Renewing the Covenant

A Theology for the Postmodern Jew

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20 The Jewish Self

MODERN AND POSTMODERN non-Orthodox Jewish theologies diverge decisively in their views of the self's Jewishness. All the great modern systematizers considered it axiomatic that contemporary Jewish thought must be constructed on the basis of universal selfhood. To accommodate this concept, they willingly redefined Jewish responsibility in terms of the hierarchy of value it entailed: self first, Jewishness second. I rather see Jewish truth—the Covenant—as the primal, elemental ground of the Jew's existence. Without denying the spiritual validity of universal selfhood, I assert the need to rethink its meaning in Jewish terms. Jewish selfhood arises within the people of Israel and its Covenant with God. Put in this unqualified form, the definition not only includes Orthodox as well as non-Orthodox Jews but could be used by thinkers of either group, lending it an inclusiveness that helps persuade me of the conceptual value of this approach.

I detect something of this personalism when some contemporary *poskim* (halakhic decisors) claim the right to issue directives to the community simply on the basis of *daas Torah*. In these cases they assert their authority in terms of their general "knowledge/sense" of Torah, though they cannot validate their stand on this specific issue by citing direct halakhic precedents. I interpret this as pointing to the legislative authority of their personal intuition of our Jewish duty, one growing out of their learning and piety but finally valid as the insight of a Torah personality. I have in mind something similar, a non-Orthodox self that is autonomous yet so fundamentally shaped by the Covenant that whatever issues from its depths will have authentic Jewish character. The secular conception of autonomy must be transformed in terms of its Covenantal context. We will best understand what this means by tracing the cumulative threefold progression of self (secular) to self-God (universal religion) and thence to self/Israel/God (Judaism). Since this recapitulates much of the direction of this book, I will briefly review the foundation of the first two ideas and give the bulk of my attention to their culmination in the theory of the Jewish identity that mandates postmodern Jewish duty.

The Truth and the Limits of Secular Selfhood

The notion of the self-determining individual occasionally occurs in classic Jewish texts, but modern Western democracy so embel-

lished the notion that it gained utterly new spiritual power. The resulting ideals of person and society it projected so enlarged the Jewish soul that they made the pains of Emancipation well worth bearing. We contemporary Jews may have jettisoned the optimism that once sacralized modernization, but the very experience that has made us more realistic has reinforced our steadfast devotion to self-determination. Witnessing the moral failures of orthodoxies, institutions, and collectives has reconfirmed our trust in the self as the best critic of iniquity and our indispensable defense against social tyranny.

Emancipated Jewry imported the notion of the self into Judaism primarily under the rubric of ethics, which commended itself for uniquely integrating freedom, duty, Jewish change, and social responsibility. The irresistible interpretive appeal of an ethical framework may be estimated from the unanimity with which our thinkers made it central to their theories of Judaism. Mordecai Kaplan's naturalism provides even stronger testimony to the sovereign power of ethics than does Hermann Cohen's neo-Kantianism, which identified ethics with reason. Kaplan, who made folk culture the effective creator of human value and thus always open to revision, insisted on one exception to this rule: moral law. In Martin Buber's shift of thought to personalism, the interhuman experience becomes the paradigm not merely for duty but the whole of the religious life. Abraham Heschel, despite making God's revelation, not human experience, the fulcrum of his theology, intimately identifies the prophetic experience of God's reality with the imperative to reach out to every human being. On no other theme—not God, nor the people of Israel, nor revelation, nor messianism, nor law, nor theological method—do these thinkers so completely agree.

This key concern of modernism remains vital today as postmodern non-Orthodox Jews continue to feel issues of interhuman obligation addressing them with an unparalleled imperative quality. Though they envision their Jewish duty as extending far beyond universal ethics, no other realm of Jewish obligation regularly outranks it.

