

## Kantian Themes in the Work of Michael Wyschogrod

### *I. Introduction*

The Babylonian Talmud (Berakhot 58a) teaches that when a Jew sees a gentile sage, she is to recite a blessing praising God as the one ‘who gave His wisdom to flesh and blood’ — even when its seat is in a non-Jew, great learning is taken to be a kind of embodiment of the divine presence. It is with reference to this ruling that, in his essay on the thought of Salomon Maimon, Paul Franks declares that “Kant remains the modern philosopher about whom Jewish thinkers cannot evade the question: to recite, or not to recite, a blessing?”<sup>1</sup> Franks points out that in this respect Kant’s role is analogous to that played by Aristotle in the middle ages — to struggle with the legacy of Immanuel Kant, whether to appropriate or repudiate, has been the necessary task of every Jewish philosopher who has seriously wished to address the questions posed by modernity. While this situation, it is fair to say, really does hold for *all* modern Jewish thinkers, I think it would also be admitted that for no community was the issue of how to relate to Kant so pressing as for the German Jews. Kant’s less than flattering assessment of the nature of Jewish life in *Religion Within the Boundaries of Mere Reason* was deeply wounding to this community, so many members of which wished for nothing more fervently than for acceptance as equals in the high culture of their host country. Rather than repudiating the legacy of this towering figure, the usual strategy was to enlist him — figures as varied as Isaac Breuer (a leader of separatist Neo-Orthodoxy) and Hermann Cohen (a spokesperson for liberal Judaism) developed their philosophies of Judaism along Kantian lines. The devotion to Kant went so far in some corners of the community that one Salomo Friedländer actually produced a catechism under the title *Kant für*

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<sup>1</sup> Franks, Paul W. "Jewish Philosophy after Kant: The Legacy of Salomon Maimon." In *The Cambridge Companion to Modern Jewish Philosophy*, edited by Michael L. Morgan and Peter Eli Gordon, 53-79. Cambridge: Cambridge University Press, 2007.

*Kinder* with the aim of providing the youth with the rudimentary understanding of Kant's philosophy necessary for their acculturation to German high society. The first question in this astounding little book is 'How must we behave?', and its pithy answer: 'ethically'. The Jewish followers of Kant thus well understood that their master's ethical teachings — which, on the face of it, threaten to undermine the theonomous morality of traditional Judaism as well as the authority of Jewish law — were the center of his philosophy, and that there was no engaging the philosophy as a whole without coming to grips with the challenges posed to Jewish categories by the ethical system.

The aim of this essay is to explore the ways in which the legacy of Kantian ethical thought is negotiated by one thinker who might be called the last exponent of the classical German-Jewish tradition: Michael Wyschogrod. Born in Berlin and present there until Kristallnacht, Wyschogrod's family emigrated to the United States in 1939 to escape the impending war. In spite of thus having been raised largely in the United States, Wyschogrod's intellectual influences, interlocutors, and concerns remained to a large extent molded by the German context. As we will see, Wyschogrod's engagement with Kant is largely informed by what he takes to have been the misguided attempt of the German-Jewish elite to assimilate by exchanging their Judaism for a universal ethics, the details of which they learned from Kant's philosophy. Wyschogrod's assessment of Kant's ethics is thus consistently adversarial: he rejects Kant's understanding of the relationship between morality and religion, the universal and ahistorical character of Kant's ethical system, and Kant's insistence on autonomy. Yet for all of this, Wyschogrod's relation to Kant is not *simply* one of repudiation — it is in fact rather more agonistic than would at first appear. In at least one place Wyschogrod describes himself as drawing 'spiritual sustenance' from Kant's writings, and despite the adversarial stance, a debt to Kant's

ethical writings remains, most readily visible in his discussion of conscience. Thus even the man who, for his attempts to counter nearly every trend in mainstream Orthodox (and indeed liberal) thinking, has been called “the boldest Jewish theologian of 20<sup>th</sup>-century America” cannot, it seems, escape the dilemma laid out by Franks.<sup>2</sup>

## *II. Ethics and Assimilation*

Above, I said that Wyschogrod could be called the last exponent of the German-Jewish tradition. While there are of course still Jews in Germany today (the population is even growing), what I mean by this statement is that Wyschogrod was the last surviving intellectual whose concerns and points of reference were essentially those of the pre-war community which felt loyalty to, and drew ‘spiritual sustenance’ from, both the Jewish tradition and German high culture. The exceptional devotion of this community to *Bildung* — a kind of humanistic ‘religion’ of self-formation via immersion in literature and the arts — is well-known; when Wyschogrod wrote that while he drew “most” of his “spiritual sustenance” from Torah, he also drew it “from Mozart and Beethoven, Hoelderlin and Rilke, Plato and Kant, Viennese painting and that of Paul Klee,” he speaks from this now-vanished perspective.<sup>3</sup> And it is in light of what Wyschogrod takes to be the excesses of precisely this attempt at fusion between Judaism and German culture that Wyschogrod’s anti-Kantian sentiments should be understood.

According to Wyschogrod, interpretations of Judaism which focus (as he sees it) almost exclusively on the ethical are the misguided results of an attempt to fit in to European, and especially German culture, to a greater degree than is possible for those committed to the covenant

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<sup>2</sup> Batnitzky, Leora. "Michael Wyschogrod and the Challenge of God's Scandalous Love." *The Jewish Review of Books*, Summer 2016.

