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To cite this article: Julie E. Cooper (2019): Heretic or Traitor? Spinoza's Excommunication and the Challenge That Judaism Poses to the Study of Religious Diversity, Political Theology, DOI: [10.1080/1462317X.2019.1679525](https://doi.org/10.1080/1462317X.2019.1679525)

To link to this article: <https://doi.org/10.1080/1462317X.2019.1679525>



Published online: 26 Oct 2019.



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# Heretic or Traitor? Spinoza's Excommunication and the Challenge That Judaism Poses to the Study of Religious Diversity

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## ABSTRACT

When political theorists talk about “religious diversity,” they usually intend the multiplicity of “religions” in a given society. Yet we now know that the secular, liberal framing of the problematic presupposes a controversial definition of “religion.” My primary goal, in this paper, is to reorient scholarly discussion around what we might call “the critical religion conception of diversity” – not the multiplicity of “religions,” but the myriad ways that the sacred intersects with national and political identity, some of which resist assimilation to the “religious” paradigm. Toward this end, I relate a story about Spinoza’s Hebrew reception in the interwar period. For Zionist intellectuals, Spinoza symbolized the deformations that “religion” imposed on Judaism’s self-understanding and the constraints that it placed on Jewish intellectual horizons. Studying the Zionist critique of “religion” exposes the limitations of received theoretical frameworks, which cannot address the kinds of diversity that were politically consequential for twentieth-century Jews.

## KEYWORDS

Religion; Spinoza; Zionism; Leon Roth; Joseph Klausner; Nahum Sokolow; Jakob Klatzkin

According to an influential commonplace, the characteristic preoccupations of modern political theory date to “the Reformation and its aftermath, with the long controversies over religious toleration in the sixteenth and seventeenth centuries.”<sup>1</sup> Taking “the fact of religious difference” as a point of departure, scholars working in the liberal tradition seek to devise legal and political arrangements commensurate with this fact.<sup>2</sup> How can we create just and stable societies, given that citizens profess diverse and often conflicting creeds? Thanks to the pointed critique of secularism that emerged in the late 1990s, we now know that this framing of the political problematic presupposes a controversial definition of “religion.”<sup>3</sup> As “the critical religion challenge” has shown, the measures that liberals propose to accommodate religious pluralism are not in and of themselves neutral and may place undue burdens on devout citizens.<sup>4</sup> Moreover, critical religion scholars have exposed the ethnocentrism of secular regimes that tacitly presume a Protestant

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<sup>1</sup>Rawls, *Political Liberalism*, xxvi.

<sup>2</sup>Ibid., xxvi.

<sup>3</sup>See Asad, *Formations of the Secular*; Mahmood, *Religious Difference*.

<sup>4</sup>Laborde, *Liberalism's Religion*, 15.

definition of “religion” centered on doctrine and belief. In recent years, liberals eager to enfranchise diverse constituencies have conceded that the critical religion school has exposed significant “blind spots.”<sup>5</sup> In response, they have disaggregated “religion into a plurality of interpretative dimensions” – and, via this disaggregation, they have concluded that “liberalism does not mandate Western-style strict separation.”<sup>6</sup> Although scholars such as Cécile Laborde are willing to countenance a broader spectrum of church/state regimes, they resist challenges to the state’s exclusive sovereignty. There is no need to share sovereignty or explore alternative modes of polity, Laborde argues, because the liberal state and its familiar conceptual arsenal (e.g., establishment, symbols, exemptions) can meet the critical religion challenge.

My primary contention, in this essay, is that absorbing the insights of critical religion scholarship may indeed require us to entertain a more sweeping reconfiguration of state sovereignty. To demonstrate this point, I examine the legal, cultural, and political implications of religion’s ascendance as a hegemonic category, to which minority communities (in this case, European Jews in the interwar period) must conform. Via this historical excursus, I hope to reorient scholarly discussion around what, for heuristic purposes, we might call “the critical religion conception of diversity” – not the multiplicity of “religions” in a given society, but the myriad ways in which orientation toward the sacred finds concrete expression and articulates with politics, ethnicity, and nationality. As contemporary polemics against Islam (and nineteenth-century polemics against Judaism) reveal, not every practice that involves ostensibly “religious” elements (e.g., appeal to a deity, prayer, ritual) rates as a “religion.”<sup>7</sup> Polemics that expose Judaism and Islam’s supposed deviation from the religious paradigm exploit an uncanny sense of proximity – targeting practices that appear superficially (to the polemicist, deceptively) similar but, on closer inspection, prove fundamentally different. Clearly, this kind of “diversity” is highly charged and politically consequential: Witness recent attempts by right wing activists and politicians to deny Muslims First Amendment protections, on the pretext that Islam is not a “religion.”<sup>8</sup> That defenders of Muslim rights have little recourse against these attacks other than to assert Islam’s religious bona fides reveals the poverty of our legal and conceptual vocabularies. In contemporary English parlance, we lack a non-polemical (and non-apologetic) rubric to encompass communities, identities, and practices that resist neat assimilation to the category of “religion.” To be clear, I do not propose to coin an alternative taxonomy. Given the genealogy of these debates and the continued hegemony of liberal frameworks, it is nearly impossible to dispense with the term “religion.” Alert to these terminological quandaries, I argue that political theorists should devote more time and energy to the study of these fraught negotiations surrounding what counts as a “religion.”

Subjecting these negotiations to renewed scrutiny, I wager, may inspire increased skepticism regarding the resilience of the liberal frame, its ability to withstand the critical religion challenge unscathed. To expose the limitations of liberal rubrics, I revisit an illustrative episode from Jewish intellectual history: the attempt to rehabilitate Spinoza for the audience of Hebrew readers. In the wake of the *Haskalah* [Jewish Enlightenment],

<sup>5</sup>See *ibid.*, 4.

<sup>6</sup>*Ibid.*, 2–3.

<sup>7</sup><https://www.nytimes.com/2018/09/26/opinion/islamophobia-muslim-religion-politics.html>.

<sup>8</sup><https://religionandpolitics.org/2019/07/16/a-push-to-deny-muslims-religious-freedom-gains-steam/>.

Spinoza was recruited for a stunning variety of ideological projects. As historians have demonstrated, Spinoza's case "reverberates through practically every major Jewish ideological response to modernity" – indeed, it has "become closely bound up with the struggle to define what it means to be a modern, 'secular' Jew."<sup>9</sup> In this essay, I focus on Spinoza scholarship written in Hebrew (and, in one case, in English as well) in the years following WWI through the first decades after the establishment of the State of Israel. Although they occupied different points along the ideological spectrum, the thinkers who figure in my study – Leon Roth, Joseph Klausner, Nahum Sokolow, and Jakob Klatzkin – all identified with the Zionist movement.

