalem: Mosad Bialik, 1977), p. 114.

[15]Ibid., p. 119. (Lev. 19;15).

[16]Cohen here takes issue particularly with Franz Delitzsch who suggested that the word "Reakha" in Lev. 19;18 is to be understood in a limited sense -- a comrade, that is, a co-religionist. Hermann Cohen, "Naechstenliebe im Talmude," Jüdische Schriften, Vol. I, p. 151.

[17]Ibid., p. 13.

[18]Ibid., p. 119.

[19]Ibid., p. 123.

[20]Leviticus 19;18.

[21]Hermann Cohen, Religion of Reason, p. 128.

[22]This is deduced by Cohen from the verses: "He [God] doth execute justice for the fatherless and widow, and loveth the stranger, in giving him food and raiment. Love ye therefore the stranger, for ye were a stranger in the land of Egypt." (Deut. 10;18.19). Ibid., p. 127.

[23]Hermann Cohen, Religion of Reason, p. 335.

[24]Ibid.

[25]Ibid. See Maimonides, Guide of the Perplexed, III, ch. 32.

[26]Ibid., p. 170.

[27]Ibid., p. 339.

[28]Ibid.

[29]Ibid., p. 201.

[30]Ibid., p. 214. (Lev. 4;20).

[31]Ibid. (Lev. 4;26).

[32]See n. 10.

[33]See n. 11.

[34]Ibid., p. 203.

[35]Ibid., p. 217-235.

[36]Ibid., p. 199.

[37]Ibid.

[38]Ibid., pp. 217-235.

[39]Ibid., p. 172.

[40]"Your appointed seasons My soul hateth: they are a burden unto Me; I am weary to bear them .... I am full of the burnt offerings of rams, and the fat of fed beasts; and I delight not in the blood of the bullocks; or of lambs, or of he-goats" (Isa. 1;14-20). Hermann Cohen, Religion of Reason, p. 173.

[41]Ibid.

[42]Ibid., p. 155.

[43]Franz Rosenzweig, an introductory essay to Jüdische Schriften, Naharaim, p. 124. Cohen's suggestion to shift the Sabbath to Sunday was made by him in an early article, "Der Sabbath in seiner kulturgeschichtlichance Bedeutung."

[44]J. L. Blau (ed.), Reform Judaism: A Historical Perspective, introduction by Joseph Blau (New York: Ktav Publishing House, Inc., 1973), pp. 231-232.

[45]The following discussion is based on Cohen's outlook as expressed in Hermann Cohen, Religion of Reason.

[46]Ibid., p. 156.

[47]Ibid., p. 431.

[48]Ibid.

[49]Ibid., p. 157.

[50]Ibid.

[51]Ibid.

[52]Ibid.

[53]Ibid. (Deut. 5;14).

[54]Ibid., p. 430.

[55]Ibid.

[56]Ibid., p. 474.

[57]Ibid., p. 476.

[58]Ibid.

[59]Ibid.

[60]Ibid., p. 194.

[61]Ibid.

[62]Ibid., p. 193.

[63]Ibid., pp. 391-392.

[64]Ibid.

[65]See pp. 105-106 of the present study.

[66]Hermann Cohen, Religion of Reason, p. 220 (Yoma 65).

[67]Ibid., p. 218.

[68]Ibid.

[69]Ibid.

[70]Ibid., p. 220.

[71]Ibid.

[72]Ibid.

[73]Ibid., p. 221.

[74]Ibid., p. 218.

[75]Ibid.

[76]Ibid., p. 219.

[77]Ibid. With regard to "accompanying list," see Hebrew version, Hermann Cohen, Dat ha-Tvunah, p. 254, note 2.

[78]Hermann Cohen, Religion of Reason, p. 221.

[79]Ibid., p. 219.

[80]Ibid., p. 341.

[81]Ibid., p. 340.

[82]Ibid., p. 348 (Peah 1).

[83]Ibid.

[84]Ibid.

[85]Ibid.

