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Review Essay

REMEMBERING MARVIN FOX: ONE MAN'S LEGACY TO JEWISH THOUGHT

Collected Essays on Philosophy and on Judaism, by MARVIN FOX. Edited by JACOB NEUSNER.

Volume one: *Greek Philosophy, Maimonides*. Volume two: *Some Philosophers*. Volume three: *Ethics, Reflections*.

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INTRODUCTION

Marvin Fox was a leading contributor to Jewish thought for nearly half a century and enjoyed an unusually fulfilling career before cancer claimed his life in 1996 at the age of 73. A *musmakh* of Hebrew Theological College in Chicago (1942) and chaplain in the Air Force during World War II, Fox trained in analytic philosophy at the University of Chicago, where he received his doctorate in 1950 on the subject of methodology in ethical theory. Defying the odds against a Jewish professor earning a high post in academia at the time, he dreamt in the late 1930's and early '40's of becoming a professor of philosophy in a major university—and a scholar of Jewish studies to boot. (So his wife, Dr. June Fox, discloses in a moving prefatory memoir.) Thanks to a combination of natural talent and the post-war need for professors who would teach returning G. I.'s, Fox earned an academic appoint-

ment. He taught philosophy at Ohio State University for twenty-five years, during which he also performed rabbinic functions in Columbus, albeit without an official position. A substantial number of his publications were of a Jewish nature, but aside from visiting professorships in Israel, he did not teach a Jewish studies course until he changed institutions in 1974. In that year, Fox came to Brandeis University as chair of the school's distinguished Department of Near Eastern and Judaic Studies. Later he was appointed Director of the Lown School of Jewish Studies. After retiring from Brandeis in 1994, he taught in the departments of religion and philosophy at Boston University.¹

Fox's academic honors included many awards and distinguished editorial positions, and he was a vital force in the founding and dramatic growth of academic Jewish Studies programs in the United States and Israel. A caring, beloved, and diligent mentor, he guided many students to degrees, helped them find jobs in a tight market, and raised money to assist their scholarly endeavors. A measure of the esteem in which colleagues held him is that the *Festschrift* for him comprised four volumes (!) and, like the book being reviewed now, was edited by no less an academic force than Jacob Neusner.² The respect Fox earned in the scholarly world owed to both his intellect and his integrity, personal traits which made his career in academia a *kiddush ha-Shem*, especially given the love and respect for Orthodoxy that he openly conveyed to the academic community. He was a consummate *mentsch*, ever gracious and elegant even in receiving criticism, and was blessed with a sparkling wit. Fox also dedicated himself to challenges facing the Jewish community, particularly day school education. He was a leading figure in Torah Umesorah as well as a contributor to the magazine *The Jewish Parent* and anthologies on Jewish education. He also had an impact on adult education.

Fox was a master communicator and teacher, both orally and in writing. Whereas much of philosophy today is riddled with jargon and formulas and is totally inaccessible to non-specialists, Fox's essays display a stunningly consistent clarity, flow, eloquence and accessibility. Seldom does a sentence or paragraph need to be reread to be understood. In addition, his range is remarkable. I confess to not having had a full measure of his versatility until I paused to reflect holistically on the thirty-four scholarly works in these volumes and to scan the full listing of Fox's 148 works contained in volume one of the collection.³ He was at home and prolific in both Jewish and general philosophy, writing with equal acuity about, on the one hand, Socrates, Aristotle, David Hume, Immanuel Kant,⁴ Paul Tillich, F. H. Bradley, and John Dewey,

and, on the other, Halevi, Maimonides, Maharal, Rav Kook, Martin Buber, Abraham Joshua Heschel, and Eliezer Berkovits. Thus, one essay proposes an edifying understanding of the progression among the four Platonic dialogues that center on Socrates' trial and death, while another elucidates the Holocaust experience as it emerges in Yiddish stories by Zvi Kolitz ("Yossel Rakover Speaks to God") and Chaim Grade ("My Quarrel With Hersh Rasseynert"). One essay traces the history of the doctrine of the mean from Homer to Plato, while another analyzes the presuppositions and implications of *hespedim* delivered by Rabbi Joseph B. Soloveitchik *z.t.l.* One essay deftly critiques the ethical theories of Bradley and Dewey, another formulates a novel theory of the "contradictions" Maimonides tells us will appear in his *Guide of the Perplexed*. One paper explores Hume's views on human nature, while another presents a stimulating account of Jewish ethics.

I. PHILOSOPHY IN THE CENTRIST AMERICAN ORTHODOX COMMUNITY

Reading this astutely chosen collection is, then, a delight.⁵ But it also triggers an acute sense of loss. I do not refer only to the loss of an absorbing thinker. I refer to the loss of an era, of a time when philosophy really mattered to that part of the Orthodox community that is generally called "centrist." This part of the community, I think—which I suggest we can *identify* without *defining*—is not very interested in serious *mahashava*. Before I turn to the main themes of Fox's work, I suggest we ponder the way in which times have changed, and come to some understanding of what has transpired and why.⁶

As indicated above, Fox's milieu extended well beyond Orthodox intellectual circles; his primary workplace was the university. Still, the period in which his career began to flower, the 1950s and 1960s, was an exciting time for Orthodox thought in America, and he was a vital participant in this phenomenon. The pages of *Tradition* (the journal was founded in 1958) were graced with rabbis who specialized in general or Jewish philosophy and who regularly offered creative contributions to theology: Eliezer Berkovits, Marvin Fox, David S. Shapiro, and associate editor Leon D. Stiskin, *zikhronom li-vrakha*, and, *yibbadelu le-hayyim*, founding editor Norman Lamm, Sol Roth, Shubert Spero, and Walter Wurzbarger, who succeeded Dr. Lamm as editor. Other frequent contributors included—to speak only of people who wrote primarily on

mahashava—associate editor Emanuel Rackman, an expert on jurisprudence (legal philosophy), the distinguished historian Isadore Twersky, and philosophy professor Michael Wyschogrod. Also worthy of mention are Maurice Wohlgernter's incisive analyses of ideas in literature. *Tradition's* pages were devoted to numerous discussions and debates about the nature of Jewish philosophy, revelation, monism vs. pluralism, faith and doubt, evil, rationality, and more. On top of that, of course, the decade of the 1960s was a time when the Rav was bringing his classics "Lonely Man of Faith" and "Confrontation" to *Tradition's* pages. When the Rabbinical Council of America published the anthology *A Treasury of "Tradition"* in 1967, sixteen of the book's twenty-three essays, by my count, fit under the rubric of *mahashava*, i.e. philosophy or theology. Most of the authors named above are living and have remained productive, and their works of that time are, deservedly, still read.

Fox offered a plausible reason for philosophy's importance. To understand his argument, it is imperative to distinguish between philosophy as a body of teachings—Plato's philosophy, Kant's philosophy, Rambam's philosophy, and so forth—and philosophy as a *method*. As a method, philosophy is, in William James' phrase, "an unusually stubborn attempt to think things through." Or, as Fox puts it, "critical thinking about the theoretical foundations of whatever subject or text is being analyzed." "Philosophy thus defined," he tells us, "is a universal and inescapable human activity which can be applied to any subject. It is not the exclusive claim of the professional philosopher but an ongoing task of every man" (3:98).⁷ Fox states:

The very nature of philosophic thinking is such that it can and should be applied without exception to the entire corpus of Jewish literature. Bible, Talmud, and other major Jewish works are not systematic philosophic treatises, but they will never be fully understood if we do not approach them with the concerns and techniques of philosophy. . . The texts which seem least philosophical are often the ones which demand philosophical analysis. . . .⁸

Fox gives a variety of examples (see vol. 3, pp. 95-112). Proper analysis of any text requires a (philosophical) theory of interpretation. Unpacking a phrase like *en ruah bakhamim noha hemenu*, or understanding a *mishna* which rules that we issue a *mi she-para* (a curse) against someone even though he has acted in accordance with the technical law (*Bava Metsia* 4:2), requires an approach to the (philosophical) question of how law relates to morality.⁹ Philosophical tools must be

used to explicate biblical thought and also *Hazal's* pronouncements on freedom, divine law, justice and other topics. Rashi, who is often characterized as anti-philosophical, “demands no less philosophical insight and sophistication” than do biblical commentaries by Spanish *parshanim*, because he has a theory of interpretation, holds views on anthropomorphism, and so on. Likewise, “serious literature that deals with the human condition has some philosophical and religious dimensions. . . . Even purely historical or documentary treatments of the Holocaust are permeated with philosophical and religious questions” (3:207). If philosophical questions surface in literature and history, then presumably mastery of philosophic method will deepen one’s study of literature. I do not think Fox means that to develop a philosophy is merely to *raise* these questions about texts using the method of analytical reasoning. Rather, to “do” philosophy well is to raise them and answer them—to use constructively the method Fox describes, to provide a theory of law and morality, of interpretation, or of freedom, or to argue that there can be no such theories. What we call Jewish philosophy must be developed by analytical tools.