How might the study of Spinoza's Hebrew reception dislodge received frameworks for tackling what liberals call "religious diversity"? For many contemporary commentators, Spinoza's excommunication represents a textbook case of religious intolerance, the benighted obsession with policing doctrinal orthodoxy. Moreover, if Spinoza's life story ostensibly illustrates the dangers of religious dogmatism, his *Theologico-Political Treatise* is often hailed as a founding document of liberal toleration. Thus, for many Anglo-American readers, Spinoza's life and works invite a liberal framing – and at least one Zionist thinker in the period (Roth) interpreted Spinoza in this way.<sup>10</sup>

Yet for most Hebrew authors in the interwar period, Spinoza's excommunication symbolized the political crisis caused by the loss of communal autonomy – rather than the dangers posed by intolerance and doctrinal orthodoxy. Moreover, although diversity was a central preoccupation for intellectuals who worked to enshrine Spinoza as a Hebrew cultural icon, their vision for creating a more capacious Judaism bears scant resemblance to the standard liberal frame. Against Roth, who recruits Spinoza for a liberal critique of religious coercion, Klausner undertakes a critique of "religion" itself – the deformations that it imposes on Judaism's self-understanding and the constraints that it places on Jewish intellectual horizons. The political predicaments that resulted from Judaism's attempted "religionization" could not be remedied by expanding public religious expression or by granting religious exemptions from state law. In the Jewish case, deviation from the "religion" paradigm inspired a demand for political autonomy – and the means envisioned for accommodating internal Jewish diversity were material (e.g., land and language) rather than liberal (e.g., toleration, rights). Thus, prevailing liberal idioms leave us ill-prepared to address the kinds of diversity that were politically consequential for twentieth-century European Jews.

A caveat before proceeding: Although this historical episode will be unfamiliar to many readers, my critique of religion's cultural specificity – and of the political power that the category exerts – is scarcely novel. On some level, the story that I relate is merely a further illustration of "the modern state's sovereign power to reorganize substantive features of religious life, stipulating what religion is or ought to be, assigning its proper content, and disseminating concomitant subjectivities, ethical frameworks, and quotidian practices."<sup>11</sup> Yet these insights bear repeating – and it is instructive to rehearse them via an

<sup>9</sup>Schwartz, *The First Modern Jew*, xxi. See also Schwartz, ed., *Spinoza's Challenge*.

<sup>10</sup>An exhaustive survey of Spinoza's contemporary reception is beyond the scope of this essay. Nor do I seek to determine which interpretative school most accurately captures Spinoza's philosophical intentions. Although the view that hails Spinoza as a liberal pioneer is merely one school of Spinoza interpretation, it proves especially significant in the context of the current investigation, because some of its most influential exponents are Jews who accord interpretive significance to Spinoza's Jewish upbringing. For one example, see Smith, *Spinoza, Liberalism*.

<sup>11</sup>Mahmood, *Religious Difference*, 3.

excursus into the Zionist archive. Revisiting this episode, we learn that the critique of “religion” was integral to Zionism’s diagnosis of the political crisis facing modern Jews. Among Jewish studies scholars, it is common knowledge that “the question of whether or not Judaism can fit into a modern, Protestant category of religion” was a defining question of modern Jewish thought.<sup>12</sup> However, for political theorists who are unacquainted with Jewish debates, the encounter with these texts may provoke a reckoning. If the proliferation of “religions” within a given society raises questions of symbols, rights, and exemptions, the critical religion concept of diversity makes far greater demands on our political imagination. Historically, unitary conceptions of sovereignty constrained diasporic Jews’ ability to give public, political expression to their self-conception as a “nation/religion all in one.” Thus, accommodating Jewish dissent from the “religion” paradigm may require a more radical reconfiguration of the prevailing order – such as devolution of state sovereignty or the establishment of an altogether new polity.

### Spinoza’s epochal significance: two views

On the 300th anniversary of Spinoza’s excommunication, Leon Roth<sup>13</sup> warned that a mood of censorious clericalism had settled upon London’s Jewish community. Writing in *The Jewish Chronicle*, the most prominent media outlet within the British Jewish community, Roth glosses Spinoza’s excommunication as an object lesson in the moral, spiritual, and political dangers posed when clerics police heterodox opinion. Indeed, Spinoza’s tribulations yield a universal lesson: “toleration is not only compatible with the existence of ordered society but is the very condition of its well-being.”<sup>14</sup> Roth’s reflections on the excommunication culminate in an impassioned plea. “If only we could learn from it the necessity of putting up with one another in peace,” Roth implores, “Spinoza’s excommunication would not have been in vain.”<sup>15</sup>

In this brief editorial, Roth presents Spinoza’s excommunication as a cautionary tale about the suppression of dissenting opinions. In his academic work on Spinoza’s politics, written in Hebrew, Roth adopts a similar framing, centered on the toleration of doctrinal diversity. In his 1932 Hebrew essay, “Judaism and the Thought of Spinoza,” Roth draws a tight link between Spinoza’s biography and his political thought. Gesturing toward the excommunication, Roth classifies the *Theologico-Political Treatise* as

the cry of a man who anticipated in his own flesh the very thing about which he writes. Jerusalem – whether the Jerusalem of the land of Israel or the Jerusalem of Holland – was destroyed because of zealotry and religious competition.<sup>16</sup>

Moreover, the present-day political conclusions that Roth draws from this travesty surround the imperatives of religious toleration:

<sup>12</sup>Batnitzky, *How Judaism*, 1.

<sup>13</sup>Leon Roth (1896–1963) was a British political theorist who specialized in the work of Descartes and Spinoza, among others. In 1928, he left his position at Manchester University and moved to Palestine, where he helped to found the philosophy department at the Hebrew University. He subsequently served as the University’s Rector and as Dean of the Humanities. In 1951, Roth retired from the Hebrew University and returned to England. On this point, see Schwartz, “Democracy and Judaism.”

<sup>14</sup>Roth, “The ‘Cherem’ on Spinoza.”

<sup>15</sup>*Ibid.*

<sup>16</sup>Roth, “Judaism and the Thought,” 6. See also 3, 7. Unless otherwise noted, all translations from Hebrew are my own.

