Chapter 1

Interpreting the Sacred Polity: The Concept of the Jewish Political Tradition

Politics and Religious Experience

The writings of the German founders of Agudah invite an approach that is attentive to religious consciousness and to how religious consciousness externalizes itself in social and political life. The Agudists might have developed an organization that was explicitly secular, like the B'nai B'rith or the Central Verein, but they did not. Their's was a curious blend of utopianism and realism. Thus Jacob Rosenheim, in his plenary address at the founding Kattowitz Conference, stated:

> It is not a society (*Verein*) alongside other societies that we wish to found; not a merely pragmatic association (*Zweckverband*), whose meaning exhausts itself in the realization of some practical, individual purposes. What

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> presents itself to us as our highest goal is rather the reanimation of an archetypal Jewish possession: the traditional concept of *Klal Yisrael*—the entirety of Israel's body, filled and borne by its Torah, its organizing soul—which we will realize through our Agudat Israel in the midst of the world of culture, through those technical means which culture now makes available to us.[1]

The German Agudists clothed their movement with a mantle of religious meaning and legitimacy. We have already suggested that a strictly task-oriented, pragmatic view of their endeavor did not suffice for them because of their religious quest for redemption. But how did the Agudists reconcile something as profound as a quest for redemption with the workaday world of political education, lobbying, and organizing? How did the founders of Agudah conceive the relationship between their Jewish faith and their political action? Was the relationship one of harmony or one of tension?

Contemporary fundamentalist movements, in the United States and elsewhere (including Jewish groups such as Gush Emunim in Israel, which are arguably "fundamentalist") seem to have no problem identifying particular policies with God's will. But such simplistic equations are far from the spirit of the early Agudah. The German Agudists were fully aware of the tension between a political course of action, which always entails moral ambiguity, and a clear commandment of the Torah. In an effort to guard the holiness of the organization against the corrosive implications of overt partisan activity, Agudah's mission statement from Kattowitz excludes the organization from "every political tendency." But this was a rule made to be broken. Thus, a constant problem of the early Agudah was how, in fact, to define politics. How is politics related to the mitzvot? To ethics? Where does politics begin and Torah-oriented action end? Rosenheim's, Breuer's, Halevi's, and others' writings are not straightforward attempts at a synthesis of religion and politics. On the contrary, they are attempts to define and relate two poorly defined and mutable concepts or, alternatively, to reconcile the tension between two poles of a continuum.

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Correlating politics and religion is a recurrent problem even in the most integral of traditional societies. Politics requires novel action based on a rational appraisal of a situation. Political agents are required to take account of the probable consequences of different courses of conduct, to weigh possible risks against benefits. This open-ended, calculative rationality is in tension with religious thought and action. Religious thought and action are typically oriented toward ideal ethical values. Absolute ends and duties, given in revelation by a prophet, for example, require faith and submission. They resist being treated as merely possible or desirable ends and hypothetical duties. They are not justified by their consequences, but by their inherent rightness. Furthermore, religious action is typically oriented toward reenacting paradigmatic sacred practices, derived from a divine source *in illo tempore*. This conflicts with the essential novelty of political action. While religious conduct is typically mimetic, political action is often strategic. It does not aim to reenact primordial patterns, but to bring new states of affairs into being.

This tension is moderated to a significant degree in Judaism where law, with its emphatically this-worldly orientation, mediates between absolute, religious ends and ordinary, fallible human activity. Law, which lives and developes by responding to continual change allows for the pursuit of absolute ends in a realistic fashion. It introduces a degree of ends/means rationality into Jewish religious consciousness. But law brings its own problems as well. There is still the tendency to assimilate the decision making required by the present to the hallowed template of the past. Law, by its nature, must analogize the novel to the precedential. Thus a legal orientation, as we will see, imposes its own constraints on the creativity of political action.

So how can political action claim its sanction in a sacred law without hypocrisy? How can the custodians of the sacred and the custodians of public affairs co-exist? How has Jewish society throughout the ages dealt with the inherent tension between the two ideal-typical tendencies of politics and religion? Once we get a clearer view of how the tradition has

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dealt with this problem, we can judge whether the Agudist approach exemplifies previous Jewish solutions to the problem. If so, then we can point to a dimension of objective continuity between modernity and the political tradition of the Jewish past.

