

SOME THOUGHTS ON THE THEOLOGICAL

ARGUMENT IN *COHERENT JUDAISM*

By Richard Claman

INTRODUCTION

Rabbi Neil Gillman z'l used to stress the need for each of us and especially for our rabbis to write a personal statement of our theological beliefs.¹

It is very difficult, however, to set forth, in any sort of more-or-less self-consistent manner, a statement of one's own Jewish theology — particularly one that also considers in detail the efforts of many others who have ventured on this path before. It is even more difficult to set forth a 'realist' conception of God and of the import of our performance of mitzvot (see below for a discussion of what 'realist' means in this context), and to do so from within the Conservative Movement.

¹ See, e.g., Neil Gillman, *Sacred Fragments: Recovering Theology for the Modern Jew* (Philadelphia: JPS; 1990), esp. at 275-279.

In *Coherent Judaism*, Rabbi Shai Cherry has provided us with an eloquent personal statement, including detailed and insightful reviews of various alternative philosophic positions that he has either drawn-upon, and/or rejected, and/or sought to combine.

Cherry's effort raises, however, a number of questions. For example: in an essay in the recently-published *Cambridge Companion to Jewish Theology* (Steven Kepnes, ed.) (NY: Cambridge U.P., 2020),² Professor Cass Fisher noted that one challenge facing any modern Jewish theology that seeks to posit the divine as ontologically 'real' is an epistemological challenge; e.g., how can we claim to know anything about a God who is posited to 'really' exist, but in a way different from how we understand other things (tables, or sunsets) to exist? Cherry argues (63): "The philosophy of language which we are describing, however, claims that language really affects reality itself, language is ontologically transformative," and in particular, "Legal categories reflect the structure of creation." I am not sure, however, that this is enough of a foundation to undergird a 'realist' view of God; it sounds like Cherry is conceding that his 'realism' only works if one is already playing a 'language-game' that allows commitment to a realist God. I wish, however, to focus elsewhere.

The question I would like to explore here is whether, in addition to setting-forth his own personal view, Rabbi Cherry has also provided us with a compelling argument in favor of his view as opposed to, say, the nominalist/rationalist (see *infra*) position set-forth recently by Rabbi Martin S. Cohen in *Spiritual Integrity: On the Possibility of Steadfast Honesty in Faith and Worship*.³

I think that Rabbi Cherry intended, in his introductory discussion of 'coherence,' to state the foundation for such a 'compelling' argument. But, as I will suggest herein, I don't think that his 'coherence' criteria (xv-xvi) are sufficient for such a purpose.

I note here also that he recognizes that (at least) one other position, that of his teacher, Arthur Green, is also coherent (215), although (as noted *infra*) Cherry rejects that position.

Accordingly, I suggest that we should read *Coherent Judaism* as an interesting statement of a theological position that is certainly worth considering, in all of its ramifications as explored by Rabbi Cherry; and as such this volume should be welcomed.

² Cass Fisher, "Theological Realism and its Alternatives in Contemporary Jewish Theology," ch. 17, at 392-422.

³ (Lanham: Hamilton Books; 2021).

CHERRY'S CENTRAL INSIGHT

I argued recently, in another context⁴ (discussing Sa'adiah Gaon's philosophic treatise 'published' in Babylonia in 933 CE) (and invoking a lesson from the late Harvard Jewish philosopher Robert Nozick) that, in reading works of 'constructive' theology (i.e. works trying to advocate for a particular theory, as opposed to just analyzing the works of others), we should begin by disregarding the formal structure presented by the author, and instead should work backwards (as indeed the author most likely had proceeded himself/herself), and ask: (i) what is the central insight that the author is advocating? And only then ask: (ii) how has the author sought to structure his/her work so as to try to justify that central insight?

Cherry's central insight here (xxii) develops a point made by Abraham Joshua Heschel in *Heavenly Torah*.⁵ Heschel argued that one could identify, within the Rabbinic literature, two strands: one relatively 'rationalist' (which he associated with the school of Rabbi Ishmael), and the other relatively 'mystical' (which he associated with Rabbi Akiva) (e.g., *Heavenly Torah*, 33-45).