Beware of those who take upon themselves the right to decide in spiritual matters, who wish to eject those who uphold different views, or to force dissenters to accept their own views. The state only exists if it grants freedom of opinion, and the state is only destroyed through suppression of freedom of opinion. Our historic role is to unify, not to fragment; to bring in, not to expel. It is essential that we in the land of Israel not do what the Jews had to do in Amsterdam.<sup>17</sup>

Roth offers a more pointed version of the same exhortation in a Hebrew essay on “Religion, State, and Spinoza’s *Theologico-Political Treatise*” (1945). Having positioned Spinoza as a forerunner to J.S. Mill, Roth offers an impassioned plea for the nascent Israeli polity to embrace the liberal tradition. “On which path will we walk? On the path of liberalism or the path of its enemies?”<sup>18</sup>

In short, when addressing a Jewish audience (whether writing in English or in Hebrew), Roth interprets Spinoza’s political significance through what we might call a “tolerationist” frame. On Roth’s rendition, Spinoza’s story surrounds the political challenges posed by “the problem of the different religions,” which Roth identifies elsewhere as the central preoccupation of European political theory since the sixteenth century.<sup>19</sup> By “difference,” Roth intends diversity of opinion and belief, at the individual level, within a given community. As Roth declares when summarizing the liberal tradition that Spinoza ostensibly inaugurates, “Citizens differ in their religious opinions as they differ in their faces, but they are for all that citizens. Their religion is their private affair.”<sup>20</sup> Thus interpreted, Spinoza’s life and work yield an unequivocal ban on religious coercion and an unequivocal endorsement of individual freedom. In the figure of Spinoza, Roth finds a Jewish warrant for the toleration of heterodoxy and dissent.

Moreover, when Roth elaborates upon the practical implementation of this lesson in the Zionist context, he focuses on the dangers of proposed religious legislation. In the 1945 essay, Roth laments municipal initiatives to prohibit commerce on the Sabbath, as well as legislation that would submit marriage and other “personal status” issues to the jurisdiction of *halachah* (Jewish law). “We must be vigilant against the danger that things will be introduced into the constitution [of the anticipated Jewish state] that do not belong there.”<sup>21</sup> Similarly, in a political science textbook addressed to Hebrew University students, Roth defines the political problematic in the following terms: “For our generation, the problem of political obligation is, for the most part, the problem of individual rights – whether his rights as a citizen or as a man.”<sup>22</sup> Thus, the individual’s “right to formulate and express his thoughts, and thereby attempt to bring them to fruition,” is the cornerstone of political freedom.<sup>23</sup> Surveying the contemporary landscape through a Spinozist lens, Roth identifies the fight against coercive religious legislation as the pressing political imperative.

For many contemporary readers, Roth’s enthusiasm for Spinoza will doubtless seem unremarkable, even banal. After all, the tolerationist reading of Spinoza has been highly influential in the English speaking world.<sup>24</sup> Indeed, Roth is an early proponent of the

<sup>17</sup>Ibid., 7.

<sup>18</sup>Roth, “Religion, State,” 230.

<sup>19</sup>Roth, *Judaism*, 220.

<sup>20</sup>Ibid., 218.

<sup>21</sup>Roth, “Religion, State,” 231.

<sup>22</sup>Roth, *Guide to Political Thought*, 10.

<sup>23</sup>Ibid., 120. See also 100, 117, 120, 122; Schwartz, “Democracy and Judaism.”

<sup>24</sup>See Feuer, *Spinoza and the Rise of Liberalism*.

view that liberalism bears a Jewish pedigree, courtesy of Spinoza.<sup>25</sup> Thus, contemporary readers may be surprised to learn that Roth was actually something of an outlier in the Hebrew literature on Spinoza written prior to 1948. Although Roth's preoccupation with "the problem of the different religions" may seem obvious – and eminently justified – to twenty-first century readers, it was idiosyncratic in the first half of the twentieth century. For Roth's Hebrew interlocutors, Spinoza's case illustrates not "the problem of the different religions," but the problematic nature of "religion" itself, the deformations that it imposed on the historical experience and self-understanding of European Jews.

To perceive the gap between Roth's tolerationist approach and those of his peers, we must return to Roth's reflections in *The Jewish Chronicle*. In that article, Roth presents his own assessment of a famous incident from 1927 in which Joseph Klausner<sup>26</sup> sought to overturn Spinoza's excommunication.

When Professor Klausner, of the Hebrew University, declared in a public address in Jerusalem many years ago that the ban on Spinoza was lifted, he was giving expression not to a legal decision but to a social and moral aspiration. So far as the present State of Israel is concerned, it was also a prophetic warning. He was repeating the lesson which Spinoza himself was concerned with and which he expressed in the sub-title of his Treatise: that toleration is not only compatible with the existence of ordered society but is the very condition of its well-being.<sup>27</sup>

It is scarcely surprising that Roth cites Klausner. Roth and Klausner were colleagues in the early years of the Hebrew University, and Klausner cites Roth multiple times in his own work on Spinoza.<sup>28</sup> Moreover, as the ceremonial revocation of the ban attests, Klausner shares Roth's determination to rehabilitate Jewish thinkers previously dismissed as heretical. On closer inspection, however, Klausner is an unlikely conscript for Roth's tolerationist campaign. Their shared opposition to the ban notwithstanding, Roth and Klausner operate with radically different conceptions of the "lessons" to be gleaned from Spinoza's case and the measures necessary to create a more capacious Judaism in the present.

Which aspects of Klausner's analysis does Roth miss? Again, Roth is not entirely wrong to perceive certain affinities. Like Roth, Klausner is committed to expanding doctrinal and metaphysical diversity within Judaism – and, like Roth, he presents Spinoza's case as a cautionary tale for the Zionist movement. In a 1911 essay, Klausner declares intellectual receptivity a cornerstone of national revival: "Freedom of opinion – Is there anything more important for a nation that has returned to life!"<sup>29</sup> Similarly, Klausner concludes a 1938 lecture on "Spinoza and Judaism" with a call that echoes Roth's 1932 account of the "historic role" of the Jewish community resident in Palestine. "Our Jewish nationalism is a nationalism of expansion, not a nationalism of contraction: We admit within its bounds all that is good and beautiful, and we exclude only that which is evil and ugly."<sup>30</sup> Moreover, Spinoza is not the only Jewish "heretic" whose rehabilitation Klausner

<sup>25</sup>See Smith, *Spinoza, Liberalism*.

<sup>26</sup>Joseph Klausner (1874–1958) was a historian of the Second Temple period and Professor of Hebrew Literature at the Hebrew University. Born in Lithuania, Klausner moved to Palestine in 1919. Klausner was a frequent contributor to the Hebrew press and served as editor of the influential journal *HaShiloach*. Klausner was affiliated with the Revisionist camp within Zionism.

<sup>27</sup>Roth, "The 'Cherem' on Spinoza."

<sup>28</sup>See Klausner, *From Plato to Spinoza*, 304, 320, 321, 342.

<sup>29</sup>Klausner, "Freedom and Heresy." See also Klausner, "Tradition and Innovation."

