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## A TINY BUT ARTICULATE MINORITY

### *To my Teacher with Admiration and Appreciation*

When the name Rabbi Walter Wurzburger is mentioned to any retired rabbi, hushed tones of esteem and admiration often fill the air. Everyone respected R. Wurzburger as the public intellectual of a pluralistic and moral *modern Orthodox* Judaism. Most specifically, people revered him as a public voice of his teacher R. Joseph Baer Soloveitchik and as a former president of the Rabbinical Council of America.

Rabbi Walter Wurzburger was born in Munich in 1920, came to this country in 1938, studied at Yeshiva College and RIETS, and completed his education with a doctorate in philosophy at Harvard, attained while at his first pulpit.<sup>1</sup> Subsequently, he became rabbi of the major congregation Shaarei Shomayim in Toronto, following this post by his being handpicked to succeed R. Emmanuel Rackman in his major *modern Orthodox* pulpit Shaaray Tefila in Lawrence, NY.<sup>2</sup> He was editor of *Tradition* through its glory years, publishing a wide range of Orthodox voices, and he taught at both Yeshiva College and RIETS.

As a public intellectual, R. Wurzburger's message remained centered on discourses of morality and formulating a modern approach to Orthodoxy, yet his intellectual language and arguments changed throughout his life.<sup>3</sup> His religious focus moved from creating a philosophic boundary between liberal Judaism and *modern Orthodoxy*, to defining *modern Orthodoxy* as a system of ethical practice, and finally to defending *modern Orthodoxy* against what he saw as the return of the anti-modern in Orthodoxy. His ethics moved from solving Kantian formalist problems through the use of Existentialism, to using a rational decision-making process for the same purpose, and finally turning towards agent-morality.

R. Wurzburger's writings, therefore, are dependent on chronological organization, dividing most easily into three periods. The first peri-

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od was his rabbinate in Toronto, where he was one of the intellectual architects of a modern *Orthodoxy*, defending against the *Conservative Movement*. His early articles were seminal and became part of *modern Orthodox* self-understanding. During the second phase, the period of his rabbinate in Lawrence, R. Wurzburger became a spokesman for *modern Orthodoxy*, traveling to interfaith conferences and public affairs symposiums. During this period he had a fixed palette of ideas that he kept reorganizing every time he was asked for an article, yet none of these writings were definitive or complete. When asked for five thousand words, he submitted two thousand; if asked for two thousand, he submitted five hundred. Sometimes, one needed to read at least three versions of the same paper to attain the details of his ideas. Finally at the end of his life, R. Wurzburger found justification in his lifelong deviation from Kant through the agent morality discussed in the writings of Philippa Foot and Bernard Williams, and this intellectual movement culminated in his book, *An Ethic of Responsibility*. The book attempted to offer a rigorous philosophic religious ethic, which in its attempt at philosophic rigueur denoted the strength of his Orthodox message.<sup>4</sup>

This paper will attempt to outline R. Wurzburger's religious worldview. His approach was integrally connected to his supersessionist vision as a radical change from the past to modernity, combined with his belief in the need to retain faith in the face of modernity's rising secularism and materialism. His answer was an existential commitment to God and His demands upon the Jew, especially demands that are intuitively ethical, and that those demands create an ethic of responsibility to respond to the broader world. Many of the topics discussed, especially R. Wurzburger's understanding of ethics, ideas of interfaith discourse, and meta-halakhic principles, deserve their own treatment and analysis. Therefore, I will limit my remarks to where these elements fit into his religious worldview.

## MODERNITY

To appreciate R. Wurzburger's thought and his view of *Modern Orthodoxy*, one needs to understand the importance of his religious views of modernity as a sea change. For R. Wurzburger, the Enlightenment and Emancipation was a new era for the Jewish people; no other events had as decisive an impact on the nature of Judaism. He quotes Leo Baeck and Jacob Neusner approvingly on the lack of self-conscious theological convictions in the pre-Enlightenment era. Moses Mendelssohn became

the paradigm for the modern Jew in that he accepted no religious coercion because religion must be based on inner conviction and tolerance of religious non-conformity. R. Wurzbürger believed that in the pre-Enlightenment age there was an organic unity of nation and religion. However, in the modern era, he saw a schism in this union; we became a Jewish denomination in exchange for citizenship, and as a religion without nationality, we largely lost our mandated role in the public sphere.

R. Wurzbürger viewed the Enlightenment and Emancipation as the watershed moments in Judaic self-definition. The new ethos no longer accepted revelation to a specific chosen people; rather, people valued reason and autonomy. Unconditional surrender to God would not appeal to someone who subscribed to the Enlightenment. To respond, *Reform* created ethical monotheism and prophetic Judaism. Meanwhile, Hungarian Jewry wanted the edicts of Emancipation revoked. They created a climate of hostility, antagonism, and rejection of modernity, even to the point of banning the works of Mendelssohn, who still advocated the keeping of Jewish Law. According to R. Wurzbürger, the traditional autonomous community was correct to be outraged by Mendelssohn and to be frightened by modernity, since the “open society” erodes ties to Judaism.

R. Walter Wurzbürger saw that the overwhelming majority of Orthodoxy was against modernity, yet there was a tiny but articulate minority who welcomed modernity as an opportunity for the flourishing of Jewish life in combination with the ideals of human progress. They followed a process of inner revelation that told them that the best of the Enlightenment could complement the external revelation of Sinai and that a Torah-true Jew could appreciate the philosophic and moral advances of modernity.

This tiny minority, according to R. Wurzbürger, was called *Neo-Orthodoxy* (and later *modern Orthodoxy*) because their approach was not in continuity with traditional Jewish life; they marked a radical transformation. R. Wurzbürger notes that Peter Berger has pointed out, “Modernity has given rise to the ‘heretical imperative,’ where we consciously choose our commitment.” For R. Wurzbürger, there is no need to reject the open society, yet we must acknowledge that in a pluralistic society, religious identification became a matter of personal choice. *Neo-Orthodoxy* now had to compete with other Jewish denominations and with the ‘corrosive acids of modernity.’ In order to do so effectively, *Neo-Orthodoxy* had to engage in self-definition. Now those who still accepted God’s demands had to explicitly state that submission to the Law was required and to use phrases like “Torah-true” and “ortho-

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dox.” To stress his point on the change of modernity, R. Wurzburger openly wondered whether Orthodoxy could have stemmed the tide of mass defections if it had not been so frightened.<sup>5</sup>

This sense of the modern overwhelming the past peaked in the heady days of the late 1960s, when anything seemed possible. During the intoxicating summer of 1969, R. Wurzburger delivered a sermon about the moon landing, called “Expanding Horizons.”

The landing of Apollo 11 on the Sea of Tranquility has not only opened new frontiers for man, but has ushered in an entirely new era, which demands radical overhauling of many of our antiquated ideals and values. We have witnessed what the prophet Isaiah has termed, “the making of a new heaven and a new earth.” . . . Man cannot live by technology alone. It is becoming increasingly evident that unless we achieve some kind of spiritual breakthrough, man, either literally or figuratively speaking, will suffocate in the atmosphere he has polluted though his shortsightedness . . . Does it really make sense to land on the moon with the latest equipment, but with values and ideas which are totally obsolete today? . . . Would it be wrong to assume that we Jews today are charged with the mammoth task of helping the world to make the moon-age an era marked by sanctification rather than profanation or degradation?<sup>6</sup>

Implicit in this short excerpt are the ideas that the new world of technology needs religion to offer values and that we should not attempt to do this based on medieval ideas. The interconnectedness of ecology, technological advances, and modern man necessitates new answers that can help sanctify the broader world.

R. Wurzburger wrote a number of short essays criticizing secular Jewish intellectuals, the most important of which were rejections of the widespread acceptance of Emil Fackenheim’s philosophy of a commanding voice of Auschwitz. R. Wurzburger affirmed that Orthodoxy has neither Holocaust theology nor a commanding voice of Auschwitz; there is only a commanding voice of Sinai. Many times he combined this statement with communications from R. Soloveitchik that even the State of Israel has a divine providential element, but not a messianic or commanding voice. R. Wurzburger also denied all modern theories that defined Judaism as alienated and exiled from the world.<sup>7</sup>

## CONSERVATIVE MOVEMENT

In addition to taking on the challenges of the philosophical and technological changes of modernity, Orthodoxy also had to confront the sociological changes of modernity. In the 1950s and through to the 1970s, *Modern Orthodoxy* was not responding to the changes of the Enlightenment, nor those of the revolution of 1848, nor to those of the post-1881 changes in Russia, but rather it was responding to the changes of the post-WWII era, when Jews of Eastern European descent moved out to suburbia and loosened their ties to close-knit ethnic enclaves.

In 1945, R. Robert Gordis sounded a clarion call to the Rabbinical Assembly and essentially created the *Conservative Movement* as a separate middle of the road movement. He advocated making changes to Jewish law to respond to the changing lives of Jews, especially their transition to suburbia and their greater drift from traditional patterns of European Jewish practice. He based his arguments on a broad use of the Rabbinic principle of “see what the people are doing” (*puk hazi*) and defined this principle as serving the needs of the common folk as they adapt to the broad historical changes of the era. He suggested that based on both sociological reality and historical necessity, Jews have had to overcome the medieval past and therefore needed to adapt by making legal those concessions to the changing modern lives of the common Jew.<sup>8</sup>

This call for change created a flurry of condemnations in the Orthodox literature, and these condemnations broadly fell into three approaches. The first, by R. Mendel Lewittes, was the most traditional for rabbis of Western Europe. He argued that there is no problem being a hypocrite; encourage Jews to do what they can do. If Jews are picking and choosing, do not worry because eventually we will lead them back to observance. Do not be misled by the majority of Jews who are cynics and say that *mitsvot* cannot apply anymore.<sup>9</sup>

The second approach, exemplified by R. Asher Siev, snowballed everything he considered wrong about JTS, the Rabbinical Assembly, and the *Conservative Movement*. One of the many points raised, was that if R. Gordis believes in tradition, then he would not change anything, so he must not believe in tradition, and he must thereby deny the divine origin of the Torah. R. Siev continued his interrogation with other questions: How can you require people to keep kosher at home, but permit eating dairy out? How can you still claim to be part of the tradition, when Mordecai Kaplan, who denies the supernatural, influences you? Furthermore, R. Siev commented that *Conservative* rabbis

