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בני תורה, בני תרבות

by

Norman Solomon

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English abstract of בני תרבות, בני תורה by Norman Solomon

Can we be at one and the same time faithful to the covenant of Sinai and faithful to the ideals of democratic culture, including universal human dignity and the autonomy of the individual conscience? Since Simone Luzzatto Jewish apologetic has stressed Jewish non-violence, but the Hebron massacre and the Rabin assassination called this into question by demonstrating that many traditional texts, read in their plain sense, are intolerant, undemocratic, and discriminatory. Is it possible to re-read biblical and rabbinic texts in terms of the enlightenment political values of democracy and human equality; that is, can an enlightenment hermeneutic be applied to the Written and Oral Torah?

The article reviews several strategies used in the Talmud and later rabbinic texts to address similar problems. These strategies range from outright denial of the values of pluralism, to restrictive interpretation which renders the biblical law inapplicable, as when Joshua ben Hananya decreed that a proselyte who claimed Ammonite descent could not possibly be an Ammonite.

It argues that the “Alternative Passions” philosophy of David Hartman fails to address the question of how to continue reading the texts as sacred literature when we reject them from an ethical perspective. It concludes that no satisfactory solution can be reached without reformulation of the doctrine of *Torah min ha-Shamayim* to enable us to say, “Yes, these difficult texts in Deuteronomy are part of *Torah min Ha-Shamayim*, that is, they are part of the document which stands as the historical expression of the myth of Israel’s encounter with God, and which cannot be altered, for it—the document—is a fact of history. But this does not bind us to specific provisions which run counter to our moral convictions.”

בני תורה, בני תרבות

READING INTOLERANT TEXTS IN A TOLERANT SOCIETY

The faithful preach virtue, and appeal to scripture, mediated by Church or Synagogue, as their authority, for scripture is the revealed word of God. The appeal is powerful, for the Bible and the traditions rooted in it have provided the language and inspiration for many of the greatest moral achievements of humanity. Yet it is marred, for not infrequently scripture and the texts which stand upon it appear to make some demand or express some value which we resist not because it is difficult, but because it is morally repugnant. Can we be at one and the same time בני תורה —faithful to the covenant of Sinai, and בני תרבות — faithful to the ideals of democratic culture, including universal human dignity and the autonomy of the individual conscience?

One fine Shabbat morning I listened to a colleague preaching to his congregation on the theme of tolerance. His sermon was a moving account of how Judaism, in contrast to other religions—by which no doubt he had in mind Christianity and Islam—was a model of tolerance. When had Jews—unlike Christians and Muslims—persecuted people of another faith? When had we aggressively promoted our religion and sought to convert others, as they had constantly done to us? Surely, our holy Torah taught us that the “righteous of all nations”—meaning of all faiths—had a portion in the World to Come; unlike exclusivist Christianity, it did not deny “salvation” to those of another faith!

The preacher’s words accorded well with a major trend in Jewish apologetic, which can be traced back through such as Leo Baeck, Moses Mendelssohn, Menasseh Ben Israel and Simone Luzzatto¹, and is not without roots in much earlier Jewish sources. In the days before the Hebron massacre of February 1994², and the Rabin assassination on 4 November 1995, it was perhaps plausible to cite mediaeval and modern Jewish history as evidence of the pacific nature of Judaism. Jews did not act violently in the name of their religion, as Christians and Muslims from time to time did; mostly they were passive, even in the face of extreme provocation. True, they had no power, but it seemed safe to suppose that they would not use violence even if they were in the position to do so.

Already in the twelfth century Judah Halevi (c1080-1140) expressed doubts about this supposition. In Halevi’s great philosophical dialogue, the *Kuzari*, the *haver* (rabbi) boasts that the meekness preached but not practised by Christians and Muslims is actually practised by Jews. To this, the as yet non-Jewish Khazar king responds: “That would be so, if your humility (*tawadu*) were voluntary, but it is involuntary, and if you had the power, you would kill.”³ But even if the shaky supposition of Jewish meekness were true, what could one say about the texts? Taking them at their face value, do the main biblical and pre-modern rabbinic texts support the doctrines of tolerance espoused by Menasseh, Mendelssohn and their followers?

The portion of the Torah read on the day I heard the sermon was Deuteronomy 11:26-16:17. It includes the following words:

And ye shall break down their altars, and dash in pieces their pillars, and burn their Asherim with fire; and ye shall hew down the graven images of their gods; and ye shall destroy their name out of that place. (Dt 12:3)

So I took my copy of the Torah to the rabbi and asked him how he would harmonise this verse with his contention that Judaism was a tolerant religion.

It says something for the enduring quality of our friendship that we still speak cordially to one another. But I did not receive a satisfactory reply. The present essay addresses the problem of whether and how someone committed to a tolerant, pluralistic view of society, can continue to regard as sacred a tradition which contains intolerant, exclusivist texts.

Nature of the Problem

By “enlightenment” I mean the whole complex of philosophical and political ideas which took root in Europe in the sixteenth century and of which the most enduring expressions are the scientific revolution from Copernicus onwards, the critical philosophy of Descartes, Spinoza and their successors, and the political ideals of liberty and equality which are enshrined in the American Constitution and in the Universal Declaration of Human Rights adopted by the United Nations in 1948. I do not exclude some recent developments which are referred to as “post-enlightenment” or “post-modern”, since I regard these as critical reevaluations within the enlightenment tradition; I very much regret that some self-styled “post-enlightenment” thinkers regress to pre-enlightenment philosophies.

By “texts” I mean here not just words, but customs, stories, symbols, laws, signs, events, exemplary lives of the saints—all those elements around which a community defines itself, and which make up its distinctive “language”.

Why is there any problem about texts? Why not simply repudiate any traditional texts which we no longer find acceptable? Three factors have to be considered.

1. **Continuity.** Communities, ethnic or religious, seek to preserve their identity. Cultural identity depends on common texts. It is therefore necessary to develop methods of reading which enable the community to continue to continue reading the traditional texts despite the fact that in the course of time people’s understanding of the world around them, as well as their grasp of fundamental values, may have changed.
2. **Commitment to equal human rights.** People in the advanced world are committed, by and large, to policies of tolerance, democracy, and civil equality which have been formulated clearly and implemented only since the Enlightenment. For example, only in the nineteenth century did slavery become widely regarded as unacceptable and abhorrent; only in the twentieth was the concept of equal rights effectively extended to women, and the process is still far from complete.
3. **The nature of the texts.** Many traditional texts, read in their plain sense, are intolerant, undemocratic, and discriminatory.