To understand how the Agudist correlation of politics and religion accords with prior models in Judaism, we need to survey a number of historical cases. But we also need to develop an ideal type of Jewish polity and compare the polity of Agudat Israel with it. An ideal type represents the normative ideals of a group, crystalizing their practices and underlying values in a pure, abstract way. As such, it represents what the thought and action of members of the group would look like if they were rationally consistent with the group's own values.[2] Ideal types are meant to provide an empathetic bridge between researcher and subject. They allow us access to the way in which the subject endows human affairs with significance.

Such a comparison would make eminent sense to the Agudists themselves. As traditionalists, German Orthodox Jews were acutely concerned with the correspondence of their beliefs and practices with those of the hallowed past, as they understood it. That is, they operated with their own ideal typical image of the Jewish polity. Rosenheim writes as if the meetings of Agudah committees cast the shadow of the ancient Sanhedrin. To ask how the actors understood and planned their action in light of their beliefs about prior Jewish political tradition, we shall need to specify what they believed about Jewish political organization and action.

Representing the ideal type of the Jewish polity is the business of scholars of the Jewish political tradition. This relatively new field is beset by its own methodological problems to which we shall next turn. We shall discuss the concept at a high level of abstraction, in terms of the different methodological approaches currently used. After clarifying these approaches—including the one used in what follows—we will develop, in the next chapter, an account of what Frankfurt Orthodoxy understood the ideal type of the Jewish polity to be.

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Approaches to the Jewish Political Tradition

In recent years, a growing group of scholars has argued that there is a Jewish political tradition. Such a tradition, they claim, is constituted by an ongoing experience of political institutions internal to the Jewish community, by practical reasoning about such institutions and their relationship to external political structures, and by an incipient, if rather underdeveloped, theoretical analysis of this experiential base. Such thinking is novel. It did not appear plausible to Salo Baron several generations ago, for example, that his work on the ancient and medieval Jewish community concerned Jewish politics. He explicitly denies this.[3]

Yet how could one doubt the existence of such a tradition? Undeniably, Jews have had a long and diverse experience of self-government and have produced a variety of institutional arrangements to structure their communal life. One must also admit that the Jews have engaged in practical reasoning—what Leo Strauss called "political thought"—about the grounds of such arrangements as well as why and how they function. One even finds, in the works of Maimonides and Abravanel, although in few other places, meta-level theoretical reflections on political matters, which Strauss called "political philosophy."[4] While such reflections are structured around presuppositions about the nature of politics derived from non-Jewish sources such as Plato, Jewish adaptations are not lacking.[5] Given all of these phenomena should they not be grouped under the rubric "the Jewish political tradition?"

Part of the problem—the part which troubled Baron—is what we mean by "political." As we have seen, politics, especially in conjunction with religion, is a rather plastic concept. In Baron's context, politics had to do with the behavior of nation-states, conceived in nineteenth century terms as sovereign units monopolizing all law and power over their territory. If that is what politics means, then Jews have not had much political experience since the demise of their ancient commonwealth.

The equation of the political with conditions of fully sovereign statehood is not made only by Jewish modernists. A

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traditional rabbinic scholar, such as Israel Schepansky in his encyclopedic compendium of Jewish communal legislation, explicitly argues against secular historians such as Simon Dubnow that Jewish self-governance in the medieval *kehillah* cannot be confused with politics. Dubnow claimed that the political tradition of kingship metamorphized into various forms, including the civil administration of the *kehillah*. The *kehillah* was a kingdom in miniature. Schepansky utterly rejects this claim as a piece of secular, Haskalah optimism. He claims that Jews who were committed to Torah denied themselves such illusions because they knew they were in exile and they knew that politics, in the full sense, belongs only to the messianic age.[6] Yet Schepansky's dogmatic judgment does not accord with the medieval sources he himself cites, many of which derive the authority of public institutions from the Deuteronomic laws of kingship. He, no less than the modernist Baron or Dubnow, is influenced by a modern European conception of politics based on the philosophical idea of a reified State.