Cherry, in effect, wishes to build on Heschel; and Cherry argues that we can see already in the Torah itself (in the different assumptions underlying the 'Priestly' literature of Leviticus and Numbers, in contrast to Deuteronomy) and continuing through the Rabbinic literature, and then in medieval and modern thinkers, two competing views: one that views the purpose of the mitzvot as being simply to educate/improve humans, and thus geared to the need of the particular time (so that, for example, as Maimonides [died 1204 CE in Egypt] argued, the Torah's sacrificial order was aimed at weaning the Israelites from contemporaneous idolatry, but God's ultimate aim was to prepare Jews for prayer, and in due course for contemplation as the ideal way to approach God); and the other viewing the mitzvot as somehow having some real-world effect on the relationship between Israel and God. On this second view, God (or at least, in Cherry's term, "godliness," see below) 'really' exists one of Cherry's favorite words is "ontologically" in contrast to the first view, sometimes referred to as 'nominalist' (Cf., e.g., at 214, contrasting his view with that of his teacher, Arthur Green: "Green discusses transcendence in epistemological terms; . . . I understand transcendence as ontological.")

⁴ See my article, "Sa'adiah at the Center," in the previous issue of *Zeremim*.

⁵ Abraham Joshua Heschel, *Heavenly Torah as Refracted through the Generations*, edited and translated with commentary by Gordon Tucker (NY: Continuum; 2015) (first two parts published by Heschel in Hebrew, in 1962 and 1965).

To give an example of the distinction here, so that discussion does not get too fuzzy: consider the ritual of Tikkun Leil Shavuot. As Gershom Scholem explained,⁶ this ritual staying up all night and studying, on the eve of Shavuot was instituted by the Safed kabbalists in the 16th century, and was based on a realist conception. Shavuot, in their conception, marked the cosmic wedding of God with the Shekhinah/Israel as bride and if the union was successfully consummated, blessing would flow into our world via the Shekhinah. As in any wedding, the bride should be adorned “in the proper ornaments” (Scholem at 138): and we can properly adorn the Shekhinah/Israel bride by rectifying a specific liturgy of verses from all 24 books of the Tanakh, adding mystical interpretations, so as to “adorn[] the bride in the right way...” (id.). By contrast, reciting different verses and a fortiori, random study of various topics would, however, amount to just smudging the Bride’s makeup. Of course, most of us today, with no memory of the original realist purpose, engage on Shavuot eve precisely in such random study and we feel that the educational value has important meaning. But a Safed kabbalist would be horrified.

(This example hints at a more general problem with realist/ontological Jewish theologies: if the mitzvot are ‘real,’ and the mitzvot are the possession/obligation of only Israel amongst the nations, then it is very difficult to avoid the next step, viz., of asserting that ‘Israel’ is somehow ‘ontologically’ distinct from the other nations. The consequences of such an ‘ontological’ view of ‘Israel’ are of course highly problematic. I don’t see how Cherry avoids this ‘slide’ -- but since his book does not expressly address the issue, I will not do so either.)

‘INTERNAL’ CHALLENGES TO A REALIST POSITION

In his ‘Book I,’ Cherry sets forth, building on Heschel, his realist/ontological understanding of God (or godliness).

Cherry, however, is a bit vaguer than Heschel as to what the ontological foundation is. Thus, as he recognizes, for Heschel, “God does not respond to our deeds; God is revealed through our deeds” (220, emphasis by Cherry).

By contrast to Heschel, Cherry’s restatement is: “the question is not where is God, but who (i.e., among us humans) is making godliness [sic -- my emphasis] perceptible in the world through their intentional deeds?” (221).

In either event, such a position immediately confronts, however, two challenges: from science, and from ethics. And Cherry recognizes those challenges, and seeks to address them, in his ‘Book II’ and “Book III,’ respectively.

⁶ Gershom Scholem, ch. 4. “Tradition and New Creation in the Ritual of the Kabbalists,” in *On the Kabbalah and its Symbolism* (NY: Schocken Books; 1965), esp. at 138-139.