[86]Ibid., p. 444 (Tanchuma Shmini).

[87]Ibid., p. 349.

[88]At this point Cohen uses the term gemull (recompense) in both directions: gemull -- "recompense for God's love to man," and gemiluth hesed -- "loving kindness which man has to render to man." Hermann Cohen, Religion of Reason, p. 349.

[89]Ibid., p. 457.

[90]Ibid. (Deut. 16;14).

[91]Ibid.

Chapter V

[1]Hermann Cohen, Religion of Reason, p. 339.

[2]Ibid., pp. 16-18.

[3]Ibid., p. 148.

[4]Ex. 23;3.

[5]Mikraut Gedolot, Ex. 23;3, Lev. 19;15.

[6]Lev. 19;18.

[7]Mikraut Gedolot, Lev. 19;18.

[8]"the word tzedakah is derived from tzedek, which means justice, justice being the granting to everyone who has right to something, that which he has a right, and giving to every being that which corresponds to his merits. But in the books of the prophets, fulfilling the duties imposed upon you with regard to others is not called tzedakah in conformity with the first sense. For if you give a hired man his wages or pay a debt, this is not called tzedakah. On the other hand, the fulfilling of duties with regard to others imposed upon you on account of moral virtue, such as remedying the injuries of all those who are injured, is called tzedakah." Maimonides, Guide of the Perplexed, Book III, ch. 53. See also Maimonides, Mishneh Torah, Book of Seeds, Laws of Gifts to the Poor, 10;1 (Jerusalem: El ha-Mekoroth, 1954).

[9]Hermann Cohen, Religion of Reason, p. 127.

[10]Ibid., p. 451.

[11]Ahad ha-Am, Al Parashat Derachim, Vol. IV (Jerusalem: Devir, 1947), pp. 373-374.

[12]Lev. 25;23.

[13]Rashi for example interpreted this verse -- "for it [the land] is not yours." (Lev. 25;23).

[14]Hermann Cohen, Religion of Reason, p. 152.

[15]Ibid., pp. 144-146.

[16]Ibid., p. 150.

[17]Ibid., p. 153.

[18]Apart from verse 47 which is discussed by Cohen within the framework of the laws of the stranger. Ibid., p. 126.

[19]Baba Mezia 33a.

[20]Hermann Cohen, Religion of Reason, pp. 128, 154.

[21]See note 3 above.

Chapter VI

[1]The Bible does not formally distinguish between commandments which can be classified as ethical and commandments which are considered as ritual or dealing with common legal matters. Scholarship, however, does differentiate between the categories and recognizes the ethical commandments as those without sanction, namely, commandments not to be enforced by formal punishments. Maimonides, for example, classifies the commandments "whose purpose ... is to bring about the achievement of a certain moral quality" among the category of commandments "dealing with relation between man and God." However, the sixth group in Maimonides' own classification, that which comprises "the commandments concerned with punishments," is not included by him within the moral category. Maimonides, Guide of the Perplexed, Part III, ch. 35.

[2]Nathan Rotenstreich, Jewish Philosophy in Modern Times (New York, Chicago, San Francisco: Holt, Rinehart and Winston, 1968), pp. 6-10.

[3]Hermann Cohen, "Religiose Postulate," Judische Schriften, Vol. I, p. 2.

[4]N. N. Glatzer (ed.), Modern Jewish Thought -- A Source Reader (New York: Schocken Books, 1977), p. 117.

[5]For extended discussion of this topic, see J. B. Agus, The Meaning of Jewish History, Vol. II (London, New York, Toronto: Abelard-Schuman, 1963), pp. 323-324.

[6]Moritz Lasarus, The Ethics of Judaism, trans. Henrietta Szold (Philadelphia: The Jewish Publication Society of America, 1901), Vol. I, pp. 111-112.

[7]Ibid., p. 112.

[8]Bereshit Raba 1, Nedarim 32, Kiddushin 22.