Though the thinkers to whom I referred echoed the Enlightenment notion of the self, they significantly changed its meaning and that of its corollary terms by organically fixing them in a religious context. In various ways, they all declared that the autonomous self makes sense only in terms of each person's ineluctable bond with God, the source of our dignity and the criterion of its correct use. Our tradition spoke of this as the [Noahide] covenant, a term

whose legal origin conveyed a sense of seriously contracted specific obligations. Opposing a heteronomic understanding of it, I reinterpret the term through the metaphor of personal relationship, which communicates duty without depriving either participant of selfhood and autonomy—an experience as characteristic of direct relationship with God as with persons through whom we know God indirectly.

Martin Buber, who taught us this self-God paradigm, also believed that single selves could join in common encounter, turning, for example, ethnic groups into nations whose formative experiences still exercised normative power over their descendants. He therefore believed that Zionism made certain inescapable national-spiritual demands of contemporary Jews. Yet he insisted that the independent self remained the judge of the legitimacy of group injunctions and he never clarified how one could integrate group authority with such rigorous individualism. This interpretation of his thought does not enable us to take the step from self-God to self-Israel-God that would explain the postmodern intuition of the absoluteness attaching to Jewish identity.

Can the Noahide Self Take Jewish Particularity Seriously?

Because of Buber's continued liberal confidence in the single self (and despite the fact that he shifted its reference point from reason to relationship) I consider him more a transitional modern than a postmodern Jewish thinker. Rosenzweig sought to move Buber from this individualism and thus make possible a more authentic Jewish existence, but because Rosenzweig agreed that a postrationalist theory of Jewish duty needed to be grounded in the self, he faced the same difficulty. He finally integrated thought and intuition by dogmatically asserting that Jews must, in principle, accept the authority of the law, allowing practice to produce its personal confirmation. So to speak, he is the existentialist equivalent of what later emerged as the postmodern flight to Orthodoxy.

Rosenzweig's effort to add the law to the self-God relationship has a contemporary counterpart. Some thinkers suggest that if we derived our rulings on specific contemporary issues by classic halakhic methods utilized with non-Orthodox flexibility, we then would produce fully authentic *halakhah*. They variously argue that many factors might make such rulings authoritative to many despite

the loss of the halakhic process's theological foundations: our continuing esteem of Jewish law; our respect for time-hallowed Jewish forms; our regard for Jewish scholars; our desire for non-Orthodox Jewish communal structure; and our willingness to accept an authentic Jewish discipline. Yet, to date, only a small minority of the non-Orthodox regularly subordinates its own good judgment to such rulings.

Autonomy lies at the heart of the decision about this suggestion. Why should thinking Jews consider giving up their self-determination to follow the rulings of decisors who have Jewish learning but otherwise no greater access to God's present will than the rest of us possess? The answer cannot be simply the cogency of their rulings, for these inevitably raise the question of the criteria they employ in reaching their decisions. Sometimes they are lenient, sometimes stringent, sometimes they insist on specific textual warrants, sometimes they substantially rely on interpretation. How do non-Orthodox decisors determine when a historical or ethical development requires us to change the law or resist changing it? For that matter, how can "history" require anything since it has no objective reality but depends entirely on the historian's theory of how we ought to structure events? (As applied to theology, this problem of the unknown criteria by which it is determined what traditional beliefs remain valid or must be discarded has been the chief criticism of the historical theologies of thinkers as diverse as Kaufmann Kohler and Louis Jacobs.) Judges have always manifested such methodological vagaries and have been enfranchised to do so by the authority vested in them. When God stood behind the operation of the *halakhah*, the self had no basis upon which to question given rulings. But without a non-Orthodox theology of halakhic process, what validates the old processes or simple learning in the face of conscientious Jewish doubt?

We cannot expect formal similarity to the past to empower even a responsive Jewish legal system without a convincing theory of authority to persuade us we ought to sacrifice our autonomy to it—and if we do not, it is merely wise counsel, not law. A modernized halakhic process could have considerable Jewish value, but we shall know what constitutes authentic "flexibility" only when we have theologically established its meta-*halakhah*. And only when we have been personally persuaded of the validity of its theory of Jewish decision making are we likely to make its rulings our law.