The problem arises, then, of whether it is possible to re-read biblical and rabbinic texts in terms of the enlightenment political values of democracy and human equality. As the theologian might put it: ***Can an enlightenment hermeneutic be applied to the Written and Oral Torah?***

This is not a new problem, nor is it a peculiarly Jewish one. Indeed, it is a necessary feature of any society which persists over time, and it affects all cultures and all religions, since their identity arises out of texts, as just defined. No text can ever be read exactly the same way twice, for the text is part of a living language, which cannot remain static. Every text constitutive of a society is read in the light of the other texts, and also in the light of the new texts which come into being as the society engages with changing cultures.

Of course, it is possible to *abandon* texts whose content, when they are read in the traditional way, is no longer acceptable. The question then arises, how much can one abandon without loss of identity, or “authenticity”? If continuity is to be preserved some texts must be retained; how will these be read within the changed intertextuality brought about by the abandonment of texts with which they were previously associated?

For Judaism, the process of re-reading texts in the light of other texts began in the Bible itself. It is the method by which Talmud, Midrash⁴, religious philosophy and Kabbala lay claim to authenticity as expositions of Torah.

The role of Apologetics

Even where Jews do not really share the values of the ambient society they may find it prudent to interpret their teaching in terms of ambient culture. This may serve the purpose of defence against possible accusations, or it may be thought to help in the retention, or reclamation, of acculturated, lapsed Jews within the faith. Rarely if at all since the fourth century has it served the purpose of mission amongst non-Jews.

Apologetics has a valid role. However, I am not concerned with it here. What I want to discover is whether there is some way in which a Jew, or *paribus passibus* a Christian or Muslim, can in full integrity lay claim to a heritage which in parts he or she finds morally repugnant.

Tolerance and Tradition

There is a practical aspect to the question, and also a theoretical one.

On the largest scale, the practical aspect is a socio-political problem, which for Jews arises only with regard to the state of Israel. How does the sovereign (the justice system) handle people of different religions? Is there an established, “privileged” religion? Is there a favoured denomination within that religion (Orthodox, rather than Conservative or Reform)? If so, are non-conformists (a) merely allowed to live, (b) subjected to some measure of discrimination, or (c) accorded full and equal civil rights? What is the nature of the “secular” state?

On a more limited scale, questions arise at the community or congregational level. Who is to be included or excluded from (a) membership of the community, (b) participation in its activities?

Even if the practical issues could be handled in conformity with enlightenment concepts of human equality, a theoretical problem would remain to trouble the conscientious believer. This is the theological question of how to find “theological space for the other”. The exclusive claim to truth which has been a normal part of traditional theology does not, in Judaism, necessarily deny “salvation” to those of other faiths, but it certainly downgrades them and their beliefs in a condescending

fashion which is inconsistent with the more open attitude to truth which finds approval in enlightened society.

Intolerance in the Source Texts

The Bible and rabbinic literature contain resources for tolerance as well as for intolerance. Part of the “solution” to the problem of handling intolerant texts lies in giving primacy to the tolerant ones. But we must face up to the intolerant ones too. Here are examples of several categories of statement which promote values that “enlightened” people find unacceptable.

In the Bible

The Torah repeatedly inculcates the virtue of *Qana'ut* (zeal) against idolatry, as in Dt 12:3, cited above. The positive side of this is the devotion to God, and consequently to justice and compassion, that it demands. Compassion, however, is explicitly denied to idolators; of one who leads his fellow-Israelites to idolatry it is said, “You shall have no pity on him“ (Dt 13:9). It seems that even simple understanding is denied them; their gods are “but the work of men’s hands, mere wood and stone” (2 Kings 19:18 and elsewhere), and there is no hint that anything of value lies behind this form of worship⁵. Whatever my views about the historical circumstances in which scripture first appeared, it runs counter to my moral convictions that I should be guided by such verses in my own relationship with Hindus or Buddhists today, let alone with Christians or Muslims.

It is only very recently, on an historical time-scale, that people have begun to think of “racism” as reprehensible. What we now reject as racist attitudes are normal in scripture. Genesis 9:25 declares that the “sons of Ham” (black people) are to be slaves to the “sons of Shem”, and was frequently cited as a proof-text against the abolition of slavery or in support of the Apartheid system. Canaanites were to be exterminated, and the very name of Amalek blotted out (Dt 25:19).

Also contrary to enlightenment notions of equality as currently interpreted is the privileged status afforded to Cohanim (priests), Levites, Israelites, males. Biblical legislation offers *protection* to foreigners and females, rather than equal status.

In Rabbinic teaching

a. Theological

The Bible divides people into Israelites (= those faithful to God) and “the nations” (= idolaters), and takes an overwhelmingly negative view of the latter.

The rabbis took a somewhat less malign view of the pagans amongst whom they lived. They were not necessarily idolaters in the full biblical sense, but *maase avotehem biydehem* “they uphold the deeds of their fathers”⁶, that is, they practise through inertia rather than by conviction patterns of idolatrous worship inherited from an earlier, believing generation.

Did God’s act in “electing”, that is, choosing Israel from amongst the nations, imply *innate* superiority on their part? According to Deuteronomy, it did not: “It was not because you were more numerous than any other nation that the Lord cared for you and chose you, for you were the smallest of all nations; it was because the Lord loved you and stood by his oath to your forefathers ...” (Dt 7:7,8).

Judah Halevi, building on what the Muslim philosopher al-Kassim claims as the virtue of Shiites, states that Jews are the “choice” of humankind and possess an *‘amr*

al-Allahi, a “divine thing”, which sets them apart.⁷ The Tosafists, in the thirteenth century, suggest that the souls of Jews and non-Jews are kept in separate stores before birth⁸. Kabbalists eventually developed a doctrine of the innate superiority of the Jewish soul. This doctrine occurs in extreme form in the *Tanya* of Shneur Zalman of Liady, founder of the Lubavitch movement; Shneur Zalman asserts that only Jews have the divine soul which distinguishes human from animal. Whilst this is not standard Jewish doctrine, and is completely contrary to the views of Maimonides and other rationalist philosophers on the soul, its baleful influence on contemporary Orthodoxy cannot be ignored.

b. Halakhic

The Talmud and Codes incorporate much discriminatory legislation against (a) gentiles (b) women, (c) “sinners”, defined in terms of *halakha*. Practising male homosexuals would be placed in category (c).

Halakha (Jewish law) as developed in the Talmud assumes a pagan world in which people may be divided exclusively into Israelites, including a sub-category of Jewish heretics, and idolaters. For centuries no distinction was made in halakha between idolaters on the one hand, and Zoroastrians, Christians and Muslims on the other. Halakha treated all as idolaters. In the absence of any other clearly defined category, laws which had once been applied to idolaters—for instance, those about wine, food and business relations—were presumed to apply to people of any other religion

Jews in the Middle Ages lived in autonomous communities, and were regarded as a “people apart”. They adhered to the old rabbinic laws which had been designed to separate Jews from pagans⁹. Jacob Katz documented what he regarded as the relaxation of those laws, particularly in Christian countries, in the Middle Ages. Indeed, the mediaeval halakhists were often less stringent in applying the laws of idolatry, wine and interest than the rabbis of the Talmud had been¹⁰. However Katz’ contention that this was a consequence of a more tolerant attitude towards the Christian faith is incorrect; rather, the new theological assessment of Christian teaching was invoked in justification of established customary practice in Western lands.