<sup>3</sup> Wyschogrod, Michael, in "(Answers) Symposium: The Sea Change in American Orthodox Judaism", *Tradition: A Journal of Orthodox Jewish Thought*, vol. 32, no. 4 (Summer 1998): 142.

between God and Israel — “ethics,” he writes, “is the Judaism of the assimilated.”<sup>4</sup> While this assimilation takes place in the broader context of European secularization, the process of Jewish secularization “took on a special intensity because the liberation from Judaism represented the end of Jewish exclusion from European society.”<sup>5</sup> While the liberated Jew, according to Wyschogrod, to some degree realized that abandonment of the yoke of heaven ought to bring with it “a Nietzschean break with Judeo-Christian slave morality,” this was not a step with which many Jews, as heirs “to thousands of years of spirituality,” could feel comfortable.<sup>6</sup> To avoid making their assimilation into a “reversion” to a lower and less holy form of life, the secularizing Jew turns to ethics, hoping to isolate and elevate that “component of Judaism...most acceptable to the gentile.”<sup>7</sup> Whereas the particularistic or ‘legalistic’ practices of traditional Judaism, such as dietary laws and ritual garments, are the object of scorn and mockery on the part of enlightened Europeans (Kant’s labeling of such practices as *Afterdienst* or ‘counterfeit service’ — though *After* also has the sense of ‘anus’ — in *Religion Within the Boundaries of Mere Reason* was particularly influential on this point), a dedication to Jewish ethics “does not set him apart from his neighbor but brings him honor instead.”<sup>8</sup> This is especially true, Wyschogrod writes, in the German context, because of the contours of that society in the 19th century. Wyschogrod goes further in explicitly connecting the “peculiarly ethical turn” of German culture to Immanuel Kant: “the military model in Germany, with its emphasis on obedience to duty and its distrust of pleasure as a legitimate motive for human conduct, culminated in the ethics of Kant.”<sup>9</sup> This ethi-

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<sup>4</sup> Wyschogrod, Michael. *The Body of Faith: God and the People of Israel*. Northvale, NJ: Jason Aronson, 1996, p. 181.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Wyschogrod, *The Body of Faith*, p. 190.

cal system in turn becomes the basis for the humanism of German high culture, and so the attempt to reformulate Judaism along lines which will make it an acceptable part of that culture becomes essentially an attempt to understand it as teaching first and foremost a universal ethics on the Kantian model. Despite his own fondness for the culture of *Bildung* reflected in the above quotation about sources of ‘spiritual sustenance,’ it is Wyschogrod’s decided opinion that this attempt to understand Judaism along more or less Kantian lines was an exercise in “self-liquidation”; it produces only a “housebroken Judaism.”<sup>10</sup>

### *III. Some Anti-Kantian Emphases in The Body of Faith*

It is in light of the above interpretation of the history of German Judaism that we should understand the sections on ethics in *The Body of Faith*, Wyschogrod’s magnum opus. There Wyschogrod passionately rejects four doctrines or themes which he takes to be the legacy of Kantian ethics: Kant’s understanding of the relationship between God and morality, the universal nature of his system, its essential anachronism or ahistoricity, and Kant’s insistence on autonomy. Before we turn to examine those moments of repudiation, it is necessary to note a few things concerning Wyschogrod’s reading of Kant as well as his style of argumentation.

Wyschogrod’s understanding of Kant’s ethics, at least to the degree with which he engages it in *The Body of Faith*, follows what might be called the ‘received interpretation’— one which focuses on the bold and programmatic statements of the *Groundwork of the Metaphysics of Morals*, where Kant seems to place great faith in the categorical imperative as “a very general moral criterion with determinate implications for the deontic status of actions,” and to assign little or no moral relevance to the particularities of the context in which an actor might find her-

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<sup>10</sup> Ibid.

self.<sup>11</sup> In recent decades many scholars have questioned whether this understanding of Kant's ethics is adequate; they suggest that greater stress should be laid on later works, especially *The Metaphysics of Morals*, where Kant seems more cognizant of the importance of context and aware of the possibility of conflicts among duties.<sup>12</sup> Mark Timmons (just quoted), for example, proposes that we understand Kant as propounding a pluralistic moral theory with less pretension to being able to offer a determinate verdict for every situation.<sup>13</sup> As the purpose of this study is principally an attempt to determine how Wyschogrod, in his attempt to offer a modern interpretation of Judaism, approaches the necessary task of relating to Kant — I do not really want to offer a verdict about which reading of Kant is more accurate. I will restrict myself to saying that while the revisionist reading is, I think, more amenable to appropriation by a thinker in the Rabbinic tradition, I have my doubts about whether it should be understood as giving us 'the real Kant'.<sup>14</sup>

A second issue, as mentioned, relates to Wyschogrod's style of argumentation.

Wyschogrod's principal intellectual influences are three: Soren Kierkegaard, Martin Heidegger, and Karl Barth. It is the first and the last of these that concern us here. From Kierkegaard Wyschogrod inherits an existentialist approach to the meaning of faith, according to which its value is a function of its risk. Speaking generally, religious existentialists are concerned to pull apart faith and reason, for, as Kierkegaard famously argues in *Concluding Unscientific Postscript*, if it were the case that the claims of revelation were demonstrable by reason, nothing

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<sup>11</sup> Timmons, Mark. *Moral Theory: An Introduction*. Plymouth: Rowman & Littlefield, 2013, p. 239.

<sup>12</sup> Johnson, Robert and Cureton, Adam, "Kant's Moral Philosophy", *The Stanford Encyclopedia of Philosophy* (Spring 2018 Edition), Edward N. Zalta (ed.), URL = <<https://plato.stanford.edu/archives/spr2018/entries/kant-moral/>>.

