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## *Review Essay:*

THE LIMITS OF ORTHODOX AUTONOMY: EVALUATING RABBI DAVID HARTMAN'S MORAL-THEOLOGICAL ENTERPRISE

### *The God Who Hates Lies: Confronting and Rethinking Jewish Tradition*

DAVID HARTMAN, with CHARLIE BUCKHOLTZ  
Jewish Lights Press, 2011, 250 pages

Rabbi David Hartman likes to recount the story of a certain Peter, a former congregant of his, who had reached middle age a bachelor. Finally, after twenty lonely years of searching, he had met Susan - the woman in whose embrace he now planned to spend the balance of his days. We can almost feel the spring in his step, the shining sparkle in his eye and the mixture of elation, ardor, and relief in his heart as he came to tell R. Hartman the joyful news. But the happiness turned quickly into frustration, the jubilation into despondency, with the revelation of a potentially devastating snag: Peter was a *kohen*, and Susan, as it turned out, was a convert, making their marriage straightly prohibited by halakha. And so this Peter, who had just one week earlier shared with R. Hartman so happy a development, appeared once again in the Rabbi's office, only this time with a long face and torn heart, bearing the crushing load of hopes dashed. What was R. Hartman to do? The law was unambiguous, to be sure, but the moral gravity at stake was no less apparent—upholding the law would destroy Peter, scuttling his most cherished dreams and delivering him into a furnace of inordinate suffering and heartbreak. And so, R. Hartman found himself accosted by a powerful, imposing dilemma - a titanic clash between the halakha and his personal moral conscience.

Navigating this sort of conflict, developing a theology capable of tackling it, and then applying that theology to a range of contemporary policy issues comprises the itinerary for R. Hartman's *The God Who Hates Lies*. The goal here is, in one sense, thoroughly pragmatic - Hartman aims to solve the full lineup of contemporary hot button issues in the

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broader Orthodox community, from equality for women to conversion standards to up-to-date liturgical practices – but the presentation, argumentation and overall spirit are decidedly theoretical and theological. Hartman’s efforts are born of an understanding that sound religious policy requires grounding in a wholesome and well-rooted philosophy, one both faithful to the tradition and compelling to real-life believers.

In previous works, Hartman crafted what he calls a “covenantal theology,” aimed largely at portraying the God-man relationship in such a way as to allow for man’s autonomy and unhindered self-affirmation therein. Rather than cowering in servility and submissiveness in the face of an overbearing, commanding Master – a picture of things toward which religion often tends – man on this conception is proud, creative, assertive and independent, morally adequate and responsible as a full partner to the covenant. Even in his relationship with God, and perhaps even as an outgrowth of it, man stands tall as the bearer of a powerful mind, a personal moral vision, and a dynamic, innovative spirit. Fully capable and competent of ethical judgment, man is a responsible and independent moral agent. Rooted in a broad selection of rabbinic thought, and carrying through, albeit selectively, the theological work of his mentor R. Joseph Soloveitchik, Hartman presents a compelling case for a robust vision of man’s autonomy in relationship with God.

What happens, though, when God, through His law, seems to demand of man that he sacrifice his vaunted and valued autonomy? When God, against the protestations of man moral and independent, demands total submission to His will? What should a rabbi do if, say, one of his congregants finds love at long last with the woman of his dreams, but a woman whom God’s law prohibits him from marrying? The rabbi’s moral core, his own vital sense of right and wrong, dictates a mercifully permissive stance, allowing the longing couple to wed. But the Law, for its part, just says no. What to do?

Of course, for a good many religionists, the obvious answer to this dilemma is simply that it is no dilemma at all; obedience to Divine command handily trumps any other claim on man’s decisions. God said so, and that’s that. Who are we to challenge the thundering will and wisdom of the Almighty? Hartman argues, however, that the case cannot be so readily dismissed. Here he makes an intriguing move: Where many thinkers focus on the rightness or wrongness of the action in question, Hartman takes a different line, centering the discussion instead on the action’s potential consequences for the moral subject: What sort of person will such actions produce? What kind of a personality results?