If Fox is right about philosophy’s value—and I think his view is for the most part cogent and not simply a bit of disciplinary imperialism—why is the era of serious *mahashava* in the centrist community no more? Why, with more journals than ever before, is there relatively little discussion in Orthodox journals of the issues covered in the 60’s and represented in *A Treasury of Tradition*? It won’t do to invoke the general decline of liberal arts, because other liberal arts fields are represented. Most of the Orthodox intellectuals today toil in other fields, like history, literature, or Bible, for example; readers and audiences want most to read or hear those topics or topics in halakha. Why has a once vibrant enterprise been marginalized, aborting its potential to enrich our understanding of our faith and ourselves? I suggest that a few circumstances have conspired against a revival of those earlier times.

Competition

First of all, there is competition. The altogether welcome rise of Orthodox observance and learning has meant increased thirst for Talmud and halakha, which in turn spells heavier demands on rabbis for *shiurim* in those areas. These are foci that have won and will always deserve pride of place in Orthodox literacy, and a rabbi’s decision to accord them priority in his congregation and invest in them the lion’s share of his ener-

gies is completely correct as an expression of Orthodox values. Furthermore—and this was already hinted at in my posing of the questions a paragraph ago—the rise of Jewish studies as an academic discipline, which did not begin until the late 1960s, has made Bible and Jewish history competitors to philosophy, both for rabbis who pursue an academic interest and for audiences who want to study non-halakhic material. History and *Tanakh* also resonate better with the public than does philosophy, for, I suspect, the following reasons. *Tanakh* draws people because it is the *devar Hashem*, the word of God, and because it is so rich and accessible to all—a democratic book. History, for its part, can strengthen ethnic, political or religious identity (as we know from the newfound popularity of history in general society) and, when narrated from a religious perspective, can buttress faith in God’s providential hand.¹⁰ Also, some historical episodes (the Emden-Eibeschutz controversy, for example) carry inherent intrigue. Philosophy carries no comparable attractions or advantages for most people, but on the contrary carries a reputation, I think, for being irrelevant to religious life. Bahya and Rambam regarded the study of philosophy and science as vital for reaching the highest levels of religious worship (a level at which truth is demonstrated by proof) and Sa’adya Gaon saw much value in it too.¹¹ But this position is either unknown to many or unappreciated; given that so few pious people actually study philosophy, it is easy to dismiss.¹²

Fear

In people’s minds, philosophy carries a time-honored association with *apikorsut*. Even though the challenges to traditional belief in our day come more from historical method than from philosophy, and historical studies hardly escape without being criticized on religious grounds, history, unlike philosophy, does not carry old baggage from medieval controversies and rabbinic statements. Philosophy as a pursuit carries a taint or suspicion that history does not. Possibly this creates greater sensitivity about many assertions in philosophy and discourages its promulgation. Also, American Orthodoxy is more polarized than it was four decades ago, exacerbating the problem.¹³

The public consequences for a publication containing sensitive material are well known. Some Orthodox Jews declare authors to be heretics and to have forfeited their shares in the world-to-come, without the thoughtful deliberation and care that such a grave accusation

demands. The indiscriminate use of serious halakhic categories as rhetorical weapons is, I suggest, morally and religiously objectionable, especially given the repercussions that charges of heresy can bring to the target and his or her family. Freewheeling use of such categories often says more about the vilifier than the vilified. However, the fact remains that authors, editors and editorial boards often are understandably intimidated by the prospect of censure. While caution and sensitivity certainly have a proper place, they are taken to excess in many areas, including, albeit not limited to, philosophy.¹⁴

The bringing of scholarly endeavors to the general Orthodox public, part of a larger democratization of knowledge in American and Jewish society, is a tall order that carries immense potential for tension. Academic scholars who publish in Orthodox journals are writing for an audience many of whom have little or no background in the academic field represented. Elementary facts about, say, medieval Jewish philosophy, for example, its open and unabashed appropriation of non-Jewish ideas,¹⁵ are viewed with incredulousness by those whose conceptions were acquired in fifth grade and have never changed. Let it be granted that some philosophical views held by some medieval thinkers are not things any teacher should sensibly teach in fifth grade, for reasons of either difficulty or religious sensitivity. Unfortunately, what people do learn in fifth grade is often assumed in later life by both teacher and pupil to be the whole truth and nothing but the truth, and is presented as such to adults as well. (Aggravating the problem, many of these people become teachers and pass on their misunderstandings.)

Most Orthodox Jews seek to grow by expanding the quantity of their learning and by studying halakha or *Tanakh* more intricately. Few have a vision of maturing in their conceptions of *Ha-Kadosh Barukh Hu* and how He governs the world. The view that one must take elementary school teachings as canonical encourages the thought that Jewish theology is so simple that even a child can understand it. This is a very strange concept of theology, not to mention an insult to the richness, sophistication, and depth of our *masora*. But the idea is tenacious, and its consequence is indifference or more likely hostility to conceptions on which one was not brought up.

Rambam's many remarks about religious development deserve to be heeded. Children, he says, should be taught simplistically; but adults who can absorb a more philosophically informed outlook must learn things they were not equipped to absorb as children.¹⁶ Furthermore, one of the causes of strife, he says, is "habit and upbringing."

Man has love for, and the wish to defend, opinions to which he is habituated and in which he has been brought up and has a feeling of repulsion for opinions other than those. *For this reason also man is blind to the apprehension of the true realities and inclines toward the things to which he is habituated.*¹⁷

A contrast with Israel may be illuminating. As Charles Liebman has pointed out, even while “ultra-Orthodoxy” seems to grow steadily in strength in Israel, radical work is being produced there in Jewish thought—and by Orthodox-identified thinkers. Hefty volumes, with substantial contributions by Orthodox philosophers, come out regularly from Israel on topics like Judaism and democracy, autonomy and halakha, feminism, treatment of “the other,” the halakhic process, and the nature of Jewish identity. Much of this work would be deemed beyond the pale in the United States. Admittedly, Israelis, including Anglo-Saxon *olim*, publish in American Orthodox journals, but those articles are usually not explosive. I emphasize that some of the Israeli work (in several disciplines of Jewish studies) is indeed religiously objectionable and problematic even to some “modern” Israeli thinkers and rabbis, as well as to Americans like myself. But I suspect that even publications that are regarded as moderate and acceptable to many Orthodox Jews in Israel could meet a hostile reception here.

Liebman suggests that the America-Israel contrast is explained in part by the fact that, in Israel, the Orthodox do not have to worry about looking over their left shoulder to Conservative Judaism, which isn’t a major force there. Since the main divide in Israel is *dati* (equated with Orthodox) vs. *hiloni* (=unaffiliated), the “*dati*” community in Israel feels more secure from the threat of defection than does American Orthodoxy.¹⁸ In a word, the slope in Israel is not as slippery. The result of looking to the left, I suspect, is that it is more difficult, more constraining, and less rewarding to write philosophy in America than in Israel. Writers feel less free. In addition, writers who might not wish to affiliate with Orthodoxy in the U.S. do so in Israel. Finally, I would suggest, Israel is more used to all sorts of views showing up on the ideological radar.¹⁹ For these and perhaps other reasons, American academics identified as Orthodox simply do not produce “Jewish thought” on a comparable scale. This lower productivity means a reduction in the number of genuinely objectionable publications, but it also reflects the discouragement of creative, unobjectionable ones.²⁰

Difficulty

Beyond issues of *frumkeit*, one runs into another obstacle in “marketing” philosophy: its perceived difficulty. As a rule, philosophy, even Jewish philosophy, is not taught in yeshiva high schools (or other high schools for that matter), and thus it is stranger and more intimidating on first encounter than other disciplines are. At play here is a stereotype best captured in a joke about a philosopher who loses his job in academia and goes to work for organized crime. On his first day on the job he walks up to someone, shoves a gun in his ribs, and admonishes, “I’m going to make you an offer that you can’t understand.” Admittedly, some philosophers are almost purposively unintelligible and not worth cracking one’s head over. But it is remarkable that people who have the intellectual capability to master the most complex, intellectually taxing halakhic *sugyot* and who would spare no energy scouring *sefer* upon *sefer* and CD-Rom upon CD-Rom to track down a difficult concept, will give up on a work of philosophy after a few pages, declaring “I can’t understand this” at the first unfamiliar word or reference that might require a trip to the dictionary, encyclopedia or Internet. I have been amused when extremely bright people tell me, unsolicited, in an almost boastful tone, “I tried reading that article by the Rav and I couldn’t understand a word.” What I wonder about is: *why do they say it with such pride?* Would they take similar pride in not understanding a halakhic *sugya*? In their minds, I suspect, it is simply not a *hisaron* not to understand philosophy; boasting about not understanding it is like confessing an inability to sing on key—the “defect” is not very important and perhaps even carries a certain charm. In some cases it is more like confessing an inability to understand modern art,²¹ where the boasting proclaims that the speaker’s interest and abilities lie in really important things, and that the speaker is discerning enough not to being taken in by fancy language and sophisticated appearances. In the case of philosophy at least, a little effort could alter the judgment. However, in today’s sound bite culture which stresses easy learning and instant access to data, the effort is not forthcoming.

