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## THE APPROACH TO JEWISH LAW OF MARTIN BUBER AND FRANZ ROSENZWEIG

### INTRODUCTION

The Revelation of God at Mount Sinai assumes a critical and fundamental position in the frame of traditional Judaism. Despite the problematic nature of post-Biblical descriptive accounts of what transpired at Sinai, one can distill three ideas on this Revelation undisputed within Jewish Tradition:

- a) Revelation at Sinai was a historical fact, that is, it was rooted in time and occurred at a specific place;
- b) God revealed his Presence at Sinai and the Jewish people experienced a relationship with Him;
- c) God transmitted His Will to the Jewish people at Sinai by giving them a specific content—Jewish law.

The concern with and understanding of Sinaitic Revelation becomes vital to the Jew precisely because his relation to the theological and religious implications of this Revelation color his life as a halakhic Jew. On a theological plane, the Jew's acceptance of Sinaitic Revelation implies not only his acceptance of God's existence, but also implies his ability to relate to Him. On a religious level, the Jew's acceptance of this Revelation acknowledges not only his acceptance of a Will of God (the content of Sinaitic Revelation), but also his desire to obey it.

The rejection of the traditional view of the Divine origin of the Bible by some nineteenth century European Jewish scholars, notably Abraham Geiger, necessarily challenged the traditional conception of Sinaitic Revelation, including Jewish law. At best,

some scholars admitted the occurrence of revelations in the past and the possibility of their occurrence in the future; they denied, however, the historicity of Sinaitic events and the notion of Divine laws transmitted to man. They stressed man's free apprehension of the Divine over God's freely choosing to meet man (as at Sinai). These aspects of nineteenth century Jewish theology served both as a source of honest intellectual challenge to the views of halakhic Judaism and as a rational justification for the already prevalent disregard for Jewish law. In addition, this theology tended to produce abstract and almost "impersonal" conceptions of God, consequently reducing the experiential dimension of the Jewish religion. The notion of "relating" to God (rediscovered later and developed by Buber) lay submerged under the waves of Jewish religious and theological polemics.

Both Martin Buber and Franz Rosenzweig respond to some of the consequences and directions of the Jewish thinking of their day. Both men call for a "renewal" in Jewish life; both speak of a "redemption" for humanity; both emphasize the role of love in relationships between human beings and between man and God; both underline God's speaking to man at all times and not just in the past. Of particular concern to the halakhic Jew, both Buber and Rosenzweig concern themselves with the nature and role of Revelation in Judaism. For the halakhic Jew, however, any discussion of Sinaitic Revelation must perforce come to grips with the traditionally assumed content of Revelation, Jewish law. While the views of both men on Revelation represent an advancement over previously forwarded conceptions in the nineteenth century, they remain incomplete for traditional Judaism. Especially in regard to Jewish law, of the two positions, only that of Rosenzweig approaches adequacy for halakhic Judaism. Whereas Buber essentially discards Jewish law, treating it more or less as a historical relic, Rosenzweig seeks to direct Jews to its fulfillment, ultimately becoming observant himself. This paper will analyze the discrete approaches of Buber and Rosenzweig to Jewish law, indicating the proximity and/or distance of their views from halakhic Judaism.

*The Approach to Jewish Law of Martin Buber and  
Franz Rosenzweig*

I

The differing attitudes of Martin Buber and Franz Rosenzweig to Jewish law emerge from differing primary concerns of each man. Buber's writings, while replete with substantive discussions of Judaism, nevertheless primarily reflect his passionate concern for the religious problems of "man in general." Consequently, Buber's attitude to Jewish law emerges from general, human assumptions and criteria as well as specific theological considerations. Rosenzweig, on the other hand, manifests an inexorable desire to have Jews rediscover their Jewishness, to return to the mainstream of living Judaism. Consequently, his approach to Jewish law is shaped by a positive movement towards the traditional "Jewish way." Thus, an examination of Buber's approach to Jewish law really focuses on the question why the law need not be observed, while a similar examination of Rosenzweig's attitude centers on the question why the law need be observed.

It should be stressed that Buber's approach to Jewish law does not begin with the assumption that the law need not be observed. Rather, this attitude emerges from his particular notion of revelation, and his approach to revelation is more easily comprehended in light of three general attitudes which he assumes in his writings:

- (a) that man occupies a significant and eminent position in the world;
- (b) that a spontaneous, "living" experience is of much greater value than adherence to a formulated concept or rule; and
- (c) that Judaism is a spiritual process to which each individual Jew links himself.

That man's existence is of vital importance and worth to God is a logical presupposition of Buber's notion of an I-Thou relationship between man and his Creator. The ability of temporal man to meet eternal God in a dialogue<sup>1</sup> underscores human merit rather explicitly. Moreover, assertions that history is but

a dialogue between man and God,<sup>2</sup> and that the world was created for the sake of man<sup>3</sup> clearly reflect man's central role in Buber's world. But Buber goes even further: man not only plays a meaningful role in the unfolding of history, but he does so precisely to the extent that he develops his humanness. Of course, Buber defines "true humanness" (or being "truly human") as the hallowing of one's life, as becoming humanly holy. Man is to perfect his soul to God,<sup>4</sup> to turn himself to God,<sup>5</sup> and to establish the ideal community or Kingdom of God on earth.<sup>6</sup> Being truly human, then, denotes nothing other than living a total religious existence,<sup>7</sup> a lived religion dominated by spirit.<sup>8</sup> Buber's tremendous emphasis on human potentiality and responsibility (despite his religious coloring of "humanness") already alerts us to expect an iconoclastic view of revelation in which *man* assumes a much larger role than traditionally described.

