

TEXTUAL REASONING

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Peter Ochs, the founder of “Textual Reasoning” as “a self-consciously named society of scholars,” has referred to this society as a group that is “a movement in Jewish philosophy and rabbinic text study.” Robert Gibbs, one of the most prominent members of this society, has stated that “this kind of reasoning . . . is just what we need in response to modern foundationalist and fundamentalist reasoning.” Both Ochs and Gibbs (in different registers, to be sure) have seen this society and the movement or universe of discourse that it is attempting to organize to be “postmodern” phenomena, historically speaking.

I am a member of the society because most of the seriously Jewish Jews with whom I engage in philosophical discussions are members of the society. Just like the people in my synagogue are Jews I need to pray with, so the members of the Society for Textual Reasoning are Jews I need to philosophize with. Both praying and philosophizing are two of the most serious human enterprises possible, especially for Jews, so it is important for me to find good reasons for what I have in common with the other members of these two groups who have a claim on my loyalty. And just as I like to contribute to discussions of what my synagogue ought to be because of my personal stake in it, so do I welcome this opportunity to contribute to this discussion of what textual reasoning ought to be because

of my personal stake in it. Therefore, I would like to react to some of the comments of my two friends for the sake of clarifying what we are doing in this association between ourselves and with others. Along these lines, let me raise the following questions: (1) Why are we postmodern? (2) Why are we philosophical?¹ Why are we not foundationalists?² Why are we not fundamentalists?

In order to understand what is "postmodern," we have to understand what is "modern," especially what "modernity" means to Jews. Modernity is an historical term, and is just as much a political one inasmuch as history is always some sort of group narrative. For Jews, especially, modernity begins in 1789 with the French Revolution. What the French Revolution initiated for Jews was a political quantum leap since it destroyed the essentially communal definition of who is a Jew. In premodern times, to be a Jew meant to be part of a semi-autonomous Jewish community which had almost complete control over every aspect of one's life, even to the extent of having police power. (I say "semi-autonomous" since Jewish communities rarely if ever had the power to conduct their own military operations, and Jewish communities regarded themselves to be governed by God through revealed law, not by their own sovereignty.) Thus, even someone who chose to leave the Jewish community then, for whatever reason, did not do so as an individual exercising freedom of the will but, rather, he or she did so by exchanging one communal identity for another. But all of this came to an end in the transition from the *ancien régime* to modern nation-states, where one's membership in the state itself (and thereby one's right to depart from it with impunity) was now considered to be an individual option. This voluntarism extended to subsidiary groups *within* the nation-state such as the new Jewish congregations (that is, associations of all sorts) which replaced the old Jewish communities (*qehillot*). In other words, these new

¹ Leo Strauss, "Why We Remain Jews," in *Jewish Philosophy and the Crisis of Modernity*, ed. Kenneth Hart Green (Albany: State University of New York Press, 1997), 311-56.

² Hermann Cohen, *Religion der Vernunft aus den Quellen des Judentums*, 2nd ed. (Köln: Joseph Melzer, 1928), 4-5; Cohen, *Religion of Reason out of the Sources of Judaism*, trans. Simon Kaplan (Atlanta: Scholars Press, 1995), 4.

congregations could hardly make the type of communal claims that the old communities made since the nation-state itself, of which Jews were now complete citizens, could no longer make any such communal claims, especially the claim that one's membership in the nation-state is irrevocable. To borrow Sir Henry Maine's famous distinction, modernity required Jews to conceive of themselves as constituted by contract rather than by status. All modern Jewish discourse takes place within this political context, whether one admits it or not.

Because of this radical political change, modern Judaism had to become more philosophical and less theological. That is, Jews had to justify their remaining (and in some cases even becoming) Jews by universal/rational rather than singular/revealed criteria. Thus, in premodern times, one could say with political import that he or she was a member of the Jewish community by virtue of divine election. In modernity, conversely, one could only say with political import that he or she is a Jew because of some universal philosophical reason, even if that philosophical reason be no more rigorous than an assertion like "it is good for every human being to have cultural roots."³ Of course, more thoughtful Jews came to Judaism — especially to its classical texts — with more profound philosophical reasons. As Hermann Cohen quintessentially put it, "However, even if I am referred [*hingewiesen*] to the literary sources . . . those sources [*Quellen*] remain mute and blind if I do not approach them with a concept [*Begriffe*], which I myself lay out as a foundation [*zugrunde gelegt habe*] in order to be instructed by them [*freilich von ihnen belehrt*] and not simply guided [*geleitet*] by their authority."⁴ Accordingly, every text becomes a pretext or precedent (an *asmakhta* rather than a *derashah gemurah*, as the medieval exegetes would say) for what has been conceived ontologically, that is, foundationally, through philosophical reasoning. And, over all of those efforts lurks the ghost of Spinoza, who had so ably appropriated classical Jewish texts to

³ B. Kiddushin 40b; *Sifre Ekev*, no. 41, ed. Finkelstein, 85. See n. 13 thereon for parallels.