[9]See the analysis by Yom-Tov L. Zunz, ha-Derashot be-Yisrael, pp. 33-46.

[10]See discussion of Mendelssohn and ethics in the present work, Part I, ch. I.

[11]Mendelssohn, Jerusalem and Other Jewish Writings, p. 117.

[12]See note 1 above.

[13]Mendelssohn, Jerusalem and Other Jewish Writings, p. 38.

[14]Morality is included by Mendelssohn among the "self evident principles of reason" [which] the Lord reveals to us as well as to all other men ... through nature ... but never through the spoken or written word." These principles are defined by Mendelssohn as eternal truths which "cannot be changed even by God." (Jer. pp. 61-62).

[15]Jer., p. 65, Mendelssohn, Jerusalem and Other Jewish Writings, p. 117.

[16]The Seven Noahide Laws require man to refrain from idolatry, adultery and incest, bloodshed, robbery, social injustice, and eating flesh from a living animal. (Avodah Zarah 64b).

[17]Mendelssohn, Jerusalem and Other Jewish Writings, p. 117.

[18]"All the righteous of the world have their share in the world to come." (Toseftah Sam. 13).

[19]There is no clear-cut opinion whether the Noahide Laws are a formulation of natural thus universally applicable laws, or laws merely intended to govern non-Jews' conduct when residing under Jewish jurisdiction. There is one Talmudic indication that at least five among the Noahide laws are to be regarded as natural: "Mine ordience shall ye do, i.e., such commandments which, if they were not written [in the Bible], they should by right be written and these are they: idolatry, immorality and bloodshed, robbery and blasphemy." (Yoma 67b). On the other hand, references in Sanhedrin seem to suggest differently. The fact that the Talmudic discussion there includes detailed court punishments for breaking the various Noahide laws indicates that

these laws meant to be applicable only to non-Jews residing in areas of Jewish sovereignty. (Sanh. 56a-59a). See also Maimonides, Mishneh Torah, Book of Judges, Laws of Kings, ch. 8.

[20]Mendelssohn, Jerusalem and Other Jewish Writings, pp. 116-117.

[21]Jer. p. 61.

[22]Maimonides, Guide, Part II, ch. 40.

[23]Maimonides, Mishneh Torah, Book of Judges, Laws of Kings, ch. 9.

[24]Ibid.

[25]Mendelssohn's rejection of Maimonides' attitude to the concept of the Noahide commandments is put forth in "Jerusalem" in a mild manner and only in a note: "Maimonides adds the limitation that this is true only if they observe the Noachide laws not merely as a requirement of natural law but as laws specifically promulgated by God. However, the Talmudic text does not imply this limitation" (Jerusalem, p. 169, note 47). However, in two long letters which Mendelssohn wrote on this topic to R. Jacob Emden (October-November, 1773) he is much more sharp in his criticism and much more revealing with respect to the problems which Maimonides' view poses to his own Jewish philosophy. For example, Mendelssohn writes: הנה ... "ועל אודות השאלה אשר שאלתי מאתו הי' הדבר במה שכתב הרמב"ם בשמיני מהלכות מלכי' שחסידי א"ה צריכי' שיקבלו עליהם שבעה המצות ויעשו אותו מפני שצוה בהן הקב"ה בתורה והודיענו ע"י משה רע"ה שבני נח מקודם נצטוו בהן. וכתב הכ"מ שרבינו מסברא דנפשי' אומר כך ונכוחה היא. ולי הנראים קשי' מצור חלמיש, וכי כל שוכני ארץ ... זולתינו ירדו לבאר שחת והיו דראון לכל בשר, אם לא יאמינו בתורה שנתנה מורשה לקהלת יעקב לבד, ובפרט בדבר שאיננו מפורש בתורה כלל, כי אם בקבלה לסגולות העמי', או נדרש לחכמיה מכלל דברי התורה, מקרא דויצו ה' אלדי' וכו', כאשר כתב הרב בעצמו פ"ט, שקולן קבלה הן בידינו ממ"ר ומכלל דברי התורה יראה שעל אלו נצטוו ע"ש." Mendelssohn, Gesammelte Schriften, Vol. 16, p. 178.