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cannot be accepted to decide anything in Jewish law, since JTS graduates only have a teaching (*lilmod u-lelamed*) ordination, but not a deciding ritual law (*yoreh yoreh*) ordination. And finally, a proper curriculum needs to be not just Jewish studies, but centering on how to perform *mitsvot*.<sup>10</sup>

A third approach became dominant in the early 1950s that made the acceptance of the revelation of Torah directly from God into the dividing line between the *Conservative Movement* and *Orthodoxy*. This approach avoided the empirical sociological concern of whether one's congregants eat dairy out or drive to shul on Shabbat. This claim was based somewhat on the fact that Kaplan, who denied supernatural revelation, taught at the Seminary, but more importantly, it was based on the ways in which JTS was strongly influenced by the 1930s critiques of religion from psychology, anthropology, and sociology as taught at Columbia and City Colleges.<sup>11</sup>

This background is important for understanding how R. Wurzburger changed the terms of the discussion from a defensive critique to one that offered an alternative account of Judaism. R. Wurzburger created many of his best writings and most important self-definitions for Orthodoxy under the "inspiration and impact" of R. Soloveitchik, and as part of a thirty-year dialogue with, and defense against, *Conservative Judaism* in the pages of *Judaism*, edited by R. Gordis himself.<sup>12</sup>

R. Wurzburger followed *Hirschian Orthodoxy* and distinguished between the historical study of text and the commitment to keeping the commandments of the texts. He stated that to call Orthodoxy an uneducated and antiquated religion does not take note of the new generation of Orthodox rabbis with a secular education.<sup>13</sup> However, his real critique was to subject the writings of *Conservative Judaism* to a philosophical analysis. For his argument, he focused on Prof. Boaz Cohen's historical work on rabbinic law, where the latter understood the rabbinic Sages to be making up new laws, which in turn serves as a precedent for creating new laws today. For R. Wurzburger, this interpretation implied that either the Sages knew that they were changing and distorting the law, or they were naïve. If they knew that they were distorting, then we should not follow the law, and if they did not know they were distorting, then we also should not follow the law because they were naïve.<sup>14</sup>

In contrast, R. Wurzburger thought that Oral Law developed by elaboration from within, as an organic growth of the basic principles of Sinai applied to the historic conditions of the time and not as abrogation or changing of the basic principles. From an Orthodox position,

the meaning of the Halakha must be ascertained by the procedures that governed the evolution of halakhic opinions. Hence, those rejecting this particular methodology cannot possibly be assigned a role in determining halakhic requirements. The correct procedure of the Oral Law, unlike liberal approaches, does not make any distinction between essential and contingent laws, nor between an eternal ground norm and the changing spirit of the times.

On the other hand, the Talmudic principle of “these and those” (*elu ve-elu*), for Rabbi Wurzburger, meant creativity, pluralism, subjectivity, and the inevitable intrusion of personal value. The varieties of halakhic responses are all valid because “its legitimacy as a halakhic opinion is assured as long as the decision has been evolved by bona fide halakhic procedures.”<sup>15</sup> Halakha should not be constrained as a formal process, similar to solving a complex differential equation. Based on the then nascent and as of yet unpublished thoughts of R. Soloveitchik, R. Wurzburger argued that the Oral Law mandates innovations in Torah as long as one adheres to the Babylonian Talmud.

Maimonides, in his preface to the Mishneh Torah emphasizes that in contradiction to the ruling promulgated by the Geonim the opinions of the Amoraim as recorded in the Babylonian Talmud have been accepted by the entire Jewish people and are, therefore, universally binding in matters of conduct that they can no longer be modified or revised.<sup>16</sup>

R. Wurzburger defined Halakha as the texts of Talmud together with the medieval commentaries of Maimonides and the *Tosafot*.

R. Wurzburger did not think that the *Conservative Movement* followed a halakhic process; they were treating the Halakha as a principle of human subjectivity alone, rather than as a formal procedure that has an intrinsic creative process. For R. Wurzburger, Halakha was not subjectively adapting to the times through any form of evolution. Rather, as he saw it, innovations in Torah were part of the intrinsic process from the start. Rabbi Akiva found innovation beyond Moshe through applying the process of Moshe; the tradition (*masora*) has multiple meanings and responds to the given times. R. Wurzburger, however, believed Hirschian thought is not correct; Judaism in all its application should not be considered eternal. Rather, the halakhic process is eternal and its application is time bound. In many ways, R. Wurzburger’s thoughts on the halakhic process, based on those of his teacher R. Soloveitchik, are similar to the view of the Oral Law in R. Nissim’s (mid-13<sup>th</sup> cent) *Derashot ha-Ran*.

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For R. Wurzbürger, the *Conservative Movement* used a pragmatic social realism, while *Orthodoxy* used a neo-Kantian constructivist process wherein reproducible methods provide truth. R. Wurzbürger believed that *Orthodoxy* is bound by duty, not the heart; however, the *Conservative Movement* chooses Pascal over Kant. To support his duty-bound definition of Orthodoxy, R. Wurzbürger offered paraphrases of R. Soloveitchik's oral critiques of *homo religiosus*. While R. Wurzbürger did acknowledge that the historical philology of *wissenschaft* is the Achilles' heel of Orthodoxy because the scholarly approach can claim authority over the meaning of the text, he responded by openly choosing philosophic constructivism over philology. Moreover, R. Wurzbürger undercut the historical method through the philosophic claim of the intentionalistic fallacy and the aforementioned critique that one cannot be conscious of making changes (as in many aspects of his theory, this decisive choice of Kantian philosophy over historical philology constituted the important element for defending religion). In contrast to *Conservative* understanding, R. Wurzbürger argued that Halakha confronts modernity and offers a rational and ethical approach.

These themes returned throughout R. Wurzbürger's career. In a symposium in response to a theological capstone article by R. Gordis in 1980, R. Wurzbürger rejected R. Gordis's position of changing the law by stating that there has been no change to the principles of the law; rather, the rabbis responded to the changes around them. For Rabbi Wurzbürger, the modern tension was between the halakhic method and the ethical demands in the Halakha that generate separate imperatives; he recognized that sometimes one needs engagement with an individual situation beyond the juridical (see below on covenantal imperatives). Unlike R. Gordis, who felt that concrete reality creates an "ought" of accommodation to the popular will, R. Wurzbürger believed that only the halakhic method as it conceptualizes the "concrete" situation can create an "ought." The halakhic results are objective, concrete, and within the realm of Kantian rational autonomous knowledge. R. Gordis thought history has shown that the rabbis consciously change the past, while R. Wurzbürger thought that philosophy shows that the system conceptually responds to the given situation. He wrote that:

The halakha must consider socio-cultural conditions, especially in view of the fact that a variety of halakhic provisions such as *tikkun olam*, *darkhei shalom*, etc., mandate concern for factors varying with the vicissitudes of historic exigencies and changing value perceptions. . . . Insistence

upon the legitimacy of the procedure implied by the Oral Torah is the pivot around which the entire structure of rabbinic Judaism revolves.<sup>17</sup>

This assertion by R. Wurzbürger, however, did not settle the dispute. R. Gordis responded that this view proved his point because change is needed. He also rejected the limits placed on the rabbis by the citation. To respond to his critic, R. Wurzbürger invoked the famous critique of empirical ethics of David Hume in which “from is to ought there is no passage”; empirical reality cannot create norms. Similar to Hume, R. Wurzbürger did accept intuitive ethics, but unlike the former, his were based on Kantian rationality and existentialism. It is important to note how the two sides used the concept of change in different ways. For R. Gordis, change was a Hegelian overcoming of the past, in which one era replaces and progresses beyond the prior one. While for R. Wurzbürger, change occurred from a Neo-Kantian perspective, in which there is no mechanism of progress attributed to history itself, rather, moral agents can express their creativity in the production of new creations. One side used the method of historical philology to show that the Talmud changed the Biblical law, and from that fact argued that history has a mechanism of change, while the other side explained Halakha as a fixed procedural method without change, and used Neo-Kantian categories of creativity and application to imply that rabbis are agents of creative change.<sup>18</sup>

Despite his critique of *Conservative Judaism*, R. Wurzbürger was outspoken in favor of practical pluralism between movements. He felt that, while there were irreconcilable theological differences that separate the Orthodox from the non-Orthodox camp, we still have a moral obligation to overcome all unnecessary divisiveness and mobilize our resources in the pursuit of the common goals that unite us all. For him, there was a special imperative for Orthodoxy to overcome any initial hatred and parochialism in order to work for all of Israel.<sup>19</sup>

## BREUER

While this emphasis on the method and procedure of the Oral law shows R. Wurzbürger’s relationship with R. Soloveitchik, the writings of R. Isaac Breuer (1883-1946), which R. Wurzbürger read in the original German in his youth and then again when they were translated, were another major influence on him. R. Breuer thought that Judaism and Kantianism were entirely compatible as two completely separate

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realms. Therefore, unlike the Neo-Kantianism of Herman Cohen that postulated revelation as the endowment to man of a rational faculty for the discernment of the moral laws, R. Breuer believed that only through heteronomous Divine law, rather than the purely formal rational law of the categorical imperative, can man be liberated from nature and history. R. Breuer helped breach the schism between science and faith, since problems of the contradistinction of creation and science or evolution are not problems, because science remains constrained by the realm of time and space, while Torah exists in the realm of the eternal. Similarly, prophecy and miracles are not problems because they are outside of time and space.

