A TRIBUTE TO LOUIS JACOBS
(1920–2006)

Norman Solomon

With the death of Louis Jacobs on 1st July 2006, just 16 days before his 86th birthday, Anglo-Jewry lost one of its finest scholars and thinkers, a courageous proponent of the truth as he saw it, and a compassionate pastor and human being.

As a young man with traditional background and yeshiva training, he decided to equip himself with a broader education; he quickly discovered some of the challenges this posed to what he had previously been taught. Would it be possible to remain an Orthodox Jew, committed to belief in a divinely-dictated scripture and law, in the light of historical criticism and the findings of modern science? He became convinced that it was possible to reach an accommodation between the two worlds, but only at the price of formulating a fresh interpretation of some of the fundamental principles of Judaism.

Just as Philo interpreted Judaism to harmonize it with Hellenistic culture and Maimonides interpreted it in harmony with mediaeval philosophy, Jacobs sought to make Judaism at home in contemporary western culture. Part of this undertaking was philosophical: how could traditional views on God, morals, and the created world be reconciled with modern ideas? Part of it was social: to what extent were the norms of halakha relevant and appropriate in modern society?

By way of tribute to his memory I shall comment on both aspects of his work; he would, I know, have much preferred an ongoing conversation to uncritical praise.

We Have Reason to Believe

It is just 50 years since We Have Reason to Believe was first published; it has been revised and reprinted several times, and retains much of its freshness. The ideas he put forward in the book and which the right-wing Orthodox, flexing newfound communal muscle, used as a pretext to undermine his position in the community, remained the core of his thinking and were further elaborated in works such as Principles of the Jewish Faith (New York: Basic Books, 1964), A Jewish

The Jewish Journal of Sociology, vol. 49, nos. 1 and 2, 2007

71
He called his philosophy ‘liberal supernaturalism’, and a brief appraisal of *We Have Reason to Believe* will illustrate some strengths and weaknesses of this standpoint. The first few chapters of the book are about belief in God. Jacobs notes the contrast between the human terms (‘anthropomorphisms’) which the Bible and the Talmud freely use about God, and the abstract approach of the mediaeval Jewish philosophers, who regarded anthropomorphism as a metaphor for that which cannot be said, helpful indeed to the ignorant, but to be cast aside by the wise and learned. Jacobs thinks that if God is de-personalized in the way the philosophers want, He is no longer the sort of Being one can approach with prayers and petitions. He was equally unhappy with the ideas of Reconstructionist Jewish thinkers such as Mordecai M. Kaplan and Ira Eisenstein who reduce God to an impersonal ‘Power that makes for salvation’; nor, evidently, was he prepared to go as far as Abraham Heschel and, more recently, David Blumenthal, in restoring the *personality* of God. In contrast with all of these, he aimed to achieve a balance between the two poles of anthropomorphism and depersonalization.

But is there a God about Whom to speculate in this way? Jacobs contrasts ancient scepticism, which he maintains was about God’s providence rather than His existence, with modern atheism and agnosticism, which are about whether or not there is a God. When the Psalmist castigates ‘the fool who says in his heart, there is no God’ (Psalms 14:1 and 53:2, and cf. Psalm 10:4) it is likely, as Jacobs says, that the target is the person who denies that God cares, rather than who denies that He exists. But there certainly were ancient philosophers such as Epicurus and Sextus Empiricus who denied the existence of a person-like Being who created and remained in control of the world; also, many eastern religious traditions deny the existence of a personal god. The question of whether God (in the biblical sense) really exists is an ancient one.

Mediaeval Jewish, Christian, and Muslim philosophers energetically sought rational proof of God’s existence. Jacobs accepts that the cosmological, ontological and teleological arguments they produced were undermined in the eighteenth century by Hume and Kant, so he supports his own belief in God by an appeal to moral and religious experience, drawing on a range of Jewish thinkers from Judah Halevi to Rav Kook; like both of them, he emphasises that personal experience is enhanced by collective historical experience (‘my God’ requires the support of ‘God of my fathers’ — p. 32). In this way, he argues that belief in God is reasonable; this is the basis of his ‘supernaturalism’.
Now no-one doubts that people have profound experiences and that many of them express these experiences in religious language. But are they simply deluded? Jacobs treats this as a psychoanalytic question. He discusses Freud’s view of religion as the collective and ultimately illusory search for a father substitute, and observes that the fact that people want to believe there is a God doesn’t prove that there isn’t one any more than the fact that some people are hungry proves that food doesn’t exist; whether people want something is simply irrelevant to the question of whether it exists. This is correct, but the admission that our senses may delude us weakens any argument based on experience, including religious experience; if Freud was wrong to claim that the possibility of delusion proved there was no God, it is equally wrong to claim that the possibility of not being deluded proves that there is a God.