A second, dominant motif influencing his attitude towards revelation is that the free expression of one's "inner self" is religiously more desirable than obedience to previously formulated propositions and articulated religious dogmas.<sup>9</sup> This idea springs from Buber's demand that man's personal decision be the motive power of his religiosity,<sup>10</sup> a demand based on his striving for unity. Man should unify his soul, his community, and the world; he should unify the spiritual and the worldly.<sup>11</sup> With respect to himself, the human being should unite his conviction and his volition; his deeds should flow only from proper intention. Therefore, man must choose before acting, and it is his *intention* rather than the *content* of the deed which hallows and sanctifies it.<sup>12</sup> "Every deed, even one numbered among the most profane is holy when it is performed in holiness, in unconditionality."<sup>13</sup> Not *what* you do, then, but *how* you do it is of religious significance. Not surprisingly, this idea of "form over content" has theological concomitants. Buber's revelation offers no specific content, not even at Sinai.<sup>14</sup> Religious laws, *mitzvot*, therefore, were not commanded by God at Sinai, but were Mosaic "translations" of the people's experienced revelation; Moses framed the extant legislation.<sup>15</sup> Man, then, is not to live according to a specified content, but to hallow his deeds by making decisions representative of his true human nature. "Spiritual life is nothing

*The Approach to Jewish Law of Martin Buber and  
Franz Rosenzweig*

but the existence of man, insofar as he possesses that true human conscious totality . . . the totality which comprises and integrates all his capacities, powers, qualities, and urges."<sup>16</sup>

A third recurring theme in Buber's writings which underlies his conception of revelation is his particular characterization of Jews, Judaism, and the Bible. The Jews are a spiritual community based on a collective, expanding memory.<sup>17</sup> Judaism, which reflects the total Jewish way of life,<sup>18</sup> is a continuing spiritual process to which each Jew links himself. The Jewish people are characterized by a particular soul, found already in Abraham;<sup>19</sup> each Jew links himself to this Jewish "chain of being" by immersing himself into the source material of his people, the Bible.<sup>20</sup> This attachment to the Bible grants the Jew a common language and a common past which permit him a greater facility in expressing his own religious experiences.<sup>21</sup> Moreover, since Judaism is a continuing spiritual process, the Bible is meaningful to the living Jew not in a legislative sense, but in a historic sense, by informing him of his descent.<sup>22</sup> The Biblical narrative is a legitimate human attempt to reconstruct what people remember to have happened; it is a human record of supposed concrete meetings in history between a group of people and the Divine. Nevertheless, the description of meetings with God need not necessarily correspond to actual historical fact.<sup>23</sup> Some form of meetings did occur, but not as presented in the Biblical narrative. These meetings, however, have not ceased; each I-Thou meeting with God that a Jew experiences in his lifetime, in effect, continues the spiritual process inaugurated by our Biblical ancestors.<sup>24</sup> Note, then, that by portraying the Jewish people, Judaism, and the Bible solely in terms of an undefined Jewish spiritual existence, Buber essentially strips the Jewish way of life of its *particular content* (in the form of laws for ordered behavior) written in the Bible.<sup>25</sup> Obviously, Sinaitic revelation provides no binding Jewish content to the Jewish people. Moreover, one's own experiences of revelation offer no content as well, but do insure one's inclusion in the intangible entity of "Jewish being."

These few general observations represent the background from

## TRADITION: *A Journal of Orthodox Thought*

which Buber's approach to revelation and law emerges. In discussing revelation, responses to three questions are of primary concern:

- (a) What is it? What do we mean by revelation?
- (b) What does it reveal?
- (c) What is Buber's attitude to Jewish law in view of the answers to (a) and (b)?

Revelation is not a figurative term nor is it a supernatural event. It is a natural event with a verbal trace,<sup>26</sup>

an event that took place in the world of the senses common to all men and fitted into connections that the senses can perceive. But the assemblage that experienced this event experienced it as revelation vouchsafed to them by God, and preserved it as such in the memory of generations.<sup>27</sup>

This passage suggests two very crucial ideas. First, though the revelation in this quotation refers to Sinai, the fundamental characteristic of this event, its being *experienced* by people, is common to all personal revelations. As such, the revelation at Sinai and one's own revelation are qualitatively identical. Second, man has a tendency to translate his experience into human statements. What we know of other people's experience of revelation, therefore, is only what they *remember to have happened to them*, in this case, as recorded by them in the Biblical account. We cannot, however, really know what they experienced, for human religious utterances can only attempt to do justice to the *meaning already attained*.<sup>28</sup> Moreover, we cannot experience what *they* experienced; we must await our own. Revelation, then, is a very private phenomenon between oneself and God which anyone can experience if he so desires.

All revelations are *meetings* with God. "We know no other revelation than that of the meeting of the Divine and the human in which the human has a factual share."<sup>29</sup> Man, engaging God in an I-Thou dialogue, meets his Creator as a full partner.<sup>30</sup> God can be known only in this encounter and not by conceptu-

*The Approach to Jewish Law of Martin Buber and  
Franz Rosenzweig*

alizing Him; He must be met in the total presentness of one's experience.

What is revealed in revelation? Not God's essence as it is independent of our existence, is revealed, but his relationship to us and our relationship to him;<sup>31</sup> not theological truths but God's Presence as power;<sup>32</sup> not specific content dictating the proper structure of man's life, but a "lived concrete" situation from which man can make decisions. Revelation tells man not *what* to do but *that* he must do. Man must accept responsibility and choose to act, but he is held accountable for his decision.

The factual event of revelation in history even as in the lives of individual men does not mean that a divine content pours into an empty human vessel or that a divine substance presents itself in human form . . . The factual revelation means the breaking of the united light of God into human multiplicity, that is, the breaking of the unity into contradiction . . . We cannot, therefore, understand what directly or indirectly (be it through written or oral tradition) proceeds from the factual revelation, whether word or custom or institution as we possess it, as spoken by God or established by God. But it is also not given to us to simply once and for all distinguish between the divine and the human within it. In other words: there is no security against the necessity of living in fear and trembling; there is nothing else than the certainty that we share in revelation.<sup>33</sup>

This critical passage highlights Buber's ideas rather forcefully. God does not offer man formulated propositions of action; He presents no systematic outlines and guides.