The definition of politics has, however, shifted. What allows us to talk today about a Jewish polity and not merely about a Jewish community is a broader definition of politics. Thus, Eli Lederhendler writes,

> political analysis has come to include—in addition to the state and international relations—a host of other players (interest groups, lobbies, elites and other social classes, ethnic groups, mobilized diasporas, etc.), structures (parties, bureaucracies, organizations, legislatures, churches, local government, tribes, even the family), and problems ("ethnopolitics," nationalism, colonialism, revolution, leadership, political "mobilization" or participation, labor relations, "modernization," "development," "civil religion," ideology, political myths, political culture and political socialization, public opinion and voter behavior, "core" vs. "periphery").[7]

This broadening of the concept of politics has come about for various reasons: postwar awareness of the destructiveness of

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nationalism; post-colonial awareness of persisting traditional societies and tribal peoples who exist without a state; as well as an appreciation of the American relativization of state sovereignty. The American tradition of derived public authority versus European philosophical habits of reifying the State focuses attention on all of those public processes which generate authoritative institutions.[8] This broadened conceptual framework can easily take the political experience of diaspora Jews into account.

Changes in the agenda of Jewish studies, as Lederhendler points out, have also facilitated a conceptual shift.[9] The turn toward social history, spurred by historians such as Baron himself, has decisively overturned the paradigm of nineteenth century *Wissenschaft des Judentums*, which saw the Jews as a spiritual nation that transcends politics. In addition, historians have begun to question the influence of the Holocaust—the nadir of Jewish powerlessness—and the founding of the State of Israel—the "Jewish return to history"—on historiography. Should the millenial Jewish political experience be conceptualized on the basis of generalization from the Holocaust experience of complete powerlessness and the pre–1948 fact of statelessness? The formulation, "Jewish politics if and only if Jewish (post–1948) sovereignty," appears to be quite unhistorical. If Jews had not possessed political skills and sagacity, Ismar Schorsch asked, how could they have survived? Indeed, at the source of this marginalization of the political dimension of Jewish life, Daniel J. Elazar suggests, stands the apologetic motive of facilitating assimilation into the modernizing nation states of the Emancipation era. Jews rejected or transformed their own tradition of political self-definition in order to become citizens of their host countries. With the demise of the medieval *kehillah*, came the decline of politically oriented conceptions of Judaism. A sociologist of knowledge might turn to Spinoza and then Mendelssohn for appropriate intellectual images of a late medieval/early modern, post-political Judaism.[10]

On the face of it then, the attribution of a political tradition to the Jews or Judaism should not, given the various

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paradigm shifts, be problematic. Yet problems do arise on at least two levels. The first is that of the part and the whole. Does Judaism *have* a political tradition, as we might claim it has a musical tradition, or *is* Judaism a political tradition? That is, is politics essential to Judaism? Is the project of recovering the putative Jewish political tradition analogous to recovering, for example, Judaism's teachings about the environment or is the category conceptually fundamental? Conceptualization aside, do Jews need to *live* in a Jewish polity, diaspora, or Israeli, to practice Judaism in any meaningful or recognizable sense or can a meta-political, spiritualized Judaism, such as Franz Rosenzweig's, be normative? Rosenheim and other Frankfurt separatist Jews clearly believed that the political organization of the Jews was necessary to the full realization of Judaism.

The problem of part and whole ineluctably shifts the concept of the Jewish political tradition from a strictly descriptive one to a quasi-theological, prescriptive one. While this may be an unwise or illegitimate move in social science, it nonetheless animates, as we shall see, some of the pertinent studies. It cannot be avoided. Daniel Elazar ascribes a significant normative dimension to the Jewish political tradition. David Biale, by contrast, treats the tradition in a largely descriptive fashion. For Elazar, the tradition contains normative principles which we disregard at our peril. For Biale, the tradition simply provides historical data about previous Jewish successes and failures from which we might, at an appropriate level of generalization, learn.

Another level of problematic, not entirely distinct from the first, is the question of continuity. Is this an unbroken, essentialistic tradition of determinant intellectual and structural content such that we can specify that elements x and y (e.g., covenant and consent) endure over time? Or does it suffice that tradition designate an open-ended category in which all sorts of political phenomena can fit (e.g., theocracy, monarchy, democracy)? Logically speaking, what are the existence conditions for predicating "tradition?" How much continuity is logically required in order to posit a tradition? How we

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resolve this will depend on our theory of tradition as such.