[26]Hermann Cohen, "Der Stil der Propheten," Jüdische Schriften, Vol. I, pp. 262-263.

[27]Hermann Cohen, Jüdische Schriften, Vol. I, p. 266. (Isaiah 46;9, Hosea 11;9).

[28]Ibid., p. 266.

[29]Ibid., p. 6, "Religiöse Postulate," Jüdische Schriften; see also Hermann Cohen, Religion of Reason, p. 20.

[30]"Da der Einzige Gott der Gott der gesamten Menschheit ist so kann er nicht der Gott einen Staates sein." (Inasmuch as the one God is the God of all mankind, He cannot be the God of only one nation). Hermann Cohen, "Religiöse Postulate," Jüdische Schriften, Vol. I, p. 6.

[31]In this context Cohen again relates to the prophetic literature. The prophets, he argues, "with all their patriotism were world citizens. Their own state was for them merely a stepping stone to the federation of mankind." Hermann Cohen, Religion of Reason, p. 23.

[32]Ibid., p. 6.

[33]Ibid.

[34]Mendelssohn, Jerusalem and Other Jewish Writings, pp. 67-69.

[35]"... die sittliche Person nicht als gegeben, oder in gewissen naturlichen Anlagen und Bedingungen bestimmt angenommen werden darf .... Das S bjekt ist nicht die Seele, die daher ethisch so leicht zum Gespenst wird; und das Subjekt wird nicht schlechterdings geboren, und nicht schlechterdings vererbt." Herman Cohen, Ethiks des Reinen Willens, pp. 95-96.

[36]Cohen, to be sure, does not accept Maimonides' assertion that the belief in the Sinaic origin of the Noahide commandments is the only proper basis for attaining righteousness. In this respect his understanding is closer to that of Mendelssohn than to that of Maimonides. However, he rejects the idea that morality is an innate human faculty, and the notion that morality cannot be developed and purified. Hermann Cohen, Religion of Reason, p. 123.

[37]Mendelssohn, Jerusalem and Other Jewish Writings, pp. 61-62.

[38]Cf. Ibid., p. 68, Hermann Cohen, Religion of Reason, pp. 11-12.

[39]These attitudes of Cohen can clearly be noticed in his article on Spinoza and Maimonides. Hermann Cohen, Iyunim ba-Yahadut uv'-Baayot ha-Dor, tr. Zvi Vislovsky, introduction by N. Rotenstreich (Jerusalem: Mosad Bialik, 1977), pp. 17-21, 60-66. See also Franz Rosenzweig, Naharaim, p. 147.

[40]Benedict de Spinoza, "The Ethics," Philosophy of Benedict de Spinoza (New York: Tudor Publishing Co., n.d,), p. 192.

[41]Hermann Cohen, Iyunim ba-Yahadut uv'-Baayot ha-Dor, p. 59.

[42]Maimonides, Mishneh Torah, Book of Judges, Laws of Kings, ch. 12.

[43]Hermann Cohen, Iyunim ba-Yahadut uv'-Baayot ha-Dor, p. 65. Cited by Cohen from Maimonides, Helek, Sanhedrin, ch. 10.

[44]Hermann Cohen, "Religiöse Postulate," Judische Schriften, Vol. I, p. 6.

[45]Ibid., Vol. II, pp. 73-94, Hermann Cohen, "Ein Bekenntnis in der Judenfrage," Jüdische Schriften.

[46]Ibid., Vol. I, pp. 145-174, "Die Nachstenliebe im Talmud," Jüdische Schriften.

[47]To be sure, Cohen does not refer to the Jewish people as a nation but as a nationality (nationalitat), namely, an entity which does not require a political or a territorial framework. Hermann Cohen, "Religion und Zionismus," Jüdische Schriften, Vol. II, p. 322. This attitude of Cohen is on the grounds that "It would contradict the Messianic idea and mission of Israel that we should be permitted to create a state of our own." Ibid., Vol. I, p. 8.