God has truth, but he does not have a system. He expresses his truth through his will, but his will is not a program.<sup>34</sup>

Full and adequate knowledge of God's will, however, cannot be obtained, is a statement of monumental importance with respect to Buber's discussion on law. If this knowledge did exist, history would come to an end.<sup>35</sup> Man, therefore, can never emerge from a dialogue with God—revelation—*convinced* that he knows God's will. He must live perforce in a state of "fear and trembling," of "holy insecurity." Moreover, this lack of certitude permits contradictory actions in different human beings precisely

## TRADITION: *A Journal of Orthodox Thought*

because of their differing revelatory experiences. All one knows following his experience of revelation, then, is that he, in fact, did have this experience, that he thinks God addressed him in a certain manner which he now verbalizes in his own way, and that ultimately he must live in uncertainty.

This approach to revelation literally devastates the idea of normative Jewish law. While Buber accepts the eternal aspect of God's will and admits its necessity,<sup>36</sup> he nevertheless affirms man's prerogative born out of his I-Thou dialogue to decide what God wills in his temporal experience. That man acts largely in accordance with his own vision rather than in obeisance to objectively known Divine directions is an idea irreconcilable with the traditional conception of *mitzvot* and *Halakhah*.

But does man act in accordance with his own vision? A major controversy exists with regard to the derivation of the course of action man chooses after his experience of revelation. Is it self-originating or is it given by God? Berkovits and Fox interpret Buber's revelation in the sense that "God reveals man unto himself."<sup>37</sup> "The views of man are revealed, not that of God."<sup>38</sup> This assertion of the total subjectivism of revelation is supported by quotations, specifically "God wants man to fulfill his commandments as a human being, and with the quality peculiar to human beings. *The law is not thrust upon man; it rests deep within him, to awaken when the call comes.*"<sup>39</sup> This interpretation of total subjectivism is opposed by M. Friedman who speaks in terms of a "narrow ridge" between simple either-or classifications which Buber walks. Revelation does not mean that man merely translates subjective emotions and personal views into objective truths. Revelation is not *either* subjective *or* objective; it is dialogical.<sup>40</sup> God speaks to man, but man must translate the word into human language:

Rather it means that the human substance is melted by the spiritual fire which visits it, and there now breaks from it a word, a statement, which is human in its meaning and form, human conception and human speech, *yet witnesses to Him who stimulated it and to His will.* We are revealed to ourselves—and cannot express it otherwise than as something revealed.<sup>41</sup>



*The Approach to Jewish Law of Martin Buber and  
Franz Rosenzweig*

This excerpt indicates that while revelation really is one's revelation to oneself, *it is so only on the occasion of meeting God*. Thus, although "we are revealed to ourselves" as Berkovits and Fox emphasize, this revelation must involve God to the extent that one's actions cannot be ascribed only to subjective human will. This idea seems clearly implied in "But it is also not given to us to simply once and for all to distinguish between the Divine and the human within it [revelation]." <sup>42</sup> Consequently, man's decisions and actions are his own and yet not his own, an antinomy recognized by Fackenheim. <sup>43</sup> Man does act in "accordance with his own vision," but his "own vision" consists of an indivisible composite of man's specific being entering the dialogue with God and his subsequent reactions to God's Presence. With this antimony, Buber attempts to avoid the notion of total subjective revelation. This antimony, however, does not alter Buber's view that revelation transmits no objective content.

Revelation, being a highly personal relationship between man and God, militates against one's acceptance of any message not specifically addressed to him. The individual man is the sole judge of his meeting and he alone determines the nature of his address and the deed which is to follow. Consequently, precast laws are not to be obeyed, unless the individual feels himself called to do so. God, then, is not a law-giver, and revelation—including Sinai—is never law-giving. <sup>44</sup>

Sinaitic Revelation, as already indicated above is the "humanized voice of God" <sup>45</sup>; the description of Sinai is but a human record of a recollected religious meeting. Sinaitic legislation ascribed to God's will is not a body of universally true objective laws; it is rather a Mosaic "translation"—and therefore subjective in nature—of what a particular people remember following a meeting with God. <sup>46</sup>

Dogmas and rules are merely the result subject to change, of the human mind's endeavor to make comprehensible, by a symbolic order of the working of the unconditional it experiences within itself. <sup>47</sup>

Consequently, although a collective revelatory meeting must

## TRADITION: *A Journal of Orthodox Thought*

have taken place at one time between the Jewish people and God, the factual Sinaitic events as described in the Bible need not have (and have not) occurred). Moreover, Sinaitic legislation binds only those who feel so addressed.<sup>48</sup> It doesn't bind those who do not experience the commandments as God's will, for one's actions must be determined by one's *own* Divine encounter and one's *own* proper intention and conviction that this is what God wills me to do.<sup>49</sup>

### II

Upon reading *The Builders* by Franz Rosenzweig,<sup>50</sup> one immediately discerns the fundamental difference between Rosenzweig and Buber in their attitudes towards Jewish law. Whereas Buber's attitude appears disengagedly respectful and rather negative,<sup>51</sup> that of Rosenzweig demands not merely mild respect or an intellectual turning to law, but also a practical fulfillment of its commands. Rosenzweig *wants* the Jew to fulfill Jewish law; the very thrust of his remarks seeks to redirect the Jew into the accepted Jewish pattern of life, that of the observance of *mitzvot*. Law *must* again occupy a central position in Jewish life,<sup>52</sup> an idea unacceptable to Buber.