Hartman argues that to submit to God's will on such issues, turning a deaf ear to the cries of one's conscience, is to sacrifice one's moral autonomy, to "squench the ethical impulse,"<sup>i</sup> destroying one's very personhood. It is to follow the model of Abraham at the *akeda*, who was, according to Hartman, prepared to slaughter not only his innocent child, but his own humanity as well. If there is anything human moral judgment can determine, it is that the murder of an innocent child is wrong. God's commanding Abraham to commit such an act, then, was a powerfully challenging affront to Abraham's status as an independent moral agent. Pointedly and pithily, Rav Lichtenstein writes that "the *akeda* involved Avraham's ethical instincts as well as his son," and therefore following that example "compromises human autonomy."<sup>ii</sup>

Knowingly committing a heinous act of cruelty, acting in clear conflict with one's soul, is the surest way toward deadening one's conscience. Anyone taking a knife to their own child's throat, even at the direct command of God, stands the risk of forfeiting their personhood; it was not only Isaac who was to be sacrificed on that altar, but Abraham no less. In the same spirit, were R. Hartman to concede to the law's demand, tragically forbidding *kohen* Peter from marrying *giyyoret* Susan, it would entail the sacrifice of his moral personality, his very self, on the menacing altar of religious obedience. Following such a sacrifice, Hartman asks, "What kind of human being then stands in the service of God?"<sup>iii</sup> His arresting answer: "A person, it stands to reason, who is drained of moral passion, having forcibly suppressed that part of him- or herself."<sup>iv</sup> And that is not a sacrifice Hartman is willing to make, not a result he is willing to accept, whatever the impetus. Where so many have seen a model of righteous faith and devotion, Hartman sees in Abraham's behavior at the *akeda* the pinnacle of what religion should not be. Far from the foundational, inspirational model for religious devotion the episode has long been, it is, on Hartman's account, a morality tale about what happens when religion goes bad.

For Hartman, not only is upholding halakha against the demands of morality an intolerable burden, but it is an outright unfeasible venture; he uses language like "compelled," "cannot" and "impossible" in negating the possibility of emancipation from the bonds of conscience, and speaks of

<sup>i</sup> David Hartman, *The God Who Hates Lies: Confronting and Rethinking Jewish Tradition*, (Woodstock: Jewish Lights Press, 2011), 13.

<sup>ii</sup> Aharon Lichtenstein, "Mah Enosh: Reflections on the Relation Between Judaism and Humanism," *The Torah u-Madda Journal* 14 (2007), 21.

<sup>iii</sup> Hartman, 63.

<sup>iv</sup> *Ibid.*

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a moral person as someone who “cannot manage to be other than who he or she is.”<sup>v</sup> The point is not only that he is unwilling to sacrifice his moral character, but that he simply cannot do so, because his moral character is essential to his identity and essence: Just as a turtle must of necessity always be a turtle – it cannot, for instance, simply elect to be an aardvark on a whim—a moral individual must of necessity always be a moral individual; he can do no other. To be sure, there is a seductive, if illusory, escape: While actually becoming an aardvark may be out of reach, our turtle may well manage to successfully pass itself off as one, and, just the same, a moral person could pretend to be otherwise – he could *lie* about his identity, posing before God and all as a man without moral conviction. But such prevarication, Hartman charges emphatically, is intolerable. And to do it for God’s sake is wrongheaded, because *God hates lies*. God takes no delight in piety born of insincerity. Hartman, then, submits an intriguing challenge to the religionist who would piously forgo his personal morality in favor of compliance with divine command.

But might the problem be somewhat overstated? Is it really the case, as a matter of fact, that full, unconditional commitment to divine authority entails forfeiting one’s moral character? To return to Hartman’s biblical paradigm for moral sacrifice, was the post-*akeda* Abraham really a man of crushed spirit, a man whose ethical impulse had been squelched? Even acknowledging the well-documented and perfectly expectable fact that a regular, persistent program of immoral action can erode one’s conscience, it does not follow that occasional acts, under special circumstances, have the same effect. It seems likely that Abraham, even having mightily overcome the natural mercy of a father for his innocent child, returned thereafter to a full, robust, and passionate moral life. Similarly, if, despite his ethical misgivings, R. Hartman had submitted to the halakha by forbidding Peter’s marriage to Susan, he would presumably have persisted afterward in exhibiting the same degree of moral sensitivity and passion we have come to expect from him. The human soul often proves remarkably resilient and resolute.