What we might call the maximalist tendency is represented by Daniel Elazar.[11] He interprets the social arrangements and many of the chief documents of Judaism as essentially political phenomena and ascribes a high level of continuity to Jewish political structures. Elazar believes that while each epoch of Jewish history evolves its own terminology for Jewish political institutions, these institutions and the vocabulary which represents them evince a continuous tradition, whose origins lie in biblical Israel. In the Bible, for example, a chief political designation for the community is *edah*. In the middle ages, the appropriate term is *kehillah*. In the modern diaspora, "voluntary community" is an appropriate designation. In every case however, an underlying structure—the political community as res publica rather than as the private preserve of a single sovereign—is in force. The underlying structure is expressive of the constitutive values of Judaism. Jewish political tradition is an ongoing dialogue about those values within the relative fixity of the framework of the Torah/constitution. Thus in Elazar's view, the tradition consists of both a conceptual framework, rooted in the ideas and values of the Bible, and a sequence of institutions, comprising the structural basis of the tradition.

Before exploring the maximalist view further, we might mention some of the scholarship of the previous generation which anticipates this position. At least insofar as the maximalist view posits a highly political quality for the whole of Judaism, it is probably indebted to the thought of Leo Strauss. Strauss did much to stimulate reflection on the relationship of Judaism to political philosophy and science. In his work on Maimonides, Strauss effectively implied that Judaism not only has a political tradition, but *is* a political tradition. Strauss believed Maimonides to hold that "the function of the Torah is emphatically political."[12] Much of the Torah, in Strauss's reading of Maimonides, is devoted to the "governance of the city." Thus Strauss began to correct the prevalent apolitical conceptualization of Judaism, albeit in a limited application. He raised the suspicion that if Judaism is essentially political,

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then fully apolitical interpretations of Jewish existence, such as that of Franz Rosenzweig, need to be heavily qualified.[13]

The insight into the political nature of Judaism opens up innumerable, previously foreclosed, implications. In Strauss's case, his appreciation of the political character of Judaism, led him to understand much of medieval Jewish thought as an application of Platonic political philosophy. The political turn led Strauss to argue for the superiority of medieval Jewish thought vis a vis the modernist bias toward apolitical existentialism and personalism.[14]

Strauss was not alone in this turn toward the political. His fellow German Jewish emigre, the eminent historian Yitzhak Baer, argued for a sustained and substantive Jewish political tradition reaching back to the Bible and extending into the medieval *kehillah*. The tradition has both distinctive institutional structures and normative values. Baer came to the conclusion that, since Judaism is inescapably political, basic Jewish oral law needs to be understood as constitutional in character.[15] Indeed, Louis Finkelstein anticipated Baer in this conclusion as early as 1924.[16]

This twentieth century scholarly openness to rehabilitating the political dimension of historical and contemporary Judaism no doubt owes something to the success of Zionism, modern Jewry's most successful political project. This is not, however, without irony. For Zionism saw itself as a break with the (allegedly apolitical) Jewish past. The diaspora was to be negated as an abnormal phase of abject powerlessness. Accordingly, some Zionist historiography has tended to negate the value, or to even deny the presence of political tradition in the Jewish past. Nonetheless, the cumulative effect of Jewish national rebirth and the reassertion of state sovereignty exceeds Zionism's own ideological logic.

To get a clearer view of what Elazar's "maximalism" affirms we can contrast it with an "old-line" Zionist-statist view. At the other extreme, Gerson Weiler articulates a traditional Zionist view which, following Spinoza, reads political concerns out of Judaism altogether. (Since he sees politics and Judaism as wholly mutually exclusive, one hesitates to call

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him a "minimalist." That designation will be apt for others, however.) For Weiler, Jewish history, post–1948, is radically distinct from what preceded it. With statehood, the Jews have returned to politics and history. Their nationhood has at last found a fit context, albeit a context which is problematically related to Judaism. Zionism is incompatible, for the most part, with Judaism insofar as the latter has, allegedly, a weak political tradition.