[48]According to Franz Rosenzweig, this change of attitude took place particularly with Cohen's journey to meet with Polish Jewry (1914). Franz Rosenzweig, Naharaim, p. 116.

[49]Hermann Cohen, "Religiöse Postulate," Jüdische Schriften, Vol. I, p. 3.

[50]Hermann Cohen, Religion of Reason, p. 338.

[51]Ibid.

[52]Ibid., p. 345.

[53]Cohen, in this regard, follows Maimonides and defines the Biblical "Mishpatim" (Laws) as "the purely moral ... sphere." Hermann Cohen, Religion of Reason, p. 340.

[54]This category is exemplified by Cohen with the laws of fringes and phylacteries. Hermann Cohen, Religion of Reason, p. 342.

[55]This category is exemplified by Cohen with the laws of the Sabbath, the Day of Atonement and the festivals. See discussion in the present study, Part II, chapter II.

[56]Hermann Cohen, "Religiöse Postulate," Jüdische Schriften, Vol. I, p. 7.

[57]Ibid., p. 8.

[58]It appears that Cohen revised this outlook at his old age. His optimistic view with regard to exile changed, and he described the Jews' road to fulfilling their messianic mission in the prophetic terminology of "servant of God." Thus, the Jewish mission can be fulfilled only through "suffering from the persecutions of the idol worshippers." Hermann Cohen, Religion of Reason, p. 283.

Chapter VII

[1]Cited in Readings in Modern Jewish History, E. L. Ehrmann (ed.), New York, 1977, pp. 33-34.

[2]"We therefore declare that the divine law ... contains within itself dispositions which are political and dispositions which are religious: that the religious dispositions are by their nature, absolute and independent of circumstances and of age; that this does not hold true of the political dispositions; .... These political dispositions are no longer applicable, since Israel no longer form a nation." From the doctrinal decisions of the Great Sanhedrin in Paris. Cited in The Jewish Tradition, N. N. Glatzer (ed.), Boston, 1969, p.

[3]Toldot Am Yisrael, H. A. Ben Sasson (ed.), Tel-Aviv, 1969, p. 120.

[4]David Philipson, The Reform Movement in Judaism, introduction by S. B. Freehof (New York: Ktav Publication House, 1967), pp. 355-356.

[5]Ibid., p. 356.

[6]Ibid.

[7]Ibid.

[8]Ibid.

[9]Ibid.

[10]The doctrinal modifications were essentially manifest in the Columbus Platform formulated fifty years after the Pittsburgh Platform. The Columbus Platform which was adopted in order to replace the Pittsburgh Platform expresses an attempt to return to basic traditional Jewish concepts. See Arie Rubinshtein, Reshitah shel Tenuat ha-Reforma be-Artzot ha-Brit (Jerusalem: ha-Universita ha-Ivrit, 1973), pp. 234-235.

[11]For a discussion of the influence of the Reform Movement on other modern Jewish religious movements, see C. Heilman, "The Many Faces of Orthodoxy," Modern Judaism, Vol. II, Feb. 1982, pp. 23-51.

[12]See our following discussion of Hermann Cohen's attitude to Mendelssohn. Furthermore, even a prominent literary critic, Avraham Shaanan, claims that Mendelssohn intended to build a new, albeit moderate movement of Judaism. Avraham Shaanan, ha Sifrut ha-Ivrit ha-Hadashah le-Zerameha, Vol. I (Tel-Aviv: Masadah, 1962), p. 49.

[13]W. G. Plaut, The Rise of Reform Judaism, introduction by S. B. Freehof (New York: World Union for Progressive Judaism, 1963), p. 127.

[14]Moses Mendelssohn, Jerusalem and Other Jewish Writings, p. 61.

[15]Ibid., p. 128.

[16]Ibid., p. 69.

[17]Ibid., p. 61.

