

## INTRODUCTION

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IS JUDAISM A RELIGION? Is Jewishness a matter of culture? Are the Jews a nation? These are modern questions, and this book tries to explain why this is the case. More specifically, this book tells the story of how and why the idea that Judaism is a religion was invented in the modern period, and the many conceptual tensions that followed from it.

Like the notion of Jewish religion, the modern concept of religion more generally is not a neutral or timeless category but instead a modern, European creation, and a Protestant one at that. The etymology of the term “religion” remains disputed, with some arguing that it comes from the Latin “to bind,” while others contend the root word is “to reread,” and still others “to be careful.” As the distinguished scholar of religion Jonathan Z. Smith notes, the word “religion” was used in its Roman and early Christian settings as a noun (*religio*), an adjective (*religiosus*), and also an adverb (*religiose*), and all of these uses were related to the performance of ritual practices. In the sixteenth century, colonialists began to use the term specifically with reference to non-Christian ritual practices. Yet by the eighteenth century, religion did not refer mainly to ritual practice or performance but instead to personal belief or faith.<sup>1</sup>

From the eighteenth century onward, modern Jewish thinkers have been concerned with the question of whether or not Judaism can fit into a modern, Protestant category of religion. After all, Judaism has historically been a religion of law and hence practice. Adherence to religious law, which is at least partially, if not largely, public in nature, does not seem to fit into the category of faith or belief, which by definition is individual and private. It is the clash between the modern category of religion and Judaism that gives rise to many of the creative tensions in modern Jewish thought as well as to the question of whether Judaism and Jewishness are matters of religion, culture, or nationality. As we will see, internal Jewish disagreements about the category of religion mirror internal Jewish debates about not only theological and philosophical matters but also about, for instance, modern Yiddish literature and Jewish nationalism. At the same time, we will see that the story of the invention of Jewish religion anticipates many current debates about the nature of contemporary society, such as the separation of church and state, the nature of modern views of tolerance and pluralism, and questions about religion’s place in the public square.

To appreciate the novelty of the idea of Jewish religion, we need to understand a bit about the nature and structure of medieval and early

modern Jewish communities. Prior to modernity, which I will define in the pages that follow as the acquisition of citizenship rights for Jews, Judaism was not a religion, and Jewishness was not a matter of culture or nationality. Rather, Judaism and Jewishness were all these at once: religion, culture, and nationality. The basic framework of organized Jewish life in the medieval and early modern periods was the local Jewish community, which was an autonomous legal body that had jurisdiction over the Jewish population in a particular area. Many such communities were spread throughout Europe, and any given community existed only by virtue of the permission of some external authority, usually the nobility or royalty, who would offer the community protection in return for taxes and the performance of some useful function. Increasingly throughout the Middle Ages, Jews functioned as tax collectors or were involved in other financial enterprises, since they were often banned from artisan trades, farming, military service, and owning land.

While a local Jewish community's existence depended on the whims of others, premodern Jewish communities also had a tremendous amount of political autonomy. Jewish communities were self-governing, and each community had its own set of bylaws administered by laypersons who, among other things, elected a rabbi for the community, who had jurisdiction over matters of ritual law while also giving credence to the laws of the community as a whole. Each community had its own courts as well as its own educational, health, economic, and social services systems. The community was also responsible for law and order, and had the right to punish its members in a variety of ways, including exacting fines, imprisonment, and corporal punishment.

Local Jewish communities often varied greatly from one another. Yet despite local differences, premodern Jews imagined themselves as one united people (as *klal yisrael*, "the collective people of Israel"). Rabbis and scholars engaged one another on matters of Jewish law, or thought across communities; many economic activities occurred across communities; and perhaps most significantly, Jewish communities frequently came to each other's aid in times of need by, for instance, providing money to help communities rampaged by violent riots. On a theological level, Jews had a common messianic hope that all the Jewish communities dispersed around the world would be reunited in the land of Israel in the days of the Messiah.