All of these issues were adumbrated in Spinoza. In the *Theologico-Political Treatise*, Spinoza argued that the Jews were indeed a political people and that their law was the law of a state.[17] While suited to them and designed for their earthly, "emphatically political" benefit, it was, however, flawed. The Hebrew commonwealth divided power against itself. Spinoza sees Israelite history as a record of political decline. The free people who stood at Sinai and covenanted directly with God soon lost their democratic sovereignty by accepting the rule of priests and kings. This loss of primal equality led to resentment and, eventually, sedition. The Torah-constitution, by tolerating, indeed, enshrining inequalities of status spurred the internal weakening of the state.[18] While Israelite government went from relatively bad to wholly bad over the course of its history, the seeds of destruction were sown at the very beginning with the idea (and reality) of theocracy, for God gave the people the laws that made political life unstable from the start.

Ever since the collapse of the Israelite state a once political people has been living a ghostly, anachronistic existence. The law, no longer rooted in the political life of a state, endures. The people obey what remains of their law, but its artificiality—its apolitical character—dooms the people to a marginal, unreal existence. Spinoza holds out the hope that the people may yet return to their land and reconstitute themselves as a political nation but to do so, they would have to abandon their Judaism, which, in the present, emasculates them.[19] Thus, on Spinoza's account, Jews and Judaism fail to be political in two ways. First, the Jews do not actually have a state. Second, Judaism is a post-political artifact, which, by

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"emasculating" the Jews, prevents them from regaining a state. Regaining a state would involve the repudiation of their theocratic tradition. Judaism, it would seem, offers no resources for that reclamation. Indeed, it is the principal barrier to it.

Basing himself on Spinoza's position, Gershon Weiler argues that Judaism is an antipolitical religion and that the Jews were, until recently, a post-political people.[20] Weiler believes that the Jews were once a "normal" political nation ruled by kings. With the loss of sovereignty over their land, the Jews became less a nation than a "holy community," governed by a code of antipolitics, the halakha. The correct term to describe this community and its law is "theocracy." Theocracy was, in fact, coined by Josephus who affirmed this essentially post-political mode of existence out of both personal exigency and religious conviction.

Weiler is more radical than Spinoza, however. Spinoza at least saw the Torah, however flawed, as the constitution of a state. The survival of the Torah after the fall of the state is an incongruity, but at least at one point the Torah was (more or less) politically fit. Weiler does not postulate a time when the Torah was compatible with political existence. The political, he assumes, is inherently anti-transcendental. Politics cannot concern divine-human relations. It is entirely a matter of the prudential; of *raison d'etat*.[21] Torah, as developed by the rabbis, is a deliberate design for rendering Jewish existence post- and antipolitical. Thus Weiler not only offers a fundamental critique of rabbinic Judaism, but he characterizes the political philosophical expressions of that Judaism, Maimonides and Abravanel, as apologies for an halachic theocracy that is post-political by design.[22]

For Weiler, the tension between politics and religion is so overwhelming that it cannot in any way be resolved. Jews have not, since the destruction of their state, been involved in any activity properly called politics, nor could they value such an activity. This conclusion follows not only from his statist premises, but also from his basic understanding of religion as a fundamentally other-worldly and absolute ethos. Yet this

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conclusion clearly does damage to both the phenomenology of Judaism and to the actualities of Jewish history. At this point, Daniel Elazar's conception of a politically engaged Judaism and Jewish people shows its advantages.

Elazar, in contrast to Weiler, holds that the State of Israel, rather than constituting an absolute break with the Jewish past, is located to a certain extent within the stream of a Jewish political tradition which has helped to produce it. Elazar denies that the Jewish people has fundamentally changed its mode of existence.[23] While Weiler sees a great divide between an Israelite/Judean nation-state and a postexilic, theocratic holy community, Elazar sees a continuum. In his view, a basic pattern persists. Covenant is the essential, ongoing structural element of Jewish political existence. Indeed, covenant is the constitutive mode of Israel's being. Israel's covenant with God creates and recreates a unique society which realizes itself in different forms of political organization, all of which are federative (that is, covenantal) in nature. In federative forms of organization, power is diffused across competing institutional centers. Since ultimate power is God's alone, human institutions are deabsolutized and conditional. Descriptively, federative or covenantal organization is the typical form of Jewish polity. Normatively, it is the optimal form of Jewish political order. Elazar therefore sees any version of statism, inspired by modern European political thought, as alien to and incompatible with the Jewish political tradition.