[18]Ibid., p. 149.

[19]Ibid., p. 104.

[20]Samuel Holdheim (1806-1860) is regarded as a representative of the radical wing of the early reform ideology. He sought to break away entirely from the past Jewish

tradition. Unlike Geiger, he insisted upon the need of a total religious revolution in Judaism. "The Talmud," he declared, "speaks with the ideology of its own time ... I speak for the higher ideology of my time." Plaut, The Rise of Reform Judaism, p. 123.

[21]D. Philipson, The Reform Movement in Judaism, p. 248.

[22]Samuel Holdheim, for example, held that the ceremonial law might be abolished altogether as it exists only in order to safeguard the holiness of Israel in a pagan world. But since paganism gave way to monotheism, these laws are no longer necessary. Plaut, The Rise of Reform Judaism, pp. 122-123.

[23]Geiger's approach to the Sabbath is a result of his view that consecration, and not rest, is the main purpose of this institution. It follows that the observance of the Sabbath culminates not in abstention from all kinds of work but rather in keeping with the traditional prescribed day and sanctifying it by worship and prayer. D. Philipson, The Reform Movement in Judaism, pp. 203, 318. See also Avraham Geiger, Mivhar Ktavav al ha-Tikunim ba-Dat, M. A. Meyer (ed.), introduction by M. A. Meyer, translation by G. Elishberg (Jerusalem: The Zalman Shazar Center and The Dinur Center, 1979), p. 120.

[24]For Geiger's attitude to the circumcision cult, see his letter to Leopold Zunz, (Breslaw, March 19, 1845). Ibid., pp. 116-117. See also, Geiger, ha-Mikra ve-Targumav, introduction by Yosef Klausner, translation by Y. L. Mevorach (Jerusalem: Mosad Bialik, 1949), p. 24.

[25]Alexander Altmann, Moses Mendelssohn -- A Bibliographical Study, p. 539.

[26]Moses Mendelssohn, Jerusalem and Other Jewish Writings, p. 104.

[27]A. Shaanan, ha-Sifrut ha-Ivrit ha-Hadashah le-Zrameha, p. 49.

[28]D. Philipson, The Reform Movement in Judaism, pp. 8-9.

[29]See discussion on Kant's and Lessing's concepts of revelation in T. M. Green's introduction to Kant's Religion Within the Limits of Reason Alone, translation by Theodor M. Green and H. Hudson, introduction by T. M. Green, H. Hudson, John R. Silber (New York: Harper Torchbooks, 1960), pp. xx-xxii.

[30]Hermann Cohen, Religion of Reason, p.338.

[31]Ibid., p. 324.

[32]Ibid., p. 339.

[33]Ibid.

[34]Ibid.

[35]Ibid., p. 340.

[36]Ibid.

[37]Ibid.

[38]Ibid.

[39]Ibid., p. 345.

[40]Franz Rosenzweig, Naharaim, p. 133, n. 27.

[41]Mordecai Kaplan's explanation of this fact is that Cohen's view advocating intermarriage of Jews and non-Jews was too radical even for the Reform. For this reason the Reform leaders hesitated to include Cohen's philosophy within the framework of Reform ideology. Mordecai Kaplan, The Purpose and Meaning of Jewish Existence (Philadelphia: Jewish Publication Society of America, 1964), p. 51.

[42]D. Philipson, The Reform Movement in Judaism, p. 5.

[43]Ibid., p. 392.

[44]Ibid., p. 5.

[45]On Geiger's ambivalent attitude to the Hebrew language, see A. Geiger, ha-Mikra ve-Targumav, pp. 22-23.

[46]See Cohen's discussion on Zionism in "Religion und Zionismus" and "Antwort auf das offene Schreiben des Herrn Dr. Martin Buber," Jüdische Schriften, Vol. II, pp. 319-341.