For members of the Jewish community who had transgressed its laws, one of the greater punishments was excommunication, and appreciating why will help to illuminate the nature of an individual Jew's identity in the premodern world. Excommunication applied not to individuals only but extended to their entire family too. Excommunicated individuals could not marry or engage in economic activity within the community,

nor could they be buried in the communal cemetery. Without converting to Christianity or Islam, an excommunicated individual would have nowhere to go. Excommunications were usually for short periods, but sometimes they extended indefinitely.

The famous Jewish heretic and philosopher Baruch Spinoza (1632–77) was excommunicated from the Amsterdam Jewish community in 1656. According to the community record book, Spinoza was excommunicated for his “evil opinions and acts.” These opinions and acts were not specified, but given his later writings, one can get a general sense of them. In his philosophical work, Spinoza denied the creation of the world, the immortality of the soul, a providential God, the election of the Jewish people, and the continued relevance and meaning of Jewish law. His “evil acts” likely consisted in his refusal to follow Jewish law. The fact of Spinoza’s excommunication testifies to the political power of the premodern Jewish community, yet his refusal to convert to Christianity and ability to live an independent life free of any religious community, to the dismay of both the Jewish and Calvinist communities of Amsterdam, undercut the Jewish community’s power. In this, Spinoza also anticipates Jewish modernity, in which Jewish communities do not exercise political power over individual Jews.

In his *Theologico-Political Treatise*, published anonymously, Spinoza makes an argument about Jewish law to which many modern Jewish thinkers would later respond. In an attempt to raise doubts about the truth of revealed religion generally, Spinoza is particularly critical of any notion of religious law that supports the idea of a personal, supernatural God who communicates God’s will to people. To discredit this understanding of religious law, Spinoza contends that the laws of the Hebrews—that is, the Jews—were pertinent only in the context of their original, political meaning: “ceremonial observances ... formed no part of the Divine law, and had nothing to do with blessedness and virtue, but had reference only to the elections of the Hebrews, that is ... to their temporal bodily happiness and the tranquility of their kingdom, and ... therefore they were only valid while that kingdom last[ed].”<sup>2</sup> Because the ceremonial law no longer corresponds to a political kingdom, Spinoza’s argument concludes that Jewish law is not divine law and that postbiblical Jewish law is meaningless.

As Spinoza knew full well, and as his excommunication shows, Jewish law did not disappear in the postbiblical period. In fact, what we call “Judaism” and “Jewish law” today developed postbiblically. Jewish law and Judaism are useful targets for Spinoza since criticizing them would not offend his Christian readers but instead would allow his more philosophical readers to draw the implications of his arguments for themselves. Spinoza, following Thomas Hobbes, anticipates (and hopes for)

a time when a unified, sovereign state would be the only type of political authority. Within just two centuries, much of Spinoza's vision would come to pass, and it is in the context of the emergence of the modern nation-state that Moses Mendelssohn (1729–86) would invent the idea of Jewish religion—the subject of chapter 1.



With this brief overview, we can now begin to understand why the question of whether Judaism and Jewishness refers to a religion, nationality, or culture is a particularly modern one. It simply was not possible in a premodern context to conceive of Jewish religion, nationality, and what we now call culture as distinct from one another, because a Jew's religious life was defined by, though not limited to, Jewish law, which was simultaneously religious, political, and cultural in nature. Jewish modernity most simply defined represents the dissolution of the political agency of the corporate Jewish community and the concurrent shift of political agency to the individual Jew who became a citizen of the modern nation-state. The fundamental question for much of modern Jewish thought in its many variations is: What value is there to Judaism in a time in which Jews don't have to be defined as Jews, at least from the perspective of the modern nation-state? It is this question that motivates different attempts to define Judaism in terms of religion, nationality, or culture.