Elazar writes a constitutional history of the Jews. In every epoch, the Jews exercise power over themselves whether in the context of an independent state, an autonomous community, or a voluntary association. That power is invariably dispersed in competing offices: priests, kings, and prophets in one era, rabbis and exilarchs in another. These centers of power, using a mishnaic term, are designated *ketarim* (crowns). At every point, the people constitute themselves covenantally before God and rally around constitutions which ratify the covenantal act. Thus, the Mosaic Torah, the Mishna, the Shulhan Arukh are styled as constitutional instruments

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which order the institutional arrangements and political-cultural values of their epochs. The premise of federative or covenantal self-organization allows Elazar to minimize the political import of catastrophes such as the loss of Judean independence in the sixth century B.C.E. Furthermore, the assertion of an essentialistic pattern beneath phenomenalistic changes of regime allows him to find a singular political tradition where others find heterogeneity and discontinuity. His project is to describe and recover that tradition and to provide a theoretical articulation of its particular political values. He suggests that this recovery and formulation is of high importance for the Jewish political future.[24] Just as Weiler accepts the full import of Spinoza's critique, Elazar turns what Spinoza took to be a vice into a virtue. Competing centers of power, which Spinoza thought fatal to political stability, are seen as the key to Jewish political longevity.

David Biale occupies a midpoint between Weiler and Elazar. Biale believes in a coherent Jewish political tradition but does so in a truly minimalist way. Biale rejects Weiler's concept of national independence. The idea of an autonomous, sovereign nation-state is a modern phenomenon which Weiler has anachronistically retrojected onto the biblical past. Politics does not require a "normal" nation-state in the modern sense as its bearer. The people Israel, regardless of the institutional form its national life has taken has always been political, for the Jews have always lived in relation to gentile political structures and forces. Following Ismar Schorsch, Biale asserts that the survival of Jews throughout the centuries represents a canny and effective appraisal of political reality and a communal policy of securing room to maneuver within that reality. For Biale, politics is constituted by group struggle on the stage of history. To the extent that this can always be posited of the Jews, the Jews have always been political.[25]

On the other hand, Biale rejects Elazar's essentialism as metahistorical in formulation and mechanical in application.[26] He sees an ongoing engagement with the realities of power, but not a strong tradition of deliberate covenantal-constitutional organization. The history of internal Jewish institutional

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arrangements displays complete heterogeneity. Nonetheless, he posits a minimalist version of a framework by discerning an ongoing attempt to ground those arrangements in a formal, even theoretical way at least within premodern rabbinic Judaism.[27] Medieval Jews creatively adapted biblical and talmudic materials to legitimate their own *kehillot*. The Jews are thus political both by design and by default. As do the other scholars, Biale derives contemporary political implications from his analysis. The Jews have fared best politically when they have been prudential and have kept transcendent considerations out of their calculations. Prudence has tended to neutralize messianism. The political has been kept pragmatic. Thus, the volatile messianism of religious fundamentalism or the imprudent over-estimation of Israel's power and sovereignty departs from the main lines of the Jewish political tradition.

For Biale, the Jewish political tradition is "a persistent tradition of political imitation and accomodation, but never of passivity or retreat from politics."[28] This sentence discloses some of the working assumptions which cause him to doubt Elazar's project and incline him toward a weaker characterization of tradition. It is clear that Biale aims to restore an image of the Jews as political agents, actively shaping their own communal destiny throughout their history. It is equally clear that they get little unambiguous moral help from their tradition in the process. The tradition appears as a source and a scene of conflict rather than as a normative orientation. The tradition will tell us, for example, that the parties of accomodation with prevailing power realities have always been opposed by parties aspiring to full sovereignty who incline toward revolt.[29] Biale sees this antagonism as more or less constant in Jewish history. The tradition will not tell us however which party best represents Judaism. That is a normative judgment about which Judaism is silent. Indeed "Judaism" is a reified abstraction, if we refer to something that allegedly transcends its constitutive conflicts. In Elazar's work, by contrast, tradition is cast in a far more normative or prescriptive mold.

By recalling Biale's earlier work, *Gershom Scholem: Kabbalah and Counterhistory*, we get some clues to his his-

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toriographic orientation. In the present work, I suggest, Biale has written a "counterhistory" of the Jews as political animals, informed by his understanding of Scholem's orientation.