<sup>13</sup> Timmons, *Moral Theory*, p. 237.

<sup>14</sup> It is notable that some revisionists do not in fact believe this themselves. Timmons, again, concedes that Kant himself seems to have believed that the categorical imperative was sufficiently powerful to serve as a decision procedure, and admits that his pluralist interpretation is in fact a "reworking" of Kant's ethics.

would be demanded of the believer; faith would be impossible.<sup>15</sup> This approach colors Wyschogrod's entire approach to interpreting Judaism. Though he does not, as some religious existentialists do, feel the need to make out the claims of faith to be positively absurd, he resists the idea that we are ever under an obligation to rationalize them when they do not seem comprehensible — putting him at odds with not just the details but the entire thrust of Kantian philosophy of religion.

The second line of influence which is important here is that of Barth, who probably exercises a greater hold on Wyschogrod's thought than any other source. Barth, writes Wyschogrod, does not “provide a bridge for the reader by means of which he can pass gradually from the world of man to the word of God,” but rather “*proclaims* the word of God” that word being understood in the first instance as scripture (emphasis added).<sup>16</sup> A theologian in the mode of Barth, as Wyschogrod was, attempts to formulate a message based primarily on “listening to all the voices in Scripture”; it is only “on their basis” that “he attempts to say what he can as a function of what he hears.”<sup>17</sup> Whether one can ever really theologize simply by proclaiming faithfully what one hears, or whether what one hears is always determined by a theoretical framework that may be simply unacknowledged, is not an issue I will adjudicate here. What is important for our purposes is that Wyschogrod's evaluation of Kantian ethics is always measured against what (he takes) to be the message of the Hebrew Bible: that God is present in the world through the election of the seed of Abraham as the people of God. For the most part, Wyschogrod does not offer philosophical arguments against Kant's theses, but rather measures them against the message of

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<sup>15</sup> It is notable that Kant himself says something like this in *Religion Within the Boundaries of Mere Reason*.

<sup>16</sup> Wyschogrod, *The Body of Faith*, pp. 78-9.

<sup>17</sup> Wyschogrod, *The Body of Faith*, p. 79.

scripture as he understands it. With these features of Wyschogrod's method in mind, we can now turn to examine his engagement with Kantian themes in *The Body of Faith*.

We can begin with the most general of these themes: the relationship between God and morality. Kant argues in the *Critique of Pure Reason* that attempts to achieve knowledge of 'unconditioned conditions' — objects, such as God or the immortal soul, which explain the workings of the phenomenal world but are not themselves part of that world and so not subject to determination by its laws — are always chimerical. Although theoretical reason inevitably searches for such objects, the concepts to which it has recourse cannot be legitimately applied to any object outside the realm of possible experience. There can be, then, no knowledge (*Wissen*) of God. Crucially, though, according to Kant there are modes of holding-to-be-true (*Fürwahrhalten*) other than knowledge, namely opinion (*Meinung*) and faith (*Glaube*). All of these can be justified modes of assent, though their modes of justification are quite different.<sup>18</sup> While the modes of knowledge and opinion are only applicable to possible objects of experience, one legitimately assents to something in faith based on the needs of practical reason. Kant argues indeed that in order for morality to make sense, in the final instance, it is necessary to posit the existence of a God who can bring about a state where human virtue and happiness are proportionate to one another (a state which Kant calls the 'highest good'); as he puts it "morality...inevitably leads to religion, and...to the idea of a mighty moral lawgiver outside the human being."<sup>19</sup> However, he is insistent that one begins with morality, which "is in need neither of the idea of another being above [the moral actor] in order that he recognize his duty, nor...of an incentive other than the

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<sup>18</sup> Pasternack, Lawrence and Rossi, Philip, "Kant's Philosophy of Religion", *The Stanford Encyclopedia of Philosophy* (Fall 2014 Edition), Edward N. Zalta (ed.), URL = <<https://plato.stanford.edu/archives/fall2014/entries/kant-religion/>>.

<sup>19</sup> Kant, Immanuel. *Religion within the Boundaries of Mere Reason And Other Writings*. Translated by Allen Wood and George Di Giovanni. Cambridge: Cambridge University Press, 1998, p. 35-6.

law itself.”<sup>20</sup> The demands which practical reason makes on the human being are unambiguous; it issues imperatives which we recognize and whose validity cannot be disputed. The God to whom we are led by reflection on the architectonics of morality is only posited or supposed. Furthermore, Kant is forthright in that whatever positive content we can attribute to our (non-demonstrable) idea of God is derived from our (non-disputable) ideas of morality: “even the Holy One of the gospel,” he writes “must first be compared with our idea of moral perfection before we can recognize” his divinity, and “the concept of God as the highest good” is derived “solely from the Idea of moral perfection.”<sup>21</sup> To the extent that we are permitted to speak of God, then, it is only as a function of our ethics.

Wyschogrod cannot reject this move forcefully enough. According to him, “the biblical narrative never totally integrates God into a framework wider than himself,” and this rules out of bounds any attempt to understand God in terms of a univocal being or, as Kant does, in light of a supposedly independent idea of moral perfection.<sup>22</sup> God is rather “the overwhelming and mighty creator of heaven and earth and therefore of all frameworks” — God’s status as the “Lord of creation” means that “he and his creatures are not coordinated in the framework that is being,” and God’s status as “Lord of the good” (whatever this might mean) leads to the conclusion that “he and his creatures are not jointly judged by the framework that is the good.”<sup>23</sup> Wyschogrod will even go so far as to say, pointing to such examples as the command to completely annihilate the nation of Amalek, that the Bible can be at times “quite amoral.”<sup>24</sup> There could be no greater contrast than between this statement and that of Kant on Biblical hermeneutics in *Religion Within*

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<sup>20</sup> Kant, *Religion*, p. 33.