I think it unlikely that a non-Orthodox relegitimation of Jewish

law would have either theoretical success or practical effect. I therefore turn first to the theological task and only then inquire what kind of Jewish discipline it engenders. I suggest we, whose Jewishness is primary to our existence, should reverse Buber's strategy. Instead of positing an axiomatic universal selfhood in whose terms we then seek to validate Jewishness, we seek to interpret our elemental Jewishness by the culturally compelling metaphor of selfhood, that is, by explicating the nature of a Jewish self.

Five Premises for Jewish Duty

Like all humankind (the *benei noaḥ*), Jewish selves (the *benei yisrael*) have a grounding personal relationship with God; but where the *benei noaḥ* relate to God as part of a universal covenant, the *benei yisrael* have a particular, ethnic Covenant with God. Being a Jew may then be described in this metaphor as having an individuality that is elementally structured by participation in the Jewish people's historical relationship with God. In the ideal Jewish self one can detect no depth, no matter how intensely one searches, where the old liberal rift between general self and particular Jew still occurs. Jewish selfhood arises as ethnic existentiality while remaining an individuality dignified by autonomy; in this case autonomy is properly exercised in terms of its ultimate situation in the Jewish people's corporate, historic relationship with God.

In contrast to contemporary privatistic notions of selfhood, the Jewish self, responding to God in Covenant, acknowledges its essential historicity and sociality. One did not begin the Covenant and one remains its conduit only as part of the ongoing people of Israel. Here, tradition and ethnicity round out the universal solidarity of humankind which this particularity grounds in its myth of the Noahide covenant. With heritage and folk essential to Jewishness, with the Jewish service of God directed to historic continuity lasting until messianic days, the Covenanted self knows that Jewish existence must be structured. Yet as long as we honor each Jew's selfhood with a contextually delimited measure of autonomy, this need for communal forms cannot lead us back to law as a required, corporately determined regimen. Instead, we must think in terms of a *self-discipline* that, because of the sociality of the Jewish self, becomes communally focused and shaped. The result is a dialectical autonomy, a life of freedom-exercised-in-Covenant. It differs so from older non-Orthodox theories of folk discipline—Zionism or Kaplanian ethnicity—or personal freedom—Cohenian ethical monotheism or

Buberian relationship—that I wish to analyze in some detail its five major themes.

First, the Jewish self lives personally and primarily in involvement with the one God of the universe. Whereas the biblical-rabbinic Jew was almost entirely theocentric, the contemporary Jewish self claims a more active role in the relationship with God. In the days of buoyant liberalism this self-assertion overreached to the point of diminishing God's active role, sometimes countenancing supplanting God with humanity writ large. Postmodernity begins with a more realistic view of our human capacities and a determination not to confuse the junior with the senior partner. Knowing Who calls and keeps us as allies endows each self with a value it could never give itself even by extraordinary achievement. To believe we bestow meaning on ourselves by our deeds inevitably destroys us, for no one can successfully keep filling up the relentless now of personhood with estimable accomplishment. When we live in Covenantal closeness with God—asked only to be God's helpmeet, not God's equal in goodness—we acquire unique dignity and power and can hope to remain whole even when burdened by the world's injustice and our own heavy sins.

This consciousness of ongoing intimacy with God precedes, undergirds, and interfuses all the Jewish self's other relationships. It ties us to God's other partners for more than pragmatic or utilitarian reasons and gives us an ineradicable stake in humanity's welfare and destiny. It binds us with particular intensity to other Jews with whom we share a special dedication to God.

Yet the Covenant that affirms us also subjects us to judgment in terms of the quality learned through our personal involvement with God. What we do as persons, lovers, friends, citizens, humans, Jews, must live up to it or be found wanting. Wherever the Jewish self sees faithfulness to God imperiled, Covenanthood requires it to be critical as well as supportive, perhaps even temporarily withdrawing from others in order to remain true to what once made them close. This applies with particular force to the people of the Covenant. Pledged to live most intensively with God, this people and its communities must always stand under special scrutiny even as they also deserve our special love.