Accordingly, in his 'Book II,' Cherry asks: can an ontological/realist view of God and the mitzvot, derived from traditional sources, be reconciled with, e.g., modern science's understanding of the creation of the Universe, and the emergence of life on this planet? And after exploring a variety of alternative positions advocated by others, Cherry argues that a sufficient reconciliation can be achieved via reliance on the 'myth' of creation as described by the post-Shoah historian and philosopher (and Jew) Hans Jonas⁷-- similar to the kabbalist myth of 'tzimtzum' (according to which God began 'everywhere,' but withdrew into himself to make room for the Universe). Cherry argues, following Hans Jonas, that we can plausibly infer from the fact of our self-consciousness⁸ that there was a "teleological potency" built-into, and in some sense "causally active", in how the Universe emerged (322, quoting Jonas). Jonas called this force "cosmogonic eros" (322), and Cherry would relabel it as "cosmic *hesed*" (485 --using the Hebrew term often translated as 'lovingkindness'). (See also 485: "God's energy pulses through creation opportunistically, seeking out avenues for freedom, diversity, awareness.")

And in Book III, Cherry asks: can a 'realist' view of the mitzvot still allow for the sorts of changes that Cherry wishes to make to traditional halakhah? Cherry argues that this too is possible. In particular, Cherry argues that within a "halakhic realism" (381), we can nevertheless reframe our approach to halakhah, to focus on how it allows us, as a community, to feel "God's presence in our behavior" (381).

According to Cherry, once we understand that only through a communal covenantal relationship, as appropriately updated and modified (with room for pluralism), will our deeds thus connect us to godliness, then we will "willingly cede [our] autonomy for the blessings of our covenant" (477). (See also, e.g., 507, quoting Is. 40:3, which he translates --"clear a road of God"; and he then comments, "The road we clear requires a communal effort. The verse's imperative is in the plural. God cannot do it alone, nor can we as individuals. We exist in covenant.")

In particular, Cherry argues that we can approach halakhah (a) by building on the work, of, e.g., the late Yale (and Jewish) philosopher-of-law Robert Cover,⁹ but nevertheless (b) by adhering to the position advocated by Rabbi Elliot Dorff in his

⁷ See the article by Bar Guzi in *Zeremim*, vol III, issue 1 (2018), titled "Jewish Process Theology and the Problem of Evil: The Cases of Hans Jonas and Bradley Shavit Artson," arguing for Jonas's role as a distinctly Jewish theologian.

⁸ See also at 334, discussing self-consciousness. Arguments from self-consciousness are, however, problematic, for reasons noted in, e.g., Douglas Hofstadter, *I Am a Strange Loop* (NY: Basic Books; 2007) -- viz., that what we perceive as the 'special' state of self-consciousness can arguably be explained simply as a 'feed-back' loop, of the brain processing its own perceptions.

⁹ For an introduction to Robert Cover's thought as applicable to the Conservative Movement's halakha, see Gordon Tucker, "The Sayings of the Wise are Like Goads: An Appreciation of the Works of Robert Cover," *Conservative Judaism* 45:3 (Spring 1993), reprinted in his collection, *Torah for Its Intended Purpose* (NY: Ktav, 2014) at 183-211.

published debate (in the 1990's) with Rabbi Eugene Borowitz (-- associated with the Reform Movement), viz., that any changes need to be made only by the rabbinic leaders, and not by individual Jews (454-456).

BUT IS THIS PERSUASIVE?

But, having (a) thus shown that his ontological theory has a traditional basis, but yet (b) attempted to show how it can be 'reconciled' with modern science and ethics, the question still remains, I suggest, for Cherry: why should we adopt such an ontological/realist position, rather than a 'nominalist/rationalist' position? Doesn't Cherry just run into the same problem that bedeviled Heschel, viz., that contending that we all necessarily 'experience' God in the beauty of a sunset, or in the miracle of the birth of a child, will not persuade a person who is not already a believer that God is real, and who does not already feel that observance of the mitzvot has some real ontological impact on the Divine.¹⁰

Likewise, while arguably Cherry's invocation of Hans Jonas's myth, and Robert Cover's reliance on aggadah, might allow a reconciliation, or 'coherence,' of his realist position with modern science and ethics, are these reconciliations themselves persuasive?

Cherry is, I think, aware of the deficiency in 'experience-based' arguments (and in Jonas's and Cover's positions), and so he presents his lead-in, introductory, 'coherence' argument as a basis for persuasion. Thus, Cherry argues that a Jewish theology needs both (a) to draw upon a historically important position within our tradition, and (b) to then be reconcilable with modern scientific and ethical understandings -- and since his view does both, it should be regarded therefore as persuasive.