R. Breuer developed the anti-Hegelian historicism of R. S. R. Hirsch by answering that Judaism comes from the numinous realm. He argued,

Torah represents the intrusion of the eternal upon the temporal; it must be totally impervious to historical or natural process. The nation is bound to the Law by virtue of its connection to Sinai. Hence a nation, which is constituted by the laws of the Torah essentially, figures not in history, but in what R. Breuer terms "metahistory."<sup>20</sup>

Yet R. Wurzbürger criticized R. Breuer for saying that an eternal text cannot be understood with the phenomenal categories of time and space. Hence, whereas R. Breuer had no need to even consider the validity of the historicist approach, R. Wurzbürger saw that it is an acute choice between historical and philosophical thought.<sup>21</sup> More importantly, whereas for R. Breuer, all halakhic process, innovations, and applications were, and are, a fall from the original pristine Torah outside of the temporality of this world,<sup>22</sup> for R. Wurzbürger, who followed R. Soloveitchik's concepts of creativity and application of Torah, applications in the temporal world are essential to the process. R. Breuer saw innovation, even those of contemporary Orthodox rabbis, as a falling away from the original Sinai Torah, while R. Soloveitchik used a Neo-Kantian language of halakhic process and ensuing creativity.<sup>23</sup>

## COMMITMENT AND BELIEF

Belief in God concerns both truth and the actual acceptance of God, yet R. Wurzbürger also offered due respect to the agnosticism of the 1950s philosophy, by stating that there is no objective evidence for the

existence of God. He suggested that we come to God through our existential choice to affirm the Divine existence. He acknowledged that treating Judaism as rational extends far beyond what modern philosophers would deem rational, yet he simultaneously deferred to them and rejected any natural theology, medieval theism, or traditional theodicy.<sup>24</sup> Unlike many of his colleagues, R. Wurzburger was against pragmatic and functional approaches to the acceptance of God such as William James or Viktor Frankl; he thought that all belief in God constitutes an existential choice.

R. Wurzburger consciously did not gloat over the failures of modern secularism or tolerate turning to religious fanaticism; his solution was the need to inject belief into the public sphere.<sup>25</sup> His was a secular world that needed a religious anthropology. He believed that we choose materialism or accept a transcendental realm and argued that

This is an existential choice we cannot abdicate to anyone else. . . . In the final analysis, cognitive factors cannot resolve the question whether to accept or reject religious faith; it is a purely subjective decision . . . we cannot escape responsibility for choosing the categories with which we seek to understand our world.<sup>26</sup>

Therefore, R. Wurzburger claimed that since one cannot prove God, either God explains our lives or needs to be explained away.

Ultimately, R. Wurzburger felt that in our choice, we need the belief to affect the self. We need to affirm a communal dialogical self as explained by Martin Buber, yet not specifically Buber's version, because for R. Wurzburger, all religious authors have similarly affirmed the need to overcome egoism and embrace religion as defined as compassion, justice, identification with our fellow man, and charity.<sup>27</sup> In our time, R. Wurzburger reasoned, the communal philosophies of Buber, Franz Rosenzweig, and Emmanuel Levinas teach us that we need to respond to God's demands.<sup>28</sup> The same demands are found on the personal—rather than communal—level through repentance, where we overcome our natural egoism in ethical commitment.

R. Wurzburger felt that the main challenge to belief in those decades concerned the problems of the documentary hypothesis, and he referred his readers to the Princeton University scholar Walter Kaufman, who pointed out that Biblical criticism already has the begged premise that the book constitutes a human product.<sup>29</sup> Kaufman noted that the decision is to first accept evolutionary history and the humanity of the document, which in turn leads to the theory rather than vice

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versa. As stated above, for R. Wurzburger, there was an individual responsibility for the choice of categories by which to interpret the world.

R. Wurzburger saw that the other challenge was the treatment of Judaism as an ethnicity, a collective, or a nation. R. Wurzburger was against all theologies and philosophies of history that spoke in these terms. Against Ahad ha-Am, Simon Dubnow, and Salo Baron, he argued that we are a faith community in which the individual comes first, and this was an implicit critique of the *Conservative Movement* or other mid-twentieth century theories of Jewish peoplehood and Jewish survival. He believed that there should be no ethnocentric concern for the collective – we have the universal concerns shown in the particularity of the Halakha. Based on the writings of both Rabbis Breuer and Soloveitchik, R. Wurzburger argued that we do have an abstract faith community requiring abstract concern, kinship, and solidarity with fellow Jews, but also argued that our faith commitment remains the meta-historical Sinai. (R. Wurzburger wrote prior to the recent trends that accept an ethnocentric concern for the collective as the message of the Halakha).

R. Wurzburger differentiated between three levels of religious life: the first being one's personal faith in God; the second, one's submission to the Halakha; and the third, the Halakha's mandate for individualism and creativity. R. Wurzburger presented these levels as dialectical. One first accepts the subjective relationship with God as expressed in writings such as Buber, then one submits to the binding force of Halakha, and then, in one's daily life, one reclaims the subjective. On this third level, the elements of the first level return within the Halakha. In this formulation of the relationship between self and religion, the Halakha itself is pluralistic, with conflicting antithetical statements requiring personal judgment based on the subjective directive of walking within the way of God. Only God is true and absolute; all things on earth are pluralistic, subjective, and situational, seeking peace and harmony. Hence for R. Wurzburger, there are a variety of values in Judaism without a fixed hierarchy between Talmud study, thought, ethics, or piety.<sup>30</sup>

He believed that the entire realm of the Aggadah and Jewish thought is characterized by subjectivity. For example, he wrote:

No matter how far theological beliefs may diverge from the mainstream of Jewish thought, they qualify as perfectly legitimate expressions of Judaism, as long as they are compatible with the acknowledgement of the binding authority of the Halakha.<sup>31</sup>

In a sharp formulation reminiscent of the writings of Franz Rosenzweig, R. Wurzbürger suggested that revelation was addressed in a voice appropriate for its audience and was heard differently by different people. His theological pluralism even accepted extreme positions as valid, and cited R. Abraham of Posquiere as proof that even if one attributed corporeal attributes to God, it would still be acceptable. In the end, R. Wurzbürger claimed that as long as one accepts the halakhic rubric, then one could formulate one's theology in any way.

However, R. Wurzbürger rejected the position of pan-halakhism, wherein some think that since Judaism can accept a wide range of theological positions from mystical to rational, then it has no theology or ideology; he also rejected Isaiah Leibowitz's position that only correct behavior was mandated. R. Wurzbürger pointed out that many ideological elements, such as belief in God, reward and punishment, revelation, and other theological points are needed, in any formulation, to serve as the groundwork of the Oral Law.<sup>32</sup> On the other hand, even though he rhetorically shared with Heschel a critique of pan-halakhism, he rejected Heschel's giving priority to Aggadah or even two realms of Halakha and Aggadah. As R. Wurzbürger viewed the Halakha as primary, even though Judaism is a personal dialogue without a fixed theological or philosophic system, there are nevertheless ontological and axiological presuppositions of the Halakha. R. Wurzbürger cited R. Samuel Belkin's *In his Image*, which he considered a brilliant study, to show how the theological concerns of man as the image of God are part of the halakhic realm.

To explain the balance between the two elements of theology and philosophy, R. Wurzbürger introduced the term "meta-halakha," probably his most important contribution to *Modern Orthodox* parley.<sup>33</sup> "Meta-halakha" means that the objective common core of Halakha becomes formulated based on subjective faith and one's personality; the objective and subjective, the Halakha and the ideological formulation, are mixed. A halakhic figure, according to R. Wurzbürger's term, presents his ideological position in his very formulations of the Halakha. No one philosophy of Halakha encompasses all the options and no one halakhic data should be accepted as a pre-given—it is all a matter of perspective. Therefore, Maimonides' affirmation of medieval science or acceptance of the Aristotelian golden mean were halakhic positions, as was the Vilna Gaon's acceptance of *Kabbalah* and rejection of philosophy; even the Hasidic practice to favor the usage of *eiruv* was a "meta-halakhic" position—each had a unified worldview.<sup>34</sup> Halakhic

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issues cannot be separated “from our attitude to the world at large.” Furthermore, “exposure to various modern value systems obviously affects one’s way of responding to halakhic issues.”<sup>35</sup>

A critic can ask: If the choice of thought can encompass both rationalism and *Kabbalah*, then can there not be philosophy of the Halakha, only free standing outside disciplines?<sup>36</sup> R. Wurzburger answered that these concepts are always needed to formulate the Halakha and are not solely independent external ideas that can be used or not used per will. All Halakha requires a meta-halakha, but the choice is open. For example, R. Wurzburger observed that R. Hayyim and the Vilna Gaon knew how to keep their independent kabbalistic writings separate, as Maimonides knew to keep the halakhic philosophy of the *Mishna Tora* separate from the independent philosophy of the *Guide*.

We might note that at this point, his argument of the existence of two separate realms that combine, may only work for certain perspectives, especially those of American readings of *Mitnagdim*, but not as well for Kabbalists and *Hasidim*, and it remains too dependent on a specific reading of Maimonides. In his sharp distinction between philosophy and meta-halakha, R. Wurzburger also followed Buber’s critique of the esotericism of medieval thought as Gnostic and therefore not based on communal dialogue as is the Halakha.

R. Wurzburger wrote little about specific *mitsvot* or their performance. When he did, for example, write an essay about the Sabbath, he recounted the Hirschian understanding of the Sabbath as creative work performed by God in the creation of the world. Thereby, he argued, our workday week becomes grounded in a transcendent origin and connects to the Sinai commitment itself. “Since the Sabbath represented in a sense the bridge between the natural and the transcendent realms, the Talmud took it for granted that the Sinaic revelation occurred on the Sabbath (*Shabbat* 86b),” R. Wurzburger said, to definitively connect the quotidian and the divine.<sup>37</sup>

He was against seeing the Sabbath as liberation from creation as portrayed in Erich Fromm’s influential thought. For Fromm, the Sabbath serves as reconciliation with nature after our alienation during the week and a perfect messianic peace, not the aforementioned sanctification of the workweek. In general, R. Wurzburger rejected the then-popular humanism of Fromm, Joshua Liebman, and Viktor Frankl, as lacking sufficient heteronomy, however appealing they were to modern sensibilities. R. Wurzburger was uncomfortable with much of the *Modern Orthodox* explanations of the commandments as serving this-worldly psychological

functions.<sup>38</sup> While the latter do have value, he preferred the quest for the eternal and transcendental of Cohen, Buber, and Rosenzweig.

R. Wurzbürger's thought solidly rejected any form of orthopraxy and required a cultivated state of mind. His diverse sources include Nahmanides' explanation of the Exodus from Egypt as a continuous state of faith, Maimonides' statement in the *Eight Chapters* that ethics are based on habituation, and R. Moshe Cordovero's *Tomer Devora* on the need of our this-worldly lives being filled with the Divine. As stated above, his opposition to orthopraxy was not based on spirituality, as was Heschel's, or based on faith and the study of works of Jewish thought, as was R. Zvi Yehudah Kook's, or even Biblical values, as was R. Eliezer Berkovits'. Rather, for R. Wurzbürger, the cultivated state of mind sprang from ethical intuition.