It is unacceptable to Buber, however, precisely because he recognizes an unavoidable opposition between one's obedience to an objective, conceptual formulation of law and one's personal direct experience of the word of God. Because Buber's whole line of thinking places personal revelation at its core, "rigid" Jewish law can play no significant role. Rosenzweig, however, very much aware of the tension between adherence to law and personal experience, proposes a solution to the problem by distinguishing between *law* (*Gesetz*) and *commandment* (*Gebot*). Law denotes a body of precepts and regulations with which to organize a life under God.<sup>53</sup> Commandment signifies the Divine call in which one feels the immediate presence of God.<sup>54</sup> But

*Law [Gesetz] must again become commandment [Gebot] which seeks to be transformed into deed at the very moment it is heard. It must regain that living reality [Heutigkeit] in which all great Jewish periods have sensed the guarantee for its eternity.*<sup>55</sup>

This passage illustrates rather well Rosenzweig's desire for the

*The Approach to Jewish Law of Martin Buber and  
Franz Rosenzweig*

Jew to observe laws. Nevertheless, note that man's transformation of the routine law into the living reality of a commandment must reflect his personal *ability to do so*. The content of the law must become transformed into a personalized "inner power" which will guide the individual to the fulfillment of *mitzvot*.<sup>56</sup> The "inner power" reflects not one's *will* to perform them, but one's *ability to act*. Ability, however, does not imply the *physical* capacity or incapacity to fulfill *mitzvot*, but one's religious ability, that is, one's ability to experience *this law* as God's *commandment* to him. The essential aspect of fulfilling the law, then, is not one's conscious desire to do so, but one's *subjective ability to do so*.

Rosenzweig "grabs the bull by its horns" in tackling Buber's problem. He retains the subjective experiential aspect of the observance of laws yet does so within the extant framework of traditional Jewish forms. The corpus of *mitzvot* are accepted with one's subjective affirmation that they command him; Biblical laws are laws commanded to one *now* and are not only laws of one's Jewish ancestors.<sup>57</sup> A Jew fulfills laws as commandments if he can (in the sense of "religious ability" described above) and only if he can.<sup>58</sup> Yet Rosenzweig insists that one should progressively increase his ability to perform *mitzvot*, an idea which found expression in his own life.<sup>59</sup>

Sensing Rosenzweig's impassioned zeal in maintaining the *mitzvot* (or "making them relevant" in contemporary jargon), one must pose the obvious question: why? We understand Buber's reasons for not observing the *mitzvot*, but why does Rosenzweig so fervently desire their observance? The answer emerges neither from theological categories nor from rational justifications, but from a "common sense" approach, from a feeling of historical and emotional commitment to the Jewish people.<sup>60</sup>

Turning back, recapturing what has remained behind is here a permanent and life necessity. For we must be able to live in eternity.<sup>61</sup>

Rosenzweig feels an intense sense of attachment to the Jewish people, its past and its eternal future.<sup>62</sup> Unlike other peoples,

## TRADITION: *A Journal of Orthodox Thought*

"our eternity gives simultaneity to all moments of our history."<sup>63</sup> Consequently, "what has remained behind" is of vital importance to everyone's "present"; Jewish law has remained behind—it is an integral part of the Jewish people and its history. This thought conveys the basic motive force of Rosenzweig's insistence on becoming progressively observant in the traditional forms handed down. The intimate connection between Rosenzweig and the Jewish people and between the law and the Jewish people is rather poignantly expressed in this passage:

—this is just the very basis of our communal and individual life: the feeling of being our father's children, our grandchildren's ancestors. Therefore we may rightly expect to find ourselves again, at sometime, somehow, in our father's every *word and deed*; and also that our own *words and deeds* will have some meaning for our grandchildren.<sup>64</sup>

To be Jewish, one must follow the Jewish way and the Jewish way leads through *knowable* Judaism (its teaching) and *doable* Judaism (*mitzvot*); there is no other Jewish way.<sup>65</sup>

Not surprisingly, then, Rosenzweig's reaction to Buber's *Reden Uber das Judentum* of 1923 acknowledges Buber's new teaching as a refreshing approach to Judaism for Jews, but asks "what shall we *do*?",<sup>66</sup> to which I would add the words "as Jews." Rosenzweig was dissatisfied with Buber's approach because it glossed over the very element so central in Jewish life throughout the centuries: Jewish law.<sup>67</sup> Buber's outlook dismissed a major component of the Jewish way—the doable. Admittedly, Buber's notion of revelation bids one to act following his encounter with God, but the action is not necessarily a *Jewish* one; it in no way need reflect *Jewish* life beyond the mere fact that a Jew is the actor. Buber did take cognizance of the law and in a sense even revered it, but only as a spiritual expression of the Jewish people at one juncture in time. Rosenzweig, however, deemed this insufficient.<sup>68</sup> For the law in Buber's system displays no practical effect on the lives of the Jews at the *present* point in time—and it must.

Why fulfill *mitzvot*, then, according to Rosenzweig? In order to preserve Jewish eternity and *to live* in Jewish eternity by recapturing the past and to make the Jewish way meaningful to

*The Approach to Jewish Law of Martin Buber and  
Franz Rosenzweig*

the Jew of the present by transforming the content of Jewish law into an "inner power" enabling him to act Jewishly. The ground of Rosenzweig's response is his Jewish "common sense" and his historical commitment, not his theological discussion. In fact, both the content and the tone of *The Builders* is non-theological; the origin of the law and its relation to revelation, topics crucial to the understanding of Buber's approach to Jewish law, are judiciously avoided in the essay. Depending on one's point of view, this theological circumvention might make Rosenzweig's presentation all the more attractive or, to others, all the less thorough. Nevertheless, this avoidance points to a fundamental observation: *Rosenzweig's contribution to the realm of attitudes to Jewish law must not and cannot be viewed from a theological perspective.* The correspondence between Buber and Rosenzweig concerning *The Builders* corroborates this assertion, for Buber literally forces Rosenzweig to admit his inability to adequately ground the fulfillment of *mitzvot* theologically. The very dramatic question-answer cycle of the letters suggests Rosenzweig's reluctance to respond to the primary theological question "Whose law is it, God's or man's?" until Buber finally and quite impatiently asks, "Is the Law God's Law?"<sup>69</sup> One must, therefore, be cautioned that the theological beliefs which do emerge from Rosenzweig's correspondence with Buber will not present convincing reasons for observing the law, for they cannot and do not intend to do so; Buber's theological assumptions, however, do engender appealing reasons for *not* observing the law.<sup>70</sup>