Certainly, as Cherry shows, in his historical review in 'Book I,' an ontological/realist view has been a consistently important position in Jewish thought, from the Torah through modern Hasidic thought.

But is Cherry's two-step 'coherence'/'reconcilable' test the only plausible, or indeed a persuasive, test for a theology to be compelling? Consider, for example, the following alternative model for an interpretive tradition. The late Anglo-American philosopher-of-law Ronald Dworkin argued¹¹ that we should imagine an interpretative tradition in reference to a 'chain novel'

¹⁰ See Shai Held's intellectual biography, *Abraham Joshua Heschel: The Call of Transcendence* (Bloomington: Indiana U.P., 2013), e.g., at 58:

"Heschel fails to reckon explicitly with the reality that evocations of experience, no matter how vigorous and robust, will never be fully persuasive to one who is not on some level already persuaded."

¹¹ See Ronald Dworkin, *Law's Empire* (Cambridge, MA: Belknap Press [Harvard]; 1986) at 228-239. Dworkin was Jewish, but did not, in his writing, address specifically Jewish issues. Dworkin, however, delivered a lecture, in December 2005, at the Center for Jewish History (in New York), titled "Law's Empire and the Sea of Talmud." I had been a teaching assistant for Dworkin when he was a visiting professor at Harvard many years before;

-- where a series of authors each is assigned to write a 'next chapter' in a novel. In such a chain novel, a 'next chapter' indeed needs to respond in some way to what came before -- but that 'next chapter' is nevertheless free, for example, to take an earlier theme that was relatively minor, and to develop it in a new and unexpected way, and as a new dominant theme. Adopting this view of the interpretive/hermeneutic enterprise, the fact that an ontological/realist position was important in the past is just not itself persuasive going forward.

Similarly, if one adopts the methodological approach advocated by John Rawls, of "reflective equilibrium,"¹² it may be that on due consideration we reject a good number of past beliefs, because on further scrutiny they just no longer 'work.'

In other words, both of these alternative criteria are potentially more critical of past views, and more prepared to innovate, than Cherry's criteria of 'historically important plus reconcilable.'

As a test, consider, for example, the first of the Rabbis -- and there is a debate whether he was a Tanna or an Amora¹³ -- who began to teach that, in addition to the five books of the Torah, there was an entire additional body of tradition, an 'Oral Torah' ('Torah she-be-al peh'), that was also taught to Moses during his 40 days and nights on Mt. Sinai, which includes all of the seemingly-novel Rabbinic teachings. Did that teaching "cohere" with any "fundamental principle of historical Judaism" (xvi) as such then existed? Or was this a Rabbinic innovation -- indeed perhaps the key teaching characterizing the distinctive Rabbinic period in Jewish thought and practice?

As a second test-case, consider the first of the early mystics -- whose name is now lost to us -- who lifted the term "sefirot" (-- the foundational numbers/elements by which the world was created) from an obscure cosmogonical text of uncertain age (attributed by some to the patriarch Abraham, but unknown prior to the Geonic period), and re-purposed it to refer to the

and I wrote to him in advance of his lecture, suggesting that he was being led into a trap: I suggested that certain halakhic decisors had been arguing that, just as American 'law' evolved over time, all by itself, without need for any 'outside' pushes, so too we should just wait and allow contemporary halakha to 'naturally' evolve on issues such as women's rights, without need for any push -- and had been invoking Dworkin's theories as supporting such gradualism. (Dworkin's theories focused on how judges should adjudicate, while recognizing the separate importance of constitutional amendments and of legislation. By contrast, in halakhic decision-making, our 'judges' are also our legislators and amendment-enactors.) Whether my note influenced Dworkin in any way, in any event, I recall being pleased when he began his lecture by stating that he was not taking any position on whether or how his theories of interpretation might be applied in regard to halakhic development; and then he proceeded simply to review some of his theories.

¹² John Rawls, *A Theory of Justice* (Cambridge, MA: Belknap Press [Harvard]; 1971), e.g., at 65.