It would seem, not to put too fine a point on it, that *mahashava*, serious Jewish thought, if not quite dead in America, is suffering through a woeful spell. It has few practitioners and few followers. As Walter Wurzbarger has quipped, we misread the biblical admonition, “*mekhashefa lo tehaye*” (do not let a witch live). For us it reads “*mahashava* [thought] *lo tehaye*.”

The Rav and Philosophy

At this juncture I can hear a reader saying: “Maybe your complaining is misplaced. Maybe the correct conclusion is precisely that philosophy shouldn’t be studied, for all the reasons you gave. It’s not *devar Hashem*; it has little intrinsic appeal, it borders on *apikorsut*—and it’s not that important. So isn’t your lament here just a case of *yeder darshen darshent far sich*, each person gives *derashot* that make what they do for a living supremely important?”

Well, if that’s the objection, I daresay our imaginary critic is disputing a formidable adversary. In particular, he is pitched in a *mahaloket* with the Rav *z.t.l.* For not only did Rabbi Soloveitchik write philosophy, but he saw ignorance of it as a pernicious force.

Philosophy, for the Rav, is a primary mode of attaining proper religious experience, and its absence stunts a person’s religious maturity. In a remarkable lecture to the Wurzweiler School of Social Work in 1974, Rabbi Soloveitchik laced into “the American *ben Torah* or good yeshiva student,” who “has achieved great heights on an intellectual level,” but “experientially he is simply immature. When it comes to Jewish religious experience, people of thirty and even forty years of age are immature. They act like children and experience religion like children. As a result, Jewish youth is inclined and disposed to accept extremist views. . . . Their experience is very childish, simply infantile. . . .” Symptomatic of the problem, his students, he says, follow his method in learning, but they have reservations about his philosophy, and “their substitutions are simply infantile.”²² Rabbi Aharon Lichtenstein relates a comment made by the Rav to Rav Yehuda Amital when the latter first visited the U. S. “You know, I have devoted *talmidim*—very devoted *talmidim*. If I were to announce a *shiur* at two o’clock in the morning, they would come en bloc. And yet, deep in their hearts, they think I’m an *apikoros*.” Rabbi Lichtenstein, who is the Rav’s son-in-law, adds: “The remark was laced with characteristic humor and confined, presumably, to a select group. Nevertheless, it gave vent to a genuine, if painful, sentiment.”²³

The Rav at times castigated himself as a pedagogue for not imparting his experiential side.²⁴ To understand this remark, bear in mind that the Rav practiced philosophy as phenomenology, that is, as the study of religious consciousness; he was not occupied with proving truths about metaphysics or fathoming God’s nature and intentions. Given this phenomenological conception of philosophy, we understand how philosophy, as he practiced it, enhances religious experience and involves con-

veying such experience. Furthermore, since the Rav's philosophy is dialectical—focused on appreciating the need for opposites in religious experience—its usefulness as an antidote to extremism is evident.²⁵

Time and again, the Rav demonstrated how texts of Bible, midrash, halakhah, and Zohar can be elucidated by means of the vocabulary, concepts and themes of philosophy. Indeed, these texts provide immeasurably rich soil for intellectual and spiritual growth through philosophical interpretation. Taken together, then, Fox's and the Rav's arguments for the importance of philosophy suggest that American Orthodoxy suffers *both* intellectually *and* experientially from the shunning or belittlement of philosophy.

II. PHILOSOPHY, THE HISTORY OF PHILOSOPHY, AND THE PHILOSOPHY OF HISTORY

Fox's vision of how philosophy can illuminate many areas of Judaism becomes still clearer when we examine his attitude toward purely historical studies of philosophical figures, which seek only to trace influences and set context. Fox, recall, earned his philosophy doctorate in America, studying analytic philosophy. Unlike European-trained scholars of Jewish thought, therefore, he was trained to focus on philosophical problems and to regard figures and movements as important objects of study mainly insofar as they had something to contribute to addressing those problems.²⁶ This point is illustrated as well by his studies of Plato, Aristotle, David Hume, F. H. Bradley and John Dewey. Those essays are certainly directed beyond the historical, engaging large philosophical issues such as the foundations of ethics. Even though philosophy journals and publishers of books in analytic philosophy have over the past twenty-five years showed a marked turn to the history of philosophy, their objective is to pursue history in the service of developing philosophical ideas. The sparseness of footnotes in Fox's writings reflects a predilection for original thought and for elucidating ideas in contemporary terms, as opposed to extensive citation of influences and relationships in the European style.

Regarding an exclusively historical approach to Jewish philosophy, Fox offers gentle but unmistakable criticism:

[W]e must recognize how severely and needlessly we limit philosophy if we restrict it to the study of the history of Jewish philosophy. . . . (3:97)

As scholars continue to pursue these and similar [historical] studies, they should not lose sight of the philosophic purpose of the enterprise. . . . The kind of philosophic approach which we take for granted when we study Plato or Aristotle, Descartes or Spinoza, Whitehead or Wittgenstein, should be adopted in our studies of Jewish philosophy. To do anything less is to transform great philosophic works into textbooks for linguistic and historical studies. We can only claim to understand a serious Jewish philosopher when we are able to provide a systematic formulation of his philosophy of Judaism (3:110-11).

Students inform me that in his classes Fox would always stress the ongoing resonance and relevance of an idea.²⁷ To be sure, rendering history of philosophy secondary has drawbacks and pitfalls. An idea's meaning can be skewed when isolated from its historical context; and a figure could be unfairly criticized for not thinking like a philosopher. Fox is aware of these dangers and does not belittle the need for genuine sensitivity to historical context and to a thinker's goals.²⁸ Historians might feel that his analyses of classic figures need more historical contextualization. But on the whole, his encouraging the search for a thinker's potentially enduring idea or underlying method, which must then be assessed philosophically, can be of great help in forming our attitudes to many problems. Interestingly, some scholars made the move from scholarly studies of medieval historical figures to articulation of their own theology (Emil Fackenheim, Abraham Joshua Heschel, Eliezer Schweid). In Israel today, despite a somewhat rigid compartmentalization of academic departments, a significant number of people trained in philosophy engage in both historical studies and the articulation of theological stances and ethical or political philosophies. This suggests the possibility of productively using the history of ideas to form new viewpoints, exactly as Fox urged.

In recent years Orthodoxy (across its various "wings") has displayed a turn to history; a look at Orthodox journals and the scholar-in-residence circuit confirms this. But Fox, I think, might have wanted to see a more philosophical approach to historiography than has been common.

Here is an example. Centrist Orthodoxy highlights the phenomenon of change in Jewish history—changes in ideologies and practices, for example; by contrast, right wing Orthodoxy tends to present everything as a seamless continuity. Centrists therefore confront a problem. If Judaism changes so much, why battle any particular deviational phenomenon? Why not just say, "Well, the religion changes"? How can we

reconcile commitment to a particular version of Judaism with knowledge of historical fluctuations? This is simply the philosophical thicket known as the problem of historicism.²⁹ It strikes me that if such philosophical questions were part of centrist Orthodoxy's agenda, it would lead to a deeper understanding of what religious commitment entails and how the study of history should proceed.