Community, Tradition, and Messianic Hope

Second, a Jewish relationship with God inextricably binds selfhood and ethnicity, with its multiple ties of land, language,

history, traditions, fate, and faith. By this folk rootedness Covenantal Jewish identity negates the illusion that one can be loyal to humanity as a whole but not to any single people, and it rescues the messianic hope from being so abstract as to be inhuman. Ethnic particularity commits the Jewish self to the spirituality of sanctifying history through gritty social and political struggles. Internally as well, each Jew becomes implicated in this people's never-ending struggle to hallow grim social circumstances or the temptations of affluence and show itself another faithful Covenant generation.

Nowhere can Jews hope to better fufill the multilayered responsibilities enjoined on them by the Covenant than in the land of Israel organized as a politically sovereign, self-determining nation, the State of Israel. Every Jewish self must face the Covenantal challenge of the desirability of moving there to join the Jewish people in working out its uniquely full response to God's demand that we sanctify social existence. Jews who do not find themselves able to fulfill this behest must nonetheless live by a particularly intense tie to the land of Israel and measure their Diaspora fulfillment of the ethnic obligations of Jewish selfhood by the standard of the State of Israel's Covenant accomplishments.

Ethnicity also has a certain normative force. As the Jewish self ponders a decision, it must attend seriously to the attitudes and practices of other Jews in this matter. They share the same Covenant, serve the same God, and reflect the same folk experience and aspiration. Often, what Jews have been told to do and what they now value will commend itself as Covenantal wisdom. When the Jewish self has some ambivalence about its accepted path, loyalty to the folk will often cause the Jewish self to sacrifice personal predilection for folk unity. That most easily takes place when a community standard makes possible common ethnic activity—e.g., a folk, not a personal, Jewish calendar—or makes demands that hardly can be called onerous or defiling—e.g., *kiddush* over wine or grape juice and not the whiskey or spring water one might prefer. For the Jewish self, then, Covenant means Covenant-with-all-other-Jews, past and present.

For all the inalienable ethnicity of the Jewish self, it surrenders nothing of its individual personhood. In a given matter, the Covenant people may be inattentive to its present duty to God or, in a given situation, an individual Jew of certain talents and limitations may find it Covenantally more responsible to go an individual way. Now Covenanted selfhood requires conscientious self-examination in the

light of community standards to determine whether this dissent of the Jewish self is willfulness or an idiosyncratic sensitivity to God. I shall return to this theme later in this exposition.

Third, against the common self's concentration on immediacy, the Covenant renders the Jewish self radically historical. Our Jewish relationship with God did not begin with this generation and its working out in Jewish lives has been going on for millennia. Social circumstances and Jewish self-perception have changed greatly in this time yet the Jews we encounter in our old books sound very much like us. Different social circumstances aside, the underlying relationship between God and the people of Israel has remained substantially the same. For one thing, the same religious moments decisively shape our Covenant sensibility—Exodus, Sinai, settlement, Temple, Exile, return, destruction of the Second Temple, Diaspora, the rise of the rabbis, medieval triumph and trial, which we extend by Emancipation, Holocaust, and Third Commonwealth. We too live by Jewish memory. For another thing, reading our classic texts inevitably points up the constancy of human nature with its swings between folly and saintliness. Jews then behaved very much as Jews do today. Hence, much of what they did as their Covenant duty will likely still lay a living claim on us. For the Jewish self, then, Covenant means Covenant-with-prior-Jewish-generations.

Many modern Jewish thinkers deprecated the idea of such a spiritual continuity. They thought our vastly increased general knowledge made us more religiously advanced than our forebears and optimistically taught that each generation knew God's will better than the prior one, a notion they called progressive revelation. Postmodern thinkers, such as myself, reverse the hierarchy. On most critical religious issues, no one writing today can hope to command the respect the authors of the Bible rightly continue to elicit. Moreover, since their life of Covenant was comparatively fresh, strong, and steadfast, where ours is often uncertain, weak, and faltering, we should substantially rely on their delineation of proper Covenantal existence. The biblical and rabbinic texts have every Jewish right to exert a higher criticism of the lives of each new generation of Jews, so classic Jewish learning must ground Jewish selfhood as firmly as does personal religious experience.