Counterhistory consists of unearthing and revealing dynamic, historical forces which apologetic historians have repressed or marginalized for the sake of some doctrinaire representation of Jewish history. Scholem's counterhistorical method brought him to oppose the antiquarianism and dogmatism of nineteenth century *Wissenschaft des Judentums*. He rediscovered and emphasized the irrational elements of Judaism, seeing in mysticism an undercurrent of vitality for Judaism as a whole. Counterhistory exposes the mutual interaction of "normative" and subterranean in Judaism. Tradition becomes an arena where conflicting forces struggle, without resolution, for hegemony. Tradition, in Scholem's view, "does not merely consist of conservative preservation, the constant continuation of the spiritual and cultural possessions of a community . . . There are domains of [tradition] that are hidden under the debris of centuries and lie there waiting to be discovered and turned to good use . . . There is such a thing as a treasure hunt within tradition."[30] Tradition is not only dynamic; it is a conjunction of opposites, a field of dynamic conflicts between opposing forces. Scholem's counterhistory is an anarchistic attempt to show the plurality of competing sources of authority in historical Judaism. Scholem shows how the apocalyptic, the demonic, the torrential force of irrationalism are the constant historical companions of the pragmatic, the orthodox, the halakhic. The task of the historian is to display this vibrant and vitalizing "productive conjunction of opposites" as well as to unmask the dogmatic biases of those historians who would resolve Judaism into a single, nondialectical essence.[31]

Like Scholem vis a vis the *Wissenschaft* tradition, Biale also subverts inherited representations of Jewish history, in this case those of an apolitical, passive, theocratic community. Each historian opposes those dogmatic representations which supress the diversity of the historical record in the name of some spiritual or rational essentialism. Each opposes

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any representation that divorces the Jews from primary, irrational sources of vitality. Just as Scholem wrote counterhistory using the precision tools of the *Wissenschaft* he sought to discredit (all the while eschewing non-*wissenschaftlich* approaches to the irrational such as Martin Buber's) so too Biale claims to work empirically and inductively, eschewing what he takes to be dogmatism in Elazar and Weiler. Indeed, that is why counterhistory is history and not merely uncontrolled imaginative construction. But of course there is no method without presuppositions, and Biale's treatment, deriving from a "counterhistorical" inclination, may cause him to underestimate or overlook the potential continuities in Jewish political history to which Elazar is attuned.

Biale's unwillingness to construct the Jewish political tradition as a normative tradition stems from more than the value-free orientation of the social scientist. It derives, I suggest, from Scholem's anarchist philosophy of Jewish history. (I use the word philosophy with caution as it ascribes a higher level of systematic articulation of principles than is warranted.) Since the tradition is a tradition of conflicting forces, there is no sure guide to which force is normative. Anarchism is not a denial of any source of authority, as is nihilism, but a sober recognition of a plurality of authorities (without the doctrinaire faith that they are all of equal worth, i.e., pluralism).[32] Although Biale assures us that this anarchism is not relativism, exactly how this position is saved from relativism is unclear.[33]

The argument between Daniel Elazar and David Biale derives in no small measure from the differing assumptions behind their interpretative practices: Biale's hermeneutic is consistently suspicious, Elazar's aims toward empathy. Elazar has a willingness to use sources normatively, while Biale has a predominating commitment to empirical description, coupled with an anarchistic suspicion of ascribing authority to texts. Elazar believes in continuities, however dynamic, at the levels of both institutional content and intellectual framework, while Biale has a tentative assumption of continuity at the level of framework and an agnosticism toward continuity at

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the level of contents. There is little point in trying to reconcile these positions. They ought to be judged by how productive they are of questions which yield new insight into the historical material. But insofar as Elazar's approach is better suited to a study of Agudat Israel, I do wish to argue, however, two specific points against Biale to secure a position close to Elazar's (without, however, committing myself to all of Elazar's judgments regarding empirical, historical matters and methodological issues such as periodization).