Likewise consider the question of whether Jewish history affords us normative precedents. To take an example, thanks to the researches of such scholars as Moshe Idel, Ephraim Kanarfogel, and Elliot Wolfson (and of course, ultimately, Gershom Scholem), we now know that mysticism has been widespread in Jewish history, infiltrating, as Kanarfogel shows, even ranks of the *Ba'alei ha-Tosafot*.³⁰ Now there would seem to be important and difficult tensions between mysticism and the worldview of "madda." What are we to infer from the persistent historical presence of mysticism vis-à-vis what Orthodox Jews today must pursue? Must we more actively cultivate mysticism because of what history teaches about Judaism?³¹ This is another question of the sort Fox might have asked. I suggest, then, that his conception of philosophy as a method to be applied across many domains can lead to fruitful—and pressing—lines of inquiry.³²

III. FOX ON THE LIMITS OF REASON

The essays in this collection vary greatly in their objectives. Some are purely expository; others put familiar sources into a large framework. Some are purely critical; others contain constructive theorizing. Fox seems always to have carefully thought through his goals and to have varied the balance of exposition and criticism, as well of criticism and theory-building, from assignment to assignment. There is a flexibility and diversity of purpose that is admirable. In fact Fox (in a book chapter not included in the volume³³) once wrote a kind of "Rashi," a line-by-line commentary to Rambam's treatment of the *Gan Eden* narrative. This testifies to his creativity in finding the right genre in which to explore a text or issue. In the remainder of this essay I will concentrate on the essays in which Fox stakes out his own philosophy or finds a congenial philosophy in a particular author.

In particular, I focus on one theme that runs through Fox's writings: the limits of human reason. From studying philosophy, he learned that we cannot rationally prove there is an external world, or that

nature's workings in the future will resemble its past operations. He also internalized the problems involved in establishing objective ethical values. This theme of skepticism shapes Fox's views on faith, on morality, and then finally on the philosophy of Maimonides.

Faith

Let us begin with the grounding of faith. In an essay on David Hume, the great eighteenth century Scottish philosopher, Fox quotes Hume's intriguing remark that "A person, seasoned with a just sense of the imperfections of natural reason, will fly to revealed truth with the greatest avidity."³⁴ As Fox points out, Hume may have intended this remark tongue in cheek, but the serious point is that philosophy shows us that our most precious beliefs about the world are not sufficiently warranted on the basis of evidence. Once people realize the limited powers of the human intellect, once they face up to our inability to secure certainty in knowledge, religious faith can be upheld.

Fox's faith draws support, as I said, from his philosophical training, which taught him skepticism concerning the powers of the mind. Perhaps the clearest statement of this view is in an essay that appeared in *Commentary* in 1966 in a symposium on "The Condition of Jewish Belief." Fox wrote then:

I believe, because I cannot afford not to believe. I believe, as a Jew, in the divinity of Torah, because without God's Torah I have lost the ground for making my own life intelligible and purposeful.

To believe because life demands it is not peculiar to religious men. It is something that reasonable men do as a matter of course in other areas. For example, most men in Western society believe that there is some necessary relationship between reason and reality, though no decisive evidence can be offered for this conviction. They hold to it because if the world does not conform to human reason then it is unintelligible, and we find that an unbearable state of affairs. Rather than face the pain of an unintelligible world we affirm, as an act of faith, that it must be rationally ordered. We insist that whatever reason finds necessary must be the case in reality and whatever reason finds impossible can never be the case in reality. And we do so rightly, for with anything less our lives would become a hopeless chaos. The same holds true of the Jew who believes in the Torah as divine, even while acknowledging that he has and can have no decisive evidence. He believes because the order, structure, direction, and meaning of his life are at stake, because the alternative is personal and moral chaos.³⁵

Another way to put this might be to say, with apologies to Socrates, that the overexamined life is not worth living. A worthwhile life will involve logical leaps, or else purpose and meaning will be lost. This argument is not *anti*-philosophical. Rather, it represents a type of philosophical argument that enjoys currency among philosophers today.³⁶ Fox's familiarity with the problem of skepticism and with the pragmatist tradition in philosophy, which stresses the practical consequences—for example, the emotional benefits—of believing in certain cases,³⁷ is evident in the line of thought he endorses.

While I accept this basic approach, its limitations should be noted. Most obviously, Fox's reasoning places no constraints on what people might find meaningful, what might give order, structure, and purpose to their lives. For all he has said, extremists of all kinds can use the same argument to defend their beliefs and actions; thus his position courts relativism and a legitimation of wrongful worldviews and practices.³⁸ Atheists can claim that to attribute the real power in the universe to a single being who lies beyond nature is a thought they psychologically cannot endure. In addition, whereas there is no serious evidence that our reason is *not* reliable, there are *prima facie* difficulties with religious belief, such as the problem of evil and the fact that God does not provide greater evidence for His existence and the divinity of His revelation. Fox needs a reply to these challenges to faith.³⁹ That said, it strikes me that as a *strategy* for defending faith, Fox's approach is an instructive caution against imposing on religious believers standards for knowledge that are not imposed on other beliefs, and that he ultimately charts a fruitful path.⁴⁰

Halakha and Morality

The Orthodox community has been deeply exercised over whether Judaism recognizes a valid standard of ethics that is independent of halakha, and if so, whether this standard, which presumably is reflected in intuitions about what is moral and immoral, is operative and influential in *pesak*. Sometimes the question is framed as whether Judaism believes in natural law (a standard of morality that reason can discover independently of religion) or as whether general ethical intuitions have an impact on halakhic decision making. For the most part, the centrist community stresses both the validity of ethical intuitions and their vitality in *pesak*.

Fox, by contrast, held a deep skepticism about the ability of human beings to discover general ethical norms, and for this reason rejected the idea that Judaism believes in a valid ethical standard that can be

known without God's commands. The *Commentary* essay cited above argues this point explicitly: "Those who think that moral principles are self-validating would do well to study the history of ethical theory. Contemporary moral philosophers are still struggling—with notably little success—to find independent foundations for their ethical principles."⁴¹ Fox deploys skepticism in critiquing Thomas Aquinas's views on "natural law" and maintains that Maimonides, in contrast to Aquinas, rejected natural law teaching (1:183-208). The difficulty of grounding ethics objectively also is salient in his writing on Dewey. At times, at least, Fox went so far as to deny that any significant Jewish thinker ever believed in natural law; so, for example, even though Sa'adya Gaon separated *mitsvot* into *sikhliyyot* (rational) and *shim'iyot* (revelational) and thus ostensibly believed in a rational ethics, Fox held that this is a misleading characterization of Sa'adya's position.⁴²

The best sources for his views are an essay I regard as a gem, a 1979 work titled "The Philosophical Foundations of Jewish Ethics: Some Initial Reflections" (3:51-74), originally published as a pamphlet by the University of Cincinnati, and an essay titled "The Mishnah As A Source for Jewish Ethics" (3:75-93). In "Philosophical Foundations," Fox argues against the widespread idea that the Noahide laws represent laws discoverable by human reason. He maintains that the very language of "*mitsvot benei Noah*" implies heteronomously imposed laws (laws imposed by an authority from without, i.e. other than oneself), and that certain details of the Talmud's discussion in *Sanhedrin* 56a-b militate against the natural law conception: the *gemara's* appeal to *Genesis* 2:17-18, where God commands Adam concerning trees in Gan Eden, as the text for a *midrash halakha* from which the laws are derived; the inclusion of *ever min ha-hai* (flesh cut from a living animal); and the proposal of additional or alternative items such as prohibitions against castration and sorcery, which are not universally held moral principles. Besides contesting others' appeal to Noahide laws as a proof of an independent morality, he rejects arguments based on Nahmanides' famous glosses on "you shall be holy" (*Leviticus* 19:2) and "do the straight and the good" (*Deuteronomy* 6:18). Fox observes that these commands are just that, a divine imperative. His idea here is that it is odd to say that ethics has a value independent of halakha when the reason one accepts ethics is that halakha (or God) tells us to do so! Jewish ethics, therefore, is ultimately heteronomous.

