INTRODUCTION

Like any political theory, Jewish political theory underwent a change of two major perspectives, ethical and theological. It changed from focusing on legal definitions to values as freedom and equality and from perceiving the political body as a reflection or an extension of God to secularization of the political. In the Middle Ages, questions of political theory were concerned with legal definitions of the political body, the authority of the leaders upon its members, and the rights of the members. Jewish scholars defined the political body, which was the Jewish community, as a quasi-corporation or as an association that was largely based on a social contract.

The Jews in the Middle Ages lived in the European and Middle Eastern cities as separate communities, and as I have shown in a previous study, they were organized as a quasi-corporation for external purposes and internal alike. This legal definition played in the field of private law. The public sphere was gaining slowly its upper hand, but was not defined as inherently different from the private domain. Although not completely equal, they were both legal adversaries within the legal domain. In this sense, politics in the Middle Ages was not different from politics in antiquity. Kings were owners of their land and masters of their citizens, even if the latter were not necessarily defined as slaves or serfs. The legal definition was private law.

Medieval political theory was concerned with theology as well. As medieval historians point out, application of theology to politics in the Middle Ages was taking place. That has become even clearer since Ernst Kantorowicz published The King's Two Bodies. In this book published in 1957, Kantorowicz set a guide for generations of historians through the arcane mysteries of medieval political theology. Kantorowicz traces the historical problem posed by the “king’s two bodies”—the body politic and the body natural—back to the Middle Ages and demonstrates, by placing the concept in its proper setting of medieval thought and political theory, how the early modern Western monarchies gradually began to develop a political theology.
The king’s natural body has physical attributes as do all humans, but the king’s spiritual body transcends the earthly and serves as a symbol of his office as majesty with the divine right to rule. The notion of the two bodies allowed for the continuity of monarchy even when the monarch died, as summed up in the formulation, “The king is dead; Long live the king.”

Politics in the modern era is different. The medieval social contract is not the modern democratic social contract, and modern rights talk is not a medieval demand for rights. As Joseph R. Strayer claimed in On the Medieval Origin of the Modern State,3 besides changes of culture, a major change arose after the Middle Ages, a political change. The rise of the modern state exhibits a change that started at the Renaissance, before the rise of the democratic state; that is, bestowing responsibility on the state for social justice, education, health, and culture. Unlike the legalistic medieval concept of the social contract, modern democracy is not only a legal construct but rather an ethical principle, embedded either in rights talk or as a virtue. Modern democracy is perceived as protecting a bundle of rights, including the rights of minorities, and not only enhancing the rights of the majority. Thus, the modern state is an entity that became a source of moral identity. It is also usually perceived as a secular source of identity. The modern state is a human construct that expresses human values. It is not created by God and it doesn’t present God as its foundation. If that is the case, it is a question if a modern Jewish state is possible, a Jewish state with its religious values at its center.

In this essay I contend that religious values do not necessarily infringe upon the possibility of a modern Jewish state. As I show through an analysis of the works of Jewish philosophers like Franz Rosenzweig, Martin Buber, and Emmanuel Levinas, such a possibility of modern Jewish democracy does exist. As I show, their perception of self and community, and of certitude and doubt, enables a sense of liberty that should generate a new idea of dialogue with secularity and therefore a new Jewish democracy.

A SECULAR AGE

As I mentioned before, the modern state, as Strayer explained, inherited God as the founder or the source of existence, and thus it became in charge not only of securing the safety of the citizens, but also of their education, medicine, welfare, and law. Of course, this revolution couldn’t arise without a religious change. Throughout the humanistic revolution of the Renaissance, God shifted from being the center of existence, for the sake of man as the center,
and became just a personal experience. Thus, together with the centrality of earth, God lost his place as the foundation of human existence for the sake of a man-made creature—the state, which inherited God. Since that era, people have looked for the state to save them, not only from enemies, but also from catastrophes of nature, and even for their sorrows, the root of their well-being.