Essentially, Buber poses two questions in the letters: (a) is the law God's law? and (b) is the law addressed to me? Buber responds negatively to both for the law is but a human record of a particular experience of revelation and therefore cannot address him; since God is not a law-giver, the law can have only personal and not universal validity.<sup>71</sup> Rosenzweig, while agreeing with Buber that revelation is not the law-giving of cold routine laws (even for those who observe the law),<sup>72</sup> nevertheless emphasizes that the laws are given to the Jew *today*, referring to the Rabbinic exposition of Exodus 19:1 for support.<sup>73</sup> But Ro-

senzweig's reply ignores Buber's question as to the origin of the law—human or Divine, and Buber informs his friend that he missed the point.<sup>74</sup> In a later letter, while agreeing with Buber that God is not a law-giver, Rosenzweig again avoids Buber's probing question;<sup>75</sup> after three replies Buber explicitly asks if the law is God's law or not.

At this point, Rosenzweig yields to Buber and admits that he does not know the origin of the law; he does not know whether the law *is* God's law or not. In doing so, he takes the theological position that revelation is *not* law-giving, but only revelation; that is, "The primary content of revelation is revelation itself."<sup>76</sup> The similarity of this idea to that of Buber's notion of revelation as meeting the Presence of God is quite apparent. Moreover, Rosenzweig admits not only human involvement and responsibility for the making and interpretation of the laws,<sup>77</sup> but also the probability of the original self interpretation of revelation giving way to human interpretation.<sup>78</sup> Therefore, why observe *mitzvot*? Logically and theologically, Buber raises a potent question: if the law is man-made, how can it demand my observance? Rosenzweig responds not on rational or theological grounds, but on the *faith* that despite its human character it nevertheless relates to and concerns God.<sup>79</sup>

I believe in the right of the Law to prove its character as an exception against all other types of law . . . where does this [human] "interpretation" stop being legitimate? I would never dare to state this in a general sentence; here commences the *right of experience to give testimony*, positive and negative . . . But if "On this day" becomes a Shulkhan Arukh then I turn a bit pantheistic and *believe that it does concern God*. Because He has sold himself to us with the Torah.<sup>80</sup>

Therefore, not theological distinctions about the Divine or human nature of law is of religious significance but one's experience of the law as the commandment of God.<sup>81</sup> The Jew experiences the "theo-human reality of the commandment"<sup>82</sup> and in this experience, the law, in fact, *becomes Divine in origin for him*. In this regard, Rubenstein's observation seems well taken:

The Law is Divine to the extent that one subjectively appropriates it as Divine, and only that part is sacred which we appropriate as sacred.<sup>83</sup>

*The Approach to Jewish Law of Martin Buber and  
Franz Rosenzweig*

While Buber applauds Rosenzweig's demand for subjective religious experience, he denies the necessity of its being channeled through the *form* of Jewish law precisely because the law does not originate from God. "Subjective appropriation" of something which *in fact* is not Divine does not reflect a spontaneous meeting with God and is consequently undesirable. Buber's approach, then, flows from rationally based theological premises, while that of Rosenzweig from a faith grounded in the existence and experience of the Jewish people, that this law does "concern" God and that in the moment of experiencing a law as God's commandment, the law does in fact originate with Him.<sup>84</sup>

Theologically, Rosenzweig leaves much to be desired. Was the revelation at Sinai a historical fact? Rosenzweig accepted it, but could not elaborate; the descriptions of the events at Sinai just cannot be meaningfully discussed.<sup>85</sup> Moreover, the dynamic relation between one's own revelation and law is not altogether clear. Revelation, on one level, is an encounter of love between man and God.<sup>86</sup> But does one's encounter precede or follow the fulfillment of a *mitzvah*? Is observance of a *mitzvah* a necessary condition for the experience of revelation or is the experience of revelation a necessary condition for the fulfillment of the *mitzvah*? This question is related to a problem I find with Rosenzweig's idea of "inner power." How does one develop inner power with respect to a law, that is, how does one begin to experience a law as God's commandment? Must he first have a general revelatory experience which will stimulate the development of inner power or is there another way? When Rosenzweig says "I should not venture to dub 'human' any commandment whatsoever, just because it has not yet been vouchsafed to me to say over it: 'Blessed art Thou,'"<sup>87</sup> how does it become vouchsafed for him, by a personal revelation or by performing the *mitzvah* first and perhaps then experiencing it as God's commandment? Rosenzweig's writings do not shed much light on these questions.<sup>87a</sup>

Nevertheless, despite these unanswered questions, Rosenzweig's approach to Jewish law still commands much attention

and appeal. Buber's approach is much more logical and precise, but that of Rosenzweig is much more Jewish. Rosenzweig sacrifices his intellect somewhat, but is rewarded with the ability to live a Jewishly meaningful life. One cannot reconcile Buber's theological premises about Sinai, the origin of the law, and the nature of the Bible with theologically-based reasons for the observance of Jewish law, theological reinterpretations of revelation notwithstanding.<sup>88</sup> Only with an approach to law such as that of Rosenzweig, emerging not from a theological framework but from a Jewish experiential one, can the Jew counter Buber's objections.<sup>89</sup>