In talmudic and later halakhic texts it often *appears* that a legal rule is overridden by values that are derived from an external standard of morality. Fox maintains that in all such cases the value that is invoked

is *internal* to Judaism, not external. Take, for example, the mishna *Bava Metsia* 4:2: a person who has paid the money for an object, but has not yet taken formal possession through *meshikha*, may technically renege, but is administered a curse for doing so. Fox maintains that since the value of keeping one's word is a Jewish value, one need not turn to external ethical values in order to explain why *Hazal* imposed the curse. Similarly, if Rabbi Akiva and Rabbi Tarfon opposed capital punishment (*Makkot* 7a), this need not reflect the influence of external values but rather of the "internal" value of human life. If a priest does not examine a *nega* that erupts during a festival until after the festival, and does not examine a groom's eruption until after the seven days, then "even if we conjecture that the decision is based on humane moral considerations, we should remember that these considerations are not imposed from without, but reflect a choice between competing values in the Torah itself." (3:87-88). Likewise, laws based on *tikkun olam*, *darkhei shalom* or *takkanat ha-shavim* are based on certain *Jewish* values: "Concern for the general welfare, fairness, and compassion, are all an established part of the system" (Ibid., 89). Citing the existence of harsh-sounding rulings in cases of *mamzerut*, Fox insists that "it is not an independent morality or axiology which motivates the Sages of the Mishna. They teach the law as they understand it, even when it seems to run contrary to our (perhaps even their own) moral tastes" (3:83). Finally: "There seems to be very little evidence that the Mishna entertains any conception of a realm of the ethical which is independent of the law" (3:93).⁴³

Fox's arguments should give pause to anyone who invokes the "usual suspects," that is, commonly cited texts, to vindicate claims of natural law in Judaism. He is right that given what seems to be a moral hesitation to apply a certain halakha, be it *ben sorer u-moreh*,⁴⁴ be it capital punishment, be it strict *din* as opposed to *peshara*, we cannot blithely assume that the morality is derived from without as opposed to from within. Even Nahmanides' famous comments on "be holy" and "do the straight and the good" refer to a standard that is inferred from *other laws of the Torah*. This is especially evident when Ramban draws a parallel between "be holy" and "do the straight and the good" and the general law "*tishbot*" on Shabbat. The applications of *tishbot* are extrapolated from other laws of the Shabbat and clearly do not come from an independent ethic.

Nonetheless, despite the formidable strength of Fox's challenge to the usual proof texts, his denial of the validity of general ethical intuitions faces serious difficulties. I further believe that his attempt to make

all values that are invoked in halakhic decision making to be “internal” eventually will encounter serious obstacles and possibly failure. (In what follows I assume he did not mean for his claim about the values being internal to apply *only* to *Hazal*, but rather to halakha generally.)

I shall assume for our purposes that Fox is not advocating the notoriously difficult view that there is no valid standard of ethics outside of God’s will, that, in Dostoevsky’s phrase, “if there is no God, everything is permitted.”⁴⁵ Instead I take him as believing that such a standard exists, while denying our ability to *know* the correct standard. (Hence the necessity for our using halakha as the source of “ethical” knowledge.) Now if we cannot know a correct ethical standard, we cannot form the intuition that we owe gratitude to a creator by reference to gratitude as an “external” value dictated by our moral sense; we cannot assert, on the basis of independent moral intuitions, that we must keep promises—for example the one we made at Sinai—or that we must tell the truth;⁴⁶ we cannot praise God for what He has done using an external standard;⁴⁷ we cannot see evil as a problem by invoking an “external” standard by which Nazi atrocities are wrong. Fox could well assert “*in hakhi nammi*.” But aside from the counterintuitiveness of these assertions, Fox’s critique of Eliezer Berkovits’ attempt to explain God’s allowing Nazi atrocities (in Berkovits’ *Faith After the Holocaust*) reveals that he, Fox, is not a total skeptic about validating “external” values. “It is monstrous to suggest that, in the last analysis, we have no possibility of sound moral judgment. . . . Happily [philosophers who say this] are better than their theories, and they continue to affirm the classical distinctions between good and evil even though they cannot provide any ultimate sanction for the values which they cherish” (2:96). It is difficult to see how this impassioned trust in our moral perceptions of the Nazi atrocity can sit together easily with the notion that moral judgments cannot be known independently.

Suppose we put aside this concern; suppose we allow that the judgments about gratitude and about evil are all “internally” based. Can all cases really be codified using only rules together with intuitions that are extrapolated from Jewish sources? At times the legal precedents would seem to be too meager, and the underlying value system too unclear. Sometimes, when we extrapolate values from the system, we end up with irreconcilable but ostensibly equally weighty values. Arguably, in order to rule in such cases, one must appeal to an external value to decide which internal value deserves greater weight.

Furthermore, consider Orthodox attitudes to slavery, polygamy,

kiddushei ketanna and various inequalities (e. g., in the distribution of an inheritance). If Fox were right, “externally derived” ethical objections to these practices, today or long ago, would not be admissible in the halakhic process. Those who portray the halakha as insulated from “external” values typically state that halakhic positions taken in these areas may coincide with, for example, democratic values, but those values are not *appropriated* unless they are judged to be also internal Torah values.⁴⁸ What then can justify changed attitudes to the practices I named? How could we claim that authorities who oppose such practices do so on the basis of an “internal” value, when it is clear that the Torah long allowed the practice *despite* its (presumed) knowledge of the opposing internal value?⁴⁹ Unfortunately, Fox did not get to write a major book on Jewish ethics as he had planned. I am certain he would have delved into these problems.⁵⁰

Its difficulties aside, what makes Fox’s position so interesting is that he is not someone who distrusts human reason and ethical sense on the basis of religious piety alone. Rather, he distrusts human reason because of philosophical difficulties, and the position of piety is, in terms of the structure of his published argument, a consequence, not a cause. Fox is proof positive that a Jew open to philosophy and enthusiastic about studying Western culture does not necessarily have to take the positions about the validity and vitality of independent ethics which are associated with centrist Orthodoxy. I for one do not think it is *obvious* that halakha is propelled by external values. But I think it difficult to develop the “internalist” position plausibly. Reasonable people may, however, disagree.

Maimonides

In light of his stress on skepticism, it is not surprising that Fox’s work on Maimonides concentrates on the question of how much scope Maimonides gives to human reason. He staunchly opposes scholarly interpretations that portray Maimonides as an arch rationalist who thought that reason provides answers to all questions, even to the point of (on some interpretations) according no significant epistemological status to either divine revelation or rabbinic tradition.⁵¹

Fox also cogently rejects a widely adopted hermeneutic that portrays Rambam as a closet heretic. Much of the “esotericist” case rests on Maimonides’ statement in the introduction to the *Guide of the Perplexed* that he has deliberately inserted contradictions into the work, some of which are of the “seventh” kind (which I will not bother to explain

here). Medieval esotericists (e.g., Samuel ibn Tibbon, Joseph ibn Kaspi, Moses Narboni), as well as Leo Strauss and Shlomo Pines of the twentieth century, construe Maimonides as implying that his true view is to be found in the more radical statement in a contradictory pair. Against this trend, Fox wrote a witty, incisive review of Pines' translation of the *Guide of the Perplexed*, the standard English version of the work (1:165-81). The review included a zestful and amusing application of Strauss' methods (as used in his preface to Pines' translation) to Strauss' own words. By questioning the conventional wisdom (Strauss' view), Fox—again, impressively—was a pioneer of a novel approach to the contradictions in the *Guide*, an approach that seems to be catching on in the scholarly world.⁵² Basically, the approach maintains that the “contradictions due to the seventh cause” are not contradictions that Maimonides inserts to hide his own radical opinions. Rather, the contradictions reflect the inability of human reason to decide certain issues.⁵³ His portrait of Maimonides reflects Fox's own awareness of uncertainty.

For all his recognition of reason's limitations, Fox believed that philosophical inquiry must continue. In this he was, I think, emulating his own description of Socrates. In the dialogue *Phaedo*, Socrates speaks of the “misologists,” those who despise logic because of its perceived inability to arrive at definite conclusions. Plato's Socrates knew both the dangers of dogmatism and the pitfalls of misology. Hence he concluded, in Fox's words, “the best way is the middle way, that of continuing inquiry without stop, neither hoping for cheaply won certainties, nor hating inquiry because it rarely justifies such certainties” (“The Trials of Socrates,” 1:19).

IV. CONCLUSION

What, in particular, can we Orthodox Jews learn from Marvin Fox? Many things, I have suggested: that philosophy is important for the study of all Jewish texts; that it can provide meaning to our lives as Orthodox Jews; that it need not be perceived as a nemesis of faith but on the contrary can be utilized as a constructive support. Openness to the study of culture not only is compatible with a deep commitment to religious life, but it nurtures such a commitment. We can also learn the silliness of throwing people into categories and reasoning, “C is a centrist (or ‘right winger’) on issue X, so C must be a centrist (or ‘right winger’) on all issues.” Here is a man who clearly valued Western

thought and was an exemplar of *Torah u-Madda*. But probably more than any other “centrist Orthodox” thinker, he appreciated and stressed the limits of reason, of secular disciplines and of our moral sense. All these emphases are I think essential to any responsible Orthodox approach to assessing cultural norms of rationality and morals and finding their proper place in Jewish thought and law.