Within the following chapters, major Jewish philosophers and thinkers will be covered, including Mendelssohn, Abraham Geiger, Samson Raphael Hirsch, Heinrich Graetz, Nahman Krochmal, Hermann Cohen, Joseph Soloveitchik, Yeshayahu Leibowitz, Martin Buber, Franz Rosenzweig, Emil Fackenheim, Abraham Isaac Kook, Zvi Yehudah Kook, Emmanuel Levinas, Solomon Maimon, Israel Salanter, Sholem Yankev Abramovitsh, Sholem Aleichem, Perez Smolenskin, Moses Hess, Leon Pinsker, Theodor Herzl, Ahad Ha'am, Hayim Nahman Bialik, Michah Josef Berdiczewsky, Mordecai Kaplan, and Leo Strauss.<sup>3</sup> Although there is significant secondary literature and controversy surrounding each of these figures, the story told here does not for the most part delve into it. Yet to allow interested readers to pursue some of this literature further, a selective, annotated reading list follows each chapter. While in no way meant to be comprehensive, the suggested readings also include relevant thinkers (such as Abraham Joshua Heschel and Isaac Breuer, just to cite two examples) and subjects that fall outside the orbit of this book. As is clear from the names of the Jewish thinkers mentioned above, Jewish men largely tell the story of the Jewish religion's invention and conceptual aftereffects, without much self-consciousness about the role of women and gender in modern Jewish life and thought. While issues of feminism and

gender are beyond this book's scope, the suggested readings following chapters 4, 7, and 9 recommend books that may be of especial interest to readers wanting to pursue this subject further.

The book as a whole is structured in two parts. The first section, "Judaism as Religion," comprises five chapters that track the development of the modern argument that Judaism is a religion from the eighteenth century to today. The second part, "Detaching Judaism from Religion," is made up of four chapters focusing on rejections of the contention that Judaism is a religion, also moving from the eighteenth century to today. These parts are both organized thematically, but also follow a more or less historical chronology. The conclusion of the book then turns briefly to ultra-Orthodox Judaism. Within the story of how Judaism became a religion and its aftermaths, ultraorthodoxy can be understood as a wholesale rejection of the modern attempt to divide human life into different spheres (such as religion, nationality, and culture), and thereby as a refusal to engage the question of whether Judaism is or is not a religion. The book ends with a discussion of a U.S. Supreme Court case in 1994 involving the ultra-Orthodox Satmar Hasidim (*Board of Education of Kiryas Joel Village School District v. Grumet*) that captures the conceptual tensions arising from defining Judaism as a religion (or not).

Given the scope of this book, three important clarifications are in order:

First, important historical work has been published recently on early modern Jews in an effort to correct our understanding of how Jews became modern. My concern in this book, however, is primarily with Jewish conceptualizations of whether Judaism is a religion or not. The argument that Judaism is a religion developed in the German Jewish context, and for this reason the first part of the book concentrates largely, though not exclusively, on German Jewish thinkers.

A number of factors might explain why the idea that Judaism is a religion was invented in the German Jewish intellectual and political framework, and not elsewhere. To begin with, German Judaism produced a highly intellectualized tradition of thought that mirrored its German cultural and philosophical surroundings. The idea of Jewish religion was born in the context of the Jewish response to the German Enlightenment (discussed in chapter 1). One of this book's central assertions is that the idea of Judaism as a religion emerged together with the modern nation-state. The German Jewish invention of the idea of Jewish religion was also a cultural and political reaction to the gap between the ideal of full Jewish integration into the German state, and a far more incomplete and vexed political and cultural reality (explored in chapter 2). This may explain why self-conscious conceptualizations of the idea of Jewish religion did not occur in England and France, where the processes of Jewish emancipation were far more complete.