Needless to say, both Buber and Rosenzweig offered and still offer much to Jewish thinking and to Jewish life. In fact, a fascinating socio-psychological study could be written about what types of people are influenced by which man. For whom is Buber's I-Thou dialogue and Jewish existence a sufficient characterization of Jewishness and why? Who requires more practical *things to do* and has been polarized into Rosenzweig's camp?<sup>90</sup> Interestingly enough, in a symposium on the condition of Jewish belief sponsored by *Commentary* magazine in 1966, Milton Himelfarb (chairman of the symposium) records his impression that among the thirty-eight theologians of the various branches of Judaism who participated, the influence of Rosenzweig was the greatest while that of Buber was virtually non-existent.<sup>91</sup> From everything we have said in this paper, this phenomenon seems quite understandable. Buber was intimately concerned with the human being in general; his attitude to Judaism, however, dismissed a major portion of its character, for to him Judaism teaches but the practice of righteousness, the love of one's fellow man, and the walking with God. Rosenzweig, on the other hand, was intensely concerned with the *Jewish* man; his fundamental interest was to lead a re-entry into the core of Jewish living; Jewish living implied living within the framework traditionally meaningful to generations of Jewish ancestors. To one who in some sense wants to *live* Jewishly rather than just *exist* Jewishly, Rosenzweig's approach seems eminently more satisfying.

Clearly, Buber's attitude toward Jewish Law remains irrecon-



*The Approach to Jewish Law of Martin Buber and  
Franz Rosenzweig*

cilable with halakhic Judaism. Buber denies the divinity of the Bible; while he does stress the experiential relationship in personal revelations and in the collective revelation that once occurred (though not at a historical meeting at Mount Sinai as described in the Bible), he denies the transmission of content (laws and calls to action) in any revelation at any time. Buber's approach to Jewish Law remains irreconcilable with halakhic Judaism because he does not recognize the validity of an externally legislated act. Consequently, according to Buber, the Jew should not feel compelled to observe the *mitzvot*; they do not address the Jew in the present.

Rosenzweig stands closer to the Jewish tradition than does Buber. First, his very concern to renew Jewish life through the vehicle of *mitzvot* rather than to dismiss them reflects a more positive and traditional approach to Jewish Law. Second, his desire to observe *mitzvot* from a sense of historical commitment to the Jewish people constitutes—on one level at least—a contribution to the area of *taamei hamitzvot*. Finally, Rosenzweig personally was a fully observant Jew towards the latter stages of his life (fulfilling all *mitzvot* possible in his paralyzed state). Although Rosenzweig's theological position that revelation is not law-giving, ultimately, makes his approach to Jewish Law inadequate to the halakhic Jew, his personal observance raises the age-old question: what is a halakhic Jew *required* to *believe*? One knows what the halakhic Jew is required to *do*, but what is he *required* to *believe*, say about revelation? Moses Mendelssohn supposedly said of Spinoza that if only he had kept his mouth shut, his opinions to himself, and observed the *mitzvot*, then he would have been considered an observant Jew. This topic has preoccupied Jewish philosophers and theologians in the past and should continue to preoccupy them in the future. One can only conclude that Rosenzweig was an observant Jew who held a theological position outside of the mainstream of Jewish tradition.

## TRADITION: A Journal of Orthodox Thought

### NOTES

1. Dialogue signifies a meeting between two *equals*.
2. "Thus the whole history of the world . . . is a dialogue between God and his creature: a dialogue in which man is a true, legitimate partner, who is entitled and empowered to speak his own independent word out of his being." M. Buber, *To Hallow This Life*, ed., Jacob Trapp (New York: Harper and Bros., 1958), p. 31.
3. "The world was created for the sake of the 'chooser,' for the sake of him who has the power to choose God." *Ibid.*, p. 33.
4. M. Buber, *Mamre* (Melbourne: Melbourne University Press, 1946), p. 39.
5. "To turn one's whole life toward God and then to let it expand in all its moments till the last, that is man's work toward redemption." *Hallow*, p. 91.
6. M. Buber, *On Judaism*, ed., N. N. Glatzer (New York: Schocken Books, 1967), pp. 109, 9, 138. For Buber's outlook on the 'perfect community,' see "The Holy Way" in *On Judaism* and M. Buber, *Hassidism and Modern Man*, ed., M. Friedman (New York: Horizon Press), pp. 10, 102, and his writings on Hassidism generally, in which the Hassidic community is presented as the paradigm of the desired social unit.
7. Religious, implies the idea of *religiosity* rather than *religion* (consisting of dogmas). See "Jewish Religiosity" in *On Judaism*.
8. *On Judaism*, p. 138. "Becoming Human" has another connotation which to Buber is of paramount religious import, that of developing one's *uniqueness*. "Uniqueness is the essential good of man that is given him to unfold . . . The humanly right is ever the service of the single person who realizes the right uniqueness purposed for him in his creation." *Hallow*, pp. 32-33.
9. See *On Judaism*, p. 203; Religious dogmas and rituals can't help the world get faith—only "intrinsic reality of faith that is beyond all attempts of formulation and expression but exists in truth; . . . the personal existence, which gives actuality to a religion and thus attests to its living force," can help. Refer also to M. Buber, *On the Bible*, ed., N. N. Glatzer (New York: Schocken Books, 1968), p. 8; ". . . a meaning we are to live, not to formulate."
10. *On Judaism*, p. 92. See *Mamre*, p. 5—all men are like Adam at the time of creation.
11. *Ibid.*, pp. 33, 158.
12. *Ibid.*, pp. 48, 152.
13. *Ibid.*, p. 87.
14. Other "revelations" are personal I-Thou dialogues with God.
15. *On the Bible*, pp. 77-78.
16. M. Buber, *Israel and the World* (New York: Schocken Books, 1948), p. 175.
17. *Ibid.*, 146.
18. Rather than just specific laws and dogmas.
19. *Mamre*, p. 18.
20. *On Judaism*, pp. 39, 157.