<sup>30</sup>Klausner, *From Plato to Spinoza*, 343.



undertakes. Klausner's most influential work may be *Jesus of Nazareth: His Life, Times, and Teaching* [1922], a comprehensive history written "in Hebrew for Hebrews" with the stated aim of clarifying the differences between Judaism and Christianity.<sup>31</sup> Significantly, Klausner glosses Jesus' life story as a chapter in "the History of Israel," and his ethical code (once "stripped of its wrappings of miracles and mysticism") as "one of the choicest treasures in the literature of Israel for all time."<sup>32</sup> With the insistence that dissenters remain part of Israel, Klausner would counter what he describes as a regrettable history of Jewish self-censorship.

Yet, if we examine this dark history, which Klausner relates in his essays on Spinoza, it becomes clear that Klausner does not advocate "toleration" in the standard liberal acceptance. On Klausner's reading, Spinoza's excommunication does not constitute an isolated incident within the annals of Jewish thought. Rather, the excommunication is merely the latest chapter in a long history, stretching back to Philo, Ibn Gabirol, and Abravanel, of attempts to suppress (or at the very least ignore) Platonist currents within Jewish thought. Writing as Spinoza's advocate, Klausner diagnoses a persistent hostility to Jewish thinkers exhibiting the slightest soupçon of Platonism. When Klausner ventures an explanation for these censorious impulses, he presents a radical diagnosis of the measures required to foster a more inclusive intellectual climate in the present. For, on Klausner's diagnosis, suspicion of Platonic currents within Jewish thought resulted not from baseless "intolerance," but from a prior transformation within Judaism – namely, its forced transformation, in diaspora, into a mere "religion." "As long as Judaism was only a religion [*dat*] – without land, without language, without a national base – those who sought to assemble from it a Platonic or neo-Platonic pantheism may indeed have posed a danger."<sup>33</sup> Here, Klausner ventures a historical diagnosis of the conditions that made unconventional thinkers appear subversive. Specifically, Klausner deems Jewish self-censorship a diasporic phenomenon, one that reflects the reconfiguration of communal boundaries along doctrinal lines in the absence of a national or territorial base. It is no accident that diaspora Jews viewed Platonist thought with suspicion, Klausner suggests, because, in diaspora, the bounds of the Jewish community were delineated in "religious" terms – with the result that philosophical disagreement proved politically corrosive. Judaism's reconstitution as a standard issue "religion" produced an intense – and arguably justified – preoccupation with doctrinal conformity. Thus, to make Judaism hospitable to idiosyncratic figures such as Spinoza, Klausner's cohort must first combat the "religionization" of Judaism.

In short, Klausner's work on Spinoza is part of broader investigation into "how Judaism became a religion."<sup>34</sup> The very terms of the investigation presuppose a controversial claim regarding Judaism's original disposition – namely, that Judaism is not properly classified as a "religion." "What we today call 'Judaism' is not only a religion [*dat*], but a national culture based on a religious-moral [*dati-musari*] platform."<sup>35</sup> It is beyond my purview to assess the historical accuracy of this claim, or to object on the grounds that Klausner exhibits insufficient historicism. Rather, what concerns me are the political uses to

<sup>31</sup>Klausner, *Jesus*, 11.

<sup>32</sup>*Ibid.*, 11, 414. See also Klausner, "Tradition and Innovation."

<sup>33</sup>Klausner, *From Plato to Spinoza*, 328.

<sup>34</sup>See Batnitzky, *How Judaism*.

<sup>35</sup>Klausner, *From Plato to Spinoza*, 294. See also 310, 312, 320, 330; Klausner, *Jesus*, 390.



which Klausner puts the insistence that the category “religion” is neither neutral nor universally applicable. The matter of Judaism’s classification proves inescapable in this context because, according to Klausner, one’s location on the “religion” continuum determines one’s receptivity to contrarian ideas. The further removed one is from “religion,” Klausner implies, the easier it is to encompass competing metaphysical stances. As “a religion [*dat*] and nation [*umah*] all in one,” Klausner explains, Judaism delineates its boundaries through observance and practice rather than doctrine and belief.<sup>36</sup> As a result, the Jewish textual corpus is polyphonic, even self-contradictory, containing relics from multiple stages of the nation’s historical development. Citing Maimonides – “the gates of interpretation were not sealed” – Klausner ascribes unparalleled doctrinal elasticity to traditional Judaism, which can absorb any idea so long as it finds a modicum of textual support in biblical or rabbinic literature.<sup>37</sup> By contrast, Christianity – having detached itself from national foundations and from what Klausner calls “real life” – advances an abstract, coherent moral theory.<sup>38</sup> “An ethico-religious system bound up with his [Jesus’] conception of the Godhead,” Christianity is the paradigmatic “religion.”<sup>39</sup> Granted, Klausner’s portrait of Christianity is tendentious, tailored to the demands of intramural Jewish polemics. Yet it nevertheless contains a critical insight – namely, that “religions” may exhibit a less nonchalant attitude toward ideas judged eccentric, deviant, or subversive, given the premium placed on doctrinal coherence.

Unlike Roth, who fixates upon “the problem of the different religions,” Klausner suggests that doctrinal diversity only emerges as a “problem” within the ambit of “religion.” It is no accident that “political theory in Europe since the sixteenth century was preoccupied with the problem of the different religions,” since “religion” emerged as a dominant, even obligatory model for devotional practice in that period.<sup>40</sup> Once devotional life is organized on the “religion” model, which defines the collective along doctrinal lines, the toleration of “public religious diversity” becomes a pressing challenge and consuming political preoccupation. Klausner’s provocative suggestion is that religious intolerance may be correlative with the very phenomenon of “religion.” Moreover, Klausner contends that Judaism only becomes a “religion,” strictly speaking, in diaspora, in response to external constraint. Having assimilated the dominant religious template, Jews subject doctrine to closer scrutiny, with the result that unconventional streams of thought, such as neo-Platonism, may in fact threaten the community’s viability.

Thus, for Klausner, the primary political question is not whether to pass coercive religious legislation, but how to arrest and reverse the trajectory of religionization. In other words, Klausner predicates the creation of a more intellectually capacious Judaism on the campaign – already underway, courtesy of the Zionist movement – to restore Judaism’s material, political, and national foundations. At present, Klausner contends, “our monotheism has nothing to fear from Spinoza’s monism,” given the early achievements of Jewish nationalism.<sup>41</sup> It is worth citing in full the historical diagnosis with which Klausner concludes his 1927 call to rescind the ban:

<sup>36</sup>Klausner, *From Plato to Spinoza*, 310; see also 312, 330.

<sup>37</sup>*Ibid.*, 293. For similar claims, see Sokolow, *Spinoza*, 327–8, 329; Klatzkin, *Boundaries*, 29–30.