Fox’s philosophical writing, so clear and engaging, is an excellent place to begin the serious study of *mahashava*, whether in high schools, universities, or adult education groups. That readers will challenge his words and will want to go beyond his writings is a tribute to his capacity to stimulate. Perhaps by recalling Marvin Fox and his historical context, we can recapture and even recreate those good old days when *mahashava* mattered.

I close this lengthy review essay with Fox’s own words. In one essay Fox explicates a principle that he suggests guided the Rav in his eulogies. He calls attention to a Yiddish *derasha* in which the Rav compares a person to a *Sefer Torah*.⁵⁴ Fox deduces that:

If a Jew is a *Sefer Torah*, then to know an individual Jew requires the same kind of intellectual effort, the same kind of conceptual formulation and elucidation, as does every other topic in the study of Torah. The more eminent the person, the greater and deeper his learning, the more exemplary his virtue, the more creative and sound his leadership, the more sensitive his piety, the greater the intellectual challenge to understanding the departed personality. (“The Rav as Maspid,” 2:157)

Many sided, virtuous, and profound, Marvin Fox, his life and thought, deserves to be studied and expounded.

NOTES

Parts of this essay are based on a memorial lecture delivered in January 2001 at Congregation Shaarei Tefillah in Newton, Massachusetts, marking the fifth *yahrzeit* of Marvin Fox *z"l*. I thank Drs. David Berger, Benny Kraut, and Charles Raffel, along with David Billet and *Tradition's* editor Rabbi Dr. Michael Shmidman, for their comments on an earlier version.

1. The information in this paragraph is taken from the prefaces by editor Jacob Neusner and by June Fox.
2. Jacob Neusner (ed.), *From Ancient Israel to Modern Judaism: Intellect in Quest of Understanding: Essays in Honor of Marvin Fox* (Atlanta: Scholars Press for Brown Judaic Studies, 1989).
3. The bibliographic information on the last five items is incomplete, but three of those items appear in the volumes.
4. Many a philosophy student has been raised on the popular Thomas K. Abbott translation of Kant's *Fundamental Principles of the Metaphysic of Morals*, published in 1949 as part of the Bobbs-Merrill "Library of Liberal Arts" series. Fox wrote the introduction to that volume.
5. Neusner writes that the essays represent the selections of Dr. June Fox in consultation with the editor (1:xii). The book is designed, appropriately, for a broad scholarly audience rather than the Orthodox community *per se*, so Orthodox readers may wish to scout the full Fox bibliography (1:xvii-xxx) for essays on such topics as Jewish day schools, the Hillel organization, Brandeis University, Israel, and non-Orthodox denominations. They should also read, in addition to Fox's essay "The Rav As Maspid," (2:153-70) his article on the Rav, "The Unity and Structure of Rabbi Joseph B. Soloveitchik's Thought," in *Tradition* 24, 2 (Spring 1989): 44-65. All users of the anthology should note that essay 5 (volume 1), essay 19 (volume 2), and essays 24 and 28 (volume 3) contain references to other contributions that appear in the books from which they are taken, and are therefore most fruitfully studied by going to those books and reading the works which Fox is reacting to or introducing. The original sources of those essays are given in the full Fox bibliography under items #57,136, 90, and 92, respectively.
6. At the risk of blurring distinctions that might be relevant in other contexts, I will here use the terms "[Jewish] philosophy," "*mahashava*," "Jewish thought" and "*hashkafa*" more or less interchangeably. However, I must emphasize that I am in the first instance talking about how Orthodox thought that reflects academic sophistication is treated in the "centrist" part of the Orthodox community. Except for a remark or two later, I am trying not to speak about the segments of Orthodoxy that oppose secular studies. In those communities, ironically, I believe that "*mahashava*" is more popular than in the centrist community, but the *mahashava* presented is of a different nature. There are numerous difficulties in making my definitions precise and rather than expand this essay to

set up the needed definitions, I rely on my confidence that many readers will understand my overall point well enough without further exactitude on my part.

7. Similarly, Mark Steiner has argued that the study of, say, intention or causation as these are utilized in a talmudic *sugya* is an instance of philosophy. By this criterion, the writing of Rabbi Israel Salanter on subjects like weakness of will and humility is itself philosophy—of a high caliber—even though the author is to all appearances a foe of philosophy. See Steiner’s interesting analysis in “Rabbi Israel Salanter As a Jewish Philosopher,” *The Torah u-Madda Journal* 9(2001): 42-57, esp. 42-46.
8. The essay from which I am quoting, “The Role of Philosophy in Jewish Studies” (essay #27, 3:95-111), actually attempts to show philosophy’s relevance to *academic* Jewish studies. But if cogent, Fox’s argument would affect even non-academic study of *Tanakh*, Talmud or Midrash, so I feel comfortable applying it to the non-academic sphere. Fox’s approach dovetails nicely with the Rav’s view that Jewish philosophy can (and must) be constructed out of the Bible and halakhic sources. See Yitzhak Twersky, “The Rav,” *Tradition* 30:4 (1996): 28-36, for an explanation of the role that philosophy plays for the Rav in explicating Jewish texts.

Fox has other remarks about philosophy: e. g., that it utilizes arguments (3:123-32), and that it “is not an intellectual chess game which uses concepts in place of rooks and pawns. . . . Only when human thought reaches the level of deepest earnestness does it become philosophical. Only when a thinker addresses himself to the deepest human questions can he become a philosopher” (2:45). I will not try to integrate these comments into the one I focus on, but I do think that in the end his view is a cohesive one.
9. Like most writers who deal with this topic, Fox does not make use of the vast literature on philosophy of law, especially on natural law vs. positivistic theories of law. I think this trend is unfortunate, but will not say more on that subject even though I later take up Fox’s views on the place of moral intuitions in halakha.
10. Despite the verse, “*zekhor yemot olam, binu shenot dor va-dor*” (“remember the days of old, understand the years of each generation”) (*Deut.* 32:7), Jews did not cultivate the study of history for its own sake until the nineteenth century. Prior to then, history was pursued primarily in the service of religious goals; the rise of history for history’s sake was, according to Yosef Hayyim Yerushalmi, a child of secularization. Cf. Yosef Hayyim Yerushalmi, *Zakhor* (University of Washington Press, 1982), esp. chapter 4. See also Jacob J. Schacter, “Facing the Truths of History,” *The Torah u-Madda Journal* 8(1998-1999): 200-73, esp. pp. 202-211. Because of the multiple challenges that historical method poses to traditional belief, Orthodox authorities often shunned or disparaged it, preferring “memory” to “history,” to use contemporary language. The recent spate of history books and articles from both the Orthodox center and the right is therefore striking. For a balanced treatment of the issues posed by history vs. memory, see, in addition to Schacter and Yerushalmi, Jonathan Helfand, “Striving for Truth,” *The Edah Journal* 2:1 (Tevet 5762) (www.edah.org).