⁴ Cohen, "Spinoza über Staat und Religion, Judentum und Christentum," in *Jüdische Schriften* (Berlin: C. A. Schwetschke & Sohn, 1924), III:302; cf. R. Joseph Albo, *Sefer ha'Iqqarim*, 3.28.

philosophically argue himself — and by implication every other modern Jew — out of the Jewish tradition altogether. Thus, one can see modern Jewish philosophy beginning in Moses Mendelssohn's attempts to counter Spinoza's theological-political conclusions about the lack of a true *raison d'être* for the Jews and their Judaism.

So far, we are still in modernity since we have to be philosophical in our public justification for remaining Jews. (This includes even those who consider themselves to be "orthodox," who without the political context of the traditional *qehillah*, have had to politically reconstitute themselves as Jews just as much as the "liberals" have had to do, even though the orthodox are obviously much closer to traditional Jewish practice than the liberals are.) Moreover, being philosophical seems to mean being foundational, that is, proceeding from a rationally constituted ontological foundation (such as Kantian notions of "autonomy") taken from outside the Jewish tradition. Even those who would make their case in terms of immediate theological authority (that is, halakhically) can only exercise that authority because those subject to it have freely subjected themselves to it. On important issues, they have had to philosophically *persuade* others both outside and even inside their own constituencies to accept their normatively charged opinions. In other words, even "fundamentalists" are operating with philosophical premises (often hidden or unconscious in those less perspicacious). Those of us who are not "fundamentalists" (that is, who are not like what philosophers call "naïve realists") are conscious of our own philosophical premises and, when we are most conscious of what we are doing, take responsibility for these premises as well.

So, what makes us postmodern? Why do we have to consider ourselves to be postmodern? I think a positive answer to these two questions is going to emerge from an attempt to formulate an approach to classical Jewish texts that is able to transcend the philosophical naïvete of the fundamentalists and the imperiousness of the foundationalists. That is, it should be an approach that combines the humility *before* the text of the fundamentalists with the sophistication *about* the text of the foundationalists.

I would like to begin this meditation by repeating the key rabbinic text brought by Robert Gibbs and engaging him in his interpretation of it using, I hope, authentic textual reasoning. I use my translation of the text rather than Gibbs' in an attempt to persuade him (and by extension, other textual reasoners) of what the text means for those who take this approach of humility and sophistication.

Once when R. Tarfon and the elders were dining in the house of Nit'zeh in Lod, the following question was asked in their presence: Is Torah learning [*talmud*] greater, or is the practice of the commandments [*ma'aseh she-ha-talmud*] brings one to practice [*mevi' liydei ma'aseh*]." (3)

In his comments on this text, Gibbs writes that "[t]he question . . . seems to be about the comparative worth of theory and praxis, of thinking and doing." He then notes the paradoxical character of this text: "the hierarchy seems altogether confusing, then, since the 'smaller' term seem to be the goal of the 'larger' one." His solution to this paradox is that "theory is greater than mere practice, but not because one knows more, rather because one practices ethics." If I understand him correctly, Gibbs resolves the paradox by saying that informed practice (that is, practice preceded by study, what Hermann Cohen called *Theorie der Praxis* (4) is better than uninformed practice. My question to Gibbs is: Is informed practice a better understanding of *how* it is to be done properly, or a better understanding of *why* it is to be done altogether? I think that the answer to this question will enable Gibbs to use this text more effectively to make his point about the ethical character of Jewish text study. We can get to this answer by concentrating on Gibbs' use of the English word "because" for the Hebrew preposition *she* (namely, *she-ha-talmud mevi' liydei ma'aseh*), which he sees the text as presenting a teleological justification for giving study (better, "learning") temporal priority to practice since a *means* is temporally prior to the *end* it seeks to achieve.⁵

⁵ Aristotelians would call this an "instrumental" means, in which the act being performed is for the sake of something outside its own operation as its *telos*, and is thus distinct from an act done for its own sake. See Aristotle, *Nicomachean Ethics*, 1094a1-5.