<sup>21</sup> Kant, Immanuel. *Groundwork of the Metaphysic of Morals*. Translated by Herbert James Paton. New York: Harper Torchbooks, 1964, p. 73.

<sup>22</sup> Wyschogrod, *The Body of Faith*, p. 195.

<sup>23</sup> Wyschogrod, *The Body of Faith*, p. 195.

<sup>24</sup> Wyschogrod, *The Body of Faith*, p. 180.

*the Boundaries of Mere Reason*, where Kant lays down as the fundamental principle of interpretation that scripture must always be understood, even if the interpretation is “forced,” as teaching the moral law.<sup>25</sup> That Wyschogrod frames his dissent in terms of ‘the Bible’ rather than ‘God’ is interesting — it would sound too much like blasphemy, perhaps, to say that God is amoral. But since Wyschogrod is so insistent that the Bible be understood as the word of God, the “primary document of revelation,” this distinction cannot be doing too much work.<sup>26</sup> The upshot is clear — God transcends our understanding of moral norms and God’s commands need not coincide with them.

Wyschogrod attempts to strike a fine balance on this issue. On the one hand he is aware that it is implausible (even if it were not undesirable) to divorce Judaism from ethics as such. He admits that “the ethical plays a central role in Judaism,” and that “at almost every point of revelation found in the Bible, God makes very clear ethical demands of Israel.”<sup>27</sup> At points he even seems proud of the “unusual ethical sensitivity” that the Bible supposedly evinces in comparison to other ancient Near Eastern cultures.<sup>28</sup> Yet his commitment to the transcendence by God of all human categories, even those to which God seems to be partially subsumed in as a necessary result of God’s involvement with humanity, means that in the end Wyschogrod must insist that while sometimes God’s commandment seems to be “in more or less agreement with the people’s moral sensibilities,” at other times “it comes as a cutting knife that penetrates human flesh.”<sup>29</sup> Whether this insistence is more than rhetorical (for Wyschogrod in fact evinces great hesitation about carrying out contemporary violence in the name of God) is difficult to discern.

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<sup>25</sup> Kant, *Religion*, p. 118.

<sup>26</sup> Wyschogrod, *The Body of Faith*, p. xxxii.

<sup>27</sup> Wyschogrod, *The Body of Faith*, p. xxxiii.

<sup>28</sup> Wyschogrod, *The Body of Faith*, p. 180.

<sup>29</sup> Wyschogrod, *The Body of Faith*, p. 210.

The next Kantian theme that functions as a foil for Wyschogrod is that of universality. Kant writes, again in the *Groundwork*, that “unless we wish to deny to the concept of morality all truth and all relation to a possible object, we cannot dispute that its law is of such widespread significance as to hold, not merely for men, but for *all rational beings as such* — not merely subject to contingent conditions and exceptions, but with *absolute necessity*.”<sup>30</sup> In *Religion* he reiterates this idea, writing that “since the duties of virtue concern the entire human race, the concept of an ethical community always refers to the ideal totality of human beings.”<sup>31</sup> There are a number of ways in which this theme of universality is cashed out. One is that whatever ethical principles are recognized by this system are held to be binding on all human beings whatsoever, in every culture: it makes no more sense, then, to speak of *Jewish ethics* than it does to speak of French physics. Another is that application of these rules can never brook any exceptions — Kant’s famous insistence that even in a case where one is confronted by a murderer who demands to know where a particular person is hiding, one may not lie, demonstrates the seriousness with which he took this corollary. A third point is the relationship between this universalism and the first theme we discussed (the subordination of God to ethics). For Kant, there is really only one true ‘philosophical’ religion, which consists in the recognition of ethical duties as divine commands. Ideally the ‘ethical community’ which recognizes this philosophical faith would encompass all of humanity, but the radical limitations of human nature means that in actuality this idea is “greatly scaled down,” being expressed only formally in a ‘church’ which takes as its foundation some historical revelation and scripture.<sup>32</sup> The various ‘ecclesiastical faiths’ (i.e. the actual, empirical religious communities of this world) have only a secondary and instrumental

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<sup>30</sup> Kant, *Groundwork*, p. 73.

<sup>31</sup> Kant, *Religion*, p. 107.

<sup>32</sup> Kant, *Religion*, p. 111.

value in Kant's philosophy of religion, and he expresses hope that eventually they will be superseded by a universal community.