Moreover, far from representing a necessary defeater of personal morality, obedience to God may well serve as a vital catalyst toward the ultimate development of a sound moral personality. The truth is that, for all autonomy is praised, and rightly so, the purely assertive, self-affirming person is nothing but a philosophical red herring; the full-fledged Nietzschean Superman is profoundly immoral, a frightful monster – certainly no one we should like to meet. A mature, well-developed person is free, assertive,

<sup>v</sup> Ibid, 9.

adequate and independent, but at the same time recognizes that even he has limitations, that there is more to the Truth than what his own mind has so far grasped. He understands that his position as an autonomous individual obligates him to recognize and respect the autonomy of others, and simply to acknowledge that there are genuine others whose will and whim count. Through unwavering fealty to God and His law, free and autonomous man accepts that the truth is not exclusively his own, that he is not the ultimate center and end of the universe, and that he bears obligations toward others – all essential ingredients for a fully realized, properly developed ethical personality. Autonomy bounded by sacrifice is the only autonomy worth having.

The moral education of our children provides a useful model for thinking the issue through. A child, to be sure, should be trained and enthusiastically encouraged to develop autonomous ethical thinking, independent moral motivation, and robust personal responsibility. But, inevitably, there will come occasions when parents recognize that their child is dangling on the precipice of moral error, and so must intervene, forcing the child onto the correct path, whether or not that path is understood. Done too often and the child's soul will indeed be crushed, his autonomy and independence condemned to impotence and ineptitude. But limited to choice, opportune moments, and coming from the warm hand of a recognizably loving and wise parent, such interventions are an important, integral component of a complete moral education.

R. Joseph Soloveitchik, who R. Hartman takes pains to claim as both mentor and opponent, has a wonderful depiction of the *akeda* and its consequences for the relationship between Abraham and God.<sup>vi</sup> The Rav acknowledges, as R. Hartman stresses, that the God of the *akeda* appears as a “master to whom man is enslaved and who almost ruthlessly lays claim to the entirety of human existence,”<sup>vii</sup> and that God's command meant the “absolute surrender of the servant.” It is natural, then, to expect that the experience would crush Abraham, leaving nothing in its wake but a submissive servant with no will of his own; in place of the two party covenant, we would have only the exclusive, unilateral dominion of God. But surprisingly, Rav Soloveitchik says just the opposite: “The *akedah* became indeed the motto of the covenant and its symbol.”<sup>viii</sup> How so? “Man sacrificed himself to God, and God dedicated himself to man. Earlier

<sup>vi</sup> See Joseph B. Soloveitchik, *The Emergence of Ethical Man*, (Jersey City: Ktav Publishing House, 2005), 156.

<sup>vii</sup> Ibid.

<sup>viii</sup> Ibid.

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promises were cast in a new light. Instead of the primitive covenant which embodied a mere utilitarian agreement like any other treaty negotiated between two individuals, a new covenant came into being, a covenant of an existential community of God and man.”<sup>ix</sup> Sacrifice, and the total commitment it expresses, is precisely what allows for a true, full-blooded relationship—for a genuine covenant. So long as we zealously guard against any imposition on our autonomy, refusing to submit ourselves in full recognition of an other, we are barred from forming an “existential community,” instead remaining mired in the dreary sands of utilitarian exchange. Only with a readiness for sacrifice can we achieve true relationship. And only with true relationship can we be authentically moral.

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Were we to accept the claim that halakha presents an unacceptable challenge to our moral autonomy, what exactly would R. Hartman have us do about it? We could, of course, reject divine law altogether. If halakha and morality conflict, one of the two forces must give, and, if it cannot be morality that is sacrificed, it follows that halakha must take a hit. But to reject divine law altogether is equally intolerable to R. Hartman, because the fact remains that he is, in fact, deeply and powerfully committed to it, and it simply does play a major role in shaping his and his people’s life; to plainly ignore the call of halakha, then, is not an option. What we will require, therefore, is an understanding of halakha, with all our commitment and dedication thereof, which provides ample free-range for the morally autonomous individual.

To this end, R. Hartman first rejects any understanding of halakhic commitment cast in terms of authority and obedience; we do not adhere to the law out of submission to its, or its Author’s, sovereignty. But then why do it? According to R. Hartman, the claim halakha makes on our commitments is rooted in its enabling our experience and appreciation of God’s presence in our lives, providing a means towards what he charmingly terms “God intoxication.” The greater our adherence to God’s word, the more robust our sense that He is here with us. It is not that we are obligated to dutifully obey the law’s strictures, but that such observance is commended to us by the prospects of lush spiritual bounty it provides.

