INTRODUCTION

Despite a vigorous debate commenced in medieval times concerning the nature, number, and scope of Jewish foundational principles ("roots"), to understand Judaism as a set of doctrines and beliefs that Jews hold is not a particularly Jewish notion; it assimilates Judaism to a philosophical sect or a political party. Although this may have been part of the intent of those intellectuals engaged in dogmatics, it is certainly the case that for the much greater part of its history Judaism has been construed by Jews and non-Jews alike as a *way of life*. This is of course not to say that the way of life that is Judaism is lacking in "theory," in cognitive content and philosophical presuppositions. Nor is it to suggest that Jews are unreflective or insensitive as they go about their business. This latter has historically been a particularly popular charge leveled against Jews and Judaism, the impetus being to pay off the "materiality" or "carnality" or "legalism" of Judaism against the "spirituality" or morality of, say, Christianity. But to grant Jews qua Jews a spiritual life and a set of doctrines and beliefs that undergird their religious outlook is to overlook, or to pay too little attention to, the supreme importance of *practice* in Judaism. Perhaps even to put it thus is too dichotomous. Perhaps Judaism is pragmatic in the classical sense, as a mode of living that manifests the *unity* of thought and action. The commandments are commandments to *act* or not to act in certain ways, to celebrate the Sabbath, not to eat milk with meat, and so forth. And even those commandments that enjoin certain beliefs, such as in the unity and perfection of God, are commandments whose meaning at least in part requires a certain "materialization." So, for example, the weekly Sabbath celebration underscores and gives meaning to a certain belief, the perfection and beneficence of the creator. More globally, if, as Maimonides inter alios suggests, the primary purpose of the commandments is to expunge idolatry, then the rectification of belief is inextricably linked to and made manifest by action.

Such "materialization" of belief does not desacralize Judaism or render it less spiritual. Indeed, Judaism can well be conceived of as a way of life established for the purpose of sanctifying the mundane, of living for the sake of ennobling the created order. To live thus is to attach one's life to a project of redemption.

Redemption literally means "to buy back." To redeem an item pawned or stolen, to ransom it, requires both love and effort (work). And in redeeming the item one restores it to its natural place. From this angle, Judaism may be seen as a way of life devoted to restoration and renewal, to bringing about *dignified* change, change that demands a supreme sensitivity to the nature of the object involved. For Jews, God created everything in its place and in so doing deemed it good. Our goal as divine agents requires the same normative constraint. The irony, of course, is that the goodness of the created order is not entirely perspicuous, and therefore we must muddle about and ponder the extent to which the world is created *for us*.

Judaism is for Jews, not vice-versa. It is the (constitutive) means whereby Jews achieve the summum bonum, the highest good. Given our foregoing analysis, the summum bonum is perforce political. It is political in the broadest sense because it entails praxis, practical-political activity pursued for the sake of engendering goodness, a goodness and fulfillment with a dignity commensurate with the object in question. This is the thrust of Lenn Goodman's chapter, "Toward a Jewish Philosophy of Justice." Goodman develops a theory of justice based explicitly upon classical Jewish sources, both biblical and rabbinic. His theory is a normative one, indeed this very fact is mandated by its being based upon traditional sources. The tradition demands, as we might put it, theory for the sake of practice, and a metaethical theory is perforce ruled out. Goodman's normative theory of justice is based upon deserts. The deserts are resultant upon the claims that beings make, and these claims are grounded ontologically, in the way the world is. The divinely created world is good, has value; and for Goodman, this ontological given provides the grounding for a nonconventionalist, specifically non-Hobbesian, theory of justice. Goodman's "naturalist" theory blends Aristotelian and Kantian elements, philosophical anthropology and deontology. For Goodman, a Jewish philosophy of justice, based squarely upon

traditional texts, must be at once sensitive to the dignity and intrinsic worth of beings, especially persons, *and* to their various attempts to achieve perfection. Only by keeping both aspects in mind can a Jewish theory of justice give due credit to duty and to reward, to the categorical nature of commandments and to the purposes for which they are instituted.

Oliver Leaman, in "Is a Jewish Practical Philosophy Possible?" asks whether a project such as Goodman's can succeed. Can a *philosophical* project be grounded in *religious* sources, given that religious and philosophical language are so very different from each other? Leaman illustrates his thesis by showing how flexible and open-ended our interpretations of religious language and stories are, so flexible in fact that they can be made to agree or disagree with a vast variety of philosophical positions. For Leaman, we (philosophers) require a theory of "translation" between philosophical and religious language *before* we can bring them together to construct a Jewish practical philosophy. The reader will note that Leaman's brief is itself open-ended, not dogmatically asserting that, say, a Jewish theory of justice cannot succeed, but rather suggesting that in lieu of a fully worked out theory of translation the philosopher exercise caution before claiming credit for a theory based upon Jewish sources. All too often, Leaman implies, the interpretation of text and the theory "based upon" it are question-begging. In its own way, Leaman's chapter appears to point in the direction of an antifoundational pluralism. The reader will want to tease out the hermeneutical implications of Leaman's position relative to traditional source interpretation.