Wyschogrod is once again forcefully opposed to this feature of Kantian ethics in each of the iterations we have outlined. Wyschogrod's thought, as we have mentioned, centers around the fact that God chose a particular family and eventually a particular people to be the people of God. He sees this divine choice as having confirmed and sanctified both the structures of family and national life, and therefore cannot accept a universalism which would either deny their significance entirely or else grant them only instrumental value (hence making them dispensable). Judaism, he writes "teaches that there are persons to whom I owe special consideration" — meaning other Jews for one, but also including in this the particular relations of parents to children.<sup>33</sup> Indeed he seems to have understood the Kantian ethical system as formulated precisely to rule out the kind of structures around which Judaism is built, writing that "Kant...insisted on the impermissibility of wanting to be an exception" to general rules, "thereby freeing oneself from the claim of the categorical imperative, which applies equally to all and therefore rules out private commandments addressed to a single individual or a single people as the carrier of a historic covenant."<sup>34</sup>

This is one place where Wyschogrod offers, in addition to his scriptural proofs, something more akin to standard philosophical arguments against the Kantian position. For example he writes that because "the ethical is rooted in the human presence in the world," and because "human presence is always perspectival, centered" a system of ethics which requires one to see oneself as just "one object among others" requires the embrace of "alienation as a philosophical

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<sup>33</sup> Wyschogrod, *The Body of Faith*, p. 216.

<sup>34</sup> Wyschogrod, *The Body of Faith*, p. 198.

first principle.”<sup>35</sup> He further writes that in the Kantian system obligations are “purely formal,” and insists that in order to really have sway over our actions, our obligations must “be rooted in real relations with real persons.”<sup>36</sup> A final criticism of what Wyschogrod calls the “mechanical egalitarianism...implicit in Kant” is one which seems to be drawing, somewhat obliquely, on arguments like those found in Horkheimer and Adorno’s *Dialectic of Enlightenment*.<sup>37</sup>

Wyschogrod writes that because Kantian-style ethics requires one (on this reading) to have equal relations to everyone, one must necessarily see others not in their individuality but only as members of species, such as “the working class, the poor, [or] those created in the image of God,” all “abstract creations of the imagination.”<sup>38</sup> Wyschogrod further notes that “in the names of these abstractions men have committed the most heinous crimes against real, concrete existing human beings who were not encountered in their reality but seen as members of a demonic species to be destroyed.”<sup>39</sup> Once we have adopted the strategy of, for example, evaluating the ethical worth of a human being via their rationality (which is for Kant the salient person-making feature), it is not hard, Wyschogrod argues, to write off those who are judged to be fundamentally irrational. Relating to others via universal categories is thus a dangerous strategy which always has the potential to facilitate a definition of humanity which leaves out the undesirable.

The next Kantian theme at which Wyschogrod takes aim is Kant’s attitude towards history in relation to religion and ethics. In the *Groundwork*, Kant writes that “all moral concepts have their seat and origin in reason completely *a priori*,” and insists that “they cannot be ab-

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<sup>35</sup> Wyschogrod, *The Body of Faith*, p. 216.

<sup>36</sup> Wyschogrod, *The Body of Faith*, p. 217.

<sup>37</sup> Wyschogrod, *The Body of Faith*, p. 216.

<sup>38</sup> Wyschogrod, *The Body of Faith*, p. 61.

<sup>39</sup> *Ibid.*

stracted from any merely imperial, and therefore contingent, knowledge.”<sup>40</sup> We act ethically when we act so as to respect the humanity of those to whom we are related, a humanity which, as mentioned, is defined via a receptivity to reason. Kant’s procedure is thus to begin with “the general concept of a rational being as such, and on this basis to expound the whole of ethics.”<sup>41</sup> Ethics is in the first instance *metaphysics*, which describes the most general features of reality that must be presupposed for any concrete situation. The *application* of ethical principles to the phenomenal world does require what Kant calls ‘anthropology,’ but this is a secondary task; we do not *learn* our basic ideas of right conduct from examples, either those drawn from history or from our own lives. A corollary of this ahistoric orientation is that while the various ‘ecclesiastical faiths’ which serve the purpose of preparing humanity for the eventual advent of ethical community and its philosophic faith are indeed based on historical revelations recorded in scriptures, these events have no inherent or enduring value. The “final purpose,” Kant writes, of “the reading of these holy books, or the investigation of their content, is to make better human beings,” and “their historical element, which contributes nothing to this end, is something in itself quite indifferent.”<sup>42</sup> One need not be over-scrupulous then in scriptural interpretation; one can do with the text “what one wills,” more or less self-consciously distorting the meaning of the text in order to make it out as teaching the (Kantian) moral law.<sup>43</sup>

Once again, Wyschogrod offers a full-throated affirmation of that which Kant denies. The central fact around which he thinks, as we have seen, is not a principle but an *event*: God’s election of the seed of Abraham. Jewish thought can thus never be ahistorical, and any thinking

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<sup>40</sup> Kant, *Groundwork*, p. 75.

<sup>41</sup> Kant, *Groundwork*, p. 76.

<sup>42</sup> Kant, *Religion*, p. 119.

<sup>43</sup> *Ibid.*

about right conduct which takes its cues from Jewish sources must always keep in mind that “there is no Jewish ethics apart from Israel’s historic mission of redemption.”<sup>44</sup> Wyschogrod acknowledges that Rabbinic Judaism takes a rather ambivalent attitude to history. The Rabbis, according to Wyschogrod, react to the conditions of their era — one in which prophecy has ceased and the political sovereignty of the Jews has vanished — by fashioning a Judaism which is orderly and predictable. Much Rabbinic thought is also, he acknowledges, suspicious of messianism, which whenever it rears its head does so by attempting to return Judaism to “the realm of the public life of nations.”<sup>45</sup> But, he maintains, this Rabbinic ethos of quietism is more of a coping mechanism than a positive theological principle. The theological imagination of the Jews always keeps alive the idea of redemption as a return to history and politics, a return which, Wyschogrod notes, as been accomplished in the 20th century with the establishment of the State of Israel. In this realm of history, Wyschogrod writes “the limits of Jewish ethics are reached,” in that the structures of political life, such as war, demand a different set of principles than those which govern the interactions of individuals, of myself and the other: he approvingly notes Hegel’s contention that “private morality is not coextensive with the morality of the state.”<sup>46</sup> The point here is not just about Jewish ethics but about ‘ethics’ — by which is meant non-historical ways of thinking about right conduct primarily in the context of relations between individuals — as such. The “ethics of Kant,” based around a “categorical imperative” which “knows no temporal or geographic boundaries,” are for Wyschogrod the archetype of this way of thinking, one

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<sup>44</sup> Wyschogrod, *The Body of Faith*, p. 217.