Strayer’s understanding, which continued Friedrich Nietzsche’s well-known claim about the death of God, became common knowledge for many. Charles Taylor, in *A Secular Age*, describes the modern Western perception of religion according to what he calls a change of identity. If until the Renaissance a doubt of faith was hardly an option, in modernity faith became obsolete. God is not perceived anymore as the sole source of nature. There are alternatives to understanding reality, and faith became just one choice among many. I should add that if until modernity, God was indeed the scientific source of existence, the source of energy, and the cause of all creation, modern science doesn’t believe in causes and is not teleological. Modern science prefers mechanical or mathematical explanations of nature. It is not that modern science created heresy or atheism. It did not prove that God doesn’t exist. It just sees God as irrelevant. As for Taylor, he claims that as a result of the change of identity for humanity, which traditionally identified itself with religion, in the modern era faith became a personal choice, and social identification was now with the state. But it wasn’t only a change of identity. Replacing God as the source of reality enabled the Western world to use instrumental reasoning in the political sphere. Societies and states are organized now in a way that was impossible in the past.

It is true that perceiving the polity as secular is not accepted by all. Even if we ignore Carl Schmitt, with his *Politische Theologie*, for using God as a mere symbol for power as an antiliberal strategy, Michel Foucault, Giorgio Agamben, and Erik Peterson took political theology much more seriously. Possibly the most important understanding of the weight of theology in political theory arose in a meeting between Jürgen Habermas and Joseph Alois Ratzinger in the Catholic Academy of Munich during 2004. Both of them agreed that the secular society cannot produce values on its own and that it depends on religion, or at least on a dialogue with religion, in order to create a set of values. Yet these opinions present a call for the voice of God, which answers a need, rather than a secular alternative, while I think that we must accept Taylor’s claim that we are in a secular age. For religious people, the modern state does have religious values, but they are peripheral. The modern state is perceived largely as a secular institution, even for religious people.
After stating that, I must ask again, what about a Jewish state as a religious state? One must bear in mind that regarding a Jewish state, the question is not only how much the state represents God and his attributes, but since Judaism is a heavily legalized religion, the question is also how much a Jewish state reflects Jewish laws. If for Taylor as a Christian, religion in modernity may belong to the private sphere, as a mere expression of a whim or a personal emotion, for a religious Jew, religion is not only about faith but also about law. In Judaism, religion can’t be limited to the private sphere.

**JUDAISM**

As Leo Strauss claimed, Judaism can’t afford separation between state and religion. Secular values are universalistic values, and accepting them causes a change in principle to a Jewish state, which ceases to be Jewish. Judaism is not just a personal religion but a communal and social structure that has political law. It has a narrative and an end. Strauss envisions the solution of the Jewish state as a return to a creative Judaism, a return to religion. In order to describe his point, Strauss presents Rosenzweig and Buber’s philosophy as a possible example of an intelligent, up-to-date Judaism. I will follow Strauss by describing their philosophy and continue with Levinas.

For Rosenzweig, there is no room for a nation-state, with the exception of the Jewish state. According to Rosenzweig, the purpose of all humanity is universal, and the values of such a world are to strive for an ethical world, to enhance the good. He thought that nation-states are an obstacle to such purpose, and if they are created as an end to itself, they are not justified. If that is the case, why is a Jewish state justified? Rosenzweig answers that creating a Jewish state is justified only if it helps the universal, if it creates unity between all nations, unity between man and the world, and most important between man and God. A Jewish state must therefore be a light to the nations as fulfilling the goal of creating space for God in order to create this unity. Rosenzweig emphasized that this unity is achieved through revelation and redemption of God. Rosenzweig explained his theory by describing a geometric model, his famous Star of David, which is made of two triangles consisting of six elements—God, world, and man on one triangle, and creation, revelation, redemption on the other triangle. The meeting of all elements is the Jewish goal.