Old habits die hard, and even those whose theology and personal dealings with Christians betoken a more enlightened attitude persist in treating them halakhically as idolaters. David Hoffman (1843-1921), for instance, who was director of the Berlin Rabbinical Seminary and published articles defending the Talmud and *Shulhan Arukh* against antisemitic detractors, in his responsum on the use of the organ in the Synagogue categorised non-Jews in general as idolaters¹¹. Even today many authorities forbid people to enter Churches on the grounds that they are places of idolatrous worship.

Strategies

I shall now review some of the strategies employed by rabbis in different ages and localities to re-read texts in the light of changing attitudes to other people. The approach will be synchronic rather than diachronic.

Denial of Enlightenment Values

The simplest strategy is to deny the values of pluralism and toleration, and opt for the “plain sense” of authoritarian, exclusive tradition. Few Jewish thinkers have done

this, though several have joined in the current dangerous religious fashion of undermining enlightenment liberalism and individualism.

Such a position is rarely held consistently, since the people who adopt it belong to minorities which in practice appeal to democratic institutions to protect their own freedom. There is, however, always the ultimate danger that a group of this kind will attain power, as happened in Iran with disastrous consequences for individual freedom.

The strategy should be opposed because (a) it is morally wrong, (b) it constitutes a potential danger to society if adopted by groups who hold the reins of power, and (c) it ignores those elements within the religious tradition which favour the values of democratic government, human equality, and individual liberty.

The Prohibition of Idolatry Limited to Israel

This strategy permits “tolerance” of other religions on the grounds that only Jews, as recipients of God’s revelation, are forbidden to worship idols. Its hermeneutic method is to read the Bible’s denunciations of idolatry as addressed primarily to Israel; even if Israelites are told to destroy other people’s idols it is not because the other people are forbidden to worship them, but because if they were left around Israelites might be seduced into their worship.

In this vein Chief Rabbi Hertz, in the mid-1930’s, commented sententiously on Deuteronomy 4:19, “.. when thou seest the sun and the moon and and the stars, even all the host of heaven, ... which the Lord thy God hath allotted unto all the peoples under the whole heaven”:

God had *suffered* the heathens to worship the sun, moon, and stars as a stepping-stone to a higher stage of religious belief. That worship of the heathen nations thus forms part of God’s guidance of humanity. But as for the Israelites, God had given them first-hand knowledge of Him through the medium of Revelation. It is for this reason that idolatry was *for them* an unpardonable offence; and everything that might seduce them from that Divine Revelation was to be ruthlessly destroyed. Hence the amazing tolerance shown by Judaism of all ages towards the follows of other cults, *so long as these were not steeped in immorality and crime*.¹²

Yehezkel Kaufmann, in his monumental study¹³, likewise contends that according to the Bible only Israel was forbidden to worship idols. Already in the first century both Philo¹⁴ and Josephus¹⁵ argued on a similar basis for tolerance of “pagan” religions, even though the alleged destruction of temples in Cyrene during the “Revolt of the Diaspora” under Trajan in 116/7 suggests that some Jews took an opposite view. The rabbis distinguished in this respect between the land of Israel, where no idolatry was to be tolerated, and the lands outside, where gentiles should not be disturbed in their worship¹⁶. But even if Kaufmann, Philo, Josephus and Hertz were right this would merely show that God was prepared to “suffer” idolators for a bit longer, not that his ultimate design was that some people should continue to worship idols.

The emphasis on the form rather than the content of “idolatry” poses a problem today for the Jew, Christian or Muslim who seeks an understanding relationship with Buddhists or Hindus. Is it honest to represent such religions as “worship of sticks and stones”, especially where such a characterisation is categorically rejected by Hindus and Buddhists themselves? We may not feel comfortable with worship directed to or through images, but nor can we any longer feel comfortable with the biblical equation

“idolatry = immorality”. We should also reflect that, from a Buddhist perspective, our own notion of a personal God is a gross form of “idolatry”.

The boundary before idolatry is always justified by Scripture itself in terms of either (a) a further ethical or moral boundary or (b) a rejection of the literal belief that the image worshipped has power to “save”. Neither of these arguments supports a condemnation of Hindu or Buddhist religion. Many Hindus and Buddhists are people of high ethical and moral standards, and the simplistic type of belief in idols portrayed in Scripture does not correspond with the reality of Hindu and Buddhist teaching.

The strategy has additional weaknesses. At best, it produces a condescending attitude to people of other religions, as if to say their religions are no good but they cannot be expected to know better, so we shall be kind to them and leave them alone.

It also flatly contradicts the “Noahide laws”, of which more will be said later. Even the most lenient interpretation of these laws does not permit non-Jews to worship idols, though it may permit *shittuf*, that is, to swear by the name of God plus “something else”, as was thought to be the Christian case¹⁷.

Moreover, although the strategy permits toleration of other religions, it denies that toleration to born Jews who depart from the traditional line.

Radical reinterpretation

“No Ammonite or Moabite, even down to the tenth generation, shall enter the congregation of the Lord” (Dt 23:3). Yet, according to the book of Ruth, king David himself was a descendant of Ruth the Moabitess. This apparent inconsistency is discussed in the Talmud as follows:

Doeg the Edomite said to them, Whilst you are enquiring whether he is worthy to be a king, ask whether or not he is permitted to be a member of the congregation. Why? Because he is descended from Ruth the Moabitess. Abner said to him, We have learned “Moabite”, not “Moabitess” ... He enquired [in the House of Study]. They said to him, “Moabite”, not “Moabitess”. Doeg asked all these questions, and they were silent [could not answer]. He wanted to proclaim [that David was disqualified from membership of the congregation]. At once, Amasa arose ... Rava says, he (Amasa) girded his sword like an Arab and said, Whoever does not listen to this halakha (law) will be pierced by the sword. This is the tradition I have received from the court of Samuel of Rama, “Ammonite”, not “Ammonitess”, “Moabite”, not “Moabitess” ...¹⁸

What is happening here? This is a radical exercise in intertextuality; one biblical text is read in the light of another. Since it is inconceivable to the talmudic rabbi that king David’s pedigree should be halakhically unsound, he reads “Ammonite” and “Moabite” as gender determined. Rava, well aware that such grammatical forms are normally inclusive, graphically represents Amasa as establishing the gender-determined interpretation by force.

This strategy of radical re-reading of texts is mandated by the three assumptions that underlie traditional exegesis, namely that scripture is comprehensive, consistent, and free from superfluity. It is a difficult strategy to apply if, as most moderns, one abandons those assumptions. Only if one adopts an extreme post-modern attitude permitting texts to be read virtually however one chooses would it be possible to read “Moabite”, not “Moabitess”. There is some irony in the convergence of highly

contrived rabbinic exegesis with extreme relativist post-modern freedom of text reading.