### INTERFAITH

Orthodoxy does not advocate moral-isolationism, according to R. Wurzbürger. Rather, he argued that we should engage in social, political, and economic interfaith dialogue. While he acknowledged that within Maimonides' natural theology, Christianity and Islam bring knowledge of God to the world, R. Wurzbürger openly disagreed with Maimonides. He argued that we should not try to understand the trinity and they should not try to understand Sinai. In contrast to Maimonides' approach, R. Wurzbürger found that the highest elements of truth are not universal, but particular. Therefore, we should not formulate a theology of other religions based on the universal of God taught by Maimonides and other medieval Jewish thinkers. Furthermore, he noted that inter-group relations may not bring us closer, but heighten our differences.

R. Wurzbürger showed the same dialectical approach in his interfaith activities, creating a midpoint in which one does not discuss the religious issues of theology, nor does one limit oneself to only discussing social action. He pointed out that religious Jews can discuss their anthropological perspective on the world, which as religious Jews is certainly not secular. Therefore, we are not entering dialogue as a secular people, but with a religious anthropology, and so, self-presentation of Jewish perspective of topics such as repentance does not constitute a problem, as long as we do not compare and contrast faiths. Human dignity, social action, and helping the poor are all based on Biblical mandates. So too is our commitment to repentance as our Biblical anthropology, Sabbath as

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the structure of our workweek, or Torah study. Therefore, R. Wurzburger suggested that they are also fair topics for discussion. However, we certainly cannot discuss our existential commitments of God, Sinai, and messianism, but we should most definitely not leave the discussion to pragmatic secular aspects.<sup>39</sup> (He created a similar distinction in his ethics between an “ethic inside of Halakha” on one side and a philosophic “ethic outside of Halakha” on the other side, with a theological ethic grounded in the Halakha as his midpoint, see below.)

R. Wurzburger would come back from his interfaith encounters and tell me that his topic was repentance, Torah study, or the Sabbath, and bemoan how his RCA colleagues would castigate him by saying that R. Soloveitchik had forbidden any theological topics. His retort was always that he discussed this topic with R. Soloveitchik the week before the meeting and that the Rav always told him that our religious anthropology was a correct topic; the rabbis were incorrect and projecting onto R. Soloveitchik. However, when R. Soloveitchik passed away, the discussion did not start with the vast collection of oral decisions that R. Wurzburger had received first hand; rather, it turned to a simplistic dichotomy of social vs. theological.

The history of interpretation of R. Soloveitchik’s position should start with the fine essay by R. Wurzburger written to the Synagogue Council of America to interpret the doctrines of his teacher. There, he acknowledged that according to R. Soloveitchik, one could discuss social issues based on the religious secular order of Judeo-Christian ethics; he also allowed academics discussions of faith. The realm that remains off limits consists of the presentation of our faith commitments.<sup>40</sup> Interestingly, for the following twenty-five years there are records of the interfaith events which show the broad latitude of interpretation given by R. Soloveitchik to his own words, including discussion of repentance and Torah study.<sup>41</sup> Even on the topic of interfaith prayer services, R. Soloveitchik told R. Wurzburger that communal reading of *Psalms* is permitted because it is not our halakhic prayer.<sup>42</sup>

An exemplar record of an “academic encounter” that he attended is preserved in the proceedings of the 1993 encounter of Orthodox Christians and Judaism. The day opened with the reading of Psalms and a presentation from both sides on the topic of “Scripture and Hermeneutics,” followed by discussion. R. Wurzburger presented the Rabbinic method of reading the Bible, especially pointing out the role of Hebrew, the need for rationality, and the specific exegetic principals of the Oral law. His goal was to explain that Jews have their own hermeneutical pre-

conditions of how they read the Bible and to underscore that Jews do not distort the meaning of the Bible. He emphasized the binding character of Rabbinic exegesis in legal setting versus the freedom given in non legal contexts. Following his commitment to ethics, he stressed the importance of giving the Torah a charitable reading in accord with our ethical principles in cases of ambiguity. Finally, he concluded on a practical note that in our era of “rabid nationalism of idolatrous proportions, it is imperative that we re-examine our traditions to reduce the potential for divisiveness and hatred.”<sup>43</sup>

### LAW AND ETHICS: COVENANTAL IMPERATIVES

R. Wurzburger wrote: “The failure to provide specific solutions to the agonizing ethical dilemmas one encounters in such areas as American Vietnam policy, the urban crisis, and racial strife, has exposed most forms of contemporary religion to the charge of irrelevance,”<sup>44</sup> thereby suggesting that *Orthodox* Judaism should seek to respond to the times. However, his writing also implies that if no general law is found already in the Oral Law, are we then in a religious no man’s land? Blind submission to the Oral Law leaves no room for a free creative being to act in autonomy and conscious self-affirmations. Yet, on the other hand, halakha constitutes our religious response to God. These questions were central to R. Wurzburger’s thinking.

R. Wurzburger recognized that to consider Judaism as nothing but law would give credence to the theological critics of Judaism. For example, he was motivated to counter Rudolph Bultman’s critique of Judaism, that Christianity accesses the “whole man” while Judaism consists of only “ingenious interpretations of the law.” So too, he wanted to reject Buber’s view that the law constitutes an interference between the relationship of man and God found only in the “holy insecurity” experienced by those truly open to God without the burden of the law. Similarly, R. Wurzburger felt compelled to argue against Franz Rosenzweig’s contention that the law cannot demand submission, only provisional acceptance.<sup>45</sup>

R. Wurzburger answered that Judaism has never been about sheer conformity or theonomy based on the authority of God. But as R. Samuel Belkin taught, Judaism should be construed as a theocracy, wherein we act independently as a servant to God’s kingship. R. Belkin argued, using the then current philosophy of personalism, that Jews need to make themselves into servants of God in order to sanctify the world.

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He explained this servant status as a creation of the human being into a higher form of a person.<sup>46</sup> Therefore, R. Wurzburger opined, Judaism does not advocate personal autonomy but compliance to the law as divine will in our own individuality.<sup>47</sup> This element of submission, even if done as a self-submission, kept R. Wurzburger's thought safely within Orthodoxy at all times. He never relinquished the heteronomous or submission elements before an entirely autonomous theology of the modernists.

In R. Wurzburger's view, we simultaneously respond to the challenges of the era and thereby express our individuality through applying the heteronomous law by means of covenantal imperatives. These covenantal imperatives are not reflections on a general rule, "but can be immediately intuited as an individual's religious obligation arising out of his covenantal encounter with God."<sup>48</sup> It is important to note that he rejected John Stuart Mill's utilitarian legalism expressed through the application of law to the individual case. The application of these tenets, for R. Wurzburger, needs to be a living encounter with God. Therefore, technical applications of halakha to technology or modern issues are not the solution. Formal application of halakha to match empirical reality would not be valid as a covenantal imperative without intuition, moral rationality, or aspiration for virtue.

It is important to note that within his presentation of halakha, R. Wurzburger did not discuss any legal decider, *posek*, rabbinic authority, codification, or any other legal aspect that would curtail this individuality. He advocates a *daat Torah* that is individualistic, pluralistic, subjective, and able to be known by all his readers who apply themselves, meaning that halakha is not to be limited to a positivist understanding of the law, but an individual intuition into the divine imperative available to anyone who follows the Law and seeks the subjective elements. R. Wurzburger based these concepts on Nahmanides' views that the legal generalities ground us individually as we intuitively grasp their particularity.

We might be then compelled to ask this question: Can the law itself be expanded to include these intuitive covenantal imperatives? Rabbi Wurzburger gave an incredibly creative answer by reading Franz Rosenzweig into Maimonides. According to R. Wurzburger's reading of Maimonides' *Guide of the Perplexed*, when Maimonides wrote that most people only heard the first two of the Ten Commandments, regarding God's existence, he meant that they were unable to grasp the meaning of what they heard, confronting God without understanding any specific content.<sup>49</sup> Such a reading means that there was a primary revelation of the divine presence and only secondarily, a revelation of the com-

mandments with their specific content. We find a two-tier acceptance of revelation, similar to that found in the thought of Franz Rosenzweig. R. Wurzburger argued that revelation does not just consist of content, as it did for Moses, but it is also a link to God without content. Therefore, if everyone has an existential connection to Sinai without content, then the additional revelation of content refines our spiritual faculties to be able to intuit the covenantal imperatives. Today, the study of halakhic categories allows extrapolation and perception of the covenantal imperatives. Hence we say in the Passover *Hagada* that, “If we had been brought to Mt. Sinai and not given to the Torah, it would have been sufficient.” The first level of revelation without content would have allowed the cultivation of intuitive states, even though the giving of the Torah makes it even easier.

Since R. Wurzburger forcefully rejected the pan-legalist approach, he suggested that Halakha derives from the word “guide,” suggesting that it is not the final goal; instead, it points the way, in a Buberian sense, toward authentic personal decisions. The Temple was destroyed because our forbears followed the letter of the law (*Bava Metsi’a* 30b). Therefore, while the Law makes a heteronymous demand upon Jews, existential subjectivity, uniqueness, and particularity are also given to us in the Sinai encounter, and while known through following the Halakha, they are not co-extensive with it. Spinoza portrayed Judaism as a religion of law; Kant followed the latter’s position and therefore saw Judaism as amoral. Therefore, R. Wurzburger, a scholar of Kant, forcefully wrote: “As opposed to Spinoza, Kant, Isaiah Leibowitz, and Marvin Fox, Judaism recognizes ethical demands which are not grounded in Halakha.”<sup>50</sup>

R. Wurzburger taught that Judaism is a religion of ethics, citing Hillel, Rabbi Akiva, Shadal, and Ahad ha-Am, who each considered Judaism as ethical and that most ethical insight is universal and shared by non-Jews. R. Wurzburger drew his basis for the universal ethic from the writings of R. Sa’adia Ga’on—the ideas that there are universal rational *mitsvot* known through this intuitive quality. To think that all Jewish ethics are included in the Halakha is absurd, and as an example, R. Wurzburger cited R. Epstein’s *Arukh ha-Shulhan* who writes that honoring one’s parents has to be accepted as an ethical principle and not just as a halakhic command.