[47]Zionism is recognized by Cohen as "backwardness" and "contradiction to the messianic task of the Jews." Hermann Cohen, Religion of Reason, p. 362. Furthermore, in his "Religiose Postulate," Cohen states the following: "Es ist ein Widerspruch gegen den messianischen Gedanken, gegen die Mission Israels, dass wir einen eigenen Staat uns machen durften." (The establishment of a state of our own is incompatible with the messianic concept and with Israel's mission.). Hermann Cohen, Judische Schriften, Vol. I, p. 8.

[48]Hermann Cohen, Jüdische Schriften, Vol. I, p. 8.

[49]Hermann Cohen, Religion of Reason, p. 359.

[50]Cohen's approach to the Hebrew language is also similar to that of Reform ideology. Here he reflects the moderate wing of the Reform Movement: "The efforts in modern times directed at changing the language of the Hebrew prayer into the language of the appropriate culture, is understandable. Hermann Cohen, Religion of Reason, p. 389. However, "adherence to prayer in Hebrew is ... demanded in principle." Ibid., p. 393.

[51]Kaufmann Kohler, Jewish Theology, Systematically and Historically Considered (New York: The Macmillan Company, 1918), p. 41.

[52]For example, see Kaufmann Kohler, "The Mission of Israel and its Applications to Modern Times," Reform Judaism: A Historical Perspective, Joseph L. Blau (ed.) (New York, 1973), pp. 127-150.

[53]Hermann Cohen, Religion of Reason, p. 280.

[54]Ibid., p. 271.

[55]David Philipson, The Reform Movement in Judaism, p. 3.

[56]For an extended study of the Sabbath's place in Reform ideology, see W. G. Plaut, "The Sabbath in the Reform Movement," Reform Judaism: A Historical Perspective, pp. 229-254.

[57]Yoma 67b.

[58]Lev. 18;4.

[59]Hermann Cohen, Religion of Reason, p. 359.

[60]Ibid.

[61]Ibid.

[62]Ibid., p. 361.

[63]"Die isolierung war schlechterdings notwendig, wenn der Monotheismus überhaupt aufkommen sollte. Und sie blieb notwendig, wenn anders auch den beiden anderen Formen des Monotheismus gegenüber der jüdische seinen unverminderten wert behalten soll." Hermann Cohen, Die Religion der Vernunft aus den Quellen des Judentums (Leipzig: Gustav Fock G. m. b. H., 1919), pp. 423-424. Kaplan's English translation is somewhat misleading: "Isolation was absolutely necessary if monotheism was to come to thrive at all. Moreover, isolation remained necessary if the Jewish kind of monotheism was to preserve its undiminished value against the other two kinds." Hermann Cohen, Religion of Reason, p. 359.

[64]Hermann Cohen, Religion of Reason, p. 360.

[65]Ibid., p. 365.

[66]Ibid.

[67]Ibid.

[68]Ibid., p. 366.

[69]Hermann Cohen, Die Religion der Vernunft, p. 432.

[70]Hermann Cohen, Religion of Reason, p. 367.

[71]Ibid., p. 224.

[72]Hermann Cohen, Die Religion der Vernunft, p. 432.

[73]"Ebenso ist die prinzipielle Erhatung des Sabbat fur die Gemeide ...." Ibid.

[74]Hermann Cohen, Religion of Reason, p. 367.

[75]Holdheim, not unlike Cohen, regarded the Sabbath as a purely "religious" institution and thus claimed that it need not be observed on the "political Palestinian" assigned day, but can be shifted to Sunday. Furthermore, Holdheim, like Cohen, assumed the preservation of the Sabbath only "in principle." Thus, to Holdheim's mind, many of the detailed regulations of the Sabbath must be discarded. W. Gunther Plaut, The Rise of Reform Judaism, p. 192.

[76]Hermann Cohen, Religion of Reason, p. 367.

[77]Ibid., p. 368.

[78]Ibid.

[79]Ibid., p. 369.

[80]F. Rosenzweig, Naharaim, p. 133, note 27.

[81]Mordecai Kaplan, The Purpose and Meaning of Jewish Existence, p.