Limitation of sphere of operation

Judaism in the second century was still a proselytising religion, if not proactive at least opportunist¹⁹. In the light of scriptural verses such as “No Ammonite or Moabite ... shall enter the congregation of the Lord”, how could converts from those nations be accepted? Even on the reading of “Ammonite”, not “Ammonitess”, how could male converts be accepted?

By the time of the Mishna “(do not) enter the congregation of the Lord” was no longer understood to preclude conversion, but as a ban on marriage with a native-born Jewess; proselytes from any nation were to be welcomed. The issue of marriage came to a head in a debate at Yavné, seat of the Jewish court after the fall of Jerusalem:

On that day Judah the Ammonite proselyte came and stood before them in the House of Study. He said to them, Am I allowed to enter the congregation [i.e., to marry a Jewess]? Rabbi Joshua said, You are permitted. Rabban Gamaliel said to [Joshua], But scripture says, “No Ammonite or Moabite ... shall enter the congregation of the Lord; even the tenth generation ...” Rabbi Joshua replied to him, Are Ammonites and Moabites still in their place? Sennacherib, king of Assyria, came up and mixed all the nations ... They permitted [Judah] to enter the congregation.²⁰

In the interest of openness to converts, Joshua argued that the circumstances of a Biblical law no longer obtained. People are no longer to be identified with Biblical nations.

The consequences of this ruling are far-reaching. It runs counter to midrashic typology, which for instance identifies Edom with Rome, and to the racism which might be derived from such typology. Certainly, it leaves no room for anyone nowadays to identify Palestinians with Amalekites or even Canaanites.

Yet although Joshua ben Hanania’s liberal hermeneutic has removed the practical consequences of an intolerant Biblical law, it has left untouched the theoretical principle that if Judah really was an Ammonite, his racial inheritance would preclude him from absorption into Jewish life. A satisfactory halakha has been produced, which does not in practice discriminate against individuals on racial grounds, but not a satisfactory theology.

The same strategy has been used in recent times in Israel to justify the non-application of rules about “idolaters” to minorities living within Israel, and to ameliorate the harsh rules of warfare which might arise from the “straight” application of Biblical standards. Indeed, far from encouraging or even condoning Biblical levels of violence against the “enemy”, modern rabbinic law has developed the concept of *tohar ha-nesheq*, or “purity of arms”, in accordance with which harm inflicted upon the opposing forces must be minimized, even at some risk to the defending Israelis²¹.

Historical development, *praeparatio evangelica*

This is hinted at by Sa’adia Gaon (882-942)²² and more fully developed by Judah Halevi (c. 1075-1141) and Moses Maimonides (1135/8-1204). Islam and Christianity are in error, but can be accommodated as part of the divine design to bring the nations gradually to God. The other monotheistic religions, says Halevi, “serve to introduce

and pave the way for the expected Messiah, who is the fruition, and they will all become his fruit.”²³

In a paragraph censored from the printed editions of his *Mishné Torah* Maimonides rejects the truth-claims of Christianity and Islam on the basis that they fail to meet the criterion of consistency with the Torah of Moses. Despite this, he assigns both Christianity and Islam a role in the process of world redemption: “The teachings of him of Nazareth (Jesus) and of the man of Ishmael (Mohammed) who arose after him help to bring all mankind to perfection, so that they may serve God with one consent. For insofar as the whole world is full of talk of the Messiah, of words of Holy Writ and of the Commandments—these words have spread to the ends of the earth, even if many deny their binding character at the present time. When the Messiah comes all will return from their errors.”²⁴

Several mediaeval Jewish thinkers, unlike the rabbis of the Talmud, were familiar with Christian and Muslim texts, and offered comment, whether by way of defence or instruction. Sometimes this is found in the context of the forced “disputations” which elicited from Jews much keen apologetic²⁵.

The Provençal rabbi Menahem ha-Meiri (d. c1315) coined the phrase *umot hagedurot bedarkei hadatot* (“nations bound by the ways of religion”) to avoid identification of Christians in his own time with pagan idolaters, and used this category to justify what was probably already a customary relaxation of certain rabbinic laws²⁶. This enabled a positive evaluation if not of the doctrines, at least of the way of life, of Christians.

The acknowledgement that some truth may be found in other religions is as far as most were prepared to go in the “age of faith”, when religions rested on their absolute truth claims. It is interesting that the concept is common to Judaism, Christianity and Islam. It seems to have arisen first in Christianity, in the attempt to explain its relationship with Judaism. Since Christianity sought to “prove” itself by claiming to “fulfil” the Hebrew scriptures it developed a hermeneutic of those scriptures as *praeparatio evangelica*, “preparation for the good news”. That is, the Israelites and the Jews who succeeded them were “on the way”, but had not completed the journey. Muhammed, the “seal of the prophets”, accomplished the same sort of “completion” for Islam, leaving Judaism and Christianity as steps on the way to full Islam. It is hardly surprising to find that mediaeval Jewish thinkers adopted the same condescending attitude towards Christianity and Islam.

Authentic, but culture-bound, prophecy

Was it not possible to move beyond “condescension” to an acknowledgment that authenticity might be found in the “other”? Perhaps this is what Solomon ibn Gabirol had in mind when he penned the lines:

Thy glory is not diminished by those worshipping others beside thee,
For they all but aim to come to Thee (*Keter Malkhut*)

This further step was made explicit by another Jewish neo-Platonist, the Yemenite philosopher Netanel ibn Fayyumi (d. c. 1164), who adopted into a Jewish context ideas current amongst the Sufi brethren, the *Ikhwan es-Safa*. Netanel asserts the authenticity of the prophecy of Muhammad, as revealed in the Qur’an, and at least the

possibility that there are additional authentic revelations (he does not mention Christianity).

Here are the steps by which Netanel establishes his contention that the prophecy of Muhammad is authentic:

The first creation of God was the Universal Intellect its exuberant joy and happiness caused an overflow, and thus there emanated from it the Universal Soul (pages 2, 94²⁷)

Through the necessity of His wisdom He mercifully vouchsafed unto mortals a revelation from the holy world—the world of the Universal Soul—which originated from the overflow of its holy cause, the Universal Intellect—which in turn goes back to its originator—may He be exalted! This expressed itself in an individual man whose spirit is free from the impurity of nature and is disciplined in the noblest science and the purest works [a] prophet. (95)

Know then nothing prevents God from sending into His world whomsoever He wishes, since the world of holiness sends forth emanations unceasingly Even before the revelation of the Law he sent prophets to the nations and again after its revelation nothing prevented Him from sending to them whom He wishes so that the world might not remain without religion. (103/4)

.... Mohammed was a prophet to them but not to those who preceded (sc. were prior to) them in the knowledge of God²⁸. (105)

.... He permitted to every people something He forbade to others. (107)

He sends a prophet to every people according to their language²⁹. (109)

Netanel interprets revelation in a “naturalistic” fashion. It is a universal phenomenon, of which Muhammad is a specific instance. He parallels his philosophical arguments with a skilful use of Jewish midrashic material.