R. Hartman’s push for a God-consciousness rather than an authority model of halakha is based largely on its relative appeal to the masses of disaffected Jews unlikely to be captivated by claims of law and obligation, but his choice also serves to address the putative divine command versus

<sup>ix</sup> Ibid.

autonomous human morality conflict: If halakha is not grounded in authority, and is but a means towards the end of achieving God-consciousness, then we should have no qualms about ignoring or modifying it when faced with moral challenges; since what is valued is not the objective adherence to the Law but the subjective experience generated by engagement with traditional practice, to jettison the few rules which conflict with morality is no great loss, as we can surely always find sufficient God-intoxication elsewhere. Further, the focus on individual subjective experience entailed by the God-intoxication model makes an important contribution to the kind of autonomous moral life we are after. Halakha as a means toward God-intoxication, then, is the salve for the problem of divine law and moral autonomy.

Of course, and as R. Hartman expressly notes, this solution will not be acceptable to the majority of Orthodox Jews, for whom halakha means authority pure and simple; those who persist in their conviction that halakha is the word and will of God will not be helped by any conception denying that conviction. But even for those many contemporary Jews for whom halakha can be nothing other than a means towards God-intoxication, it may be worth considering just how and under what conditions halakha might best accomplish that end. Specifically, it would seem that if halakha is subjected to the will of autonomous man, malleable to the ever-shifting winds of subjective reality, halakha may just lose its charm, no longer serving as an effective instrument for achieving God-consciousness. People have remarkably good noses for authenticity; they can tell when something just isn't the real thing. And we may worry that a halakha of human manufacture will indeed not seem to people like the real thing. Ironically, it becomes a question of integrity: Only if our halakha is true to its identity as the word and will of God, only if our halakha does not lie, will our halakha bring genuine communion with God. People, and God all the more, hate lies. R. Hartman's moral halakha will, no doubt, be moral, but we may worry whether or not it will survive as halakha in its own.

When the Conservative movement's Rabbinical Assembly was set to vote on the matter of ordaining women, then-JTS professor David Weiss Halivni wrote a letter to the seminary faculty explaining why he felt he could not participate in the discussion. First, he notes that halakha is the privileged, primary Jewish means for achieving relationship with God - for attaining God-consciousness: "A Jew knows no other way of reaching out to God other than through halakhah... In the course of that engagement he may experience a sense of elevation, a touch of ecstasy, a feeling of being near to God. That is his greatest reward. While it lasts, he is

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desirous of nothing more. Indeed, nothing else exists.”<sup>x</sup> However, Halivni warns, understanding halakha as a means for experiencing God’s presence does not mean that it can be tailored to better fit our subjective realities. Just the opposite: It is precisely out of the need to sustain halakha’s mandate as a channel for God-intoxication that we must guard its integrity with the greatest care and concern. He writes,

“How does a *mitzvah* catapult one into such religious heights? What is prayer? Nobody knows any more than we now when looking at the sunset, or at a smiling child, how and why we are gripped, riveted to the scene, transformed in a foretaste of the world to come. Our religious and aesthetic experiences are shrouded in mystery. We are put on fire, but do not know how the fire is being kindled. The mistake of reform is that it claims that it knows how the fire is being kindled; that, as a result it can control the flame. When it actually tried to control the flame, alas there was no fire; everything was so cold!”

To be sure, many of R. Hartman’s conclusions will be straightforwardly unacceptable to perhaps the majority of Orthodox Jews, and simply irrelevant to most others. But one of Hartman’s greatest virtues as a writer is his frank transparency in acknowledging the assumptions on which his reasoning is founded, openly allowing for intelligent, thinking people to take an alternative route. Again we have a matter of honesty and integrity, of not lying: Throughout his work Hartman never pretends to do more, or anything other, than what he actually does. With all his cards on display, he shows us how he would play his hand, all the while fully respecting the fact that we may choose a different strategy or may simply have different cards.

R. Hartman reminds us all of our obligation to sustain, nurture, and develop our ethical center, and that we must be ever and always morally responsible individuals attuned to the realities around us. Our religious commitments should never entail the forfeit of our core ethical impulse, rather serving only to strengthen and deepen it. And we should never lie about who we are.

<sup>x</sup> David Weiss Halivni, *The Book and the Sword: A Life of Learning in the Shadow of Destruction* (Boulder: Westview Press, 1998), 113.