R. Wurzburger also rejected an autonomous Jewish ethic, whether that of a universal ethic or that of a natural law of either medievals and moderns.<sup>51</sup> He read R. Bahye’s call for *Duties of the Heart* and R. Sa’adya

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Ga'on's rational commandments as Divine commands, not as universals outside of the law. For R. Wurzburger, these writings point to a distinctly Jewish ethic beyond the Halakha, yet still based on the Halakha. In some places, R. Wurzburger commented that both R. Sa'adya Ga'on and R. Bahye share the false premise that the human mind can supply us with objective, universal ethical knowledge, but in others he reread them to fit his theories of an individual divine command. R. Wurzburger still used the medieval universal ethic to assert that Judaism certainly does not affirm any Kierkegaardian suspension of the ethical.

The next question might then be this: Is there an intrinsic Jewish ethic or are ethics universal? R. Isaac Breuer saw the very essence of Judaism as divine law and not ethics, expecting Orthodox Jews to follow Kantian ethics when not contradicted by the law. In contrast, R. Wurzburger based his position on his heroic champion Maimonides, who, in his reading of the *Mishna Tora*, considered that ethics are known independently through reason but are still based on divine commandments. Later in his life, R. Wurzburger formulated this idea based on Maimonides' "walking in the ways of God" as agent morality, which demands the cultivation of moral virtues. He found similar approaches in Nahmanides' "good and the right," which he read as intuitive covenantal imperatives to perform certain actions for which no specific halakhic source can be invoked. To R. Wurzburger, they were all variants of divine command theory that generated absolute authority, yet we could only know them through intuitive insights. Fundamentally, R. Wurzburger asserted that Judaism is not an objective science; rather it is filled with intuitions, casuistry, and virtues; we find the ethical within our particular, not within the universal.

R. Wurzburger considered it to be a good thing that there is no Halakha regarding the moral realms because it allows for an ethical life. He believed that we need to mine the treasures of Halakha and Aggadah for exact guidelines for all areas of life, for there are many guidelines for love of neighbor, merciful behavior, altruism, the saving of a life, and all other aspects of interpersonal relationships. In following this halakhic approach, he argued, "Judaism, no less than Christianity, stresses the cultivation of love and charity."<sup>52</sup>

Judaism believes in following the ways of peace (*darkhei shalom*) in dealing with Gentiles, but since R. Wurzburger's halakhic canon remained very selective, he did not concern himself with the Eastern European responsa on dealing with Gentiles that contradicted his view. However, he rejected as apologetic R. David Zvi Hoffmann's approach

of placing the notion of “ways of peace” into the Law, which interpreted all problematic rabbinical texts about gentiles as positive. For R. Wurzburger, we need the imperative of “the ways of peace” as a way of imitating God’s virtue of peace and thereby overriding these problematic passages. He also rejected those readings of Maimonides that placed these ethical imperatives completely outside of the law, based on either practical knowledge or philosophy.<sup>53</sup> He quoted R. Soloveitchik and suggested, as a metaphor for this middle position, that Halakha should only be a floor, not the ceiling of our ethical responsibilities.

At the end of his life, R. Wurzburger rewrote many of his philosophic essays in a volume, entitled *Ethics of Responsibility*. Even in his later writings he affirmed that,

I look upon halakha as an indispensable component but not as coextensive with the full range and scope of the Jewish normative system. I deliberately avoid the term “halakhic ethics,” preferring to speak of “covenantal ethics”. . . . Judaism provides for an “ethic of responsibility” as well as for an “ethics of duty”. . . . The belief that ethics must ultimately operate with culturally conditioned intuitions need not necessarily lead to historicism, relativism, or skepticism. . . . The fact that our moral beliefs may be incorrect, because they are perceived through the prism of our cultural and historical situation, must not be confused with the thesis that moral judgments are purely relative to a given historical situation.<sup>54</sup>

According to R. Wurzburger, since ethical values are pluralistic and culturally situated, we need to intuitively learn how to apply them. At this stage of his career, he defined intuition as a combination of rational thought using deontological and utilitarian calculus combined with Bernard Williams’ precluding of closure with his conclusion that “ethics is not about facts.”

### **PRACTICAL KANTIANISM: C. I. LEWIS TO MACINTYRE AND WILLIAMS**

In his early thought, R. Wurzburger had a Reinhold Niebuhr element of a worldly ethical responsibility. Commenting on the traditional Torah reading for *Yom Kippur*, when the High Priest would approach the Holy of Holies in ancient Israel, R. Wurzburger asked:

Upon whose shoulders rested the responsibility for the chaos that put

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man against man, nation against nation? The militaristic Romans? The idolatrous Babylonians? The godless Assyrians? The faithless Egyptians? Did the High Priest blame the internal enemies of Israel, the profiteers, the politicians, the criminals? Nay, this is what he said: O Eternal One, I have sinned, I have failed! I am guilty. I am responsible for the suffering of man. I caused all the agony, misery, and injustice that shakes the structure of our ailing society. . . . Who utters these terrible words? . . . it is the *Kohen Gadol*, the High Priest, the chosen representative of the chosen tribe of a chosen people; he who represented the best, the highest, the noblest of Israel realized his responsibility. He began with a process of personal cleansing and repentance. Before he spoke of the sins of his people, he thought of his own. Before he blamed the world he blamed himself.

Therefore, he argued that we have to humbly take responsibility for the state of the world without recourse to metaphysical or providential excuses.

Later, R. Wurzburger was influenced by the thought of his doctoral advisor, C. I. Lewis, the pragmatic Kantian, who held that knowledge is expressible not because we share the same sense-data but because we share concepts and categorical commitments. Lewis found all knowledge to be conceptual knowledge, while the application of that knowledge is a pragmatic theory of inquiry that combines rationalist and naturalistic elements. (We see this in R. Wurzburger's understanding of R. Soloveitchik's approach to Halakha as both Kantian ideal and pragmatic application.) Lewis rejected emotivism, teaching that rational imperatives underlie ethics. One sees the influence of C. I. Lewis's concept of "ethical imperatives" in R. Wurzburger's attempts in the 1950s to move beyond Buber into "covenantal imperatives."<sup>55</sup>

R. Wurzburger was always bothered by the Kantian problem of autonomy and heteronomy of the Halakha; for him, all modern educated people act from autonomy and those who act from heteronomy are not acting from reason.<sup>56</sup> But while the Kantian problem remained a thorn in the side of his religious thinking, R. Wurzburger's Kantianism also caused him to read Hirsch as a Kantian (via the writings of Hirschian Kantians R. Isaac Breuer and Dayan Isidor Grunfeld); even Sartre and Buber were treated in his thought as Kantians. In R. Wurzburger's early writings, his solution was a combination of the existential Buberian covenantal imperatives and C. I. Lewis' ethical imperatives based on reason, but neither answer was strong because it left the Kantian edifice in place.<sup>57</sup>

In the later writings of the 1970s, R. Wurzbürger retained a sense of political, ethical, and intellectual liberalism, even when arguing against the liberal grounding of values in the self without submission. His ethical theory moved to focusing on R. M. Hare, Richard B. Brandt and John Rawls, who combined utilitarian and Kantian themes, and his formulations of pluralism varied from William James to Stuart Hampshire.

R. Wurzbürger was especially uncomfortable with non-Kantian ethics of love, empathy, or experience and was therefore against the then current thought of Joseph Fletcher and Dietrich Bonhoeffer.<sup>58</sup> And despite many similarities in their critiques of pan-legalism and in their affirmations of Buberian personal Divine commands, the thought of A. J. Heschel had no resonance for him because R. Wurzbürger did not think in term of personal prophecy, empathy, and sympathy, or emotional calls to action.<sup>59</sup> For R. Wurzbürger, the private ethical calls are grounded in a halakhic generality and an application using a rational process combining elements of deontological and utilitarian calculus.

Eventually, Alistair MacIntyre's critique of modern ethics opened a door for R. Wurzbürger to think about virtue ethics.<sup>60</sup> But MacIntyre was not a rigorous enough philosopher and spent much of his rhetoric involved in criticism of modernity, which would be unappealing to a rigorous proponent of modernity like R. Wurzbürger. MacIntyre retained his Marxist critique of bourgeois liberal society even as he developed his virtue ethic, while R. Wurzbürger was a firm believer in the enlightenment, modernity, and the possibility of a modern yet committed Orthodoxy.<sup>61</sup>

But more important than Lewis, Buber, Hare, or MacIntyre, it was Sir Bernard Williams (1929-2003) who served as permission for modern philosophers to reject Kantian thinking. Williams, the most important British moral philosopher of his time, argued against the Categorical Imperative, stating that morality should not require us to act selflessly, as though we are not who we are, and as though we are not in the circumstances we presently find ourselves. We should not have to take an impartial view of the world, he argued. Our values, commitments, and desires do make a difference to how we see the world and to how we act; and so they should, he said; otherwise we lose our individuality, and thereby our humanity.<sup>62</sup> In Williams, R. Wurzbürger finally found a Kantian rationalist who overcame Kant through stressing our personal commitments, our ethical context, individuality, and communal responsibility. He had philosophically come home.

## SELECTIVE MODERNITY AS CRITIQUE

Forty years after he started writing and twenty-five years after his fullest statements of modernity, R. Wurzburger offered a recap of his then-current thoughts of modernity. He continued to affirm the ideology of *Modern Orthodoxy* as an intellectual movement and not a sociological category. He stated, "In this misinterpretation of the ideology of 'Modern Orthodoxy,' the adjective 'modern' is treated as a modifier rather than as an attribute." Thereby, as R. Wurzburger saw it, the movement does stand not for evasion or accommodation, but for uncompromising confrontation with modernity.<sup>63</sup> His definition of modernity remained consistent in confronting the modern eclipse of theological certainty and the need for Kantian autonomy and rationality; the intellectual questions of mid-century remained his definition. At this point, the heroic image of R. Soloveitchik reigns as the one who developed a formula that enabled R. Wurzburger to encounter the value system of modernity while remaining fully committed to traditional halakhic methodology. R. Wurzburger's formulation of Halakha remains pluralistic and based on juridical consensus, yet the consensual normative, for R. Wurzburger, was solely for communal halakhic practice, not for ethics.<sup>64</sup>

For R. Wurzburger, there were only two positions: one is either *Modern Orthodox/Religious Zionist* and engaged in ethical and philosophic confrontation with modernity, or one is not. With only two choices, R. Wurzburger wrote that R. Soloveitchik could have accepted German *Agudat Yisrael* since he shared R. Breuer's conviction that the time had arrived when Torah ideals (especially those relating to Adam I) could best be realized by building a Jewish society in the Land of Israel.<sup>65</sup>

Nevertheless, R. Wurzburger became increasingly pessimistic about the future and felt rejected by the new generation. He lamented that

The plea to return to a pre-modern approach to religious faith strikes a responsive chord within a generation that has lost its faith in human progress and which has counted and weighed science and technology and found them wanting as avenues to human fulfillment. . . . Amidst such a climate of opinion, the more moderate elements which seek some form of co-existence between Judaism and modernity face a serious handicap in the battle for the soul of the Jewish people. They are stigmatized as compromisers, guilty of distorting the Torah in the attempt to accommodate the demands of the secular world.<sup>66</sup>

R. Wurzburger considered autonomy, democracy, civil rights, freedom of

conscience, and liberalism, not to be the idols of modernity; rather, they were the important values shown by our ethical sense. He recognized that *Modern Orthodoxy* and *Religious Zionism*, for all its discontinuity with some of the attitudes that dominated the pre-Emancipation era, are no less authentic than the quietism advocated by the *Neturei Karta*.