## *The Approach to Jewish Law of Martin Buber and Franz Rosenzweig*

21. *Ibid.*, p. 168.
22. *Ibid.*, p. 216.
23. *On the Bible*, p. 214.
24. One serious problem Buber is faced with is to explain why the description of the Jewish spiritual process terminates with the Bible. The narrative should be open allowing for a description of encounters with the Divine throughout the centuries.
25. "Transmitted content and form are subordinate to the *tradition of existence as such* and become valid only because of it. The total, living Jewish human being is the transmitting agent; total, living Jewish humanity is transmitted. Tradition is concentrated *in the existence of the Jew himself* . . . Israel is renewed, not by what they say but by the totality of their existence." *Israel and the World*, p. 139. Italics mine.
26. This "verbal trace" refers to its description by man.
27. *On the Bible*, pp. 8-9.
28. M. Buber, *The Way of Response*, ed., N. N. Glatzer (New York: Schocken Books, 1966), p. 62.
29. M. Buber, *A Believing Humanism*, trans., M. Friedman (New York: Simon and Schuster, 1967), p. 113.
30. *Mamre*, p. 7. See the article by Emil Fackenheim, "Martin Buber's Concept of Revelation," in *The Philosophy of Martin Buber*, ed., Paul A. Schilpp and M. Friedman (London: Cambridge University Press, 1967), pp. 283-85.
31. *Humanism*, p. 113.
32. M. Buber, *I and Thou* (New York: Charles Scribner's Sons, 1958), p. 110.
33. *Humanism*, p. 113. See M. Buber, *The Eclipse of God* (New York: Harper & Bros., 1952), p. 135, for similar image.
34. *Humanism*, p. 113. See also, M. Buber, *Pointing the Way*, ed., M. Friedman (New York: Harper and Bros., 1957), p. 79: "Any genuine life-relationship to Divine Being—i.e. any such relationship effected with a man's whole being—is a human truth, and man has no other truth."
35. *Israel and the World*, p. 114.
36. ". . . for without law, that is, without some clear cut and transmissible line of demarcation between that which is pleasing to God and that which is displeasing to him, there can be no historical continuity of Divine rule upon earth." M. Buber, *Moses* (Oxford: East and West Library, 1947), p. 188.
37. See Eliezer Berkovits, *A Jewish Critique of the Philosophy of Martin Buber* (New York: Yeshiva University, 1962), p. 15.
38. Marvin Fox, "Some Problems in Buber's Moral Philosophy," *The Philosophy of Martin Buber*, ed., Paul A. Schilpp and M. Friedman (London: Cambridge University Press, 1967), p. 161.
39. *Israel and the World*, p. 142. My italics.
40. M. Friedman, *Martin Buber: The Life of Dialogue* (Chicago: The University of Chicago Press, 1955), pp. 246-47.
41. *Eclipse of God*, p. 173. My italics.
42. *Humanism*, p. 113.

## TRADITION: *A Journal of Orthodox Thought*

43. See Fackenheim, pp. 288-90.

44. Franz Rosenzweig, *On Jewish Learning*, ed., N. N. Glatzer (New York: Schocken Books, 1955), p. 115.

45. *On the Bible*, p. 214.

46. *Ibid.*, pp. 77-78.

47. *On Judaism*, p. 150.

48. Note, however, that Buber approves of observing the *mitzvot* if founded on a true conviction that they are Divinely given. This he terms an "unassailable position" because it does not sever man's conviction from his deed, thus retaining the unity of his being. *On Judaism*, p. 165. Buber admits, however, that he cannot understand this position; see Friedman, p. 263.

Interestingly enough, Buber, in his Hassidic descriptions does not refer to *their life of observance*, but writes only in general terms of their community of brotherly love in which the Presence of God is found.

49. Since one cannot be certain even following one's own experience about the desire of God's will, it is obvious that someone else's opinions cannot serve as a guide.

50. *The Builders* is Rosenzweig's major essay on Jewish law. It is found in *On Jewish Learning*.

51. Buber's attitude is negative in the sense that law *inevitably* becomes objectified and rigid, and adherence to it reflects man's escape from insecurity and responsibility.

That law *inevitably* becomes rigid, see Friedman, p. 263, esp. note 4. Buber, while respecting one's personal experience of being commanded to obey doesn't understand it, for, to his opinion the law and the word of God do not and cannot mix. See *On Jewish Learning*, pp. 111-12.

52. *Ibid.*, p. 21.

53. See *On Jewish Learning*, p. 18, and Guttman's characterization of law as the formulation of a command for social utility. J. Guttman, *Philosophies of Judaism*, trans., David Silverman (Garden City: Doubleday and Co., Inc., 1966), p. 433.

54. *On Jewish Learning*, p. 18.

55. *Ibid.*, p. 85. My underscoring.

56. *Ibid.*

57. This key theme is crystallized in Rosenzweig's quotation of Moses' speech to the non-Sinaitic generation: "The Lord made not this covenant with our fathers, but with us, even us, who are alive this day." *On Jewish Learning*, p. 87.

58. There is a suggestion in *The Builders* that one ought to do all *mitzvot* even if one hasn't yet experienced them as God's call to him, "except that what is doable and even *what is not doable*—yet must be done nonetheless, cannot be known like knowledge, but can only be done." *On Jewish Learning*, pp. 81-82.

59. From my discussion about Rosenzweig's full religious observance in his later life with Dr. N. Glatzer of Brandeis University, it seems that Rosenzweig's observance resulted not from his personal ability to fulfill all the *mitzvot*, but

## *The Approach to Jewish Law of Martin Buber and Franz Rosenzweig*

from his recognition that the acceptance of some really implies—at least psychologically—the acceptance of them all.

60. See N. Rotenstreich's delineation of Rosenzweig's "common sense" approach in "Common Sense and Theological Experience on the Basis of Franz Rosenzweig's Philosophy," *Journal of the History of Philosophy*, Vol. V (1967), pp. 353-60.

61. *On Jewish Learning*, p. 90.

62. For a good discussion of the Jews as an eternal people, refer to Daniel L. Leifer, "Buber and Rosenzweig: Two Types of Revelation," *Mosaic* (Cambridge; Harvard-Radcliffe Hillel Society, 1961).

