

Summary of Doctoral Proposal:

The Democratization of the Jewish Political Tradition

The Political Thought of R. Chaim Hirschensohn

R. Chaim Hirschensohn (Safed, 1857 – New Jersey, 1935) was one of the most prolific and profound of Religious Zionist thinkers. Hirschensohn's many writings, ranging from *halachic* responsa to philosophic discourse, demonstrate the unusual depth and breadth of his Jewish scholarship.

Central Questions

At the heart of Hirschensohn's thought lies the question: what should be the character of a modern Jewish State founded upon Jewish Tradition? Hirschensohn developed a model of the future State of Israel based on his commitment both to Jewish Law and Tradition, and to Democracy, to which he was exposed in the United States.

Hirschensohn's life-work may be understood as the "democratization" of the Jewish Political Tradition. His project reached down into the biblical, *halachic* and theological depths of Judaism. Hirschensohn sought to mediate between the universal and the particular: Israel is both a nation like the others and the Holy Kingdom of God; *Torah* is both a political constitution, embodying the human drive for the good life, and the Revealed Law of the King of Kings; the Jewish People are both subject to universal laws of justice and history, and the "eternal people", players in a divine drama beyond human understanding.

The Toraitic-Democratic synthesis that Hirschensohn created raises many questions. From whence the democratic values of this Orthodox Rabbi? What cultural and philosophical sources influenced him? And further, how did he understand the relationship between these values and those of the sources of Judaism? For instance, how did he understand the relationship between the democratic ideal of human autonomy and the religious command to submit to God's Will?

Also, *halacha* and the principles of democratic government do not always seem to be in harmony. From the authority of king, priest and sage to the status of women, the secular and the non-Jew, traditional interpretations of Jewish Law seem to contradict democratic ideals. How did Rabbi Hirschensohn find agreement behind what appears on the surface as opposition?

Recent years have witnessed some research on Hirschensohn, but a full analysis of his political thought, particularly in light of his Jewish sources, has yet to appear. Such an analysis constitutes an important chapter in understanding the Jewish Political Tradition, its process of modernization, and its relationship to Democracy. Providing this analysis is the aim of my doctoral research.

Methodology

The heart of this research project consists of understanding Hirschensohn as an interpreter of Jewish tradition. Hirschensohn's writings present a comprehensive approach not only to studying the sources of *Torah* and the methods of Jewish legal decision making, but also to the nature and meaning of the central ideas and values of classical rabbinic thought. Judaism, as seen through the prism Hirschensohn constructed, not only abounds with the spirit of democracy, but actually commands the establishment of a Jewish and Democratic State as a *Mitzvah deOraita* (commandment from the *Torah*).

In order to grasp the meaning and significance of Hirschensohn's synthesis, it is necessary to combine two very different research methodologies. First of all, one must employ the critical tools of the academic. Utilizing both his personal biography and textual legacy, we must determine the general philosophical and cultural influences on Hirschensohn, and how they colored his reading of classic Jewish texts. Similarly, we must reconstruct the schools of thought and learning within the Jewish world that impacted upon him.

However, the academic method is not sufficient. One who studies Hirschensohn's writings confronts a wealth of Biblical and Talmudic interpretations, *halachic* arguments, and analyses of the underlying meaning of rabbinic concepts. Hirschensohn weaves these interpretations, arguments and analyses into his Toraitic-

Democratic synthesis. This “weaving” raises important questions: to what extent does Hirschensohn function within the framework of standard rabbinic interpretation? For instance, are his Talmudic interpretations similar in content and methodology to rabbinic authorities? Do his *halachic* conclusions and method conform to the “mainstream” of Jewish legal scholars? In so far as Hirschensohn’s work includes innovations in these areas, are these innovations shared by other rabbinic figures of his day?

In order to answer these questions, one must analyze Hirschensohn’s work through the eyes of traditional Jewish learning. One must, as it were, join Hirschensohn at his bench in the *beit midrash* (study hall) and follow him as he progresses through *mikra* (Bible), *Talmud*, *rishonim* (medieval authorities) and *achronim* (post 16th authorities). Only thus is one able to judge in which instances Hirschensohn adopts a generally accepted interpretation, and in which instances he adopts a position held only by a minority of earlier sages; when does he present an original interpretation within the bounds of traditional methodology, and when does he innovate so radically as to suggest a departure from accepted tradition.