[82]Eliezer Berkovitz, Major Themes in the Modern Philosophies of Judaism (New York: Ktav Publishing House, 1974), p. 25.

[83]Hermann Cohen, Religion of Reason, p. 367.

[84]Hermann Cohen, Reason and Hope, pp. 192-193.

[85]Ibid., p. 193.

[86]It is worth mentioning in this context that Mendelssohn himself denied that his translation was meant to introduce cultural reforms into the Jews' life. The purpose of the translation, he argued, was limited to the need of his own children's Jewish education. Mendelssohn, Gesammelte Schriften, Vol. 16, pp. 251-253.

[87]Hermann Cohen, "Deutschtum und Judentum," Jüdische Schriften, Vol. II, p. 260.

[88]Hermann Cohen, Religion of Reason, p. 357.

[89]Ibid., p. 361.

[90]Hermann Cohen, Reason and Hope, p. 182.

[91]Moses Mendelssohn, Jerusalem and Other Jewish Writings, p. 67.

[92]A. Altmann, Moses Mendelssohn -- A Biographical Study, p. 539. In general, Altmann suggests that Mendelssohn's basic concept of history was in accordance with the cyclical rather than the linear pattern. See Ibid., p. 540.

[93]Hermann Cohen, Religion of Reason, p. 357.

[94]Moses Mendelssohn, Jerusalem and Other Jewish Writings, p. 156.

[95]Cited by J. Agus, The Meaning of Jewish History, Vol. II, p. 327.

[96]Moses Mendelssohn, Gesammelte Schriften, Vol. 16, p. 151.

[97]Hermann Cohen, Religion of Reason, p. 357.

[98]Ibid.

[99]Ibid.

[100]Ibid., p. 358.

Conclusion

[1]Mendelssohn himself sharply rejected the idea of a "union of faiths" (Jerusalem and Other Jewish Writings, pp. 107-110). Still, German Enlightenment seriously entertained belief in such a phenomenon.

[2]J. Guttmann, Philosophies of Judaism, p. 3.

[3]F. Rosenzweig, Naharaim, p. 153.

[4]I refer here to Rosenzweig's definition in his introduction to The Star of Redemption (Boston: Beacon Press, 1972), pp. 5-6.

[5]Hermann Cohen, Religion of Reason, p.3

[6]Ibid., p. 7.

[7]Ibid.

[8]Ibid., p. 16.

[9]Ibid., p. 19.

[10]Ibid., p. 20.

[11]Ibid., p. 8.

[12]Ibid.

[13]Maimonides, Mishneh Torah, Sefer ha-Mada, Hilkhot Yesodei Torah, ch. I.

[14]Hermann Cohen, Religion of Reason, p. 88.

[15]Ibid.

[16]Ibid., p. 73.

[17]Ibid., p. 338.

[18]J. Guttmann, Philosophies of Judaism, p. 334.

[19]Ibid., p. 331.

[20]Ibid.

[21]Moses Mendelssohn, Jerusalem and Other Jewish Writings, p. 65.

[22]Ibid., p. 38.

[23]Ibid.

[24]Ibid., p. 65.

[25]Ibid.

[26]Ibid., p. 61.

[27]Ibid., p. 98 (Mal. 1;11).

[28]Ibid., p. 97 (Ps. 19;2).

[29]Ibid., p. 66 (according to Ps. 8;8).

[30]Moses Mendelssohn, Buir to Ex. 14;12.

[31]Moses Mendelssohn, Jerusalem and Other Jewish Writings, p. 105.

[32]Ibid.

[33]Cited by Y. Heineman, ha-Ahdut be-Philosophia shel Moshe Mendelssohn, edited by Simon Rawidowicz (London, Waltham, Mass.: Ararat Publishing Society, 1954), p. 203.

[34]Ibid., p. 202.

[35]Ibid.

[36]Biur to Ex. 19;20.

[37]Moses Mendelssohn, Jerusalem and Other Jewish Writings, p. 104.

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