In one critical religious respect, however, we stand apart from prior generations: our conviction that we must exercise considerable self-determination. If some respect for Jewish individuality had not always characterized Jewish spirituality, we would be astonished at

the luxuriant display of change and innovation we find in Jewish religious expression over the centuries. Our radically transformed social and intellectual situation elicits a corollary reinterpretation of Covenant obligation. In particular, our sense of linkage with God prompts us to identify spiritual maturity with the responsible exercise of agency. Hence, we find it necessary to take initiative in untraditional fashion in order to be true to what our Jewish self discovers in Covenant. Here, too, our sacred books make their authority felt by challenging us to ask whether our deviance has grown out of Covenantal faithfulness or trendy impulse.

Fourth, though the Jewish self lives the present out of the past, it necessarily orients itself to the future. All the generations of Jews who have ever been, including us, seek the culmination of the Covenant in the Days of the Messiah. The glories of the Jewish past and the rewards of the Jewish present cannot nearly vindicate Israel's millennial service of God as will that era of universal peace, justice, love, and knowledge of God. A Jewishness satisfied merely to meet the needs of the present but not radically to project Covenantal existence into the far future betrays the hopes of the centuries of dedication that made our spirituality possible. The Jewish self, by contrast, will substantially gauge the Covenantal worthiness of acts by their contribution to our continuing redemptive purpose. For the Jewish self, then, Covenant means Covenant-with-Jews-yet-to-be, especially the Messiah.

I can provide a personal analogy to the manner in which a vision of the far future limits the self in the immediate exercise of its freedom: the attainment of personal integrity. One can hope to accomplish that only over the years, for though the self constantly reconstitutes itself in the present, it also persists through time. Living detached from previous experience and with minimal concern for the future denies the chronological character of creatureliness and ignores our most creative individual challenge, to shape an entire life into humane coherence. The responsible self will cultivate the forms, habits, and institutions indispensable to long-range fulfillment. And when, in our frailty or indecisiveness, our autonomy falters before life's demands, we can hope these structures will carry our fragile self through the dark times with integrity unimpaired. All this is true of every human being but, I suggest, more intensively so for the Jewish self, whose integrity involves messianic steadfastness to God as part of the Covenant between God and the Jewish people.

Nonetheless, our Covenantal future-directedness may also compel us to break with an old, once valuable but now empty Jewish practice. For Jewish selfhood also requires us to assure the Jewish future by making our way to it through the presently appropriate Covenantal act. Even then, the awesome endurance of Jewish traditions will dialectically confront us with its question as to the staying power of the innovation we find so necessary.

The Compelling Selfhood of the Jewish Self

Fifth, yet despite the others with whom it is so intimately intertwined—God and the Jewish people, present, past, and future—it is as a single soul in its full individuality that the Jewish self exists in Covenant. I can illustrate my meaning best by using myself as an example. I must not hide from the fact that it is I, personally, who am making all these assertions. I believe God has objective reality—but I also do not know how anyone today can objectively make that assertion. I likewise believe that what I have been saying about Judaism is true regardless of my accepting it or not, that it would still be true and make rightful claims upon Jews even were I to come to deny all or any part of it. I proclaim the truth of the Covenant between God and the Jewish people, but I know I can only speak from my own premises and perspective even as other people must do from theirs. None of us can escape from radical finitude to a conceptual realm of unconditional truth. The self, free and self-determining, must then be given its independent due even though, as a Jewish self, its autonomy will be exercised in Covenantal context. At any given moment it is ultimately I who must determine what to make of God's demands and Israel's practice, tradition, and aspiration as I, personally, seek to live the life of Torah in Covenantal faithfulness. For the Jewish self, then, Covenant means Covenant-with-one's-self.