The second half of the book turns mainly, although not exclusively, to eastern European and American Jewish thinkers who reject the idea that Judaism is a religion. By the end of the eighteenth century, Western Europe had moved away from the feudal and corporate structure of medieval Europe, toward unified and sovereign states. The Habsburg, Ottoman, and Russian empires, in contrast, had absorbed all the previously independent countries of eastern and central Europe, and feudal institutions were reinstated. As a result of the economic and political turmoil of eastern and central Europe generally, Jewish communities changed dramatically from within. Eastern European Jewish individuals, like their premodern ancestors, nevertheless were still defined legally, politically, and theologically as members of the Jewish community. For this reason, the idea of Jewish religion was largely irrelevant to eastern European Jews. By the nineteenth century, however, eastern European Jews were engaged in a dialogue with their western counterparts and rejected in multiple ways the idea that Judaism was a religion. In the twentieth century, a number of Jewish American thinkers also opposed the notion that Judaism was a religion, arguing that this idea was a distortion resulting from the strictures of European Jewish life, which, they maintained, were no longer relevant in the United States.

Second, my use of the phrase Jewish religion in this book is conceptual rather than terminological. I am less concerned, in other words, with whether various Jewish thinkers use the term religion to describe Judaism than with whether their conceptions of Judaism are best explained within the framework of a modern concept of religion. Two interrelated aspects of the modern concept of religion are especially relevant here (and will be elaborated on in the chapters that follow). As mentioned above, one of the main arguments of this book is that the invention of Jewish religion cannot be separated from the emergence of the modern nation-state. The notion that Judaism is a religion suggests that Judaism is something different in kind from the supreme political authority of the sovereign state, and may in fact complement the sovereign state. The modern concept of religion also indicates that religion is one particular dimension of life among other particular and separate dimensions, such as politics, morality, science, or economics. Understood as such, religion may or may not have political, moral, scientific, or economic implications but it is nonetheless to be distinguished from other spheres of human life.

Third, we will see that a number of thinkers discussed in part I of this book reject the term religion as applied to Judaism because of its Protestant associations. Yet we will also see that despite their protestations to the contrary, these thinkers inadvertently portray Judaism as a modern religion in a Protestant sense because their claims about Judaism are predicated on the two aspects of the modern concept of religion

described above. So too, we will see that the thinkers explored in part II deny one or both of these two interrelated aspects of the modern concept of religion as they apply to Judaism or Jewishness.

Beyond these three clarifications, as will be clear in the pages that follow, the story told in this book focuses largely on a modern German, pietistic account of religion as articulated by, among others, Immanuel Kant (1724–1804) and Friedrich Schleiermacher (1768–1834). On this account, the primary emphasis is placed on, in Kant's case, rational religion grounded in the autonomous self, or in Schleiermacher's case, the inner experience and pure feeling of the individual self. What is excluded under this model is any notion of religion rooted first and foremost in public life. While neither Kant nor Schleiermacher denies that religion has a social dimension, both subordinate communal forms of religious life to the individual's inner life. This modern notion of religion is in tension not only with the historical practice and self-understanding of Judaism but also with other sorts of Christian and non-Christian self-understanding. The story of how Judaism became a religion may be relevant, then, far beyond the purview of modern Jewish thought, as it is also a tale of one of the most vexed problems of modernity. I turn now to the beginning of the story.

#### SUGGESTED READINGS

##### *Historical Context*

- Birnbaum, Pierre, and Ira Katznelson, eds. *Paths of Emancipation: Jews, States, and Citizenship*. Princeton, NJ: Princeton University Press, 1995.  
The essays in this volume highlight the diversity within modern Jewish history, describing the similarities across, but illuminating the differences between, the processes of Jewish emancipation in various European states.
- Israel, Jonathan I. *European Jewry in the Age of Mercantilism, 1550–1750*. 3rd ed. Oxford: Littman Library of Jewish Civilization, 1998.  
Focusing on the history of various Jewries between the fifteenth and eighteenth centuries, Israel argues for the existence of an early modern period distinct from the medieval and postemancipation eras.
- Katz, Jacob. *Tradition and Crisis: Jewish Society at the End of the Middle Ages*. Trans. Bernard Dov Cooperman. Syracuse: Syracuse University Press, 2000.  
Using Poland, Lithuania, Hungary, and Germany between the sixteenth and eighteenth centuries, Katz describes a set of institutions, practices, and attitudes that he takes to be typical of Jewish society during this period. In his afterword, Cooperman in turn provides an overview of scholarly developments during the years following the 1958 appearance of Katz's text.
- Ruderman, David B. *Early Modern Jewry: A New Cultural History*. Princeton, NJ: Princeton University Press, 2010.  
Focusing on Italy, the Netherlands, and central and eastern Europe between the fifteenth and eighteenth centuries, Ruderman argues that the cultural