But, in my own translation, I follow the interpretation of the 17th century kabbalistic theologian, R. Isaiah ha-Levi Horowitz⁶, who argues that it is not that practice is the end of learning, but rather that practice is a result or effect (*mesovav*) of learning. What is the difference? It seems that R. Isaiah is telling us that the rabbinic text sees Torah learning as being an end in itself, *from* which it is likely one will be generally inspired to practice the *mitsvot*, even though the causal link is not precise. In other words, practice is an effect caused (efficiently) by learning rather than practice being the final cause (*takhlit*) of learning. Along these lines, one could argue that looking into the *Shulhan Arukh* for instruction in how to perform a particular *mitsvah*, or asking a rabbi to do so on one's behalf, is not so much "Torah for its own sake"⁷ as it is preparing for that particular *mitsvah* (what is called *kavvanah le-pe'ulah*.⁸ True Torah learning per se might very well require a different kind of intention (*kavvanah*) than the performance of any other *mitsvah*.

This separate intention for Torah learning might well be epitomized by the search for the "reasons of the commandments" (*ta'amei ha-mitsvot*), either their ultimate intentionality or their historical origins as in the ubiquitous talmudic question: *m'ai ta'ama*: "what is the reason or source?"

Since learning and practice are both social activities, how do they differ? In terms of learning, Gibbs speaks of "the inter-personal dimension of reading," and that "[t]he text is then a pretext, but the relation to another reader (and not to the author) governs the task of reading." Learning does not mean the solitude that Aristotle or Spinoza meant by the *vita contemplativa*. It is more like the "dialogue" (*dialogos*, literally "the word between them") that Plato described as Socrates' greatest achievement. But I differ with Gibbs about the lack of authority or governance of "the author." In reading a sacred text, that authority is not immediate, but it is ultimate. It emerges though (*dia*) the word spoken

⁶ *Shnei Luhot ha-Berit*: Torah she-bi-Khtav, R'eh, ed. Amsterdam 1648, 82b-83a.

⁷ Y. Berakhot 1.2/3a, the views of R. Simon ben Yohai; cf. b. Nazir 23b.

⁸ See *Shulhan Arukh*: Orah Hayyim, 60.4 and R. Israel Meir ha-Kohen, *Bi'ur Halakhah* thereto.

(*logos* or *dibbur*) by the interlocutors.⁹ The authority of the interlocutors themselves, then, is penultimate. The truth (*aletheia* or *'emet*) finally shows itself to us, even if we can never predict when that will be, or even if it will ever be for us.

It would seem that for the sake of practice, I ask someone else (a rabbi or *poseq*) what I should be doing. Once I am told, that ends our one-on-one relationship, for the time being anyway. In reading/learning, however, someone else asks me to engage with him or her in helping both of us together to uncover the meaning of the text at present unknown to either one of us. Thus learning is even more public than practice inasmuch as it is open-ended discourse potentially involving an unknown number of other interlocutors/respondents. Indeed, Rabbi Akiva, whose view about the primacy of learning is accepted by the majority of the sages, paid for this view with his life. He was executed by the Romans not for “studying” the Torah, which he could have easily done either alone or in a private setting with only one or two others but, rather, he was executed because “he was assembling groups in public [*maqhil qehillot be- rabbim*] in order to engage in Torah learning.”¹⁰ Indeed, one interpretation of the text judging learning to be prior to practice insists that this is only the case when this learning also involves teaching others, which seems to mean continuing to question them and ourselves.¹¹

Here we see three possibilities as regards interlocution and response. (1) In the case of practice, I am making a claim on a classical text, either directly by myself if I am more knowledgeable or indirectly through an authority if I am less knowledgeable. I am asking the text to show me how to do what I already want to do. In rabbinic parlance, this is called *hora'ah*. (2) In the case of learning, I am making a claim on another person to join me in making a claim on a text to show us what we already want to know.

⁹ Plato, *Crito* 46bd, 48a.

¹⁰ B. Berakhot 61b.

¹¹ See b. Kiddushin 40b, *Tosafot*, s.v. “talmud”; cf. b. Baba Kama 17a, *Tosafot*, s.v. “ve-ha’amar”.

In modern Hebrew parlance, this is called *mehqar* ("research"). (3) The text is making a direct claim on me and my fellow interlocutors to know what its author wants us to know. In theological parlance, this is called *revelation*, which we are to approach by "learning" (*talmud*).

One could say the first possibility is that of the "fundamentalist" or simple believer (a less pejorative designation), namely, the Jew who simply wants to be told how to do what he or she already wants to do, which is to be a publicly recognizable "religious" Jew with immediately authoritative approval. One could say that the second possibility is that of the "foundationalist," namely, the Jew who wants to appropriate whatever he or she can for their own philosophical purposes. (Thus one can see the philosophical premise of much of Jewish historicism to be to show how much Judaism has changed by those who want to change Judaism in the name of some ideal like "progress.")