Before I turn to the issue of how Jewish selfhood could lead to a new sense of corporate Jewish duty, I want to say something about the gap between the ideal of the Jewish self and the realities of being an individual Jew. I have been describing more a spiritual goal than a present condition, my version of what Rosenzweig called our need to move from the periphery of Jewish living back to its center. By the standards of this ideal, fragmentariness and alienation characterize most Jewish lives today; our lives commonly reflect more the brokenness of humanhood in our civilization than any integrating

Jewish vision. This diagnosis leads to a therapeutic goal: bringing Jews to the greater wholeness of Jewish selfhood, a reconstruction of Jewish life that begins with helping individual Jews find greater personal integration, one that ineluctably involves them in community as with God. This constitutes the obverse of Kaplan's emphasis on changing our pattern of Jewish community organization so as to foster a healthy Jewish life.

How might this ideal, so individualistically based, bring a critical mass of Jews to communal patterns of Covenantal observance? It cannot be created by a contemporary version of heteronomous law as long as we continue to accept the personal and spiritual validity of self-determination. But if Jews could confront their Judaism as Jewish selves and not as autonomous persons-in-general, I contend that they would find Jewish law and lore the single best source of guidance as to how they ought to live. Rooted in Israel's corporate faithfulness to God, they would want their lives substantially structured by their people's understanding of how its past, present, and future should shape daily existence. But as autonomous Jewish selves, they would personally establish the validity of every halakhic and communal prescription by their own conscientious deliberation. We would then judge their Jewish authenticity less by the extent of their observance than by the genuineness of their efforts to ground their lives, especially their actions, in Israel's ongoing Covenant with God. The more fully they integrate their Jewish selves, the more fully will every act of theirs demonstrate their Jewishness.

With autonomy then an integral part of Jewishness, some subjectivity will inevitably enter our Jewish practice, leading to a greatly expanded range of Covenantally acceptable ways of living as an authentic Jew. Moreover, our simultaneous responsibilities—to self, to God, to the Jewish past, present, and future, and to humankind as a whole [through our continuing participation in the covenant of Noah] will frequently clash with one another, leading to different views as to which should have greater weight. For these reasons I avidly espouse Jewish pluralism in thought and action. In our contemporary cultural situation I am more anxious about the corporate than the personal aspect of Jewish selfhood and therefore eagerly await the day when enough Jewish selves choose to live in ways sufficiently similar that we can create common patterns among us. A communal life-style, richly personal yet Jewishly grounded, would be the Jewish self's equivalent of *halakhah*.

Does my call for a community openness so tolerant of individual-

ity destroy our character as a distinct people? Has not autonomy escaped from its Covenantal containment and again manifested its anarchic and therefore ultimately un-Jewish character?

I cannot deny the risks involved in the path I am suggesting but any theory that makes democracy a spiritual principle of our Judaism will face something of the same risks—and I do not believe any large number of Jews today will accept a nondemocratic theory of Jewish duty. Moreover, the act of passing substantial power from the rabbis to the community has, for all its weakening of community discipline, also produced unique human benefit. The demand that everyone in our community tolerate other Jews' radically differing views has produced a harmony among us unprecedented in Jewish history; our contemporary distress at Jewish interreligious conflict testifies to our ideals and to our distance from the Jewish past, when surly antagonism often reigned among us. Though Covenantally contextual individualism will surely amplify Jewish diversity and threaten communal solidarity, there will never be any question about its directly authorizing and commending Jewish democracy.

An Odd but Instructive Case

I can make my meaning clearer by providing some concrete examples of how I apply this standard [though I acknowledge that others might utilize the same theory to reach other conclusions]. I begin with a somewhat unusual matter: how an Orthodox Jew should face the issues created by the medical treatment of dwarfism. The *halakhah* imposes no special disabilities upon Jewish dwarfs, and while the condition is troublesome to those who have it and often a heavy burden for their relatives, it does not constitute a threat to life deserving of exceptional halakhic consideration. Some halakhic urgency for the treatment of dwarfism arises from the greater than usual difficulty dwarfs have in conceiving children.