¹³ Contrast Cana Werman, "Oral Torah vs Written Torah(s): Competing Claims of Authority," pp. 175-198 in Steven Fraade, et al., eds., *Rabbinic Perspectives: Rabbinic Literature and the Dead Sea Scrolls* (Leiden: Brill, 2006) esp. at 181-184, citing *Sifra* 112c, and *Sifre Deut.* 351, and arguing that the concept of an Oral Torah is already taught in the early Tannaitic literature (i.e., before around 200 CE), with Azzan Yadin-Israel, *Scripture And Tradition: Rabbi Akiva and the Triumph of Midrash* (Philadelphia: U. of Penn. Press; 2015) at 188-189, esp. fn. 27, who argues that the bases for authority of non-scriptural traditions were still being debated in the Tannaitic period, and that no Tannaitic text -- looking at our best manuscripts -- actually uses the phrase 'Torah she-be-al peh.'

ten stages of the emanation of the Divine (from the hidden Ein-Sof, to the Shekhinah), as the basis for all later Jewish mystical speculation.¹⁴ Did that “cohere” with any previously-important strand in Jewish thought?

Perhaps, accordingly, the chain-novel metaphor better accounts for these developments; and so, by contrast, Cherry’s criteria are biased towards ‘continuity,’ where what we need today is imagination. (Again, to be somewhat more specific: the fact that neither the values of ‘Tikkun Olam’, as that phrase is understood today, nor the values of liberal democracy, were important in the ‘tradition’, should not, I suggest, preclude those values from playing major roles in any understanding going forward of Judaism.)

Moreover, once we switch from asking, in effect, is a particular personal statement internally self-consistent and defensible, to whether it is persuasive, we need then to also ask, persuasive to whom?

I have suggested -- and I am not a rabbi, but as a parent concerned about how to raise my children -- that the first question in any Jewish theology needs to be: why is it not enough to just be a ‘good person’ (e.g., obeying a minimal set of moral demands, such as, not to harm others)? Why do I need to also commit myself to any set of additional values? Can I rationally teach my children that Judaism offers a value-scheme that (in some pluralist sense) adds meaning to our individual and communal lives, and is in some sense ‘better’ than the alternatives? For myself, I agree with much of what Cherry is teaching -- both in terms of his specific analyses of various traditions and thinkers, and his end-results as to how halakhah should be reformed. But I cannot imagine giving Coherent Judaism to one of my children, and saying -- here’s why you should want to commit yourself to Judaism.

I can present to them the myth that Hans Jonas taught, as to how science does not rule-out the possibility of some ‘force for goodness’ actuating creation; but will my children, raised on the picture of the Universe in the Hitchhiker’s Guide,¹⁵ find it persuasive? Cherry argues that “a communal framework of eating and celebrating holidays together is essential for a moral community” (459-460, Cherry’s emphasis). Perhaps I can persuade my children to again, post COVID-19, celebrate Passover at our table. But will Cherry’s assertion persuade them to come to synagogue to pray to the “godliness” that Cherry has described as plausible? (Cf. at 68, asking rhetorically: “Once we recognize the worldview that performance of mitzvot strengthens God, why is it any more difficult to accept that we can bless God, in an ontological sense, through the recitation of blessings?” But: why should our children be persuaded that this ‘realist’ worldview is compelling?)

¹⁴ On different theories concerning the origins of the tract known as Sefer Yetsirah, see my discussion in “Is Theological Pluralism Possible?” *Conservative Judaism* 64:4 (Summer 2013), pp. 49-70. Cherry -- perhaps remembering my article -- notes in passing (at 341) that Sefer Yetsirah “posits that morality is one of the dimensions of the universe.”

¹⁵ Douglas Adams, *The Hitchhiker’s Guide to the Galaxy* (London: Pan Books; 1979), adapted as a feature film in 2005.

CONCLUSION

In sum: I suggest that Cherry's vision is an important contribution, within its intended framework -- and certainly it is necessary that our pulpit rabbis, and our Conservative Movement decisors, should think about our tradition in a 'coherent' manner. I remain concerned, however, for what we are teaching our children. Rabbi Cherry speaks about addressing a couple standing under a ḥuppah: my concern is to motivate our children to want to marry under a ḥuppah.