According to R. Wurzburger, R. Soloveitchik and R. Hayyim Brisker are sharply different. R. Soloveitchik, similar to Rabbis Hirsch and Kook, was open to the values of modernity and human responsibility that wanted to get us outside the walls of the ghetto. According to R. Wurzburger,

Although the Rav's approach does not satisfy the demand for dogmatic pronouncements, in the long run it holds the greatest promise for those seeking to combine commitment to halakha with a selective acceptance of the ethos of modernity, which emphasizes the preciousness of individual autonomy and freedom. According to the Rav, these "modern" values are implicit in the biblical and rabbinic doctrine of *kevod ha-beriot*, the dignity due to human beings by virtue of their bearing the *tzelem Elokim*.<sup>67</sup>

For Rabbi Wurzburger, R. Hayyim of Brisk does not embrace the dignity of modern philosophy, science, and technology, or the divine virtues of autonomy and freedom. He responds to Professor Neusner's charge that *Modern Orthodoxy* is "selective piety," by answering that we "have every right to insist that our openness to the values of modernity and our readiness to embrace some of the elements of its culture do not compromise our spiritual integrity." One can still hold on to Orthodoxy and accept many aspects of modernity.<sup>68</sup> Yet, since Rav Soloveitchik was his paradigm, he told *Time Magazine* in 1984, "I dread to think of the future of Orthodoxy without him."<sup>69</sup>

R. Wurzburger had a deep-rooted conviction that Jews have an ethico-religious responsibility to the world at large (note the Max Weber title of his book, *Ethics of Responsibility*). He suggested that we have not mastered "the art of combining our Jewish particularity with openness to the values of modernity." However, at times he wrote in the subjunctive—leaving a protective sense of difference between himself and the modernist positions he was placing on paper.

R. Wurzburger taught the classic survey of modern Jewish thinkers—Moses Mendelssohn, Herman Cohen, Martin Buber, and Franz Rosenzweig—and showed how to integrate their insights into an Orthodox framework. He gave classes on ethics and political theory,

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focusing on liberal authors and discussing how to accept their thought within the limits of the Oral Law without ever confronting the non-liberal elements of the Halakha. And he taught medieval Jewish thought, where he would take a given line for his own edification, without dealing with medieval elements, to find a justification for Kantian and existential positions. Yet, for R. Wurzburger, the “ways of peace” never were a *Torah u-madda* paper on virtue ethics, showing that one could use secular sources to read Torah. They were rather intended as a political statement about requiring an ethic of responsibility best demonstrated in moral decisions.

At this point in his development as a philosopher, R. Wurzburger used R. S.R. Hirsch’s Idealist idea of “inner revelation,” a conscience that enhances our comprehension of the divine tasks assigned to us to replace Existentialism. He recognized that R. Sa’adya’s universal revelation, as well as R. Bahye’s *Duties of the Heart*, and Nahmanides’ “good and the right,” are all forms of the Hirschian inner revelation, offering us inner guidance in confronting new situations and teaching us that we need to take responsibility to confront the wider world.<sup>70</sup>

## INFLUENCE

When the Rabbinical Council of America moved into the same building as the ILGWU (International Ladies Garment Workers Union), R. Wurzburger rhetorically asked those seated around the table: What do Orthodoxy and labor have in common? He answered, They are both anti-intellectual. Similarly, one of his favorite jokes that he repeated often, was about the synagogue that was looking for a rabbi who would have every great quality—learning, eloquence, pastoral skills, as well as the hatred of profit. The punch line to the joke was that the synagogue could find the first three qualities easily, but that for good money they could buy that last attribute also. His jokes usually received nothing but a nervous polite nod from his rabbinic listener, but they were indicative of his self-consciousness as “a tiny but articulate minority.”

For all of R. Wurzburger’s positive points, we might ask: Why was he not more effective? The basic answer, as stated by R. David Hartman, was that, “It was a great tragedy that he did not write;” most of R. Wurzburger’s writings were just rewordings of a few basic articles issued at the end of his life. Second, he did not protest within the community; he limited himself to subtle sarcasm about the moral and intel-

lectual positions of other Orthodox rabbis without taking up the gauntlet. For example, the actual debate over the Vietnam War in the Orthodox community was between Prof. Michael Wyschogrod, in favor, and R. Ahron Soloveichik, against; R. Wurzbürger's position hardly registers. Nor did he create any institute for peace, justice, and conflict resolution, or any place where his ideas would have come to fruition. Finally, R. Wurzbürger's voice was marginalized through, and by, the creation of a *Centrist* legalistic philosophy.<sup>71</sup> R. Wurzbürger never pandered to give classes in medical or legal halakha and remained in his itinerary of advocating an intuitive moral categorical to an audience that only wanted an objective bottom line of permitted or forbidden. As stated above, for R. Wurzbürger, formal application of halakha to match empirical reality would not be ethical without intuition, moral rationality, or aspiration for virtue.

R. Wurzbürger did not offer enough tools for his pluralism; he did not write a book on pluralism (*elu ve-elu*).<sup>72</sup> He did not write any collections of sources or any response that would hold up in the *beit midrash*. One could not come into *Gemara shi'ur* and quote "covenantal imperatives" in order to contradict the opinion of the later legal authorities. Further, his subtle philosophic positions were easily trampled in the extreme rhetoric of talk shows hosts and media pundits, and their rabbinic followers, in the culture wars of the 1990's between progressives and conservatives.<sup>73</sup>

However, the real answer to the relative eclipse of R. Wurzbürger's thought within the *Modern Orthodox* world comes from one of the last conversations that I had with him, in January 2002. We were sitting next to each other proctoring our respective exams, mine in Jewish history and his in Introduction to Philosophy. He turned to me and said:

I do not know why [President] Lamm makes a distinction between the *yeshivish* approach of Torah and *parnasa*, and the approach of the students at Yeshiva College, who also just want to combine Torah and a profession. A philosopher like myself can express an ideal for modernity, but practically, his Yeshiva College students are anti-modern.

R. Wurzbürger himself did not seek to bring his ideas out further because his own thought remained locked into a dichotomy of choosing either anti-modern or pro-modern thinking, *Neturei Karta* or Kantian thought. He lacked an appreciation of the many varieties of limited and pragmatic acceptance of modernity, especially the recent return into valuing practical applications of the Halakha to modern

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issues. For him, most of the *Modern Orthodox* and *Centrist* communities were not modern. As Adam Ferzinger, a Bar Ilan University historian of Orthodoxy, described in a recent article, during the 1980's and 1990's, Yeshiva University turned religiously inward, developing a greater concern for strengthening the observance and Torah study of the already committed.<sup>74</sup> R. Wurzburger did not differentiate between the new centripetal focus of his students and the return to the pre-modern ghetto; without Rawls and Buber one basically returns to the ghetto. His ideas remained for him, even in his own mind, a voice for a "tiny but articulate minority."

His lasting contribution was his public persona. He reacted viscerally against his perception of the immorality of Meir Kahane, Ayn Rand, Nixon's bombing of Cambodia, Reagan's arms buildup, the Jewish underground in the West Bank, and nuclear proliferation, considering them as *treif* as pork. He was also in favor of the migrant workers rights and the Peace Now movement. His name was at the bottom of many ads for liberal causes in *The New York Times* and newspapers regularly quoted that, "Rabbi Walter Wurzburger, former President of the Rabbinical Council of America, noted, 'We [Jews] are the people who established the standards of morals.'"<sup>75</sup> Liberal rabbis in their sermons regularly utilized his ethical ideas—he was a moral conscience of a generation.

Rabbi Dr. Walter Wurzburger offered a model of integrating modernity and Orthodoxy. He inspired many students, some after a single class or conversation, to the possibilities of integration within Orthodoxy.<sup>76</sup> His moral presence in the classroom, in the broader Jewish community and as an Orthodox leader, was universally recognized. One would hope that many elements of his thought would make a comeback and provide a valuable resource and vision for the community. Yet upon rereading his *oeuvre*, we are struck both by how very different the American *Orthodox* community R. Wurzburger was addressing, and the role played by modern liberal values and philosophic ideas in the community's self-definition. One is left wondering: Was the community ever so modern? Did the community ever care so much about accepting the complex of liberal and tolerant values that we call modernity?<sup>77</sup> R. Wurzburger's writings provide us with the literary evidence to start the discussion.

NOTES

I wish to thank for their comments Rabbis Eliyahu Stern, Reuven Bulka, and Shalom Carmy, and Profs. Daniel Stateman and Lawrence Grossman.