63. *On Jewish Learning*, p. 90.

64. *Ibid.*, p. 91. My underscoring.

65. *Ibid.*, pp. 78-81.

66. *Ibid.*, p. 74. My underscoring.

67. It is interesting that Buber's writings leave a remarkable hiatus from the description of Biblical times to that of Hassidic communities. He neglects the Jews living in the two millennia between these periods, Jews who preoccupied themselves totally with Jewish law and its development. Are these false Jews not living in the true spirit of Judaism? Rosenzweig, linked to the Jewish people *in toto*, that is, of all ages, could not discount his ancestors so readily. Their meaning on life had to be in some sense his meaning as well.

68. In the first few pages of *The Builders* he explicitly informs Buber of this.

69. *On Jewish Learning*, p. 117. The tone and logic of the small letter in which the question appears seems to imply that if the law were God's law, even Buber would have to obey it. The legal and social requirement to observe the law reminds me of S. R. Hirsch's line of reasoning in his *The Nineteen Letters*.

70. Whether or not one accepts Buber's premises is a separate issue.

71. This second answer reflects Buber's rejection of formulated dogma in favor of a spontaneous revelatory experience. See pp. 111-12, 115, 117, in *On Jewish Learning*.

72. *Ibid.*, p. 113.

73. "In the third month of Israel's departure from Egypt, *on this day*, they came to Sinai." Rashi comments that "the words of the Torah shall always be new to you as if the Torah were given—today." *Ibid.*, p. 113, and note 2, p. 128.

74. *Ibid.*, p. 114.

75. In this text, Rosenzweig states that God is not a law-giver but that He does command. Only the manner of man's obedience changes God's command into a rigid legal system. *On Jewish Learning*, p. 116. Therefore, Rosenzweig still does not answer Buber's question as to the origin of the law.

76. *On Jewish Learning*, p. 118. Leifer recognizes the theological confusion in Rosenzweig's writings concerning the content of Jewish law. In some passages, such as this, revelation is contentless; see also p. 285 in *Franz Rosenzweig*, presented by N. N. Glatzer (New York: Schocken Books, 1967), yet in other passages Rosenzweig talks about the *words* of revelation (see *Franz Rosenzweig*,

## TRADITION: *A Journal of Orthodox Thought*

p. 318), the Sabbath being the first revelation to Israel (p. 315), and about the revealed Law in revelation (p. 301). Leifer, amazingly enough, seems to arbitrarily accept the idea that Rosenzweig's revelation has content. In fact, those passages illustrating the content of revelation are found in *The Star of Redemption*, written before *The Builders* and the correspondence with Buber in which this "contentless" revelation is referred. If one accepts Dr. N. Glatzer's opinion that only after *The Star* did Rosenzweig take the law seriously, see *On Jewish Learning*, pp. 19-20, then one must conclude that the view of revelation's contentlessness is Rosenzweig's final opinion.

77. "'He came down' [on Sinai]—this already concludes the revelation; 'He spoke' is the beginning of interpretation, and certainly 'I am.'" *On Jewish Learning*, p. 118.

78. *Ibid.*

79. This faith left him unflinching in the face of Biblical criticism. His famous letter to Jacob Rosenheim, leader of the Orthodox Aguda group is often quoted wherein Rosenzweig asserts that even if the Bible were composed by man and that Wellhausen were proven correct, this would not deter his faith in the authenticity of the Jewish people and its religion.

80. *On Jewish Learning*, pp. 117-10. My italics.

81. Rosenzweig's desire to avoid the distinction between human and Divine commandments is demonstrated in his essay, "The Commandments: Divine or Human," pp. 119-24, in *On Jewish Learning*.

82. *On Jewish Learning*, p. 122.

83. R. Rubenstein, "Franz Rosenzweig on Jewish Education and Jewish Law," *The Reconstructionist*, XXII, 1956, p. 30. Friedman's contention that Rosenzweig accepts the whole law as Divine and then appropriates it is incorrect. See Friedman, p. 266.

84. Consequently, Rosenzweig does not need the support of theological apologetics which attempt to demonstrate that human involvement does not affect the divinity of the laws. See the article by J. Petuchowski, "The Concept of Revelation in Reform Judaism," *Yearbook LXIX of The Central Conference of American Rabbis*, 1959.

85. In a private discussion, Dr. Glatzer suggested that Rosenzweig's attitude towards the Sinaitic revelation consists of a recognition that something did happen at Sinai but also of the awareness that we humans could not really discuss Sinaitic events.

86. See

יצחק היינמן, טעמי המצות בספרות ישראל, חלק שני,  
ירושלים, תשט"ז.

for a categorization of different aspects of Rosenzweig's ideal of revelation.

87. *On Jewish Learning*, p. 124.

87a. According to Prof. N. Glatzer, towards the end of his life, Rosenzweig advocated the performance of *mitzvot* even if one did not *feel* them to be God's commandments. Cf. note 59.

88. See note 84, above.

89. This does not imply that Buber's ideas are beyond "rational" criticism, but rather that his advocating the non-observance of laws seems rationally con-

## *The Approach to Jewish Law of Martin Buber and Franz Rosenzweig*

or for that matter Rosenzweig for the sake of brevity. For a critique of Buber, nor Rosenzweig for that matter for the sake of brevity. For a critique of Buber, refer to Berkovits, esp. pp. 52-55.

90. For instance, it appears likely that a *Baal Teshuvah* with no Jewish background would more likely find Rosenzweig's ideas more satisfying, the classical example being Rosenzweig himself. A man who seriously turns to Judaism from no Jewish foundation no doubt would want to *act* Jewishly, not just to *be* Jewish, a state to which Buber's system really reduces itself.

91. See *The Condition of Jewish Belief* (New York: The Macmillan Co., 1966), pp. 1-6.