<sup>45</sup> Wyschogrod, *The Body of Faith*, p. 117.

<sup>46</sup> Wyschogrod, *The Body of Faith*, p. 218, 180.

which will never be adequate to the needs of a people whose ultimate destiny is in the historical and political realm.<sup>47</sup>

The final feature of Kant's ethics which we will survey is his insistence on autonomy. Once again we can turn to the *Groundwork* to see Kant's basic statements of this theme. There Kant writes that when a will is a moral one, it is "not merely subject to the law, but is so subject that it must reconsidered as making the law for itself."<sup>48</sup> He also says that "the will seeks the law that is to determine it anywhere else than in the fitness of its maxims for its own making of universal law," then even if the resulting maxim is imposed on the will by itself, it is for Kant a 'heteronomous' rather than an autonomous act.<sup>49</sup> This crucial term thus has two related but distinct senses in Kant: (1) it indicates that the moral agent is one who gives the law to herself, who regards herself as the author of the law to which she is subject, and (2) it indicates that the agent in question acts entirely out of respect for the law, and does not formulate her maxims based on considerations of consequences or respect for the object of her will.

Heteronomous actions — that is, ones which have as their determining grounds the objects of one's will (such as another person, or God) — can only ever yield what Kant calls hypothetical imperatives, of the form "I ought to do something because I will something else," for example I ought to love my neighbor because I will to follow the commands of God.<sup>50</sup> Hypothetical imperatives can, by themselves, never be moral: they always require another reason *why* we should will that which is to be accomplished by our undertaking the action in question. Taking as his example imperatives of the sort just mentioned (basing our actions on the hypothetical

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<sup>47</sup> Wyschogrod, *The Body of Faith*, p. 217.

<sup>48</sup> Kant, *Groundwork*, p. 93.

<sup>49</sup> Kant, *Groundwork*, p. 102.

<sup>50</sup> *Ibid.*

imperative of following God's commands), Kant contends that the basis for such an imperative can only be (1) that we have a prior commitment to the morality of God (in which case we have gone in a circle, because the attempt to explain morality via divine command has simply presupposed the morality it attempts to explain), or (2) we are led to conceive of God's will as arbitrary and monstrous, "drawn from such characteristics as lust for glory and domination... bound up with frightful ideas of power and vengefulness."<sup>51</sup> To derive our obligations from God's will is thus either a mere shell game, or else has the result of jettisoning any moral commitments at all.

The pattern is, I expect, clear by now. Wyschogrod's statement that "Jewish ethics must retain its relation to the heteronomy of God's command" can only be understood as a direct repudiation not just of the theme of ethics as essentially and necessarily autonomous but of Kant specifically.<sup>52</sup> Wyschogrod does admit that "autonomous tendencies occasionally make themselves felt in Jewish ethics" (it is not clear whether he means by this statement Biblical, Rabbinic, or modern philosophical iterations of Jewish ethics) but maintains that "such tendencies are secondary to its basic direction."<sup>53</sup> Holding fast to what he takes to be the Biblical ethos, Wyschogrod insists that for a faithful Jew "there is only the sovereign will of Hashem, to which we are obedient because it is his will." It is notable that Wyschogrod's discomfort is not just with the autonomous self-legislation, but with the very tendency of thinking of our obligations first and foremost in terms of *laws* at all. Stressing that God is a living personality who can, therefore, have unique acts of will for unique situations, Wyschogrod is more than a little suspicious of the entire enterprise of rabbinic *halakhah*, which deals not in particularities but in general categories. Although he does not exactly advocate for rejection of halakhic authority, Wyschogrod's state-

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<sup>51</sup> Kant, *Groundwork*, p. 104.

<sup>52</sup> Wyschogrod, *The Body of Faith*, p. xxxiv.

<sup>53</sup> Wyschogrod, *The Body of Faith*, p. 192.

ment that “there is no other law” than God’s will for the individual “in this particular situation, under these circumstances, with these particular people involved,” cuts against the grain of the rabbinic-halakhic ethos, to say the least.<sup>54</sup>

#### *IV. Conscience: A Kantian Moment?*

Thus far Wyschogrod’s relationship to Kant seems to be one of mere repudiation: heteronomy rather than autonomy, particularism rather than universalism, theological voluntarism rather than rational theology, command rather than law. But, as indicated at the beginning of our study, I believe that the situation is somewhat more complicated than this. It seems that at moments Wyschogrod is, in spite of himself, also drawn to certain features of Kantian ethical thought, and the place where this is most clear is his discussion of conscience. We can gain an appreciation for the hold that Kantian ideas have on all modern Jewish thinkers by examining what seems to be a moment of their re-inscription even in the work of this most anti-Kantian of theologians.