Neither here nor elsewhere, so far as I can discover, does Jacobs appear to come to grips with what is probably the most acute problem facing contemporary philosophers of religion. The issue is not so much whether God exists as whether God-language makes any sense at all — does it make any sense even to ask whether God exists? Anyone who has tried talking about God to a child brought up in a secular household will have experienced the problem. You find yourself talking about some infinitely wise and powerful, disembodied person who is everywhere yet nowhere, and you are likely to confuse both the child and yourself; the child is going to need a lot more experience of life before you can point to what you think he or she might recognize as a distinctively religious experience. The experimental psychologist Olivera Petrovich has done extensive research in a variety of cultures to assess whether children have an innate sense of God and she thinks they do, but not everyone is convinced by the research; the problem in evaluating this research is to know what if anything children have in mind when they choose ‘God’ as an explanation rather than some more meaningful but less immediately plausible alternative.

A philosopher of religion, like for instance Richard Swinburne, asks whether the idea of God is coherent. Even if it is coherent does it explain anything? Is it not absurdly anthropomorphic to imagine a Great Architect in the Sky (to borrow a rabbinic metaphor) designing and then forming earth with a set of animals and plants, issuing laws, and overseeing the way that humankind conducts affairs? If, as Jacobs agrees, we are not to take ‘Great Architect’ literally, what does the metaphor stand for? At what point do we start taking things more literally, so that we can speak — as Louis Jacobs certainly does — of laws that are supernaturally revealed, though not literally ‘dictated by God’?

The problem of suffering has been around ever since Cain slaughtered a quarter of the world’s population. Why didn’t God stop him?
Why do (some) righteous suffer and (some) wicked prosper? Pain has been explained as punishment, as warning, as a necessary consequence and worthwhile price to pay for free will, as a means of ennoblement and in other ways; Jacobs discusses these explanations and adds the valid point that the pain suffered by any individual in the Holocaust cannot be added to that suffered by others to make a still greater pain. Natural disaster poses a special problem to the belief in a just, compassionate, and all-powerful God; a tsunami, for instance, is not the consequence of some human failing or abuse of free will. Traditionally, natural disasters have been thought of as punishments brought about by God’s special intervention, but how does that square with scientific theory which explains the events as occurrences that take place through the operation of forces unrelated to human behaviour?

Jacobs likes the idea taken up by the kabbalists (though not invented by them) that evil is God ‘withdrawing’, or concealing Himself from the world, but this simply puts the problem back a stage; why did God ‘conceal’ Himself at the Shoah, contrary to all the promises from the Bible onwards that He protects His people? Surely, the God who runs away and hides like a spoilt child or who turns a deaf ear to pleas like a corrupt official is no God, certainly not the God of Judaism. If Jacobs is unable to give entirely satisfactory answers to these questions (and who can?), his courage and honesty in facing them is a healthy antidote to the fundamentalist insistence on blind faith in the face of contrary evidence. We must remember also that when he was writing in 1957, Holocaust theology was scarcely on the horizon; Ignaz Maybaum’s *The Face of God after Auschwitz* appeared only in 1965, and influential Holocaust theologians such as Emil Fackenheim and Richard Rubenstein did not publish until the 1970s and 1980s.

Nowhere is the readiness of Louis Jacobs to face uncomfortable questions more evident than in his discussion of historical criticism, and here ‘liberal’ qualifies ‘supernaturalism’. Historical criticism of the Bible leads him to reject the fundamentalist doctrine of verbal inspiration in favour of a more dynamic model. God did not dictate the Torah word by word to Moses, but the Bible is nevertheless an authentic if imperfect record of Israel’s encounter with God. This encounter is expressed through Oral Torah and continues to the present day as we gain an ever more perfect understanding of the way God wants us to conduct our lives.

There are several reasons to reject fundamentalism. Manuscript evidence, archaeological, historical and scientific evidence, all undermine the belief that the Torah as we now have it was literally dictated together with its interpretation (the Oral Torah) to Moses at Sinai. Jacobs was especially sensitive to the moral problems which arise from fundamentalist belief; would a perfect Torah emanating from
the Creator Himself condone slavery, approve patriarchal deceit, or order the extermination of nations? It was his statement that he could not accept as ‘Torah from Heaven’ passages such as those calling for extermination of the Canaanites that provoked the Orthodox objections to his appointment as Principal of Jews’ College and then to his reappointment as a United Synagogue rabbi.