The special halakhic difficulty once raised by dwarfism arose from the hormone with which it was treated. Before it had been synthesized, the hormone had to be collected from human corpses, bringing the laws of respect for the corpse into conflict with the desirability of curing a non-life-threatening condition. Various decisors discussed how the incisions should be made in the corpses so as to create the least disfigurement, wishing to be as respectful as possible while fulfilling the law's higher concern with a significant human need.

The non-Orthodox Jewish self would think about this issue in somewhat different fashion. A corpse, the physical remains of the self, surely deserves respectful treatment. Indeed, with lessening concern for the dead—fewer people saying *kaddish* and visiting graves—Jews need to be reminded that we do not know disembodied persons. However, when one thinks primarily in terms of selfhood, there will be little doubt that the needs of a living person override respect for a corpse. One can surely be a Jewish self as a dwarf, yet the selfsame psychosomatic view of the self that authorizes honoring corpses makes us appreciate the trials of dwarfism. Hence I would rule with little hesitation that the suffering of the dwarf, not respect for the corpse, would be our primary Covenantal concern here.

Fortunately, we find little difference in the practical outcome of applying Orthodox and Covenantal procedures. But, hypothetically, had rigorous *poskim* imposed such stringent conditions on cutting into the corpse as to have impeded the collection of the hormone, I would have demurred. I do not believe our tradition implies, our community wants, or God requires our giving the corpse such precedence over the living—and in this theoretical situation I could not accept the *halakhah*.

The classic cases of the *agunah* (deserted wife) and *mamzer* ("bastard") trouble us very much more than does dwarfism because they can create a radical distinction between what the *halakhah* can allow and what non-Orthodox Jews perceive as our Jewish duty. If required, observant Jews will repress whatever stirrings of autonomous rebellion they may feel in these cases so as to faithfully follow God's law. The Jewish self I have described will far more likely react indignantly at the inability of Jewish legal authorities to respond to what they too know to be clear-cut human and Jewish values. To maintain proper legal procedure an *agunah* can be debarred from remarrying and establishing a fully ramified Jewish home. Or, in consequence of a parental sin, someone ruled a *mamzer* cannot contract a marriage with a *kosher* Jew. These disabilities contravene some of our most primary Covenantal responsibilities. The Jewish pain attached to them intensifies when we think of the Holocaust. Is there much in our hierarchy of Jewish duty that takes priority today over contracting a Jewish marriage and creating a Jewish family?

The Covenantal trauma created by these laws cannot be assuaged by mitigation, by suggesting that compassionate decisors will limit the number affected or that accepting the few unresolved cases will

allow us to maintain familial unity among Jews. In fact, Orthodox decisors continue to declare some people *agunot* and *mamzerim* and apply the consequent Jewish legal disabilities to them. As I understand the range of my obligations under the Covenant, I do not believe God wants some Jews to relate to other Jews by categorizing and treating them as *agunot* and *mamzerim*. Thus I will abet Jews seeking to fulfill their Covenantal responsibilities outside these laws. As a pluralist, I oppose any suggestion by the non-Orthodox that Orthodox Jews should be asked to compromise their understanding of God's law for the sake of communal unity. I do, however, find it troubling that while the *halakhah* has kept some laws such as "an eye for an eye" in force but practically inoperable, contemporary *poskim* have not yet demonstrated such creativity in this area.

The issue of women's rights in traditional Jewish marriage and divorce law disturbs Jews like me far more because, committed so fundamentally to the concept of personhood, I consider women's equality a critical matter for contemporary Judaism. Again the mitigations do not persuade. But I cannot usefully say more. Non-Orthodox Jewish women have reminded us that they must be allowed to speak for themselves and they increasingly do so to those who will listen.