So the purpose of the Jewish state is to have one God who unites man with the world. At the same time, we are to believe in the idea that God did not leave his creation, but is involved with it and reveals himself as loving, and
will at the end redeem the world to become one with him. The purpose of the Jewish state is to bring it to its infanthood, where man will love his neighbor, where man will love God. Rosenzweig’s theory may bring to mind the Maimonidean’s Universalist utopia, as described at the end of the *Mishneh Torah*:

> In that era, there will be neither famine nor war, envy or competition for good will flow in abundance and all the delights will be freely available as dust. The occupation of the entire world will be solely to know God. Therefore, all will be great sages and know the hidden matters, grasping the knowledge of their Creator according to the full extent of human potential, as Isaiah 11:9 states: “The world will be filled with the knowledge of God as the waters cover the ocean bed.”

But Maimonides was a rational philosopher, and his utopia is a triumph of philosophy. Rosenzweig’s utopia is a call for overcoming philosophy and rationality, for the sake of revelation, to the realization that human existence is relying on God. Not on his wisdom or intellect, but on his being.

Unlike Rosenzweig, Martin Buber did not accept that certitude of faith. Quoting Martin Heidegger, Buber claimed that God’s existence and God’s truth are not that obvious. As the prophets taught, man is advised to be human and not to look for a shelter in the temple of God:

> Heidegger warns this way against “religion” in general, but in particular against the prophetic principle in the Judeo-Christian tradition. “The ‘prophets’ of these religions,” he says, “do not begin by foretelling the word of the Holy. They announce immediately the God upon whom the certainty of salvation in a supernatural blessedness reckons.” Incidentally, I have never in our time encountered on high philosophical plane such a far-reaching misunderstanding of the prophets of Israel. The prophets of Israel have never announced a God upon whom their hearers’ striving for security reckoned. They have always aimed to shatter all security and to proclaim in the opened abyss of the final insecurity the unwished-for God who demands that His human creatures become real, they become human, and confounds all who imagine that they can take refuge in the certainty that the temple of God is in their midst. This is the God of the historical demand as the prophets of Israel beheld Him. The primal reality of these prophecies does not allow itself to be tossed into the attic of “religions”: it is as living and actual in this historical hour as ever.
By this acceptance of Heidegger, of placing man in the center, man with his doubts and faiths, Buber permits a secular age à la Taylor, regardless of faith. Even the most famous, in a secular age, assumes his self before God. God is an experience of man. He doesn’t exist outside human experience. But there is something else in Buber’s thought, regarding Judaism; he denies the priority of the law. Indeed, Buber is antinomianist, and Jewish law receives its value only if it reflects human experience. Otherwise the law expresses relationship of Ich-Es or I-It. So although Buber believes in a Jewish state, it is rather a secular state with some Godly values. No Jewish laws. Of course, such an opinion doesn’t fit Strauss’s view. As I mentioned above, Strauss claimed that there is no Judaism without the law. The Jewish state is not Jewish without its attachment to the laws of the Torah. From a Jewish point of view, the question is not only if a person identifies himself with God, as Tailor says, or if he relies on God instead of on the state, as Strayer says, but if he identifies with the Torah and its laws.

I would like to leave the question of the law for a moment and focus on the definition of the polity. Buber shared one more understanding of Heidegger; it has to do with a disagreement he had with Edmund Husserl. As I quoted Karl Jaspers elsewhere, he describes a sociological dichotomy between Husserl and Heidegger, between egological epistemology and social ontology. For Husserl, the world, including the social world, is a world that a person perceives as a spectator. In what Husserl calls “bracketing,” he reduces the world that is relevant to a human being into what appears to the subject: “I am no longer a human Ego in the universal, existentially posited world, but exclusively a subject for which this world has being, and purely, indeed, as that which appears to me, and of which I am conscious in some way or the other, so that the real being of the world thereby remains unconsidered, unquestioned, and its validity is left out of account.”