life of early modern Jews was characterized by five developments: accelerated mobility, increased communal cohesion, an explosion of knowledge, a crisis of rabbinic authority, and a blurring of religious identities.

### *The Jewish Tradition*

Fishbane, Michael A. *Judaism: Revelation and Traditions*. San Francisco: Harper and Row, 1987.

Fishbane offers a brief introduction to Jewish history, beliefs, practices, and texts.

### *Religion*

Asad, Talal. *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam*. Baltimore: Johns Hopkins University Press, 1993.

According to Asad, modern thinkers influenced by Protestantism break with their predecessors by separating religion from politics and the exercise of power—for example, by taking the term “religion” to refer primarily to individual belief, and defining the word “rituals” as actions that express such belief.

Dubuisson, Daniel. *The Western Construction of Religion: Myths, Knowledge, and Ideology*. Trans. William Sayers. Baltimore: Johns Hopkins University Press, 2003.

Contending that religion is a Western and Christian category that has profoundly shaped our understanding of the world, Dubuisson presents the “history of religions” as a problematic concept and calls for the development of new scholarly models.

Masuzawa, Tomoko. *The Invention of World Religions: or, How European Universalism Was Preserved in the Language of Pluralism*. Chicago: University of Chicago Press, 2005.

Concentrating on the nineteenth century, Masuzawa seeks to reconstruct the process through which the category of world religions has emerged, exploring the ways in which this concept—as well as the scholarly approach it enables—replaced premodern and early modern modes of classifying religions.

Smith, Jonathan Z. “Religion, Religions, Religious.” In *Relating Religion: Essays in the Study of Religion*, 179–96. Chicago: University of Chicago Press, 2004.

As the title indicates, Smith explores the histories of terms such as “religion,” “religions,” and “religious,” describing the processes through which these words have come to refer primarily to belief as well as the changing ways in which Western thinkers have identified and classified distinct religions.

### *Spinoza*

Kasher, Asa, and Shlomo Biderman. “Why Was Baruch De Spinoza Excommunicated?” In *Sceptics, Millenarians, and Jews*, ed. David S. Katz and Jonathan I. Israel, 98–141. Leiden: E. J. Brill, 1990.

Kasher and Biderman attempt to reconstruct the circumstances surrounding Spinoza’s excommunication, focusing primarily on identifying the views that his contemporaries took to be “abominable heresies.”

Nadler, Steven. "Baruch Spinoza and the Naturalization of Judaism." In *The Cambridge Companion to Modern Jewish Philosophy*, ed. Michael L. Morgan and Peter Eli Gordon, 14–34. Cambridge: Cambridge University Press, 2007.

Nadler provides an overview of Spinoza's views on religion and Judaism, explaining the ways in which the seventeenth-century thinker "naturalizes" key elements of Jewish life, ranging from the status of Jewish law to the authorship of the Bible to the nature of God.

Smith, Steven B. *Spinoza, Liberalism, and the Question of Jewish Identity*. New Haven, CT: Yale University Press, 1997.

Spinoza, Smith maintains, seeks to bring Judaism into conformity with liberal politics, discover in Judaism a model for elements of the liberal state, and develop a new rational theology appropriate for individuals participating in such a polity.