11. See, for example, Rambam's famous parable of the city in *Guide of the Perplexed* 3:51, where those who are "plunged into speculation [philosophy]" rank higher than "jurists who receive true opinions on the basis of traditional authority and study the law concerning the practices of the divine service, but do not engage in speculation concerning the fundamental principles of religion and make no inquiry whatever regarding the rectification of belief" (*Guide of the Perplexed*, trans. Shlomo Pines [Chicago, 1963], 619). More generally, see Herbert Davidson, "The Study of Philosophy As a Religious Obligation," in *Religion In a Religious Age*, ed. S. D. Goitein (Cambridge, MA, 1974), 53-68.
12. The decline of theology as a serious enterprise probably is part of the explanation of why much of the Orthodox community is indifferent to the Christian-like theology of Lubavitch messianists and deifiers. It takes a scholar sensitive to theological differences between Judaism and Christianity and to the theology of Messianic movements to point out the *déjà vu* quality of Lubavitch theology, as David Berger does in *The Rebbe, The Messiah and the Scandal of Orthodox Indifference* (London, 2001).
13. This assessment underlies part of the symposium on "The Sea Change in American Orthodox Judaism," edited by Hillel Goldberg, *Tradition* 32,4 (summer 1998). In my view, it is because we were weaker then that we were less polarized; see *ibid.*, p. 106. Some of the problems I raise in what follows affect Jewish history and parshanut as well, while others are more specific to philosophy.
14. Given the "quick trigger" phenomenon I described, one cannot but be flabbergasted that those versions of Lubavitch theology which overlap with Christianity escape condemnation by the same people who pounce on all sorts of other statements, even those that arise in a speech, article or book purely *derekh agav* (incidentally). The explanation probably relates to the *source* of the belief. Beliefs that come from exposure to modern thought are denounced; those that arise from a traditionalist environment and are held by people who *look* pious are treated gingerly. See Berger, *The Rebbe, The Messiah and the Scandal of Orthodox Indifference*, esp. pp. 135-36.
15. For an analysis of both positions in the medieval debate over this appropriation, see David Berger, "Judaism and General Culture in Medieval and Early Modern Times," in Berger, Gerald J. Blidstein, Shnayer Z. Leiman, and Aharon Lichtenstein, *Judaism's Encounter with Other Cultures: Rejection or Integration?* ed. Jacob J. Schacter (Northvale, New Jersey, 1997), pp. 60-140. I heard of one American rabbi who taught, "Let me tell you about the *Moreh Nevukhim*. The Rambam didn't mean it!"
16. See, for example, the introduction to *Helek*, along with *Guide of the Perplexed*, 1:31-34.
17. *Guide of the Perplexed*, 1:31, p. 267 of the Pines translation. (Italics mine.)
18. See Liebman, "Modern Orthodoxy in Israel," *Judaism* 47, 4 (Fall 1998):405-10. The analysis holds, I believe, for Jewish history and Bible study. I reiterate my opinion that the American value judgments have validity in many cases.

19. An American philosopher who appeared on an Israeli television program with the late Yeshayahu Leibowitz remarked to me that, in America, Leibowitz would not have been the intellectual celebrity he was in Israel. In correspondence, Prof. Gerald Blidstein suggested to me that Israel's small size might be a factor in the fame or notoriety that a colorful or prolific academic may acquire in Israel.
20. There is one conspicuous exception in American Orthodoxy, the Orthodox Forum series, published by Jason Aronson press under the general editorship of Rabbi Robert S. Hirt. The Forum is convened each year by Dr. Norman Lamm.
21. I thank Dr. David Berger for this second analogy.
22. In Aharon Rakeffet-Rothkoff, *The Rav: The World of Rabbi Joseph B. Soloveitchik*, vol. 2 (Ktav, 1999), 240 (in the section titled "Religious Immaturity"). Some examples of simplistic thinking in Orthodoxy are noted by Rabbi Simcha Krauss, "Orthodox Retreat from Modernity," *The Jewish Week* (December 14, 2001) p. 28.
23. Rabbi Aharon Lichtenstein, "The Rav At Jubilee: An Appreciation," *Tradition* 30, 4 (summer 1996): 54.
24. See also "Al Ahavat ha-Torah u-Ge'ulat Nefesh ha-Dor," in *Be-Sod ha-Yahid ve-ha-Yahad*, ed. Pinchas Peli (Jerusalem, 5736), 420. On this passage see also Lichtenstein, "The Rav At Jubilee," 55-56.
25. For a fuller formulation of the phenomenological and dialectical character of the Rav's philosophy, see my introduction to *A Reader's Companion to Ish ha-Halakha*, soon to appear on the website of the Rabbi Joseph Soloveitchik Institute in Brookline, Massachusetts (www.rav.org). On dialectic as an antidote to extremism, see Eugene B. Korn, "Tselem Elokim and the Dialectic of Jewish Morality," *Tradition* 31, 2 (winter 1997): 5-30. The Rav's link between experience and philosophy is clear in the opening pages of "Lonely Man of Faith," *Tradition* (1965):5-10 and "A Halakhic Approach to Suffering," *The Torah u-Madda Journal* 8(1998-1999): 3, as well as (in more muted form) the last paragraph of *Ish ha-Halakha*. Reuven (Ronnie) Ziegler is preparing an article that reinforces this point. In a letter to Dr. Samuel Belkin in 1957, discussing the structure of the *semikha* program at the Rabbi Isaac Elchanan Theological Seminary, the Rav proposed that *semikha* students be acquainted with philosophy: "It is hardly necessary to state that philosophical training for the rabbi is of paramount importance."
26. The relevance of the contrast between European universities and the University of Chicago was pointed out to me by my colleague Charles Raffel, who studied with Fox. I recall serving on an orals committee with Fox, questioning a doctoral candidate whose chosen area was medieval theories of prophecy. Some professors appropriately quizzed the student on the origins of the theory of the Active Intellect, which plays a major part in medieval theories. But Fox, likewise appropriately, wanted to know, "how would you identify a prophet if someone claimed to be one today?" (The issue is discussed in the Torah, but Fox wanted an epistemological account.)
27. I am reminded here of Yosef Hayyim Yerushalmi's contention that study-

ing history for history's sake may fail to provide "meaning." See *Zakhor*, pp. 94-100. However (as Dr. Benny Kraut noted to me) Yerushalmi is saying that to find meaning one might have to *replace* history with memory, which rejects historical method, while Fox is saying that one can find meaning in the ideas that the history of Jewish philosophy uncovers—the history need not be *rejected*. Likewise, one may be tempted to draw an analogy to opposition in yeshivot to historical studies of talmudic *sugyot* and of Maimonidean halakha. It was and is contended that approaching *sugyot* historically can rob *Talmud Torah* of existential meaning and ultimately dilute a person's passion for "learning." Those who endorse this argument see little or no value in the historical approach to a *sugya*. By contrast Fox values the history of philosophy and indeed it provides the fund of ideas that the philosopher evaluates.

28. For example, he prefaces his attempt to systematize and analyze Maharal's ideas, which are spread across different writings, with this caveat: "Our task is to construct the system which is lacking in the writings of MaHaRaL, and to do so without imposing upon him thought-forms and structures which are alien and which distort or misrepresent his intentions." ("The Moral Philosophy of MaHaRaL," 2:105). Elsewhere, Fox says that the absence of arguments and evidence in Rav Kook's writing shows he was not a philosopher, but adds that it is "no derogation of his stature" to say this, and that "It is not a service to his thought to try to force it into artificially constructed systematic forms since this is certain to distort its inner meaning and to rob it of its force." ("Rav Kook: Neither Philosopher Nor Kabbalist," 2:123; in Fox's view, Rav Kook is best described as a poet.). He adds: "It may well be that he can speak to the quest for Jewish spirituality in our time more effectively than those thinkers who follow a classical model." (*Ibid.*, 131).
29. David Berger relates that some academic historians have responded to his critique of Lubavitch messianism by invoking the historicist argument "that beliefs change, that religions evolve. Hasidism itself was an innovation. Religious Zionism was an innovation." See Berger, *The Rebbe, The Messiah, and the Scandal of Orthodox Indifference*, 142. If such criticisms were accepted, it seems to me, that would result in no one ever standing up for any view in science, politics, ethics, economics, or anything else, since views and realia in all these areas change. "Let history tell" is hardly sound advice when history might tell different things depending upon whether one acts. As I once heard Sidney Morgenbesser, the renowned Columbia University philosopher, put it, when you make decisions in a given time and place, you must make them as an agent, not a spectator.
30. Kanarfogel, *Peering Through the Lattices: Mystical, Magical, and Pietistic Dimensions in the Tosafist Period* (Detroit, 2001).
31. I thank Mr. Lippman Bodoff for posing such questions about the normativity of history vis-à-vis research into Kabbala.
32. Another example is the current division between "history" and "memory," the former generally advocated by the centrist Orthodox and the latter by the "Orthodox right." I believe that each side confronts certain tensions in its approach that so far have gone unacknowledged.