Elazar's view seems preferable to me for two reasons. First, it allows for diversity and conflict within living tradition without overstating their role and understating the possibility of continuity. Second, Elazar's view seems more adequate from a phenomenological point of view. That is, to return to our initial point, its openness to normative issues, to discerning a normative voice within Jewish tradition, accords better with the experience of the producers of and participants in the Jewish cultural drama than does a more or less strict, inductive-empirical approach.

The Study of Tradition

Biale's minimalist understanding of tradition in the face of the disruptive heterogeneity of counterhistory is overly skeptical toward the role of tradition in the maintenance of society. There is no reason to doubt as a working hypothesis that various political values and preferences for institutional design have continued across Jewish history. It is possible to say that these values have been contested or that the institutions they produce have been quite variegated and still assert an underlying, substantive continuity. It is also possible to make this claim on the basis of induction and the empirical observation of social life rather than on the basis of dogmatism.

What argues in favor of the substantive continuity of tradition, in this case political tradition, over discontinuity is the sheer fact of the survival of the Jewish people in an organized, societal fashion. For any society to survive, that is, for

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members of a group at one point in history to believe themselves to be members of the same group as their ancestors requires that a trans-generational consensus exist.[34] Without some ongoing agreements, society, or at least parts of society, destructures into a horde. The living must accept the beliefs and institutions presented to them by the dead, even while changing or arguing over them. Thus, societies endure because they are constantly reenacted. Patterns of assertions and actions, inherited from the past, are realized over and again in the present.

Substantive traditions—beliefs, practices, rules, texts, objects—are transmitted from generation to generation. The chief transmissive channels for this reenactment are family, Church (in Troeltsch's sense) and educational system. These channels present the beliefs and practices of the past for the adoption and adaptation of the present. It is unthinkable, even in the most "progressive" of contemporary schools or churches to avoid a continual absorption of the past. A revolutionary regime may rewrite history, but it cannot withhold the teaching of its own history to its young if it hopes to survive. No society can ensure its future without incessant contemplation and reenactment of its past. The reenactment of what is remembered from the past; of what the present members of society believe the past members expect from them ensures a thread of continuity. Indeed, the belief that there *is* a thread of continuity is a necessary but not sufficient condition for the endurance of society. This thread of memory and expectation is what Biale's view appears to deny and Elazar's confirms.

To say that the members of present society act according to how they are expected to act, with the pattern of expectations having been shaped by past generations is to introduce a strongly normative element into the account of how tradition functions. Societies persist due to their traditions. Traditions persist because their adherents find them right and good or, at least, convenient and efficacious. When traditions, rules of etiquette, for example, cease to solve the social problems they were created to expedite, they wither and are rejected or

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replaced. But until the point when specific traditions become dysfunctional—often because of their long-ripening conflict with other traditions—they enjoy the loyalty and approval, if only critical approval, of their adherents.

No society can exist without tradition, but some societies, especially premodern ones, cultivate and value their traditions more than other societies. Whereas modern men and women resent the grip of the past as a "metaphysical encumberance" on their freedom, so-called traditional societies derive their bearings from the inheritance of their past, shunning the chaos that would ensue in an historical vacuum. They find their traditions not only useful, but morally necessary.

This normative dimension of tradition is pervasive in the Jewish case. The Torah tends toward leaving no area of life void of possible connection with the sacred. Therefore, Jewish traditions, grounded in the earliest ages of Jewish civilization, seek to comprehend the whole of life and bring it into a numinous sphere. There is no sphere where tradition might not, in principle, pertain.[35] Living under a regime of tradition, seeking to construct both personal and social life against the hallowed templates of the past, the premodern Jew innovated new forms, but justified them in terms of affinities with elements from the stock of tradition. Innovation could not be justified in the name of innovation, but only in the name of the past and the authority it conveyed on the innovators of the present. Yet this very pastness should not be viewed as a mere pretext. It should be viewed as the substantive context in which innovation, which is the modification of tradition, occured.

Add to this the nonterritorial, nonsovereign nature of diaspora Jewish life and we see that the sacralized, constitutive traditions of Judaism had a very high salience as the surest means of social survival. The Jewish present was a reenactment of patterns from the stock of traditions tendered by the past. This is not to say that those traditions were static, uncontested, or one-dimensional. Nor is it to say that those traditions were not constantly enriched, influenced and coerced by, as well as creatively adapted to, the beliefs, prac-

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