He spared no effort to find justification in traditional sources for his acceptance of historical criticism. The Talmud accepts that the last few verses of the Torah may not have been written by Moses; Ibn Ezra hints that other verses may be later interpolations; Hayyim Hirschenson (1857–1935), for many years rabbi of the Orthodox communities of Hoboken, New Jersey, argued that research as to the correct received text was permitted by halakha provided there was no denial of the divine origin of the authentic text; and there were other examples. But though these traditional figures questioned a verse or reading here and there, they never made proposals as radical as those of modern historical criticism. Jacobs is forced to admit that ultimately historical criticism is inconsistent with traditional formulations of Jewish belief. Maimonides and the Documentary Hypothesis are irreconcilable, he concludes, but perhaps there is some truth within each.

Can miracles prove the truth of Bible and tradition? Many biblical miracles can be explained naturally — they are signs, not suspensions of natural law — but not all. Jacobs understands miracle as the ‘natural’ result of closer human contact with the spiritual world; surely God can suspend His own laws of nature, though He cannot perform logical impossibilities. This may be true, but once again the wrong problem is addressed. The problem is not whether miracles are possible, but whether there is convincing evidence that they happened. Jacobs does not offer an adequate response to the criticism leveled by Hume (and already in antiquity by Cicero and others) against belief in miracles, viz. that the degree of evidence needed to substantiate them must outweigh the evidence that supports the natural law they appear to break. The faith of Judaism appears to be founded on a supernatural event, the revelation of Torah at Sinai; how can we be certain that this really took place?

Jacobs emphasises the centrality of Torah study in Judaism, and has developed this theme in his extensive writings on Jewish values. The study of Torah is a creative enterprise, not mere transmission of rules; it gives rise to a distinctive personality, that of the talmid hakham. He believes this personality is enhanced by combining the old (yeshiva) and new (academic) forms of learning, for historical studies enable us to appreciate the vital, dynamic nature of halakha and thus enhance our commitment. I agree with him entirely on the intrinsic value of historical studies, but cannot go along with the idea that they necessarily
enhance commitment to traditional Judaism; an appreciation of the
dynamics of history is at best a far less strong motivating force than a
fundamentalist belief that God literally issued laws and commanded
me to obey them, and at worst serves to undermine confidence in
tradition.

Judaism has often been contrasted favourably with Christianity
because it focuses on our duties in this world rather than on other-
worldly matters. Jacobs rightly rejects this stereotype; rabbinic
teaching emphasises the hereafter and its spiritual quality, though it
does not allow belief in the hereafter to divert attention from the
need to address current social ills (Christians would say as much for
traditional Christianity). Unfortunately, his further claim that one
hears no preaching of Hell-fire in the Jewish pulpit is no longer
correct; I cannot be the only one to have heard it. Jacobs accepts the
traditional belief in life after death; like several traditional authorities
he understands this as referring to the soul rather than the body, and
he approves a mystical interpretation of life after death as a state of
the soul beyond time, rather than endless duration. He is aware of a
trend among neurophysiologists and some philosophers to identify
the mind, or soul, with the brain, but rejects this; in line with most
theologians he assumes the mind is a distinct entity, and suggests that
even if it is totally dependent on the brain, perhaps that is only so
long as it is joined to the brain.

Towards the end of We Have Reason to Believe he engages in a defence
of Jewish particularism. Like many Jews, he finds it embarrassing to be
singled out as one of the ‘chosen people’; the very notion of chosenness
flies in the face of the modern doctrine of the essential equality of all
human beings. He argues that Jewish particularism is not exclusivist,
and that Israel’s ‘election’ necessitates universalism; chosenness
demands service rather than confers privilege. There is of course a
long tradition of Jewish apologetic behind this notion, which was
elegantly expressed by Rav Kook among others. However, Jacobs
goes slightly further and, like some Reform thinkers, reduces chosenness
to a historical doctrine about a mission essentially accomplished: viz.,
the promulgation of ethical monotheism. I am not as sure as Jacobs
that the mission has been ‘essentially accomplished’; there are after all
plenty of people in the world who are neither ethical nor monotheist
or who contrive to be one but not the other. If the mission has not
yet been accomplished, should we perhaps be thinking about how to
accomplish it in partnership with others (Sikh, Muslim, Christian
and so on) who define their mission in similar terms, and if so, how
should we understand ‘chosenness’? My own view is that ‘chosenness’
should be seen as a paradigm rather than as an exclusive doctrine:
just as every person may legitimately think his own mother the best
of all mothers, every nation or religious community may by all means
regard itself as possessing a special mission and even a special relationship with God. If I tell a story about my mother it does not contradict someone else’s story about his; only when the narrative is allowed to harden into doctrine does a clash occur. But it would be disingenuous to claim that this is a traditional interpretation.

A Tree of Life

Right to the end of his life and notwithstanding his involvement with Conservative Judaism, Louis considered himself a modern Orthodox Jew. He was fully aware, though, that his relatively liberal theological views called into question the authority accorded by tradition to the halakha as God’s law. If the Pentateuch had not been dictated by God to Moses together with the interpretation incorporated in the Oral Torah and committed to writing by the rabbis, why should people be obliged to follow the halakha?