As Jaspers describes it, “the world is experienced and known by the transcendental subject in isolation—the Ego. . . . The mental becomes the foundation, rather than the external world of objects, as in the objectivistic tradition.” As Husserl himself pointed out: “In respect to order, the intrinsically first of the philosophical disciplines would be the ‘solipsistically’ reduced ‘egology,’ the egology of the primordially reduced ego. Then only would come intersubjective phenomenology, which is founded on that discipline.”

Jaspers continues by claiming that according to Husserl, man is not inherently social, but is capable of being social, an idea that he shares with Max Weber. As Heidegger already criticized René Descartes and Gottfried Leibniz,
the detached subject is unable to communicate with others. Husserl tried to solve this problem by imposing empathy between the ego-poles, and it is the assumption of empathy that is the foundation of Husserlian intersubjectivity.

For Heidegger, instead man is a social entity. He is born into society, and his source of perspective of the world is never his subjectivity versus the world but within the world. Any knowledge of the world is grounded in man as living among other men: “On the basis of this with-bound (mithafien) being-in-the-world, the world is already the one that I share with others. The world of Dasein is a with-world (Mitwelt). Being-in is being-with (mitsein) others. The innerwordly being-in-itself of others is Dasein-with (mitdasein).”

Human beings are conditioned by their past, by history. Man is from the very beginning part of a larger whole, of the world of society. He is not only conditioned by his immediate society but also by his culture of which he is surrounded. The effect of society is not merely conversations or theories he encounters, but objects as well, like tools and buildings. What is important to note in Heidegger’s thought is that man is never alone. Man can only be with others, which is the special ontological relation that characterizes man.

Buber sides with Heidegger, and for him a political entity is not necessarily created by man, but is done spontaneously. Man is born into society and is part of it. The same is true of course in a Jewish state. Forcing Jewish law will be foreign to the Jewish state, and will not reflect its citizens’ natural social interconnections. Levinas had a different approach to man’s social being, and therefore his concept of the polity is different as well. I will thus present Levinas’s political perception from this idea in mind.

LEVINAS

Levinas’s political philosophy is not as explicit as his other writings on phenomenology. Yet it is assumed that his Third Party is synonymous with “humanity.” The Third Party is another way of speaking of other people identified as other selves, and is also a perception of me through the eyes of the other. Human life is a social life, or mitdasein, as Heidegger called it. Human beings are born into society. In this sense, being in society is being in the world. But for Levinas, the existence of the other doesn’t only signify life or being, but also a call for responsibility. What Levinas calls “the epiphany of the face” of the other creates a total responsibility for the life of the other. Thus, with the mere fact of the existence of two human beings, ethics is created, ethics but not yet law or justice. Justice is created only when a third party watches over:
By essence the prophetic word responds to the epiphany of the face, doubles all the discourse not as a discourse about moral themes, but as an irreducible movement of a discourse which by essence is aroused by the epiphany of the face inasmuch as it attests the presence of the third party, the whole of humanity, in the eyes that look at me. Like a shunt every social relation leads back to the presentation of the other to the same without the intermediary of any image or sign, solely by the expression of the face. When taken to be like a genus that unites like individuals the essence of society is lost sight of.

For Levinas, the third party as an observer is what develops ethics to law. As I described in the beginning of this essay, it is the legal aspect that forms the Jewish philosophical tradition. Indeed, Levinas did not develop a theory of justice, but he did create a philosophical foundation for a political theology. God is found in his thought in the realm of the individual and his meeting with the other; through the other evolves ethics, but only in society this ethics develops to justice, which is a full application of ethics in the world. But what is missing in Levinas's thought is the place of the law as revelation. Unlike a long tradition of Jewish philosophers, for whom it is the revealed law that creates ethics, for Levinas ethics are revealed and the law evolves from ethics, and thus politics is but an effect of ethics as well.