1. The pulpit was Chai Odom in Dorchester. The dissertation was, "Brentano's Theory of A Priori Judgments" (PhD diss., Harvard University, 1951).
2. During this era, Modern Orthodoxy was not yet capitalized a broad sociological movement. R. Wurzburger was an Orthodox rabbi, not segregated from the rest of Orthodoxy, who wanted to accept some elements of modernity. In later decades, the small group of intellectuals were called "modern Orthodox" with a small case m, in which "modern" modified their Orthodoxy. In the 1980's, it became common practice to use the term to refer to a broad sociological group, and capitalize "Modern Orthodoxy." While the latter term can refer to any person, community, or institution affiliated with this sociological group, during the time period of this essay the term was limited to a "few score of intellectuals." For an analysis of the changing meanings of the label *Modern Orthodox*, see Alan Brill, "Varieties of Modern Orthodoxy" (Forthcoming proceedings of the University of Scranton conference held June 2006 on "Modern Orthodoxy: 1940-1970.")
3. Prof. Wurzburger himself underscored the changes in his thought to me when I submitted to him a much earlier version of parts of this paper and received a written comment across the top of the paper, later elucidated in person, in his purposely misappropriated, "*Einy mukdam u-me'uhar be-Wurzburger?*" (There is no before and after in Wurzburger?) This is not the original meaning of the rabbinic phrase, but he was known for his wry sense of humor based on misappropriating famous lines. For example, when the Belfer graduate school was shut down, he quipped with a misappropriation of William James phrase that this shows the "the cash value of ideas."
4. Walter S. Wurzburger, *Ethics of Responsibility: Pluralistic Approaches to Covenantal Ethics* (Philadelphia: Jewish Publication Society, 1994). His other work, *God is Proof Enough* (New York: Devora, c2000), is basically a publisher-eviscerated collection of selected paragraphs from his prior articles, out of context and reworked (and should be avoided).
5. *Encyclopaedia Judaica*, 1971, s. v. "Orthodoxy." "How the Emancipation and the Enlightenment changed Jewish history," *Judaism* 38:4 (1989).
6. Walter Wurzburger, *The Rabbi's Quill: Commemorative Anthology of Rabbi's Messages in the Scroll 1968-1994* (New York: Congregation Shaaray Tefila, 2003), 33-4.
7. Walter Wurzburger, "Alienation and Exile," in *A Treasury of Tradition*, ed. N. Lamm and Walter S. Wurzburger (New York: Hebrew Publishing Company, 1967); Walter Wurzburger, "Theological implications of the State of Israel," *EnJuYB* (1974). Idem, "The Holocaust—Meaning or Impact?" *Shoah*, Spring-Summer 1980, 14-16.
8. There were similar statements in quick succession from R. Louis Epstein and others. Robert Gordis, *Conservative Judaism; An American Philosophy*, with a special guide for study and discussion by Josiah Derby (New York:

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- Published for the National Academy of Adult Jewish Studies of the Jewish Theological Seminary of America, Behrman House, 1945). This thesis was further developed twenty years later as, *Conservative Judaism; a Modern Approach to Jewish Tradition* (New York: National Academy for Adult Jewish Studies, United Synagogue of America, 1964); idem, *Judaism for the Modern Age* (New York: Farrar, Straus, and Cudahy, 1955). And see the questioning of this ignoring of precedent in order to “see what the people are doing” by his grandson, Daniel H. Gordis, “Precedent, rules and ethics in halakhic jurisprudence,” *Conservative Judaism* 46:1(1993), 80-94; reiterated as, “Conservative Judaism; the Struggle between Ideology and Popularity,” in *The Blackwell Companion to Judaism* (2000), 334-353.
9. Mendel Lewittes, “On Being a Torah-True Jew,” *Jewish Life* (Feb. 1948), 37-48.
  10. Asher Siev, “Distortions of Conservative Judaism,” *Jewish Life* (December 1946). R. Gordis claimed that *Orthodox Judaism* is against science by citing all the rabbinic statements negated by modern science. As a topic close to R. Siev’s own study of R. Moses Isserles, he responded by avoiding the specifics of medieval flat-earthers and those rabbinic statements that clash with modern science. Rather, he gave a general apologetic that Judaism is not against science, by offering a litany of rabbis throughout history who studied science.
  11. Among the many articles written in this vein, see Simon A. Dolgin, “Let’s Strike at the Roots,” *Jewish Life* (July-August 1953), 11-13; Justin Hoffman, “The Essential Difference,” *Jewish Life* (May 1952), 27-30; idem, “The Talmud Through Conservative Eyes,” *Jewish Life* (Sept.-Oct 1952), 71-75.
  12. Many of these statements were actually first written entirely for his own Orthodox self-definition and then, and only then, were applied to critiquing the *Conservative Movement* (oral communication).
  13. “The Oral Law,” 439.
  14. Boaz Cohen, *Law and Tradition in Judaism* (New York: Jewish Theological Seminary of America, 1959); Walter Wurzburger, “The Oral Law and the Conservative Dilemma,” in *Treasury of Tradition*. Choosing to contrast Orthodoxy to Boaz Cohen and not Gordis was probably done for the clear distinction between history and philosophy and also because at this early stage, Gordis claimed the Israeli rabbinate, R. Soloveitchik, and R. Shimon Federbush as proving his point.
  15. “The Oral Law,” 440.
  16. Walter Wurzburger, “The Conservative View of Halakhah is Non-Traditional” *Judaism*, 38 (Sum 1989), 377-379.
  17. “Is Sociology Integral to the Halakah?” 26, 28. At this late date, he now uses the phrase “the Halakha” and no longer “the Oral Law.” In the same symposium, Lord R. Jakobovits, in contrast, did indeed affirm that sociology does affect halakha and was in substantive agreement with R. Gordis. The latter replied that Orthodox halakha has not responded quick enough and that all the cases cited by Lord Jakobovits are too little. From the opposite extreme, in the same symposium, R. J. D. Bleich categorically affirmed that halakha is entirely a formal process without subjective or intuitive elements (“Halakha as an Absolute,” *Judaism* 29:1 (1980), 30-37).

18. From the perspective of fifty years of hindsight, it is interesting that neither side in the *Conservative-Modern Orthodox* debate has any sense of hermeneutics. Both sides frame the discussion in true or false terms of original intent, conscious change, and objective process. Neither side foreshadows sensitivity to H. G. Gadaemer's or Paul Ricoeur's questions of horizons, appropriation, and distanciation. Therefore, and somewhat ironically, both *Conservatives* and the *Modern Orthodox* assumed a closed method producing truth.
19. "On Religious Pluralism," *Sh'ma* 11:211 (April 3, 1981); idem, "Cooperation with non-Orthodox Jews," *Tradition* 22:2 (1986), 33-40.
20. Walter Wurzburger, "Breuer and Kant," *Tradition* 26:2 (1992), 71-76, citation on p 74.
21. On Isaac Breuer's ahistoricism, placing him in a set with Cohen, Rosenzweig, and Strauss, see David N. Myers, *Resisting History: Historicism and its Discontents in German-Jewish Thought* (Princeton: Princeton University Press, c2003). On the broad strokes of Breuer theology, see Alan Mittleman, *Between Kant and Kabbalah: An Introduction to Isaac Breuer's Philosophy of Judaism* (Albany: State University of New York Press, 1990).
22. R. Wurzburger used Solomon Ehrmann's "Isaac Breuer," in Leo Jung, *Guardians of our Heritage: 1724-1953* (New York: Bloch, 1958); *Concepts of Judaism / Isaac Breuer*, ed. Jacob S. Levinger (Jerusalem: Israel Universities Press; New York: Feldheim, 1974).
23. Walter Wurzburger, "The Centrality of Creativity in the Thought of Rabbi Joseph B. Soloveitchik," *Tradition* 30:4 (1996), 219-28.
24. His views against Aristotelian thought and medieval natural theology were common in his classroom, but brief comments can be found in his writings. See "Review of God of Abraham – Lenn Goodman," *Ethics* (July 1997), 776; idem, "With God in Hell," *Jewish Social Studies* 43:1 (Winter 1981), 89. He avoided views in which human reason can know God or that reformulated traditional arguments for the existence of God.
25. *God is Proof Enough*, 8-13. (The original essay on which those pages are based is not cited). Warren A. Nord, *Religion and American Education* (Durham: UNC Press, 1995), 136, compares R. Wurzburger's critique of liberalism without religion to Stephen Carter. Michael Staub, *Turn at the Roots: The Crisis of Jewish Liberalism in Postwar America* (New York: Columbia University Press, 2004) mentions R. Wurzburger in the context of the religious rejection of abortion.
26. *God is Proof Enough*, 24-25.
27. A similar approach is found in the writings of Walter Kaufmann, *Critique of Religion and Philosophy* (New York: Harper & Row, 1972).
28. *God is Proof Enough*, 13.
29. Kaufman, *Critique of Religion*, 45ff.
30. R. Wurzburger's pluralism of values is more Anglo-American and based on Stuart Hampshire and C. I. Lewis' pragmatism than Max Scheler's axiological hierarchy used by several other Jewish thinkers.
31. Walter Wurzburger, "A Jewish Theology and Philosophy of the Sabbath," *The Sabbath in Jewish and Christian Traditions* (1991), 140.
32. Walter Wurzburger, "Meta-halakhic Propositions," *The Leo Jung Jubilee*

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- Volume* (1962), 211-221, citation on p. 212.
33. The source for the term was the writings of the important and creative religious Zionist thinker Eliezer Goldman, who uses it in his "*Ha-Musar, ha-Dat ve-ha-Halakha*," *De'ot* (1962), 63. Isaiah Leibowitz adopted it from reading Goldman and then Wurzburger in turn, picked it up from Leibowitz. (I thank Prof Statman for this genealogy.)
  34. Walter Wurzburger, "Meta-halakhic Propositions"; idem, "Plural models and the Authority of the Halakha," *Judaism* 20 (1971), 390-95. Prof. Isadore Twersky borrowed and then further developed this concept into a research method. A full analysis of this important concept is beyond the scope of this overview and would involve a discussion of much of the academic field of rabbinic history.
  35. Walter Wurzburger, "Confronting the Challenge of the Values of Modernity" *Torah U-Madda Journal* Volume 1: (1989) 104-112, citations on 111.
  36. A similar category mistake has been circulating in the cultural wars of the last decade in which showing that there exists a variety of options meant that none was required and it was answered by the equally absurd attack on variety as implying relativism and corrosion of basic values.
  37. Walter Wurzburger, "A Jewish Theology and Philosophy of the Sabbath."
  38. See the appropriate chapters in Andrew R. Heinze, *Jews and the American Soul* (Princeton: Princeton University Press, c2004).
  39. Michael Wyschogrod wrote that one cannot discuss one's human dignity without invoking one's existential commitments. In contrast, for R. Wurzburger, as a Kantian, one can distinguish between philosophic anthropology and existentialism faith. Prof Wyschogrod held a more unified Barthian perspective, whereas R. Soloveitchik maintained a tension between his Kantian formulations and his Barthian ones. See Shai Held, "The Promise and Peril of Jewish Barthianism: The Theology of Michael Wyschogrod," *Modern Judaism* 25:3 (October 2005), 316-26.
  40. Walter Wurzburger, "Justification and Limitations of Interfaith Dialogue," in *Judaism and the Interfaith Movement*, ed. Walter Wurzburger and Eugene Borowitz (New York: Synagogue Council of America, 1967), 7-16.
  41. Bernard Rosensweig, "The Rav as Communal Leader," *Tradition* 30:4 (1996), 214-15.
  42. Oral communication from Rabbi Wurzburger.
  43. Walter Wurzburger, "Scripture and Hermeneutics: A Jewish View" *Orthodox Christians and Jews on Continuity and Renewal, The Third Academic Meeting between Orthodoxy and Judaism*, in *Immanuel* 26/27, (1994), 42-48.
  44. Walter Wurzburger, "Covenantal Imperatives," *Samuel K. Mirsky Memorial Volume* (1970), 3-12.
  45. "Covenantal Imperatives," 5.
  46. A study of R. Samuel Belkin's thought remains a desideratum. Its key elements included personalism, synthesis, democracy, ethics, and purpose, The personalism was based on the Boston School of Personalism founded by Borden Parker Bowne (1847-1910) and the views of synthesis were influenced by the writings of H.A. Wolfson. On the great esteem that R. Wurzburger held for Belkin's thought and its potential for resolving the synthesis of Judaism and the modern world through the individual person-