RESPONSE

By Rabbi Shai Cherry

Coherent Judaism is a big book that contains three smaller books. Unlike, say, Charles Darwin's *Origin of the Species*, which he described as "one long argument," the first two books of *Coherent Judaism* present readers with itineraries of the two primary biblical theologies as they wend their way to modernity. On more than one occasion, Richard Claman mistakes elements I describe along the route as my own beliefs. Yet, he also points me towards my next literary stop.

Because my goal is to articulate a Jewish theology that shares as much as possible within traditional Jewish theologies, while still being coherent with everything else we believe to be true about the world, the first book of *Coherent Judaism* fleshes out the conflicting theologies that have animated Judaism since the time of the Torah. I highlight the Priestly and Mosaic theologies, and I explain what those understandings of God (theology) demand from us (religion). Those different theologies also carry different conceptions of Jews vis-à-vis non-Jews (anthropology). As Claman notes, I employ the term "ontology" frequently. In the case of our conflicting anthropologies, the Priestly world's Israelites are ontologically superior to all other humans. That means in the very nature or essence of the Israelites, and then the Jews, we have something distinctive and better about us compared to other humans. The Mosaic anthropology knows of a Chosen People, to be sure, but the difference between Jews and non-Jews is not ontological.

Ultimately, for reasons that Mordecai Kaplan enumerated in the mid-20th century, I reject the idea of the Chosen People. I'm not choosing the Mosaic anthropology over the Priestly anthropology as much as I am acknowledging and disavowing the archaic racialism of the Priestly hierarchies while simultaneously shifting the concept of the Chosen People to the Choosing People. Our *b'rit*, covenant, with God reflects how the Israelites and Jews responded to their understanding of God's demands for justice and compassion.

Although I, like Heschel, describe two distinctive schools of thought, there is nothing necessarily incoherent about choosing a Priestly theology along with a modified Mosaic anthropology. Claman sets up a false dichotomy when he posits that commandments are either to educate and improve humanity or to enhance the relationship between God and the Jews in a way that transcends our own discrete beings. Commandments educate and improve us in order that we may enhance our relationship with God. Here is what I actually did say:

Ritual law has no ontological consequences in my worldview. None. A ritual framework can support an ethics that does have ontological and theological force, but the details of those rituals are relatively inconsequential. (79)

Unlike the Kabbalists of Tzfat, I do not believe that what you study on the night of Shavuot matters nearly as much as the quality and quantity of cheesecake consumed in community. When I assert that Priestly realism is redeemable, I am specifically speaking to the Priestly framework that maintains our behavior attracts and/or repulses God's presence. I believe that to be really true, as in true in the real world beyond my consciousness. The alternative biblical theology, enshrined in our liturgy, is the pediatric notion that God rewards the righteous (with rain) and punishes the wicked (with drought). That's Mosaic religion, the one deployed by Jerry Falwell and Pat Robertson when they blamed the downing of the Twin Towers on 9-11 on the ACLU, abortionists, and homosexuals. That reward and punishment theology has been used to explain the Shoah by groups within Ultra-Orthodoxy, as well. A more coherent Judaism would provide explanatory notes for such seeming blasphemies that still remain in our prayerbooks.

Claman attributes to me a realist position on the power of words, blessings, and prayer. It is true that I explain such phenomena, but only to reject them. It's part and parcel of a Priestly worldview in which words have the power to transform reality. It's the world of *abra k'dabra* (Aramaic for "I will create as I speak") and the transubstantiation of the host and wine into the body and blood of Christ. That vision of reality is not mine.

I wrote this book to offer a coherent Judaism, not a compelling one. The book is about how to stay Jewish with intellectual integrity and spiritual sensitivity, not why to be Jewish. I wrote for those already committed to their Jewish identities and for those interested in better understanding the varieties of Jewish theologies. I agree with Claman that this is not the book to give his kids to entice them to take on a richer Jewish lifestyle.

As indicated above, this book is big. Trying to address the "why be Jewish" issues was beyond the scope. But that is my next project, and I won't be trying to smuggle in anything incoherent. No extrinsic rewards or punishments, no after-life fire insurance policies, no Young Earth Creationism, and no misogynistic patriarchy. But even with the stumbling blocks cleared, getting two Jews under a huppa is as tough, according to a lovely piece of Aggadah, as splitting the Sea of Reeds!¹⁶

¹⁶ Genesis Rabbah 68:4.