In *The Metaphysics of Morals*, Kant writes that “Every human being has a conscience and finds himself observed, threatened and in general kept in awe...by an internal judge; and this authority watching over the law in him is not something that he himself (voluntarily) *makes*, but something incorporated in his being.”<sup>55</sup> Kant notes that conscience is a strange phenomenon, because while “its business is a business of a human being with himself, one constrained by his reason sees himself constrained to carry it on as the bidding *of another person*.”<sup>56</sup> The one “accused by his conscience” cannot simply be “one and the same person as the judge,” Kant writes,

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<sup>54</sup> Wyschogrod, *The Body of Faith*, p. 204.

<sup>55</sup> Kant, Immanuel. *The Metaphysics of Morals*. Translated by Mary Gregor. Cambridge: Cambridge University Press, 1996, p. 203.

<sup>56</sup> Kant, *The Metaphysics of Morals*, p. 204.

for then “the prosecutor” of the case at hand “would always lose.”<sup>57</sup> The “fearful voice” which passes judgement on our actions thus seems to be both part of ourselves and alien.<sup>58</sup> That our experience of conscience seems to require some presence which is not simply ourself provides Kant with another opportunity to argue for the positing of the existence of God as a way of making theoretical sense out of the phenomena of practical reason.

Wyschogrod’s own examination of this phenomenon, given most extensive treatment in the essay “Judaism and Conscience,” not only bears some striking resemblances to the treatment by Kant that we have just seen, but is even more remarkable in that in the course of his study Wyschogrod seems to retract some of the other anti-Kantian positions we surveyed above. In this essay Wyschogrod notes that there are aspects of conscience which seem to suggest both an autonomous and a heteronomous interpretation. When we harken to our internal voice, he writes “this recognition is not a hearing of an external judgement,” nor “a yielding to the inscrutable will of God, but an internal act of recognition of the moral truth.”<sup>59</sup> On the other hand, he maintains that “the heteronomous interpretation of conscience also reflects part of the truth,” for since the voice of conscience “is experienced as condemning some past or future enterprise to which I have been committed and which, to that extent, represents the project that I am, the voice that pronounces this “no” cannot simply be the same person’s whose enterprise comes under judgement.”<sup>60</sup> The parallel with Kant’s formulation is striking. Wyschogrod thus concludes that conscience represents a phenomenon where “autonomy and heteronomy blend into dialectical uni-

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<sup>57</sup> Kant, *The Metaphysics of Morals*, p. 204.

<sup>58</sup> Ibid.

<sup>59</sup> Wyschogrod, Michael. *Abraham’s Promise: Judaism and Jewish-Christian Relations*. Edited by R. Kendall Soulen. Wm. B Eerdmans Publishing, 2004, p. 82.

<sup>60</sup> Wyschogrod, *Abraham’s Promise*, p. 85.

ty.”<sup>61</sup> In the anguish we feel when condemned by our conscience “there is resistance and even rebellion of the human against the demands of heteronomous authority,” and to the extent that we recognize this voice from within as speaking the truth, there is “also the submission in autonomy to *an almost self-legislated* right through which man becomes a being of freedom instead of a sullen slave” (emphasis added).<sup>62</sup>

Wyschogrod’s phenomenology of conscience is thus very similar to that offered by Kant. We might expect, at this point, that in light of Wyschogrod’s stated commitments to the heteronomy of the divine command and the non-coincidence of God’s will with our moral sense, that he would, speaking normatively, insist that the voice of conscience ought to be disregarded when it conflicts with the will of God, expressed in, for example, a Biblical commandment. This is where Wyschogrod’s treatment becomes so remarkable, for in fact he maintains (citing none other than St. Thomas Aquinas as his authority) that we must grant all authority to conscience to determine our actions. An erring conscience, Wyschogrod, notes, “does not announce itself as erring,” and so “the person whose conscience errs is convinced that the course of action commanded by his erring conscience is in conformity with the right or the will of God.”<sup>63</sup> If we insist that one must do what, say, a particular text orders even when our internal sense of the right, then we in fact declare that the person in question “must do that which appears to him wrong or contrary to God’s will,” a consequence which Wyschogrod refuses to accept.<sup>64</sup>

In another essay, Wyschogrod notes that attempts made by some Jewish thinkers to carve out a limited space for conscience to direct one’s actions, strictly demarcated by halakhic reason-

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<sup>61</sup> Wyschogrod, *Abraham’s Promise*, p. 85.

<sup>62</sup> Ibid.

<sup>63</sup> Wyschogrod, *Abraham’s Promise*, p. 89.

<sup>64</sup> Ibid.

ing, can proceed only via a misunderstanding of the very nature of the phenomenon. The “problem of conscience arises only when conscience conflicts with the law,” and so “the principle of conscience could be incorporated into a legal system only if the law were to specify that the individual is duty bound to transgress any demand of the law where his conscience so dictates” — this move, of course, would destroy the authority of the law.<sup>65</sup> The authority of law and of conscience are thus understood by Wyschogrod to be “irreconcilable,” and in the final instance it is one’s conscience which binds.<sup>66</sup> That Wyschogrod was willing to tell Jean Marie Lustiger, the Jewish-born convert to Catholicism who became Archbishop of Paris, that if his conscience told him that baptism was what God wanted for him he had no need to repent of what would traditionally be considered a death-penalty offense, shows the seriousness which attends Wyschogrod’s treatment of the subject.<sup>67</sup>

Wyschogrod does provide a final caveat to this seeming embrace of autonomy. He notes that while it may be the case that in the moment of decision the individual has access only to “the divine law as it appears in his light, as understood in his mind and mediated by his sensibility,” it is also the case that no person is born with a perfect moral or divine sense, such that their conscience could never err in principle.<sup>68</sup> Conscience acquires its habits from somewhere, and thus Wyschogrod maintains that a Jewish conscience ought to be “sensitized and developed by the tradition of revelation to which the people of Israel are witness.”<sup>69</sup> The “study of Torah,” he concludes “is therefore a fundamental dictate of Jewish conscience.”<sup>70</sup> We can interpret this final

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<sup>65</sup> Wyschogrod, Michael. “Reform Reformed.” *Tradition: A Journal of Orthodox Jewish Thought*, vol. 10, no. 4 (Fall 1969): 88-91.