Exercising Responsibility as a Jewish Self: Four Instances

I can now make some generalizations about Covenantal decision making. Should our various Covenantal obligations appear to conflict, our duty to God—most compellingly seen in the treatment of persons—takes priority over our responsibilities to the Jewish people or the dictates of Jewish tradition. I acknowledge only one regular exception to this rule, namely, those cases that clearly involve the survival of the Jewish people. Without Jews there can be no continuing Covenant relationship, and it is the Covenant, not universal ethics, that grounds the autonomous Jewish self.

What should an autonomous Jew do when confronted by a conflict between a divinely based responsibility to persons and another one that directly contributes to the survival of the Jewish people? I cannot generalize about how the Jewish self should proceed when it must compromise one of two values that have shaped it fundamentally, but I can compensate by indicating how I respond to four such situations.

Many years ago, as I was struggling with the old liberal identifica-

tion of Judaism with universal ethics, I realized the ethical unsupportability of the Jewish duty to procreate. Bringing a child into the world to bear the name Jew potentially subjects that child to special danger. All the joys and advantages of being a Jew cannot ethically compensate for loading this ineradicable disability on another. Yet the Covenant absolutely depends on Jewish biologic-historic continuity until the Messianic Days. For all its ethical difficulty then, I believe I have a clear Covenantal responsibility to proclaim the duty to have Jewish children.

Since many Jews believe that anything that limits the marriageability of all Jews critically affects Jewish survival, why do I then resist establishing one community standard for Jewish marriages and divorces? I do so because I believe our people will survive without a uniform marriage and divorce law. I base this conclusion on the fact that, despite their abandonment of the *halakhah*, the overwhelming majority of Jews worldwide still manifest a will to Jewish continuity. Without a relatively uniform standard of practice in family matters, Jewish life will not continue as it did when it had reasonable consensus in this area; but our people, as such, will survive. Reserving the supererogatory survival category for exceptional situations, I therefore cannot invoke it to override my Covenantal sense of human obligation in this matter.

Then why will I not perform intermarriages when by some accounts more than half of the resulting families raise their children as Jews? Why do I not accept their will to be Jewish as a viable means of Jewish survival and thus remove the Jewish bar to my simple human responsibility, uniting in marriage two people well suited to one another though of different religions? I am moved by such arguments and acknowledge that my "Yes, but . . ." response may appear even more subjective than usual. My positive response to such people's Jewish concerns leads me to reach out to them with warmth and gladly accept their children as Jews when they manifest Covenant-loyalty through education and participation. But I cannot be so approving as to officiate at their weddings, for it falsely symbolizes and communicates to them and others my understanding of Covenantal obligation. The relation between God and the Jewish people is mirrored, articulated, and continued largely through family Judaism. Jews like me must then necessarily prefer a family structure fully espousing the Covenant to one that seeks to do so but with inherent ambiguity. Moreover, I understand myself as a rabbi

authorized to function religiously within the Covenant community only on behalf of the Covenant.

My rabbinic colleagues who differ with me on this issue do so because they read the balance between human and Jewish obligation differently than I do. They believe, erroneously in my opinion, that performing intermarriages will help win and bind these families to the Jewish people. Because I may well be wrong and because I respect their reading of their Covenant-responsibility, my pluralism makes itself felt here and I associate myself with them in full collegiality.

But it does not extend to those rabbis who now not only officiate at intermarriages but do so as co-officiants with Christian or other clergy. In so doing, they symbolize and communicate that it makes no difference what religion one espouses. They thus dissolve the Covenant of the *benei yisrael* into that of the *benei noah*. That clearly constitutes a threat to the survival of the Jewish people and its Covenant, and exceeds my liberally capacious pluralism. My Jewish self may not be able to state just where the boundaries of its openness lie, but in this instance it has no difficulty in identifying their transgressors.

Because I know myself to be related to God as part of the people of Israel's historic Covenant with God, I can be true to myself only as I, in my specific individuality, am true to God, to other Jews, to the Jewish tradition, and to the Jewish messianic dream. And while that truth is found more in the doing than in the thinking, it is by reflection on what constitutes true Jewish doing that Jews in every age have kept themselves alive to their responsibility as partners in the Covenant.