JEWISH STATE AND JEWISH LAW

We come back to Strauss’s claim: because Judaism is about law, the Jewish state should be bound by Jewish law, and of course, there shouldn’t be separation between state and religion. But such a demand from a modern democratic state raises many questions: Can a Jewish state be a democracy or must it be a theocracy? Who should decide which laws should apply and which not? Is there any room for a public discussion about which of the Jewish laws should be applied? Doesn’t the law bestow power on rabbis and remove any authority from the people? And the most difficult question: How can religion be a subject of discussion? Isn’t religion absolute? A religious person can’t compromise with his religion. The same is true about Jewish law. Jewish law is considered absolute in the eyes of an observant Jew, and he can’t compromise it for the sake of secular law. If that is true, how can a democratic state bear Jewish law?

In order to solve these questions, I want to distinguish between subjectivity and doubt. I claim that the fact that Jewish law should define the Jewish state does not necessitate a rejection of public discussion, and the reason for
that is the state of certitude of Jewish faith as well as Jewish law in the modern era. As Buber claimed, certitude of faith is impossible in our time. We do confront our faith in God with doubts about his existence and his Torah. Yet that doesn't mean to say that we are not convinced about the two. As opposed to some claims, Jewish religion should not be limited to the subjective sphere, to the private sphere. Conviction may arise in a background of doubt. A similar claim was made by R. Abraham Yeshayahu Karelitz, the Khazon Ish (1878–1953), who said that despite the authority and the obligation that is given by the Jewish law to force law, that shouldn't apply in the modern era. The reason is that the existence of God is not as revealed as it used to be in the past. When the Divine Providence is concealed, man can demand neither faith nor obedience to the law:

Individual cohesion of the law is only permitted at times when the Divine Providence was revealed, and only then punishing the sinners was the way to enhance observation of the law. But at a time when His face is hidden, and faith ceased from the indigent, cohesion doesn't add observance anymore, but creates the opposite instead, because it will appear as violence, God forbid. Not as cohesion for the sake of observance. And since the idea of individual cohesion was created for the sake of Tikkun Olam, the law does not exist when there is no Tikkun. And we should try to influence them with means of love and to shade as much light as we can.\textsuperscript{19}

Perceiving our time as a time of doubt, as time that we can’t be certain about his existence because he hid his face, leaves faith to the individual’s conviction. He can’t demand it from his neighbor. In my opinion, such perception of certitude of faith enables not only acceptance of secular people within society, but also secularity itself. Understanding it has an enormous importance because it enables public discussion instead of force.

Public discussion is enabled when disagreements are managed with respect to both sides. If in the case of disagreement each adversary does not respect the legitimacy of his adverse, the society is doomed for schism. Each side must accept the opinion of the other as a possible truth. It doesn’t mean that he is not convinced that he is correct and that his adversary is wrong, but rather that there is a possibility that he is correct. Accepting the possibility of truth from one’s adversary is the most important condition of decent democratic life.

I claim that the same thing is true regarding Jewish law in modernity. An observant Jew must be convinced about the law, but the lack of certitude,
as R. Karelitz says, enables the possibility of secularity and therefore its legitimacy. It is this legitimacy that enables a decent discussion about Jewish law in the Jewish state. Observant and nonobservant can meet and decide about the laws of the Jewish state and its public sphere, and both can accept the results of their decisions as legitimate.

The sort of decent discussion that I suggest reminds us of the sort of discussion of the public sphere of Habermas. I think that the importance of my idea is not the fact that I suggest a decent discussion but that I enable it even between such a principled subject as religion and religious law. The distinction between certitude and conviction is thus essential to a decent public discussion.

NOTES


10. Leo Strauss, *Jerusalem and Athens: Selected Writings of Leo Strauss* (Jerusalem: Leo Baeck Institute and Bialik Institute, 2001), 342.

11. Ibid., 344–52.