<sup>38</sup>Klausner, *From Plato to Spinoza*, 312.

<sup>39</sup>Klausner, *Jesus*, 390.

<sup>40</sup>Roth, *Judaism*, 220.

<sup>41</sup>Klausner, *From Plato to Spinoza*, 294.

Now, things have changed. Judaism has ceased to be only or primarily a religion [*dat*] – as Spinoza’s opponents, Moses Mendelssohn and Hermann Cohen, depicted it. And Judaism is not – and will never be! – only a nation [*umah*]: It will be a nation-religion [*umah-dat*] all in one. And Judaism has begun to acquire land for herself, and a national language, even a territorial-political basis, and she has begun to sense the scent of the homeland again – and, “with the right opportunity, given the changeability of human affairs, she may one day re-establish her state and God will choose her again,” in the wondrous words of Spinoza ...<sup>42</sup> In this situation, the four [Platonist] philosophers who were banished from Israel no longer pose a danger: they will not be a danger, but a support and strengthening of her [Judaism’s] spirit. Judaism will be enriched and expanded by all of her great sons – even those who were lost and expelled.<sup>43</sup>

Doctrines that proved subversive to diasporic Judaism’s “religious” integrity will actually strengthen a “nation/religion all in one,” or so Klausner promises. In this passage, intellectual receptivity rests on linguistic, material and political foundations – rather than a tolerant ethos or constitutional guarantees. If Roth predicates openness on humanistic education, assertive individualism, and the standard package of liberal rights, Klausner dates the advent of a more capacious public discourse to the re-unification of body and spirit, religion and nation.

I have identified two frames through which Zionist intellectuals evaluated Spinoza’s symbolic resonance: the tolerationist frame and the critique of “religion.” As the reader may have divined, my sympathies lie with the latter approach. Roth, who works within the tolerationist frame, neglects to examine the material and political conditions that have historically enabled Jews to embrace a wide spectrum of metaphysical positions. Consequently, there is an ahistorical quality to Roth’s calls for toleration, which feel especially deracinated in the Levantine context. Yet, on some level, Roth may realize that there is more at stake in the Hebrew version of this debate than the wisdom of coercive Sabbath legislation. For Roth’s work on Spinoza does not merely culminate with a call to respect individual freedom of conscience. Roth also entreats Jews to adopt what he calls “a religious approach to religion.”<sup>44</sup> When adumbrating Spinoza’s contemporary significance, Roth too feels compelled to pronounce upon Judaism’s “religiosity” (or lack thereof).

Unlike Klausner, however, Roth is determined to defend Judaism’s religious bona fides. Indeed, the commitment to “religiosity” prompts Roth to distance himself, ever so slightly, from his hero Spinoza. Like many of Spinoza’s Hebrew interpreters, Roth objects to Spinoza’s tendentious portrait of Judaism in the *Theologico-Political Treatise* – which Roth chalks up to Spinoza’s lingering “soreness” at “his treatment by the synagogue.”<sup>45</sup> To Roth’s dismay, Spinoza characterizes Judaism as “in the narrow sense, political and (in Spinoza’s view) narrowly and savagely political ... . Judaism for Spinoza is a tribal habit of life, isolationist and misanthropic, a device for group survival.”<sup>46</sup> In Roth’s lexicon, the adjective “political” is overwhelmingly pejorative, signifying worldliness and particularism. To brand Judaism “political,” on Roth’s view, means to deny that Judaism is universalist – or, rather, to contend that “Judaism is universalist by accident and never so

<sup>42</sup>See Spinoza, *Theologico-Political Treatise*, Chapter 3.

<sup>43</sup>Klausner, *From Plato to Spinoza*, 328–9; see also 344.

<sup>44</sup>Roth, “Baruch Spinoza,” 18.

<sup>45</sup>*Ibid.*, 12.

<sup>46</sup>*Ibid.*, 14.

(apparently) for Jews.”<sup>47</sup> Yet, curiously, the recognition that Spinoza is prejudiced against Judaism does not lead Roth to abandon Spinoza’s theoretical framework. Rather than contest the assumptions that animate Spinoza’s slanders, Roth contends that “Spinoza has misread his evidence.”<sup>48</sup> When analyzed correctly, Judaism turns out to meet Spinoza’s criteria for true religion.<sup>49</sup> Although Judaism “seeks to produce a community,” Judaism is not political in the narrow sense, Roth contends, because the community’s end is identical to that of Spinoza’s “theistic ethical faith” – namely, “right action directed and illumined by the natural light which is the love of God.”<sup>50</sup> In other words, Judaism also posits a “distinction between the things of time and the things of eternity” and insists that we judge the former in light of the latter.<sup>51</sup> Although Roth challenges Spinoza’s classification of Judaism, he uncritically accepts Spinoza’s definitions of religion, politics, and their interrelation.

Indeed, Roth is eager to reintroduce Spinoza to a Jewish audience because he is convinced that Spinoza offers a remedy for “the hollowness in our spiritual life today” – a hollowness that results, in part, from what he deems Judaism’s “politicization.”<sup>52</sup> Roth locates Spinoza’s contemporary religious significance in his reminder, articulated in the fifth book of the *Ethics*, that religion supervenes on politics. “A religious approach to religion” is “one of the great needs of our lives,” Roth declares – for religion provides the only vantage point from which to oppose the state’s totalizing pretensions.<sup>53</sup> “Only religion has in our day and before our eyes shown the strength to stand up to the great arrogance of our time, the arrogance of the state.”<sup>54</sup> Although Roth addresses a Jewish audience in this 1957 essay, his remarks are not confined to the State of Israel. Rather, Roth warns against the totalitarian propensity to ascribe intrinsic value to the state, and to politics more generally. As Roth explains in a Hebrew political science textbook (1947), “Today’s world is split into two camps, one ‘totalitarian’ and the other ‘democratic.’”<sup>55</sup> Here, the campaign to promote a properly “religious” Judaism emerges as the flip side of Roth’s endorsement of liberal democracy. Spinoza’s true religion proves indispensable to advocates of limited government, Roth contends, because cultivation of a properly religious disposition fortifies citizens against totalitarianism.

At this point, Roth’s and Klausner’s analyses converge – both are engaged in a contest surrounding Judaism’s proper classification and the political implications of religion’s ascent as a hegemonic category. For, as Roth’s work vividly illustrates, the tolerationist frame only appears plausible if one embraces Judaism’s continued standing as a “religion.” Thus, Roth may appreciate the extent to which his liberal political appeal is bound up with a controversial religious appeal. Yet Roth is either unwilling or unable to hear Klausner’s warning that doubling down on “religion” is unlikely to foster tolerance, since “religion” exacerbates doctrinal conflict. Committed to a properly “religious” Judaism, Roth cannot

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<sup>47</sup>Ibid., 13–14.