Netanel’s position differs radically from the *praeparatio* stance of Maimonides and others. Maimonides, for all his acknowledgment of the purity of Islamic monotheism and the historic function of Islam in preparing for the Messiah, crudely refers to Muhammad as *ha-meshugga*. Netanel is neither casual nor tongue in cheek in his assessment of Muhammad, but presents the reader with a fully integrated system of thought which allows a measure of religious pluralism. His affirmation of Muhammad’s prophetic authenticity is not an *ad hoc* or *ad hominem* argument, but a key statement within an extensively elaborated philosophical system which carries the social implication of respect for the heirs of the prophets, these heirs being the “imams, administrators, the learned and the wise”³⁰.

Netanel, unsurprisingly for a man of his time, maintains the absolute superiority of the revelation through Moses; superior because the Israelites were on a sufficiently high spiritual plane to receive it. What is surprising, and probably unique amongst mediaeval Jewish philosophers, is his acceptance of plural revelations and of the culture-boundedness of revelation. In this, he is far more a philosopher for our time than was the celebrated Maimonides.

Special concepts—*tiqqun olam*, *darké shalom*, *darké noam*, *qiddush Hashem*, *mishum eiva*.

Rabbinic Judaism fixed its social boundaries most clearly by means of rules, particularly regarding food, idolatry and ritual purity, which were devised by the rabbis and their predecessors with the aim of separating Jews from the heathen environment, as well as from their less devout brethren³¹. This is paralleled by developments within the early Church³² and other religious societies.

Rabbinic hermeneutic, moreover, restricts the operation of some biblical rules, including “Love thy neighbour as thyself” (Lev 19:18), to the faithful among the people of Israel. This restrictive interpretation leaves the rabbis with the problem of how to apply such basic ideas as respect for proprietary rights and regard for human dignity to non-Jews.

Their solution, largely ignored by scholars, was masterly. Side by side with the restrictive interpretation of the Bible there emerged a series of broad principles which are used *inter alia* to govern the relationships of Jews to those outside the bond of faith or peoplehood³³. These principles include:

תקון עולם *tiqqun olam* (“establishing the world aright”)

דרכי שלום *darké shalom* (“the ways of peace”)

דרכי נועם *darké noam* (“the ways of pleasantness”)

קדוש ה' *qiddush Hashem* (“sanctifying God’s name”, i.e. behaving in such a manner as to bring credit to God)

משום איבה *mishum eiva* (“on account of hatred”). This was invoked to justify departure from the standard law in situations where to follow it might stir up anti-Jewish hatred leading to life danger; it is generally understood as a counsel of prudence rather than as a moral principle governing relations between Jews and non-Jews.

The late Chief Rabbi Unterman of Israel summed up his position in a responsum on *darké shalom* (“the ways of peace”):

The laws of *darké shalom* flow from the moral fount of the holy Torah whose “ways are the ways of pleasantness and all her ways are peace” (Proverbs 3:17); they were fixed by our sages of old in their great wisdom and are obligatory upon all of us. They have the power to determine the interpretation of halakha and to permit things which the sages forbade. We find that they even permitted transgression of some Torah prohibitions *mishum eiva* (“on account of hatred”), though with regard to the sabbath they permitted only transgression of rabbinic law ... unless the situation was dangerous [in which case it overrides even Torah law]³⁴.

Within their operational limits, on Unterman’s interpretation, *darké shalom* and the associated concepts are not concessions, but principles for determination and modification of existing laws. That is, halakha itself is in certain circumstances defined by the overriding moral imperative to seek peace.

Selection and rejection of text

This has been the favoured strategy of Reform. It raises the problem of continuity. How many “texts” can be abandoned before it becomes unreasonable to claim that it is still the same religion? Moreover, the outright rejection of texts runs up against the

fundamental Jewish belief in *Torah min ha-Shamayim*, that the whole Torah was received from God through Moses. Reform theology, however, aided by historical criticism of the Bible, understands revelation as a continuing historical process rather than as the once-for-all appearance of a text out of the sky. This makes it possible to maintain that the more recent “revelation” of liberal democracy, anti-racism and gender equality enables us to determine which of the earlier texts are of lasting value and which should be abandoned in the light of historical development.

Confidence in this approach has been undermined in the course of the twentieth century as the naïve belief in inevitable human moral progress has been challenged by the barbarities of the age. But surely such challenges should be met by redoubled efforts to implement the newly “revealed” values, not by retreat into the pre-enlightened past.

Is it possible for the Orthodox to adopt a similar approach? I believe it is, though not without some modification of the traditional doctrine of *Torah min ha-Shamayim*. I reserve further comment for the Conclusion.

“Alternative Passions”

After the Hebron massacre Dr. Jonathan Sacks, Chief Rabbi of the (Orthodox) British United Hebrew Congregations, vigorously denounced the attack as a travesty of Jewish values, and declared: “Violence is evil. Violence committed in the name of God is doubly evil. Violence against those engaged in worshipping God is unspeakably evil.” He would no doubt have been equally outspoken in his condemnation of the widely reported remark of Rabbi Yaacov Perrin, at Goldstein’s funeral on the Sunday after the murders, that “One million Arabs are not worth a Jewish fingernail”; but evidently Perrin himself, who is not ignorant of Bible and Talmud, did not think the massacre was a travesty of Jewish values.

The problem with Sacks’ position is that, much as we may concur with the sentiment, and however many Biblical and talmudic citations we may amass in praise of peace, we are left with numerous texts that *do* summon us to violence in the name of God, and this makes it difficult to argue against Perrin and the like on purely *textual* grounds. Again and again Deuteronomy inveighs against laxity in exterminating the “seven nations” and Amalek; king Saul was deposed because he disobeyed the divine instruction to destroy (1 Sam 15).

To avoid being caught up in this biblical rhetoric it is necessary either to repudiate it openly (not just to repudiate contemporary manifestations of violence), or like Joshua ben Hanania to demonstrate *from within the rabbinic tradition*, why it should not be applied.