My chapter, "Reason in Action: The 'Practicality' of Maimonides's *Guide*," attempts to show that Maimonides's *Guide*, too often presented piecemeal, as a patchwork of independent (theoretical) mini-treatises on creation, negative theology, and so on, can be interpreted along the lines of Aristotelian *practical* philosophy. The *Guide* is, after all, a guide for one perplexed about the meaning and intelligibility of his life. Joseph, the addressee of the *Guide*, like the auditors of Aristotle's *Ethics*, is perplexed about the goal and meaning of his life; and Maimonides, like Aristotle, takes it to be his charge to enlighten and, importantly, to *motivate* his student toward the requisite end. The *Guide* itself, whose explicit subject is the science of the law, is overarchingly concerned with showing the perplexed student that his accustomed way of life, a life lived

in accord with traditional (halakhic) norms, is philosophically intelligible. And I argue that this point is *not* a theoretical point, but a practical one that has direct application to the overcoming of the initial perplexity and thereby to the achievement of ultimate felicity. The *Guide*, thus interpreted, is a paradigm of political praxis and practical philosophy, concerned with helping a future communal leader establish his way of life on a firm philosophical foundation and thereby position himself as a reflective member of his community.

The first part of the volume concludes with a notable instantiation of Jewish political praxis. With specific reference to current (1993–1994) national debates concerning health care reform, Elliot Dorff's "Jewish Tradition and National Policy" presents both the constitutional and the theological grounding for his own, and by implication general Jewish, involvement in the current political discussion. Despite the constitutional separation of church and state embodied in the first amendment, Dorff nevertheless finds grounds in American legal history for vigorous religious participation in public debate. And, despite the assumption of some Jewish sources and groups that only Judaism can embody God's will and that therefore Jews should remain aloof from (secular) political discourse and debate, Dorff finds historical, philosophical, and theological grounds for Jews *as Jews* to engage in American political debate. The entire discussion thus argues for a closer relationship between religion and the shaping of public policy than strict separationists, religious or secular, would allow.

The second set of chapters addresses certain aspects of Jewish legal theory and the history of Jewish political thought. Some of the chapters make clear the interplay between halakha and politics, between commandment and community, which, as just noted, is pronounced throughout the tradition. The classical codifiers of the law were communal leaders. Wherever and whenever Judaism is defined by reference to halakhic norms, Jewish political life is carried on against the backdrop of those very norms. Until the modern period, halakhic norms grounded moral and political life and were construed as enabling the achievement of communal and personal felicity. And today, as the exchange between Noam Zohar and David Bleich makes abundantly clear, halakhic discussion is hardly bereft of political implications. Correlatively, Jewish political thought never was and is not now a wholly secular enterprise,

however much Greek political philosophy or contemporary liberal theory undergirds it. Maimonides, Abravanel, and contemporary Zionist thinkers such as Kook, Leibowitz, and Hartman present their arguments as the best readings of the tradition, biblical and rabbinic. In sum, political innovation or retrenchment, indeed the ebb and flow of Jewish political life, continues to be in large measure internally generated by the open-endedness of halakhic interpretation.

Aryeh Botwinick, in "Underdetermination of Meaning by the Talmudic Text," addresses this issue of interpretive open-endedness. For Botwinick, the underdetermination of meaning by text is a pervasive feature of talmudic argument. Such underdetermination or open-endedness of meaning animates many of the specific insights into and justification of talmudic argument. It also goes a long way in accounting for how innovation and change take place within Jewish law and communal practice. Decontextualizing previously received biblical, tannaitic, and early amoraic texts enables one to reconstitute and reinterpret them in a way which makes them relevant to new circumstances. Further, such interpretive open-endedness tends to subvert a strictly historical, contextual approach to the favored texts, an approach that lends itself to a hermeneutic rigidification. For Botwinick, there is an ineradicably aggadic element in even the most austerely halakhic discussion, and he illustrates this with reference to halakhic discussions concerning divorce and sin offerings.

In "Nachmanides's Conception of *Ta'amei Mitzvot* and Its Maimonidean Background," Josef Stern presents Nachmanides's account of the reasons or explanation for the Mosaic law and the interpretive principles expressive of them. Nachmanides's position is clarified with reference to Maimonides's. The latter's famous discussion in the third book of the *Guide* grounds the law in both social-political and suprapolitical goals, goals expressed by, what Stern calls, the *external* and the *internal* meanings of parables in the relevant texts. In addition to their parabolic (allegoric) meanings, the parables have a nonparabolic (literal) signification for Maimonides, and must to allow access to truth to the nonphilosophical masses. It is in their respective attitudes toward nonparabolic, literal signification that, according to Stern, Maimonides and Nachmanides differ. Nachmanides, unlike Maimonides, does not view the literal meaning of parabolic text as obfuscatory and

sometimes even false; for Nachmanides, the *peshat*, the nonparabolic, literal meaning of the text is just that: part of the *meaning* of the text, the product of a bona fide authorial intention and not merely a disingenuous sop to the masses. Perhaps the non-Maimonidean position here presented is expressive of Nachmanides's general hesitation about the elitist implications of Maimonides's philosophical (Aristotelian) interpretation of Scripture. The reader will want to ponder the possible implications of Maimonides's and Nachmanides's differing hermeneutic methodologies.