<sup>48</sup>Ibid., 15.

<sup>49</sup>Indeed, Judaism is the paradigmatic religion. See Roth, *Judaism*, 180. Moreover, Roth treats “religion” like a universal category. See Roth, “Baruch Spinoza,” 17.

<sup>50</sup>Roth, “Baruch Spinoza,” 16; Roth, “Religion and Piety,” 441–2.

<sup>51</sup>Roth, “Baruch Spinoza,” 8.

<sup>52</sup>Roth, “Back To, Forward From” 29, 30.

<sup>53</sup>Roth, “Baruch Spinoza,” 18.

<sup>54</sup>Ibid.

<sup>55</sup>Roth, *Government of the People*, Introduction. An English translation is available at <https://www.leonroth.org/>.

conceive the possibility that certain kinds of “politicization” might actually enhance Jewish receptivity to dissenting voices. Consequently, Roth’s project is much less demanding, from a political standpoint. No material transformation is required of those who profess Judaism as a “religion.” Rather, Roth tasks “religious” Jews with the study of Jewish philosophy, which he trusts will yield “a maturer outlook which appreciates the fact that although a man may go to another conventicle, or none, he is yet a man, even a Jew, for all that.”<sup>56</sup> Here, a tolerant attitude results from exposure to the full panoply of Jewish ideas, rather than the restoration of Jewish community on legal, material, and territorial foundations.

### Spinoza and the fall of the diasporic Jewish community

I have argued that Roth’s liberalism represents a minority position within Spinoza’s Hebrew reception. Yet, one could object, I have only brought evidence from one representative of the supposed majority (i.e., Klausner). Thus, to substantiate the claim that Roth’s brand of liberalism failed to gain traction within the republic of Hebrew letters, I will now introduce Nahum Sokolow<sup>57</sup> and Jakob Klatzkin,<sup>58</sup> who labored to raise Spinoza’s profile among Hebrew readers. A brief excursus into Sokolow’s and Klatzkin’s work reveals that, like Klausner, they saw Spinoza as symbolizing the political causes and consequences of Judaism’s “religionization.” By expanding the survey of Spinoza’s Hebrew reception, I hope to further illustrate the limitations of the toleration frame, its inability to address the tectonic political shifts bound up with Judaism’s transformation into a mere “religion.”

To grasp the political predicaments that Spinoza’s case was thought to illustrate, we must return, yet again, to Klausner – specifically, his treatment of the excommunication. As noted above, Roth presents the excommunication as a textbook case of intolerance, a violation of the individual’s sacred right to freedom of expression. By contrast, Klausner is preoccupied with the legal force and validity of the ban, in accordance with *halachah*. Determined to prove that Spinoza remains a Jew post-excommunication, Klausner examines the legal implications of the Amsterdam community’s decree. “Spinoza did not cease to be a Jew,” Klausner proclaims, “because the rabbis of Amsterdam excommunicated him at the age of 24.”<sup>59</sup> Citing rabbinic precedents, Klausner concludes that excommunication does not release one from the yoke of the commandments – with the result that those outcast remain Jews.

The excommunicated and banned is a sinner [*poshea yisrael*], but he is still Israel. For even in the case of an apostate [*mumar/meshumad*], his law is the same as that of Israel in nearly

<sup>56</sup>Roth, “Is There A Jewish Philosophy?,” 15.

<sup>57</sup>Nahum Sokolow (1859–1936) was one of the most prominent Hebrew journalists of his generation. Born in Poland, he moved to London in 1914, where he advocated for the Balfour Declaration. He combined journalistic work with diplomacy and political advocacy, serving as Secretary General of the World Zionist Congress. In addition to his work on Spinoza, he is the author of the *History of Zionism: 1600 to 1918*.

<sup>58</sup>Jakob Klatzkin (1882–1948) was a philosopher, journalist, and editor. Born in Belarus, he studied in Germany and Switzerland, where he remained (with the exception of a sojourn in Chicago, to which he fled during WWII). Klatzkin edited the pioneering *Anthology of Hebrew Philosophical Terms*, and was the co-editor of the *Encyclopedia Judaica*. He translated Spinoza’s *Ethics* into Hebrew.

<sup>59</sup>Klausner, *From Plato to Spinoza*, 331.

every respect: his marriage is valid, his wife requires a bill of divorce [*get*], and he is subject to the laws of levirate marriage.<sup>60</sup>

Although excommunication does not annul one's legal obligations, Klausner observes, it does sever one's ties to the organized Jewish community. "Excommunication expels from the group [*clal ha-edah*], from the community [*clal ha-kehilah*], but not from the people of Israel [*clal yisrael*]."<sup>61</sup> The Amsterdam rabbis could expel Spinoza from the local community, Klausner concludes, but they lacked standing to expel him from the Jewish people. Here, Klausner circumscribes the authority of the Amsterdam community relative to the *halachah* – and the Jewish people more generally – in an effort to rehabilitate Spinoza. For our purposes, however, the vindication of Spinoza's Judaism is less important than the way that Klausner frames the question. By engaging in halachic argumentation, Klausner highlights Spinoza's hostile relationship to the *kahal* (the semi-autonomous Jewish community) and its institutions. The pressing task, for Klausner, is to ascertain the nature and extent of the *kahal's* jurisdiction. If Roth reads the excommunication as a universal parable about the imperatives of toleration, Klausner wrestles with a conundrum specific to diasporic Jewish existence – the challenge of exercising self-rule and policing national boundaries absent state power.

Like Klausner, Sokolow and Klatzkin recognize that, in seventeenth-century Amsterdam, "The question was the question of the *kahal*, and the *kahal* has its own necessary laws."<sup>62</sup> The Spinoza whom we encounter in texts by Sokolow and Klatzkin is less a persecuted iconoclast than a traitor who secedes from the (diasporic Jewish) polity. Spinoza's secession assumes outsize significance for Sokolow and Klatzkin, for they believe that it augurs an epochal shift in the political standing of modern Jews – namely, the loss of national autonomy in diaspora in the wake of Emancipation.