It would seem, though, that the third possibility is postmodern. It is the attempt to retrieve the revealed content of the text, that is, the divine command that the text claims us for. That is why textual reasoning has to become "scriptural reasoning" (in Peter Ochs' scheme) because only divine revelation can make a *prima facie*, unjustified, claim upon us. Only Scripture and its commentaries are worthy of our opening ourselves up to their *prima facie* claims upon us. Any other text must make an argument to us based on criteria outside itself, that is, it must be justified by us rather than justifying us. The "us" here is the community who desire to hear the full word together, not the lone individual who wants to appropriate only part of the word for his or her own separate purposes. All other claims upon us, which could only be human claims, must be justified by their transparency to the primary divine claim. In other words, the postmodern scriptural reasoner is making a claim on his or her fellow scriptural reasoners for the sake of the divine revelation within the sacred text. He or she is claiming others in order that they both might be claimed by the word. Thus, the most important question asked in the Talmud — and which should still be asked by us — is "where does this claim come from" (*mena hanei millei*)? That is why we should kiss a copy of Scripture or any of its commentaries (understood broadly) when we pick it up when it falls

to the ground, which would be absurd to do for any other book, even one written by Aristotle or Kant. That is why we should not read other authors, even other Jewish authors, even other Jewish authors we like to think of as postmodern, as we would read Scripture and its attendant tradition.

But we are not fundamentalists. We cannot do an end-run around the universalism of modernity. We cannot approach the scriptural text directly through the tradition, as our ancestors could, because the tradition no longer governs our political life as it did the political life of our ancestors. As Alasdair MacIntyre has well taught us, all ethical questions are questions for the society in which we live. And as Emmanuel Levinas has well taught us, all ethical questions—that is, all questions of praxis—are questions of justice, the all-inclusive excellence, as Aristotle well taught us.¹² In the covenant, justice (*mishpat*) not only structures the interhuman relationship, it even structures the divine-human relationship (see Gen. 18:16–25). Politically, we are all Jews voluntarily. In other words, we all come to the Torah and its tradition via philosophy as ethics broadly conceived. Indeed, my friends, Peter Ochs and Robert Gibbs, epitomize Jews who have been retrieving the tradition and its founding revelation, which were not originally present to them, because of their philosophical quest. That explains their great affinity to Franz Rosenzweig, who could be considered the first postmodern Jewish thinker as Spinoza could be considered the first modern Jewish thinker.

I am still somewhat uncomfortable with the term “postmodern” if it means that modernity is over. I cannot accept any such obituary since modernity’s essential voluntarism is still very much with us and shows no signs of disappearing, no matter how much of the earlier self-confidence of modernity has been broken by historical disappointments. Only fundamentalists think they can overcome modernity by simply retreating from it, something many of them are doing with increasing violence. But, if postmodernity is the return of the long-repressed desire for truth to

¹² *Nicomachean Ethics*, 1094a25–29, 1129b25–30.

reveal itself rather than be constructed by us or imposed upon us by authoritarians, then postmodernity is certainly an important moment, albeit still within Jewish modernity overall. Indeed, the postmodern moment needs to be seen as a theological moment, as the attempt to read Scripture and its tradition normatively again. It is the attempt to constitute a “second naïveté,” as Paul Ricoeur likes to call it. It is the rejection of the modern historicism of which too many Jewish scholars (the heirs of *Wissenschaft des Judentums*) are still enamored because this historicism tells us many true things *about* the Jewish tradition while refusing simultaneously to affirm any truth *of* the Jewish tradition. Nevertheless, it is not a rejection of the impressive results of Jewish historical research, but only of its hidden epistemological and ontological premises that call for their own deconstruction. Indeed, textual/scriptural reasoners have to understand these results of historiography better than the historicists who have found them for us.

If the Society for Textual Reasoning will take its theological responsibilities seriously, with increasing self-consciousness, then it has a task to say what has not been said before. However, if its work consists of merely deciphering what Jewish postmodern thinkers like Rosenzweig said rather than why they said it, then we will be going right back to the modern avoidance of the question of truth, which is the question of revelation, the proper subject matter of theology, the epitome of Jewish discourse.¹³ May we then have the courage to approach sacred texts in order to be claimed by their content, rather than in the end hiding ourselves behind them as too many of our modernist predecessors have been long doing.

¹³ See Maimonides, *Mishneh Torah*: Talmud Torah, 1.12.