33. See his *Interpreting Maimonides* (Chicago: University of Chicago Press, 1990), 152-98.
34. Hume, *Dialogues Concerning Natural Religion*, ed. Norman Kemp Smith (2nd ed., London, 1947), p. 227, quoted by Fox at 2:14.
35. The quotation is from the book version of the *Commentary* symposium, *The Condition of Jewish Belief* (New York and London, 1966), pp. 59-60. The essay is not included in the present collection, which reprints articles of a more scholarly nature.
36. See the selections in Paul Helm (ed.), *Faith and Reason* (Oxford, 1999); see also Stephen T. Davis, *Faith, Skepticism and Evidence* (Lewisburg, PA, 1978); William J. Wainwright, *Reason and the Heart: A Critique of Passional Reason* (Ithaca, NY and London: Cornell University Press, 1995); and my "The Overexamined Life Is Not Worth Living," in *God and the Philosophers*, ed. Thomas V. Morris (New York: Oxford, 1994), 263-84, esp. pp. 267-69, 277-84. In defense of religious belief, I argue there (p. 268) that "Hume taught us, in effect, that it is a *vice* to be too rational, to hold out for rigorous arguments in *all* walks of life. Only a mad person would want to conduct his or her life with complete, Spock-like logicity." That is not to say that Hume would endorse my or Fox's use of his philosophy.
37. See especially William James' classic, "The Will to Believe" (1896), deservedly reprinted seemingly everywhere.
38. Ironically, Fox raises this point against Abraham Joshua Heschel's attempt to ground religion in intuition: "Must we not admit the equal validity of every religious doctrine which bases itself on intuition? Can we reject all but our own? Surely we, as Jews, are bound to insist on the truth of our own position and to reject any religious view that contradicts our teachings. . . . But [according to Heschel] on what ground do we make such a selection?"(2:56).
39. Cf. the essays "Berkovits' Treatment of the Problem of Evil" (2:93-104) and "Theodicy and Anti-theodicy in Biblical and Rabbinic Literature" (3:173-85).
40. See the readings in note 36.
41. *The Condition of Jewish Belief*, p. 62.
42. See "Maimonides and Aquinas on Natural Law," in vol. 1, at pp. 186-88. Fox's claim is that *mitsvot* are *useful* according to Sa'adya, but not *ipso facto* "rational." He handles Hazal's demarcation of a category "mishpat" consisting of laws "which had they not been given they should have been given" (*Yoma* 67a) in similar fashion—mishpatim are useful, not "rational," but he further adds that we realize their usefulness only after they have been given (1:185). I question Fox's implication that a thinker who wants to show the *mitsvot* conform to an independent standard of "usefulness" is not in that way showing them to be rational and ethical. Certainly on a utilitarian ethic, useful and "right" mean the same thing. In addition, the idea that we can recognize the *mishpatim*'s usefulness and desirability only after they are commanded is questionable. See the next note as well.
43. In light of Fox's position that we can discover the *usefulness* of *mitsvot*, and

block the appeal to an external standard, since after all we can access the standard of *usefulness*. That is, once *mitsvot* are acknowledged to be “useful,” why shouldn’t intuitions about “usefulness” enter into the halakhic process? Here he would respond that the usefulness of *mitsvot* is discovered only after the fact (this is how he understands *mishpat* as used in *Yoma* 67a). But I don’t see why we can’t form reliable independent judgments of usefulness and desirability.

44. Judy Heicklen long ago convinced me, however, that a celebrated statement of R. Shimon at *Sanhedrin* 71a is not an instance of ethical scruples affecting halakha. R. Shimon states: “because he ate a *tartemar* of meat and drank half a log of *Italki* wine, his father and mother take him out to be stoned? Rather, [the *ben sorer u-moreh*] never was and never will be. Why was it written? Study and receive reward.” This, Ms. Heicklen argued, should not be understood to be voicing an *ethical* scruple about *ben sorer u-moreh*. Such a reading would make R. Yonatan’s response (that he saw such a case) peculiarly insensitive to the moral issue (as if the moral problem were met by saying “it happened!”). Also, there would then be only a tenuous parallel between *ben sorer u-moreh* and the immediately ensuing cases of the condemned city and the leprous house. In those instances the reason the case “never was and never will be” is presented as practical, not ethical. Hence, a better reading of the text is that instead of voicing an ethical concern, R. Shimon is asking whether *practically speaking* a case could arise in which both parents choose to have their son executed for such an offense. (The *mishna* requires both parents to consent.) R. Yonatan retorts that he saw such a case, so parents could indeed go through with the process. If this reading is correct, the thesis that *Hazal* had “ethical scruples” about *ben sorer u-moreh* will have to be based on other rabbinic positions in the Talmud about this law, not R. Shimon’s.
45. Plato’s *Euthyphro* 9e-11b provides the classic objection to this view: if there are no ethical standards outside of God’s will, God is arbitrary. Another objection is that “God is good” would be a tautology. The best examination I know of the various forms of “divine command morality” is Avi Sagi and Daniel Statman, *Religion and Morality* (Amsterdam and Atlanta, GA, 1995).
46. That promises are binding and truth telling obligatory even independently of Sinai is maintained by R. Yitzhak Hutner in *Pahad Yitshak, Rosh Hashana* (Brooklyn, 5734), *ma’amar* 15, 117-23, esp. 119-22, elaborating on a statement of Rabbenu Yona. (I thank Rabbi Dov Linzer for this reference.)
47. Gottfried Wilhelm Leibniz, *Discourse on Metaphysics* (1686), sect. 2, argues that our praising God for the kind of world He made requires praising Him by an external standard: “. . . why praise him for what he has done if he would be equally praiseworthy in doing the contrary?” (The translation is from *Philosophical Essays*, trans. and ed. Roger Ariew and Daniel Garber [Indianapolis: Hackett Publishing, 1989].)
48. Notice that I do not here saddle an “internalist” with denying any causal role to external ethical standards in the halakhic decision making process.

48. Notice that I do not here saddle an “internalist” with denying any causal role to external ethical standards in the halakhic decision making process. In particular, the internalist need not take the implausible position that it is a *coincidence* that major *posekim* today (as opposed to eighty years ago) do not oppose women voting. Rather, I attribute to the internalist the much more nuanced position that exposure to external values may lead someone to think about and come to appreciate a previously neglected or underappreciated internal Torah value, and eventually to make this value decisive in *pesak*. In such cases the external value is found to accord with the deeper values of the Torah itself. (I thank David Berger for suggesting this formulation.) If we allow the internalist to frame his position this way, the argument that “it can’t be a coincidence” becomes ineffectual. Of course, the internalist still has the task of identifying the relevant “internal Torah values.”
49. The usual way of understanding slavery, polygamy and *kiddushei ketana* is to say that in allowing these practices the Torah made concessions to the moral sense and societal structure prevalent at a particular time in history. When society and the moral sense change, the concession is withdrawn and a more ideal norm is implemented. However, whereas one can easily say that the practices I named are merely once-exercised options that there can be no moral objection to *not* exercising, in the case of drawing up a will to distribute an inheritance equally among heirs one is going against a Torah *mandate*, it seems. The fact we would frown on someone who used the *Torah* method of distribution is difficult to account for without acknowledging that moral sense or society may evolve to the point of making a Torah *requirement* unacceptable. Even here, however, one may use technical legal devices to write halakhically valid wills that distribute an inheritance equally. For an internalist, while the motivation for using the legal devices might appear to be conformity to societal norms, the person is not violating a Torah mandate, and one could say that use of the new forms conforms to deeper values of the Torah.
50. Admittedly, the “internalist” could say that the decisor is using an “intuitive” weighing of values based on intimate and unverbalizable knowledge of Torah. But what someone “could” say and what someone *should* say are two different things. Much more needs to be explained about how this unverbalizable intuition is formed. The decisor must explain what is “intuitive” about the judgment that *the weight of Torah “values”* lies in a particular direction.
51. See his book, *Interpreting Maimonides* (Chicago: University of Chicago Press, 1990).
52. See especially the important article by Yair Lorberbaum, “The ‘Seventh Cause’: On Contradictions in Maimonides’ *Guide of the Perplexed*” (Heb.), *Tarbiz* 69, 2(5760): 211-37. Also see Alfred Ivry, “Islamic and Greek Influences on Maimonides’ Philosophy,” in *Maimonides and Philosophy*, ed. Shlomo Pines and Yirmiyahu Yovel (Dordrecht: Marinus Nijhoff, 1985), 139-56, esp. pp. 151-2, and Kenneth Seeskin, *Searching for a Distant God: The Legacy of Maimonides* (New York: Oxford University Press, 2000), 177-88. Lorberbaum mentions Fox’s antipa-

- tion of his own view, but he disputes Fox's argumentation and the details of his thesis (Lorberbaum, 218).
53. For a critical evaluation of Fox's *Interpreting Maimonides*, see my review in *Speculum* 68, 3 (July 1993): 770-72. I have borrowed some of my wording here from the earlier review.
 54. The *derasha* was translated from Yiddish into Hebrew by Shalom Carmy as "Adam Mashul le-Sefer Torah," in *Bet Yosef Shaul* (New York: 5754) pp. 68-100.