In Sokolow's concise formulation, the story of Spinoza's excommunication is the story of a fierce struggle regarding the *kahal's* legitimacy. The excommunication turns on a confrontation between two opposed camps – those for whom "the *kahal* is everything" (i.e., the elders of the Amsterdam community) and those for whom "the world is everything and the *kahal* is nothing" (i.e., Spinoza).<sup>63</sup> "The *kahal* is everything" to the Amsterdam Jews (many of whom were refugees from Spain and Portugal), because it serves as a vehicle for the self-determination that they were denied under the Inquisition. On Sokolow's interpretation, the Inquisition not only marks the dawn of racial anti-semitism; it also represents a concerted attack on Jews' national and political consciousness. The Inquisition sought "to destroy fraternity between Jews and to erase all memory of association and congregation [*agudah v'edah*], society and community [*hevrah v'kehillah*]."<sup>64</sup> Thus, the refugees' first order of business, upon arriving in Amsterdam, was to re-establish institutions of communal self-government. Significantly, Sokolow insists that Converso aspirations went beyond securing the right to "pray together as a community in the light of day without fear" – they also "demanded internal government [*shilton*] and a strong regime."<sup>65</sup> That is, the Inquisition's victims set out to found a comprehensive

<sup>60</sup>Ibid., 333; see also 284; and Sokolow, *Spinoza*, 277.

<sup>61</sup>Ibid., 333.

<sup>62</sup>Sokolow, *Baruch Spinoza*, 362.

<sup>63</sup>Ibid., 363.

<sup>64</sup>Ibid., 144.

<sup>65</sup>Ibid.

regime based upon an independent legal system. Unlike the “new [post-Emancipation] *kehillah*, which prettifies itself with the name ‘ritual-religious’ (in order to indicate that it is detached from the nation [*umah*]),” the Amsterdam *kahal* regulated all facets of life, with a particular focus on the economy (market regulations, charity, free education, mutual aid, sumptuary laws, etc.).<sup>66</sup> In these passages, Sokolow’s political outlook is closer to that of the Amsterdam elders than to that of their sworn opponent, Spinoza. Although mindful of external constraints on its power, Sokolow nevertheless classifies the *kahal* as a bona fide polity. “As in every country [*medinah*],” Sokolow explains, the *kahal* involved an “element of rule and subordination.”<sup>67</sup> And, as a legitimate polity, the *kahal* required enforcement mechanisms. Sokolow relates that Amsterdam Jews zealously guarded the excommunication prerogative essential to their constitution as a polity, because the shofar of excommunication “was the only weapon in their hands for internal purposes.”<sup>68</sup> Although Sokolow explicitly states that the rabbis “erred by excommunicating him [Spinoza],” he defends the excommunication prerogative as a legitimate expression of the polity’s right to self-defense and preservation.<sup>69</sup> In *Baruch Spinoza and His Time*, the excommunication illustrates the *kahal*’s struggle to “defend its institutions and laws,” which Sokolow glosses in emphatically political terms.<sup>70</sup>

Why did Zionists writing in the 1920s and 30s feel compelled to revisit “the question of the *kahal*” via an engagement with Spinoza? As Klatzkin explains, Spinoza’s wholesale repudiation of communal authority both illustrates and exacerbates the *kahal*’s fragility, with the rise of the centralized modern state. In *Spinoza: His Life, Works, and System*, Klatzkin couples an encomium to Spinoza’s metaphysics with a fierce indictment of his political conduct. As a rebel against the *kahal*’s authority, Klatzkin contends, Spinoza violates his own political precepts, which “demand complete submission to the state’s authority – in one’s deeds in any case.”<sup>71</sup> Citing multiple passages from the *Theologico-Political Treatise* in which Spinoza enjoins near unconditional obedience on political subjects, Klatzkin concludes that Spinoza “was judged according to the law by which he himself judges; and he was not only judged justly, but even leniently, beyond the letter of the law.”<sup>72</sup> In other words, the excommunication was eminently justified on Spinozist grounds, because by violating Jewish law Spinoza refused the state’s authority. Of course, Klatzkin’s accusation only makes sense if one accepts that the diasporic Jewish community, whose authority Spinoza disregarded, and the Dutch state, whose authority he recognized, are identical in kind.<sup>73</sup> Indeed, Klatzkin’s indictment is animated by the conviction that the *kahal* constitutes a full-fledged polity – a legitimate state authority – to which all Jews (Spinoza included) have binding obligations. On this point, Klatzkin is even more emphatic than Sokolow: “For in diaspora [*golah*], the Torah was the Jewish people’s homeland [*moladto*] and its laws were the laws of its state [*medinato*].”<sup>74</sup>

<sup>66</sup>*Ibid.*, 353, 355.

<sup>67</sup>*Ibid.*, 353.

<sup>68</sup>*Ibid.*

<sup>69</sup>*Ibid.*, 63; see also 230, 236–7, 247.

<sup>70</sup>*Ibid.*, 354.

<sup>71</sup>Klatzkin, *Spinoza*, 22.

<sup>72</sup>*Ibid.*

<sup>73</sup>Spinoza categorically denies this premise. See Spinoza, *Theologico-Political Treatise*, Chaps. 3, 5.

<sup>74</sup>Klatzkin, *Spinoza*, 23.



Klatzkin's insistence on the *kahal's* political credentials is so strident precisely because, as Spinoza's own conduct indicates, the sense of halachic and communal obligation was no longer a given in modernity. As Klatzkin recognizes, in the seventeenth century, historical forces – including secularization and the rise of the modern state – had already eroded the *kahal's* public authority. Spinoza's defection is especially cruel, then, because it further destabilizes an already shaky institution. Klatzkin complains, “He whom the Christians praised for humility and gentleness of heart was stern and fierce, tough as iron in opposition to his own authority [*shiltono*], to the collapsing authority [*shilton*] of the Jewish community [*ha tzibur ha ivri*].”<sup>75</sup>

Here, Klatzkin identifies Spinoza's excommunication as a pivotal chapter in the loss of national autonomy, which he takes as the precipitating incident for his own Zionist project. In *Tehumim* [Boundaries], a volume of political essays, Klatzkin dates the “destruction” [*hurban*] of the Jews' once-vibrant “state” to the linked processes of enlightenment and emancipation. On Klatzkin's narrative, the decentralized nature of the medieval polity, coupled with near universal adherence to *halachah*, enabled pre-modern Jews to achieve political independence in *galut*.