His answer was that halakha was binding because it had developed as the response of the Jewish people as a whole to their encounter with God, primarily at Sinai, but throughout the course of their subsequent history. Because it had evolved over time rather than descended fully-formed ‘from the sky’, it was not possible to determine correct halakha by analysing the words of Torah and Talmud in isolation; the texts had to be understood, as Zacharias Frankel (1801–75), founder of ‘positive historical Judaism’, had insisted, in the light of their social and historical contexts. His most sustained attempt to show how halakha had developed, and should develop in response to changing human situations, was A Tree of Life: Diversity, Flexibility, and Creativity in Jewish Law (Oxford: Oxford University Press for Littman Library, 1984). Chapters 9 and 10 of that work contain numerous instances of the way that halakha has responded to changed conditions and social needs, from Hillel’s prosbul to the sale of hametz and to the acceptance of circumstantial evidence in certain cases to alleviate the plight of the aguna.

It has to be said that most of the examples cited are relatively trivial concessions to what had already become widespread Jewish practice; in no sense do they prepare us to address major contemporary preoccupations such as changing attitudes to women and to sexual orientation. This is more or less conceded by Jacobs himself in an Appendix in which he reviews the halakhic possibilities for ameliorating the status of the mamzer, but concludes that it is unlikely that any of them would be adopted by the Orthodox.

Is a more dynamic and responsive halakha possible for Conservative (Masorti) Jews? He cites leading members of the Conservative movement ‘the avowed aim of which is to preserve and foster the Halakhic process as essential to Judaism but with full awareness of the need for
a more dynamic approach than is provided by Orthodoxy’, and sums up his own position in these words (p. 242):

What is called for is not an abandonment of the concept of revelation but its reinterpretation (in reality, a return to the claims the Bible makes about itself). On this view, it can no longer be denied that there is a human element in the Bible, that the whole record is coloured by the human beings who put it down in writing, that it contains error as well as eternal truth, but that it is in this book or collection of books that God was first revealed to mankind and that here, and in the subsequent rabbinic commentary, including and especially through the Halakhah, He speaks to us today. Revelation is now seen as the record of a series of meetings or encounters between God and man. The Bible is seen as the record of these encounters, as is the Torah throughout Israel’s generations.

But is this an adequate basis for halakha? Shortly after Tree of Life was published the matter was effectively put to the test. In the 1970s the Conservative Rabbinical Assembly had agreed to count women to a minyan (prayer quorum), but when a majority voted in 1985 that women might be ordained as rabbis, several leading Conservative rabbis maintained that it was impossible to stretch halakha to this extent and eventually broke away, forming the Union for Traditional Conservative Judaism (renamed the Union for Traditional Judaism). The shared theological basis in the event proved inadequate to anchor a system of halakha, and the movement split, leaving us wondering just why the defectors were able to stretch halakha to count women to a minyan but not the extra distance to ordain them as rabbis.5

It is probably wrong to view the question of halakha, as both Conservatives and Orthodox tend to, as primarily theological or intellectual. Rather, it is political and sociological. The question is: which body of men and/or women, if any, will Jews accept as possessing the authority to tell them what to do? In a modern liberal democracy the answer appears to be that nobody will be accepted by Jews collectively as possessing such authority, though fragments of the Jewish community may voluntarily accept a particular Beth Din to determine certain aspects of their lives. In the days of the Talmud, the rabbis of ‘Babylonia’ could set themselves up as an effective authority with imperial backing, and in mediaeval Europe rabbis could define the law within autonomous Jewish communities, but that situation no longer obtains. Even in Israel, rabbinic determination of personal status hangs precariously on the endorsement of a secular government and legislative system, while beyond the realm of personal status the rabbinical courts have no mandatory jurisdiction. In the unlikely event that at some time in the future Jews collectively accept the authority of a religious court, that court will define halakha and will have little difficulty in marshalling traditional texts in its support
— however far its decisions may be from those of today’s Batei Din, whether Orthodox, Conservative, or Reform.

The great achievement of Louis Jacobs was to place the issue of modernity firmly on the agenda of Anglo-Jewry, refusing to accept the fundamentalist denial of the problems, the fudges and evasions of traditional Anglo-Orthodoxy, or the easy way of radical Reform. He accomplished this with deep sympathy, human understanding, and outstanding scholarship, not least his numerous studies of Talmudic logic and Hassidism which have not been touched on here. If he had the misfortune in the short run to become an anti-hero in some sections of the community, his reputation and influence will certainly outlast their ignorant and carping criticisms.

NOTES

2 *Bava Batra* 15a, in the name of Rabbi Judah (bar Ilai) or Rabbi Nehemiah.
4 Jacobs had at one time intended to write his PhD thesis on Frankel.