<sup>66</sup> *Ibid.*

<sup>67</sup> Wyschogrod, *Abraham’s Promise*, p. 207.

<sup>68</sup> Wyschogrod, *Abraham’s Promise*, p. 90.

<sup>69</sup> Wyschogrod, *Abraham’s Promise*, p. 90.

<sup>70</sup> *Ibid.*

move as a kind of critique of the Kantian ethos even in what seems to be Wyschogrod's most Kantian moment: even as he seems to acknowledge the authority of autonomy, he maintains his emphasis on the particular and historical elements which he takes to be undermined by the Kantian ethos.

### *V. Conclusions*

We began our study by noting that in the modern confrontation of Judaism with philosophy there is no figure more important than Kant, and that there was no Jewish community for whom this act of confrontation was more fraught than that of pre-war Germany. As a scion of that community who witnessed its destruction, and who saw, at least in part, that destruction as enabled by an act of spiritual self-effacement which took the form of reformulating Judaism along the lines of Kantian ethical thinking, Michael Wyschogrod's relation to Kant is for the most part adversarial. A theologian whose work centers on the historical election of a particular people by a God who is subject to no super-divine framework, Wyschogrod takes up a posture of repudiation to what he takes to be the major themes of Kantian thought: autonomy, ahistoricity, universality, and a general subordination of things divine to morality. It is questionable whether Wyschogrod maintains all of these positions consistently. We noted at some length what is perhaps the most striking and obvious counter example — namely Wyschogrod's doctrine of conscience, which grants a kind of autonomy full authority over human action. But one can also ask whether Wyschogrod really follows through on the radical implications of some of his more provocative formulations. For example, despite his repeated gestures towards various Biblical commands to act violently and his claim that statecraft demands a different canon of thought than interpersonal morality, Wyschogrod seemed extremely reluctant to sanction religious violence in the present, writing that “apocalyptic stories about the wars of the end of days...notwithstanding,

I cannot believe that the peaceable kingdom of the Messiah will be brought about by the lethal strikes of the Israeli Air Force or the small arms fire of settlers.”<sup>71</sup> This last comment, where Wyschogrod, the would-be Jewish biblical theologian *par excellence* seems to rather cavalierly brush off those Biblical texts which do not suit him, raises a methodological issue which must trouble any interpreter of Wyschogrod’s work. Is it really possible, especially for a rabbinic Jew, to simply proclaim the word of God based on a faithful harkening to scripture? Does one not always already interpret what one hears according to a certain framework — one which, in this instance, allows Wyschogrod to maintain that bellicose images of the messianic ought to be subordinated to peaceful ones?

A final word: there was no tendency in modern Jewish scholarship which irked Wyschogrod so much as the tendency to retreat into a historical mode and to avoid ever saying anything in one’s own voice. Having explored the ways in which Wyschogrod negotiates the Kantian legacy, I will, however briefly, attempt to make a few cursory comments about the viability of Wyschogrod’s positions on the topics here surveyed for contemporary Jewish thinking. I find myself in agreement with some of Wyschogrod’s broad tendencies: the inextricability of ethics from local and historical context strikes me as both the most plausible reading of Jewish tradition and as appealing on philosophical grounds, sympathetic as I am to the general idea that interpretation goes in some sense ‘all the way down’ in a way which precludes Kantian confidence in one universal philosophic reason applying equally to all times and places. On the other hand, Wyschogrod’s willingness (shared by other thinkers in 20th century Orthodoxy who were concerned to insulate halakhic practice from critique) to understand the divine command as at times ‘amoral’ seems to me both offensive and indeed an implausible reading of the relevant

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<sup>71</sup> Wyschogrod, *Abraham’s Promise*, p. 106.

sources; while there may not be a universal canon of morality applying to all situations equally, it cannot be that God could ask us to do the wrong. I continue to struggle (as Wyschogrod seems to have done in his most honest moments) with the issue of the Kantian critique of heteronomy. Attempts to account for the system of *mitzvot* by Jewish thinkers committed to a full-throated endorsement of Kantian autonomy, which generally take the form of a kind of divine accommodation of the human need for fun and unusual activities,<sup>72</sup> strike me as neither attractive nor plausible. Is it possible to work out an understanding of God's will which has room for the kind of a-rationality which properly accompanies loving relationships to apply in our understanding of, say, the prohibition of *shatnez*, while at the same time refusing to apply that a-rationality in a way which could countenance a divorce between God's command and the ethical? To this question I have, at present, no ready answer.

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<sup>72</sup> See for example Kenneth Seeskin's Kantian essay "Ethics, Authority, and Autonomy," where he defends the *mitzvot* by noting that "even in secular society governments, corporations, universities, and military regiments have a host of mascots, songs, special clothes, and special ceremonies to represent or reinforce shared commitments." (in *The Cambridge Companion to Modern Jewish Philosophy*, p. 202.)