Another Orthodox rabbi, David Hartman, attempts to break out of the dilemma by positing “alternative systems”. In a passionate address to the Jerusalem Fellows’ Colloquium on 28 December 1995 he reflected upon the assassination of Prime Minister Rabin by Yigal Amir, a young man raised in some of the finest Israeli religious institutions. He conceded that “the tradition gives us many pictures”, and that some, like the following Rambam, were “unpleasant”:

If one has the power to do so, it is a *mitzva* to kill Apikorsim—that is, those who serve idols, or who transgress commandments provocatively, even if they [merely] eat non-kosher meat or wear *shaatnez* provocatively, such is an Apikores—and those who deny [the divine origin of] the Torah or the prophets. But if [one does] not [have the power], then use guile to

encompass their death. How? If you see one of them fall into a pit, and there is a ladder into the pit, you could remove it and say, I need it to get my son off the roof ... and so on. But gentiles with whom we are not at war, or Jewish shepherds who pasture their flocks [on land which does not belong to hem] ... one should not [deliberately] encompass their death, but neither should one save them ... for [the scriptural basis for saving people is the verse] “Do not stand on your brother’s blood” (Lev 19:16), and [such people] are not “your brother”.³⁵

Recognizing the difficulty, Hartman boldly states:

Now, I don’t know what the answer is. I don’t want neutrality. I don’t want halachic relativism because I believe it is extremely important to have anchor points from which you do look at the world, otherwise you are absorbed by the modern world, and you don’t know where you are going ...

I am not calling for religious neutrality. I am calling for alternative passions. Living in alternative language systems. And alternative stories. Alternative biographies of the self.

As a Jewish philosopher I feel this intuitively, and I know it is correct, without a *posek*³⁶, without a Rambam, without anything.

I am straight with you – I have no authoritative position in the tradition to validate this. What validates this is my own sense of human decency. I love Jews, but if they kill goyim it kills me, and it killed me when they said how can a Jew kill another Jew. The issue is not how does a Jew kill.

Are there alternative stories that the Torah suggests? Alternative vocabularies? Alternative frameworks? ...

I want to get away from needing validations, or foundational texts, in order to confirm moral intuitions. I believe that moral intuitions grow from some sort of decency ...

So people ask me, “what is the foundation for your morality? What is the source of it?” I have no source, I don’t know. It is the accumulated experience of what decent people around the world have come to understand what civilized behaviour is all about. I have no other source. A *posek*? A *Shakb*?³⁷ No. I don’t have to look at books to find out what a decent person is about ...

[Moshe?] Greenberg, in his marvellous thesis on the fear of God in the bible, argues that the concept is one of conscience ...

Ramban³⁸ [commenting on the generation of the Flood, says that their sin was] the loss of *natural* morality ...

... the bible has two frames of reference. It has a whole story of judgement ... [in the creation story there is no revelatory framework, this only comes at Sinai] ... [goes on to argue that Sinai does not displace creation, hence both “stories” should steer our course—we have the basic human moral intuition from creation, and the halakha from Sinai ...]

... the meaning of being a religious Jew in the modern world is to live with the risks of living with numerous vocabularies and multiple frames of reference. There is no more security.³⁹

Hartman here presents a solution which he has argued at length in numerous books and articles⁴⁰. It may be summed up as a theory of “two covenants”. One, the

creation covenant, was made with all humanity; it depends on some sort of innate, natural law, written in people's hearts. The second, at Sinai, was with Israel only, and is based on a revealed code of law which supplements, rather than displaces, the innate understanding of right and wrong on which the first covenant is based.

This may justify Hartman in living in two worlds at once ("alternative channels of value", he calls it), a world of ethics and a world of halakha, but it leaves the tensions and the risk, and many more problems besides.

First, ethics is a variable quantity. Hartman fails to show why he prefers one ethical system over another. He claims his preferred ethical standards are "the accumulated experience of what decent people around the world have come to understand what civilized behaviour is all about". But this is a circular definition, for how do we decide which people are "decent"?

Next, where is the boundary at which "decency" overrides halakha? For instance, does Hartman think that people who seek equal status for women are "decent", and that this "decency" should override halakhic considerations? He does move in this direction by admitting women to *shiurim* and to limited Synagogue participation, but why stop at the point at which he does stop? No doubt he would say because the halakha cannot be bent that far. But would counting women to a prayer quorum bend the halakha any further than dismissing other intolerant aspects of halakha?

Much has been written on the relationship between ethics and halakha. Gillian Rose, summing up earlier papers by Aharon Lichtenstein⁴¹ and Eugene Borowitz⁴², wrote that Lichtenstein asks whether Judaism recognizes an ethic *independent of halakha*. His question concerns the ethical legitimation of *halakha qua* traditional authority—is it *equitable*? Borowitz, on the other hand, asks what is the authority of the ethical impulse *within halakha*. His question concerns the ethical legitimation of *halakha qua* legal-rational authority—is it *egalitarian*?⁴³ Hartman clearly recognizes an ethic independent of halakha, but unlike Borowitz his ethic is not independent of Torah; it is located within Torah itself, in the covenant of "creation". Although Nahmanides and other mediaeval authorities also recognized an independent ethic within Torah, they found it *within* the halakha, informing the rest of halakha rather than in tension with it⁴⁴; by locating it in a *separate* covenant, Hartman has made space for the tensions.

Hartman fails to address our main question, which is how to continue reading the texts as sacred literature when we reject them from an ethical perspective. Significantly, he does not offer any way to read, for instance, the Maimonides passage cited above. He rejects as inadequate the statement of the Hazon Ish⁴⁵ that such a ruling applies only in times when "the Shekhina is manifest", not in our day—that is, the "limitation of sphere of operation" strategy discussed above. Is his chosen strategy (a) to ignore texts of which he disapproves, or (b) to reject them, to declare them *not Torah*? It looks like the former, but why is he unable or unwilling to adopt the latter?

Ignore

The final strategy is the one most commonly followed by those Jews who simply follow custom, praying, observing the Sabbath, visiting the sick, helping the needy. Regularity dulls the senses. The rabbi who had not noticed that the passage he read that very morning from Deuteronomy was diametrically opposed to the message of tolerance he preached was neither ignorant nor foolish. He was guided by custom—

the custom of regular reading of the Torah, and also the custom of tolerance. Any problems might be safely ignored. One knew that the Torah was perfect, and also that it was good to be tolerant; surely if there was a contradiction someone “in authority”, or perhaps one of the old commentators, had sorted it out, so there was no need to worry.

The danger of this naïve faith is that one day somebody—a Barukh Goldstein or a Yigal Amir—will notice what is written, and lacking any positive guidance as to how seriously to take it will act upon its plain sense. Criticism will be muted because the rabbis themselves, or the *yeshiva* teachers, have not confronted the morally problematic nature of texts and guided their students on how to handle them.

Conclusions

How, after all this, can we be at once בני תורה and בני תרבות? How can we continue reading texts as sacred literature when we reject them from an ethical perspective?