The overall picture emerging from this process reveals the ‘anatomy’ of the relationship between Judaism and Democracy, at least as they confront each other in the mind of one great Jewish scholar. The points where Hirschensohn simply adopted an accepted interpretation represent instances of harmony between traditional Jewish and Democratic ideas. The points where Hirschensohn adopts innovative ideas and methods, distancing himself from the tradition so dear to him in order to remain true to his Democratic ideals, represent instances of tension and contradiction between these two worlds of thought and value.

Thus, just as Hirschensohn’s own project involved the synthesis of Jewish and Democratic thought, so too the analysis of his work demands a combination of methodologies: critical academic method on the one hand, and traditional rabbinic learning on the other.

For further explanation of the methodology of research and types of sources utilized in my study of Hirschensohn’s work, please refer to section *gimmel* in the

Doctoral Proposal (Hebrew) attached to this application. For a detailed bibliography, please refer to section *vav*.

Chapter Headings

Following are proposed chapter headings:

Chapter One: Natural Law

Hirschensohn believed that universal natural law, called *svara* in Jewish sources, formed the basis of all legitimate government. He sought to understand Jewish texts in light of the Good and the Just, as defined by *svara*. Since Hirschensohn believed that Democracy is Good and Just, it itself became a criterion by which to interpret Jewish sources.

I will analyze Hirschensohn's approach vis-à-vis different theories of natural law and the place of natural law in Judaism. Also, I will compare Hirschensohn's development of the concept "svara" with the evolution of the idea of natural law in Western democratic thought.

Chapter Two: Sovereignty

Hirschensohn argued that Jewish Tradition places political sovereignty in the hands of the people as a whole. His argument rests on two foundations: a) a *halachic* analysis of the people's role in traditional institutions of authority (such as the rabbinic courts); b) an analysis of the role of **covenant** in Jewish political thought. Based on his research, Hirschensohn presented a 'blue-print' for modern Israel's national institutions.

I will examine Hirschensohn's use of these concepts in light of earlier tradition and the thought both of his Religious-Zionist contemporaries and others, such as Moses Hess and Martin Buber. Also, I will compare his concept of covenant to that found in American federalism, which served him as inspiration and which played an important role in the development of Western democracy.

Chapter Three: Nationalism

For Hirschensohn, "Jewishness" is composed of distinct national and religious elements, and it is therefore possible to be a Jewish nationalist and yet secular. Hirschensohn was thus able to accept secular Zionism as an imperfect but legitimate

expression of Jewish identity, and hence a legitimate participant in Hebrew Democracy.

Nationalism, however, is a modern concept. I will follow Hirschensohn as he casts a model of modern nationality from the material of pre-modern Jewish sources.

Chapter Four: Citizenship

Hirschensohn developed a theory of citizenship including groups disenfranchised by traditional Judaism: secular Jews, women and non-Jews. Hirschensohn's teaching in this regard involves once again his model of Jewish nationhood, and also an analysis of the status of women and non-Jews in *halacha*, and an interpretation of the "political domain" in Jewish thought (areas in which political concerns override religious law, such as *dina d'malchuta dina*).

Here also I will analyze Hirschensohn's use of sources and compare his thought to that of his contemporaries.

Chapter Five: Freedom

Hirschensohn was a champion of intellectual freedom, and to a lesser extent of other liberal freedoms. Here he is indebted to Spinoza and Mendelssohn and must be understood in that context. But as above, I will seek to understand how Hirschensohn anchored his ideas in traditional sources.

Chapter Six: Hirschensohn's Philosophical Context

Hirschensohn's vision of a Jewish and Democratic state was deeply influenced by the philosophical currents of his time, such as Pragmatism and Utilitarianism. I will identify Hirschensohn's philosophical sources and analysis their role in his reworking of the Jewish Political Tradition.

Conclusion

Hirschensohn's writings reveal not only courage and creativity, but also uncertainties and contradictions. Despite the latter, I think that his synthesis of Judaism and Democracy is the most complete in Jewish history. Understanding Hirschensohn's resolute positions together with his uncertainties will enable us to trace a fascinating process of modernization and democratization in the Jewish Political Tradition, and to understand this process in light of similar developments in Western democratic thought.

By Shaiya Rothberg