- ality, see W. Wurzbürger, "Review of *Essays in Traditional Jewish Thought* by Samuel Belkin," *Philosophy and Phenomenological Research*, Vol. 18, No. 3. (Mar., 1958), pp. 408-409.
47. There is also a very restrained and intentionally subjunctive discussion on the possibility today of *hora'at sha'a*, *aveira lishmah*, and other means of meta-halakhah overriding halakhah.
  48. "Covenantal Imperatives," 9. There is a similarity of Rabbi Wurzbürger's "covenantal imperatives" that places the ethical into the halakhah and R. Soloveitchik's presentation of the "topical halakhah" that avoids metaphysics yet deals with the topics of evil and suffering, see Joseph B. Soloveitchik, "A Halakhic Approach to Suffering," in *Out of the Whirlwind*, (Hoboken, NJ: Ktav Publishing House, 2003), 100-102.
  49. Maimonides, *Guide II:35*. Compare Howard T. Kreisel, *Prophecy: The History of an Idea in Medieval Jewish Philosophy* (Boston: Kluwer Academic Publishers, c2001).
  50. Walter Wurzbürger, "What is Unique about Jewish Ethics?" *Le'eyla* 49 (2000), 27-34, citation from p 27.
  51. See the important statements in *Ethics of Responsibility*, 125, 119 against the approach of autonomous ethics beyond the halakhah of Chief Rabbi of Tel Aviv, R. Hayim David ha-Levy. On the ethic outside of Halakhah of the latter, see Avinoam Rosenak, "Halakhah, Thought, and the Idea of Holiness in the Writings of Rabbi Chaim David Halevi," in *Creation and Recreation in Jewish Thought*, ed. P. Schafer (Mohr: 2005), 309-37. Translated selections of R. David Zvi Hoffman's work on the Talmudic laws of gentiles are available in *Fundamentals of Judaism*, ed. Jacob Breuer (New York: Feldheim, 1949).
  52. *Ethics of Responsibility*, ch. 2, citation from p. 31.
  53. *Covenantal Imperatives*, 10-12; Walter S. Wurzbürger, "Darkei Shalom," *Gesher* 6 (1977 / 1978), 80-86.
  54. *Ethics of Responsibility*, 15, 23.
  55. C. I. Lewis, *Values and Imperatives: Studies in Ethics*, ed. John Lange (Stanford: Stanford University Press, 1969).
  56. Compare the alternate Neo-Orthodox Hirschian approach, Alexander Carlebach, "Autonomy, Heteronomy, and Theonomy," in *Treasury of Tradition*.
  57. It seems that R. Wurzbürger only knew of Max Scheler's important critique of Kant's formalism and Scheler's placing of values in ethical decisions through R. Soloveitchik, and that did not provide him with peace before the Kantian challenge of autonomy and heteronomy.
  58. Personal communication, 1981.
  59. He was not interested in *Kabbalah* or *Hasidut* and considered them in violation of the simple reading of the text. Nor did he like religious enthusiasm, monism, ecstasy, or emotionalism. It is interesting to contrast this rational and moral approach to the extensive role of *homo religiosus* approaches of emotions, enthusiasm, and feeling of solidarity, within current *Modern* and *Centrist Orthodox* youth movements, summer programs, and years in Israel. See W. Wurzbürger, "The Jewish Attitude towards Psychedelic Religion," *Judaism and Drugs* (1973), 135-43; idem, "Pluralism and the Halakhah," in *Treasury of Tradition*. But he did cherish Hasidic material for its allegorical and homiletic value.

60. R. Soloveichik provided him with modern Kantian readings of Maimonides for his virtue ethic that bypassed the medieval intellectual horizons. R. Wurzburger on Maimonides would require a separate study. Walter Wurzburger, "The centrality of Virtue-Ethics in Maimonides," *Of Scholars, Savants, and Their Texts* (1989), 251-60; idem, "Law, Philosophy and Imitatio Dei in Maimonides," *Aquinas* 30:1 (1987), 27-39.
61. R. Wurzburger's academic training combined with his devotion to keeping up to date in the reading of the professional philosophic journals, brought him to see that MacIntyre created a reading of Aristotle and Aquinas as useful for moderns. Even though virtue ethics take inspiration from Aristotle, it remains modern, as both oppositional and complimentary to consequentialism and deontological theories. R. Wurzburger himself would be in favor of MacIntyre's interpretation, in that the former was against both the ethical phronesis of Aristotle and the ideal ethos of Plato; instead, he created a post-Kantian reading of Aristotle.
62. Bernard Arthur Owen Williams, *Ethics and the Limits of Philosophy* (Cambridge, Mass.: Harvard University Press, 1985); idem, "Persons, character and morality," *Moral Luck* (Cambridge, Mass.: Harvard University Press, 1981). Also influential on his thought were the writing of Philipa Foot, *Virtues and Vices and Other Essays in Moral Philosophy* (Berkeley: University of California Press; Oxford: Blackwell, 1978). At the end of his life he was starting to assimilate the writings of Martha Nussbaum, Charles Taylor, Michael Sandel, and Emmanuel Levinas.
63. Walter Wurzburger, "Rav Joseph B. Soloveitchik as "posek" of post-modern Orthodoxy," *Tradition* 29:1 (1994), 5-20.
64. R. Wurzburger wrote that, "Although there are numerous possible interpretations of the Torah, we are supposed to follow, for normative purposes, the decisions reflecting the majority opinion of the competent scholars of one's time." Unfortunately, some have used these statements of his polemically when that was not the original intention.
65. This deserves further development as to one of the crucial divides between American *Modern Orthodoxy* and Israeli *Religious Zionism*. *Religious Zionists* in Israel relegate R. Breuer, as a member of *Agudah*, to the haredi side, since he lacks an integration of historical change of the secular state or its needs. At best, they consider that his openness to the State reflects the limited theoretical engagement with the meaning of the State of Israel by the former Poalei Agudah position. While in America, R. Breuer's openness to modern philosophy, especially Kant, combined with Torah allows him to influence *Modern Orthodoxy*. In the interim, see Asher Biemann, "Isaac Breuer: Zionist Against His Will?" *Modern Judaism* 20:2 (May 2000), 129-146; Binyamin Brown, "*Emuna be-Tehila ve-Emuna be-Sof: Emuna be-Shelosha Haredi Hogim ba-Me'a ha-Esriv*," *Akdamos* 4 (1998), 31-67.
66. "Rav Joseph B. Soloveitchik as "posek" of post-modern Orthodoxy."
67. "Rav Joseph B. Soloveitchik as "posek" of post-modern Orthodoxy;" idem, "Confronting the Challenge of the Values of Modernity" *Torah U'Madda Journal* Volume 1: (1989) 104-112.
68. Walter Wurzburger, "Centrist Orthodoxy—Ideology or Atmosphere?" *Journal of Jewish Thought; Jubilee Issue* (1985), 67-75; idem, "Religious

- Zionism; Compromise or Ideal?" *Religious Zionism* (1989), 26-31.
69. Richard N. Ostling, "U.S. Judaism's Man of Paradox" *Time Magazine* (Monday, Oct. 08, 1984).
70. Walter Wurzburger, "Samson Raphael Hirsch's Doctrine of Inner Revelation," *Fox IV* (1989), 3-11. Dayan Grunfeld's introduction to *Horeb* was instrumental in this reading.
71. His Long Island congregation was one of those *Modern Orthodox* congregations, described by Jonathan Sarna, as suffering a loss of half of its congregants from Orthodoxy, to be replaced by an influx of a self-selected enclave, less acculturated, but totally observant Jewry, concerned with practical professional Halakha.
72. It was left to Avi Sagi to write such a work, *Elu ve-Elu*, (Tel Aviv: 1996).
73. James Davison Hunter, *Culture Wars: The Struggle to Define America*, (New York: Basic Books, 1992).
74. Adam S. Ferziger, "Between Outreach and "Inreach"; Redrawing the Lines of the American Orthodox Rabbinate," *Modern Judaism* 25:3 (2005), 237-63.
75. *Jewish Week* (11 Oct 1982). On the decline of Jewish liberalism, Ira Forman and Sandy Maisel, *Jews in American Politics* (Lanham, MD: Rowman & Littlefield Publishers, 2001) and Michael Staub, *Turn at the Roots: The Crisis of Jewish Liberalism in Postwar America* cited in note 24.
76. For an example of his potential for impact after a single meeting, a former congregant recounted an incident at one of the regular Talmud *shi'urim* that Rabbi Wurzburger gave. One of the serious and learned participants made a disparaging racist remark about Blacks. Rabbi Wurzburger stopped the *shi'ur* and proceeded to discourse about how racism was antithetical to Torah.
77. Some contemporary scholars see that modernity functioned as a self-defined set of practices whose operation was on a plain removed from religion; and the usage of modernity was limited to a tiny articulate minority. To awaken these thoughts, see Talal Asad, *Formations of the Secular: Christianity, Islam, and Modernity* (Stanford: Stanford University Press, 2003); Ernesto Laclau, *Emancipation(s)* (London & New York: Verso, 1996).