It seems to me that no satisfactory solution can be reached without reformulation of the doctrine of *Torah min ha-Shamayim* (the divine origin of Torah). Indeed, the pretence of Lichtenstein and Borowitz in the debate discussed above to be arguing about the relationship of ethics and halakha is the secondary outcome of a deep disagreement about *Torah min ha-Shamayim*. Halakha, for Lichtenstein, is in a rather literal sense the “voice of God”—a transcendent God—who commanded on a specific historical occasion, and commanded specific laws. Borowitz, on the other hand, is a liberal rabbi fully committed to the historical critical approach to holy texts; *Torah min Ha-Shamayim* is for him a distant metaphor for a social reality, the people Israel in covenantal relationship with its God, while *halakha* is a transient formulation of this relationship.

It is not possible for the Orthodox Jew to interpret *Torah min Ha-Shamayim* as loosely as Borowitz does. At the very least, the doctrine must validate a specific text (the Five Books of Moses) and the received system of halakha (the Oral Torah). Yet the expression *Torah min Ha-Shamayim* remains a metaphor; it uses the image of a book being handed out of the sky to convey the deeper but ineffable truth of divine communication. It is a “myth”, in the anthropological sense that it powerfully expresses a formative idea of Jewish society, namely, the relationship of God, Torah and Israel. Its meaning is never exhausted in any particular historical or doctrinal formulation.

It is necessary to say, “Yes, these difficult texts in Deuteronomy are part of *Torah min Ha-Shamayim*, that is, they are part of the document which stands as the historical expression of the myth of Israel’s encounter with God, and which cannot be altered, for it—the document—is a fact of history. But this does not bind us to specific provisions which run counter to our moral convictions.” Even in the most traditional rabbinic theologies the lack of finality of particular expressions of Torah is acknowledged through the notion of Oral Torah (תורה שבעל פה) and customary law (מנהג ישראל) “completing” the Written Torah⁴⁶.

Without undertaking a reformulation of *Torah min Ha-Shamayim* along the lines just indicated it is difficult to see how the בני תורה can also be בני תרבות. Nevertheless, for those reluctant to take such a step, all the strategies outlined in this essay remain available to mitigate the impact of morally repugnant elements and to eliminate them from the *practical* programme of Judaism, even if we continue to live with them as blemishes within its *theoretical* structure.

The very least we can expect from our rabbis and spiritual leaders is that they respond to the heartfelt moral dilemmas of those who turn for guidance to traditional sources, and utilize to the maximum the available strategies for interpretation of “difficult” texts. Nowhere is this more urgent than in the area of mutual respect and recognition, amongst Jews (Orthodox, Conservative, Reform), as well as between Jews and the rest of humankind. *Darké shalom*, the ways of peace, as Unterman wisely observed, “flow from the moral fount of the holy Torah whose ‘ways are the ways of pleasantness and all her ways are peace’ ... they were fixed by our sages of old in their great wisdom and are obligatory upon all of us.”

Ultimately, it is not enough to “read” texts in a far-fetched, if morally acceptable way. This approach lacks intellectual integrity. Somehow, one must find the courage to say No! Without that, one is neither *בן תורה* —faithful to the covenant of Sinai, nor *ביתבן תר* —faithful to the ideals of democratic culture.

BT = Babylonian Talmud

¹ Benjamin Ravid, “Mystics, Philosophers, and Politicians”, in *Essays in Jewish Intellectual History in Honor of Alexander Altmann* ed. J. Reinharz and D. Swetschinski, Durham NC: Duke University Press, 1982, 159-180, drew attention to Menasseh’s dependence on Simone Luzzatto.

² On 19th February Goldstein, previously known as a gentle and caring doctor, heard *parashat zakhor* read in the Synagogue, including the words, “blot out all memory of Amalek”(Dt 25:19). He took this literally, and identified the Palestinians with the Amalekites of old. The following Thursday night, Purim, Esther was read, with its narrative of how the Jews executed vengeance on their enemies. On Friday morning Goldstein shot dead several Arabs at prayer in a Mosque in Hebron.

³ Judah Halevi, *The Kuzari* tr. Hartwig Hirschfeld, with an Introduction by Harry Slonimsky. New York: Schocken Books, 1964, Book 1 section 114.

⁴ Studies which apply contemporary literary theory to the discussion of rabbinic reading of scripture include Boyarin, Daniel, *Intertextuality and the Reading of Midrash*. Bloomington & Indianapolis: Indiana University Press, 1990; Harris, Jay, *How Do We Know This?* New York: SUNY Press, 1994; Jacobs, Irving, *The Midrashic Process: tradition and interpretation in rabbinic Judaism*. Cambridge: Cambridge University Press, 1995; Saperstein, Marc, *Decoding the Rabbis: A Thirteenth Century Commentary on the Aggadah*. Cambridge MA and London: Harvard University Press, 1980.

⁵ Yehezkel Kaufmann, *A History of the Israelite Religion* 4 vols (Hebrew) Jerusalem and Tel Aviv: 1954-7. The work was translated into English and abridged by M. Greenberg under the title *The Religion of Israel* (University of Chicago Press, 1960). Kaufmann demonstrates that the Bible, whilst polemicising against idolatry, shows no insight into the actual nature of the religions it opposes.

⁶ BT *Hullin* 13b.

⁷ Judah Halevi, *Kuzari* 1:27 and 1:95; the latter passage is a “Judaization” of al-Kassim. See Shlomo Pines’ article “Shiite Terms and Conceptions in Judah Halevi”, in *Jerusalem Studies in Arabic and Islam II*. Jerusalem: Magnes Press, 1980. The translation of ‘*amr*’ in this context is contentious; it may mean something like “command” or “classification”. George Lindbeck, at a conference at the Hartman Institute in Jerusalem in 1991, suggested an analogy with a doctrine of “grace”.

⁸ Tosafot on BT *Avoda Zara* 5a s.v. *ein ben David ba*.

⁹ These are paralleled in the Christian tradition with laws designed to separate believers in Christ from non-believers. See, for instance, Tertullian’s *De Idolatria*.

¹⁰ Jacob Katz, *Exclusiveness and Tolerance*. London: Oxford University Press, 1961.

¹¹ David Hoffman, *Reponsa Melamed l-Ho’il*. Frankfurt-am-Main: Hermon Press, 5686 (1925/6), #5. On page 15 he insists that *avoda zara* (“idolatry”) be translated as *Fremder Kultus* rather than *Götzendienst*, thereby including Christianity.

¹² J. H. Hertz, *The Pentateuch*. 2nd ed. London: Soncino Press, 1965, pages 759/60. The emphasis is Hertz’ own. The commentary was first published in 1936.

¹³ Kaufmann, *op. cit.*

¹⁴ Philo of Alexandria, *De Specialibus Legibus* 1:53 (Vol. VII p. 128 in the Loeb edition). Both he and Josephus have in mind Exodus 22:27(28) and Leviticus 24:15.

¹⁵ *Antiquities* Book IV, 8:10 (4:207). Josephus says that Moses instructed the people: “Let no one blaspheme those gods which other cities esteem such; nor may one steal what belongs to strange temples; nor take away the gifts that are dedicated to any god.” (Whiston’s translation) The apologetic intent is clear. See also *Against Apion* 2:144.