Abraham Melamed's "The Attitude Toward Democracy in Medieval Jewish Philosophy" and Reuven Kimelman's "Abravanel and the Jewish Republican Ethos" are nicely congruent. Melamed's chapter reveals the essentially monarchist and antidemocratic outlook of medieval Jewish political philosophy. From Maimonides through the Tibbonids (Samuel and Moses) to Samuel ben Judah of Marseilles in the fourteenth century, medieval Jewish political philosophers based their political theorizing on both halakhic norms and Platonic and Platonically inspired Farabian and Averroist political thought. Given the latter, it is hardly surprising that a strong monarchic, antidemocratic sensibility is manifest. Kimelman picks up the story where Melamed ends, with the republican, antimonarchism of Abravanel in the fifteenth century. But Kimelman's chapter emphasizes that we are quite misguided to think that the republican tradition which Abravanel represents is deviant, a *new* and late development in Jewish political thought. For Kimelman, an authentic republican or at least antimonarchic position can be elicited from biblical, rabbinic, and even medieval sources. Kimelman, therefore, calls into question the linear development of Jewish political philosophizing, from a monarchic, antirepublican position to a republican, antimonarchic one. Melamed's and Kimelman's chapters differ about what counts as traditional, normative, Jewish political philosophy, but the reader will note that there is no disagreement that, whatever the regnant tradition or traditions, Jewish political philosophizing, however much indebted to Plato and others, is firmly grounded in canonical texts, biblical and rabbinic.

Even Spinoza, arguably the first modern Jew, despite, or perhaps on account of, his excommunication, grounds his critique of the tradition in canonical text. As David Novak, in "Spinoza's Challenge to the Doctrine of Election," makes clear, the philo-

sophically inspired inversion of the traditional Jewish doctrine of election that Spinoza offers in his *Tractatus Theologico-Politicus* is presented as his (Spinoza's) best reading of the very tradition with which he was at odds. For Spinoza, the traditional theocentrism of the Jewish doctrine of election becomes anthropocentric; Israel chooses God and covenants with him, not vice versa. Further, for Spinoza, in direct contrast to the tradition, the (historical) election at Sinai and the promulgation of the (particularistic) ritual and ceremonial laws are *not* the *completion* of the process begun with the institution of the (universal) Noachide laws; rather, the choosing of God is a historically contingent *means* to a universal, moral end. As Novak presents the case, Spinoza emerges as paradigmatically representative of the modern, cosmopolitan, liberal, assimilationist trend in Jewish life and thought; but, again, this new tradition envisions itself as "traditional," congruent with the intensions of the foundational texts.

Spinoza's critique of halakhic Judaism from the standpoint of a universal morality informs the lively debate between Noam Zohar and David Bleich. In "Morality and War: A Critique of Bleich's Oracular Halakha," Zohar takes issue with what he takes to be Bleich's amoral construal of the halakha pertaining to the initiation of war and noncombatant immunity. This is not a debate between an antihalakhist and a halakhist, for Zohar himself argues from *within* the halakhic tradition for an alternative approach to Bleich's. Particulars aside, Zohar's general claim is that halakha is and must be constrained by "common morality." For him, halakha must be congruent with moral norms, lest a certain arbitrariness and license intrude into rabbinic decision making.

In his vigorous response, Bleich takes issue with Zohar's basic premise, that halakha must be evaluated by reference to extra-halakhic, moral norms. For Bleich, the halakha is a self-contained system, creates its own norms, and thus is in no need of extra-halakhic validation. This does not entail for Bleich that the halakha is insulated from moral considerations, but rather that such normative constraints be elicited from *within* the law itself, generally in the form of the supererogatory *lifnim mi-shurat ha-din* ("[acting] beyond the limit of the law.")

If supererogation plays as substantive a role within halakha as Bleich suggests, then the dispute between his position and Zohar's is transformed into a question about whether or not halakha (or

any legal system) can generate from within itself a set of regulative moral norms. The reader will be forced to ask: Is law grounded in morality or is morality grounded in law?

This debate on the foundations of halakha, with its obvious contemporary political and moral ramifications, makes clear once again the nexus between law and politics in Jewish political life and thought. Whether developing a theory of justice or pondering the most appropriate form of constitution, whether grounding participation in national policy making or defending a certain military policy, what invigorates all forms of Jewish political and communal life and thought is an ongoing debate with the rich texts of the tradition. Commandment and community enrich each other.

The fourteenth annual conference of the Academy for Jewish Philosophy provided the occasion for the initial presentation of virtually all the chapters in this volume; Abraham Melamed's chapter is reprinted, slightly revised and with permission, from the *Jewish Political Studies Review* (vol. 5, nos. 1–2, Spring 1993). The Academy conference, "Jewish Legal and Political Philosophy," was held June 6–7, 1993 in Evanston, Illinois, at Northwestern University. In light of the discussions at the meetings, the essays first presented there have been revised, and only Melamed's chapter has been published previously.

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