¹⁶ See for instance BT *Hullin* 13b and JT *Berakhot* 9:1. Of course, this does not imply that the rabbis did not expect that eventually idolatry would be uprooted from the whole world.

¹⁷ See for instance Tosafot on BT *Bekhorot* 2b s.v. *shema*. In traditional halakha the contradiction vanishes, as Noahides are by definition people who have abandoned idolatry, hence no longer in the category of “idolaters”.

¹⁸ BT *Yevamot* 76b-77a.

¹⁹ Goodman, Martin, *Mission and Conversion: Proselytizing in the Religious History of the Roman Empire*. Oxford: Clarendon Press, 1994.

²⁰ Mishna *Yadayim* 4:4. Compare Tosefta *Yadayim* 2:8.

²¹ For English language reviews of contemporary halakha on the conduct of warfare, see the volumes of J. David Bleich’s *Contemporary Halakhic Problems*. New York: Ktav, Yeshivah University Press. See also “Combat Morality and the Halacha”, by ex-Chief Rabbi Shlomo Goren, in *Crossroads: Halacha and the Modern World*. Jerusalem: ZOMET, 1987/5747, 211-232.

²² Sa’adia ben Joseph *Kitab fi al-Amanat wa-al-Itaqadat* (Arabic) Book II Chapter 5. Rosenblatt’s translation has been republished as Samuel Rosenblatt (trans.), *The Book of Beliefs and Opinions*, New Haven & London: Yale University Press, 1989. Sa’adia is of course highly critical of Christological doctrine, but this does not blind him to the positive aspects of Christianity.

²³ Judah Halevi, *The Kuzari*, tr. Hartwig Hirschfeld, 2nd ed. New York: Schocken Books, 1964.

²⁴ Maimonides *Mishné Torah Melakhim* 11.

²⁵ See H. Maccoby (ed. and tr.), *Judaism On Trial: Jewish Christian Disputations In The Middle Ages*. London: Associated University Presses, 1982. Republished Oxford: Littman Library, 1992. Krauss, Samuel, ed. William Horbury, *A Handbook to the History of Christian-Jewish Controversy from the Earliest Times to 1789*. Tübingen: Mohr, 1996. Lasker, Daniel, *Jewish Philosophical Polemics against Christianity in the Middle Ages*. New York: Ktav/Anti-Defamation League of B’nai B’rith, 1977.

²⁶ Meiri’s views are expressed in his talmudic commentaries, especially that on *Avoda Zara*. For an English language account and discussion see Katz, *op. cit.* chapter 10.

²⁷ References are to the translation by D. Levine, *The Garden of Wisdom*. New York: Columbia University Press, 1907, reprinted 1966. The best edition of the Judaeo-Arabic text, with a Hebrew translation and notes, is Y. Kafih’s second version, *Bustan el-Uqul: Gan ha-Sekhalim*. Jerusalem: Halikhot Am Israel, 5744/1984.

²⁸ Netanel assumes that older equals better.

²⁹ Compare Qur’an Sura 14:4.

³⁰ Levine English p. 51; Arabic p. 31.

³¹ See Alexander Guttman’s discussion of the “eighteen measures” in his *Rabbinic Judaism in the Making*, Detroit: Wayne State University Press, 1970, pp. 102-116.

³² See William Schoedel’s essay “Theological Norms and Social Perspectives in Ignatius of Antioch”, in *Jewish And Christian Self-Definition* ed. E P Sanders, London: SCM Press, 1980, Vol.1 pp. 31f, where Schoedel refers to *inter alia* the Christian observance of Sunday rather than Saturday as part of the Church’s deliberate policy of “separation” from Jews and Judaism.

³³ See Ernst Simon’s essay “The Neighbour we Shall Love”, in *Modern Jewish Ethics* ed. M. Fox (Ohio State University Press, 1975) pp. 29-56 for an attempt to define the application of the “golden rule” within Judaism. Simon has not clearly grasped the fact that the rabbis used general ethical principles rather than specific scriptural “rules” to regulate behaviour towards those “outside the covenant”. *Tiqqun olam* is, strictly speaking, an “extra-legal” measure introduced within the community to avoid impossible situations arising; cf BT *Gittin* 34b, 36a. The *locus classicus* for *darkei shalom* is Mishna *Gittin* 5:8-9. *Qiddush Hashem* often bears the meaning of “martyrdom”; for its use

in setting standards of moral behaviour in dealings with non-Jews see BT *Yevamot* 79a; *Bava Qama* 113a.

³⁴ Issar Yehuda Unterman, “Darké Shalom v’hagdaratam”, in *Qol Torah*, Nisan 5726 (1966), section 4. (Hebrew)

³⁵ Rambam Mishné Torah *Rotzeah ush’mirat Nefesh* 4:10,11. Compare *Avoda Zara* 10:1, 2, and 6. Of course, in all these passage Rambam is merely codifying Talmudic rulings.

³⁶ One who decides issues of halakha (Jewish law).

³⁷ Acronym of Shabbetai ben Meir ha-Cohen, a leading *posek* of the seventeenth century.

³⁸ Moses Nahmanides (1194-1270). The reference is to his comment on Genesis 6:13.

³⁹ These extracts were taken from a poor, “lightly edited”, transcript of the address; minor corrections have been made without consulting the author.

⁴⁰ See, for example, his *Joy and Responsibility: Israel, Modernity, and the Renewal of Judaism*. Jerusalem: Posner, 1978, and *Conflicting Visions: Spiritual Possibilities of Modern Israel*. New York: Schocken Books, 1990.

⁴¹ “Does Jewish Tradition Recognize an Ethic independent of *Halakha*?”, in Marvin Fox (ed.) *Modern Jewish Ethics: Theory and Practice*. Columbus: Ohio State University Press, 1975, 102-23.

⁴² “The Authority of the Ethical Impulse in *Halakha*”, reprinted in Eugene B. Borowitz, *Exploring Jewish Ethics: Papers on Covenantal Responsibility*. Detroit: Wayne State University Press, 1990, 193-203.

⁴³ Rose, Gillian, *Judaism and Modernity*. Oxford UK and Cambridge USA: Blackwell, 1993. See my review article “Judaism and Modernity: the Whole Agenda”, in *Jewish Journal of Sociology* 36/2 (December 1994), 119-132.

⁴⁴ The mediaevals—Jewish, Christian and Muslim—speculated whether actions are right because God commanded them, or whether God commanded them because they are right. Our discussion proceeds on the latter assumption.

⁴⁵ Acronym of Isaiah Karlitz (1878-1953), one of the most influential *pos’kim* of the century.

⁴⁶ The concept of a “dual Torah” consisting of Oral and Written Torah ignores the role of *minhag Israel*, that is, of Jewish society. The Torah is triple, not dual.