Even in exile [*galut*], we lived a sovereign [*malchut*] life, a kingdom within a kingdom [*malchut betoch malchut*]. We did not live according to their lights nor did they dictate the law to us. We did not go to their courts [*archaot*], nor did we pay attention to their trials, and when some of their laws were imposed upon us, they were considered evil enemy decrees . . . We had our own court [*bet din*], which even imposed fines and punishments, and it alone did we obey . . . We were subject to none but our rabbis and elders.”<sup>76</sup>

In modernity, however, the boundaries enclosing the Jewish community begin to fall, with the result that diasporic autonomy is no longer possible. In a striking passage, Klatzkin equates the demise of the *kahal* (“the third temple”), in the wake of enlightenment, to the loss of national independence following the fall of the ancient Hebrew state. “The destruction [*hurban*] of our religion [*datenu*] is the destruction of our state [*medinateinu*] in exile [*galut*], the destruction of our third temple [*bateinu hashlishi*], our dwelling [*bateinu*] on foreign soil.”<sup>77</sup> In principle, Klatzkin allows, self-rule is possible in exile, absent sovereign power or territorial concentration. In practice, however, the historical conditions requisite for diasporic political autonomy no longer obtain. Convinced that Judaism can only survive the modern diaspora in the debased form of a “religion,” Klatzkin concludes that Zionists must devote their energies to reestablishing Judaism on the material foundations of land and language. “For this was Zionism created: To redeem the foundations of our being from the trial of spirituality and abstraction and to elevate them into living foundations.”<sup>78</sup>

Spinoza's case helps Sokolow, Klatzkin, and Klausner to articulate the political response incumbent upon those unwilling to acquiesce in Judaism's compulsory religionization. Viewed as a symbol, Spinoza represents not the salutary plurality of beliefs and opinions, but the constraints that “religion” places on minority prospects for self-determination.

<sup>75</sup>Ibid.

<sup>76</sup>Klatzkin, *Boundaries*, 39. Klatzkin is engaged in political polemic, rather than historical scholarship. The degree of communal autonomy that European Jews achieved varied in accordance with historical circumstances and was often narrower than Klatzkin suggests here.

<sup>77</sup>Ibid., 54.

<sup>78</sup>Ibid., 136.



Clearly, we are light years away from “the problem of the different religions.” Roth failed to find a receptive audience for his tolerationist platitudes, I venture, because the remedies that he proposed to mitigate intolerance did not address the dire political predicaments of European Jews (whether living in Central and Eastern Europe or in Palestine). Granted, Roth betrays some awareness of diasporic political pressures when he concedes that, as a vulnerable minority community, Amsterdam Jews had little choice but to expel Spinoza. “The position of the newly admitted Jewish community in Amsterdam was so precarious that it could not afford (we are told) to keep within its ranks overt ‘atheists.’”<sup>79</sup> Yet Roth neglects to examine the *herem*’s legitimacy as a tool of self-government, nor does he address the political function of communal institutions. Upon reflection, this lacuna is not altogether surprising, since Roth appears to accept Spinoza’s classification of diasporic Jewish communities as mere religious congregations. In diaspora, Roth explains, “no single group constituted an independent political unit nor joined with other groups to form a common political unit.”<sup>80</sup> Moreover, Roth attaches exclusively religious significance to “the break-up of the community of Judaism,” which, following Sokolow and Klatzkin, he considers “the mark of the modern epoch.”<sup>81</sup> The “break-up of the community of Judaism,” Roth argues, “meant the break-up of the tradition of holiness.”<sup>82</sup> Roth’s idiosyncratic take on modern Jewish history further illustrates the constraints that liberalism places on the political imagination. For all of Roth’s handwringing about the state’s totalitarian pretensions, he appears incapable of entertaining alternative modes of political organization.

My point is less to lament the intellectual poverty of Roth’s thought than to expose the mismatch between his liberal, tolerationist frame and the political challenges confronting European Jews in the period. Spinoza’s case emerged as an obligatory, even obsessive, point of reference for Jewish thinkers because the historical trajectories that Spinoza helped to justify made it impossible for Jews to practice the characteristic modes of governance of a hybrid religion-nation. In modernity, Jews’ deviation from the dominant religious template becomes more acute, precisely because the sovereign state does not readily countenance autonomist demands. My complaint is not merely that liberals are likely to refuse such demands,<sup>83</sup> but that, like Roth, contemporary liberals – including those wary of ethnocentrism – are insufficiently attuned to the constraints that their conceptual apparatus places on dissenters from “religion.”

One could easily object that the challenge is not unfamiliar – for it echoes claims to “church autonomy” and “the freedom of the church” that increasingly preoccupy Anglo-American scholars.<sup>84</sup> The conceptual tools that liberals use to adjudicate church demands for exemptions from equal employment law, one could argue, could be extended to adjudicate Jewish demands for communal autonomy. On closer inspection, however, extant conceptual frameworks prove ill-suited to the Jewish case, precisely because the difference between “the church” and the *kahal* is not merely one of degree (e.g., narrower and broader spheres of autonomy). If “the church” requests exemptions from state law,

<sup>79</sup>Roth, “The ‘Cherem’ on Spinoza.”

<sup>80</sup>Roth, *Judaism*, 204; see also 72.

<sup>81</sup>*Ibid.*, 220.

<sup>82</sup>*Ibid.*

<sup>83</sup>See Laborde, *Liberalism’s Religion*, Chapter 5.

<sup>84</sup>See Garnett, “The Freedom of the Church” and Smith, “The Jurisdictional Conception.”

Zionists sought legal, political, and material conditions requisite for the maintenance of a separate legal system (“we did not go to their courts”). More important, the insistence on an independent legal system was predicated on a conception of Judaism as a “nation-religion all in one.” Even if the state were to grant a more generous package of exemptions, the framework through which these exemptions are conceptualized (e.g., “church autonomy”) repeats the very move to which Zionists objected – namely, the erasure of Jewish nationality through Judaism’s classification as a mere “religion.” Thus, Laborde justifies her opposition to so-called “religious institutionalism” with the declaration that, “Churches are not foreign states: their members are also citizens, and churches do not have unilateral authority to settle the normative claims of their members.”<sup>85</sup> Yet on the narrative advanced by Klausner, Sokolow, and Klatzkin, prior to Emancipation, Jews were perceived as – and considered themselves – members of a foreign nation. Indeed, “the new *kehillah*” merits Sokolow’s scorn precisely because, having detached itself from the nation, it embraces the status of a church (“ritual-religious”). Klatzkin goes even further, ascribing positive valence to the anti-Semitic topos of a “state within a state.” Adopting a deliberately provocative tone, Klatzkin predicates his political program on “the right to remain foreign”: “Given current realities, we must continue to exist in diaspora [*golah*] and preserve our foreignness with respect to the nations amongst whom we reside; we must defend our foreignness via those partitions that it is still possible to build and sustain.”<sup>86</sup> In short, it is not immediately obvious that remedies devised in response to the political claims of a “church” can be extended to address Jewish claims to self-determination.

## Conclusion

Having fled the Inquisition to Amsterdam, Spinoza’s Converso ancestors “demanded internal government [*shilton*] and a strong regime,” as well as the right to “pray together as a community in the light of day without fear.”<sup>87</sup> This anecdote encapsulates the theoretical argument that I have tried to make via an excursus into Spinoza’s Hebrew reception. The right “to pray together as a community in the light of day without fear” is an appropriate remedy if the injury in question surrounds the imposition of “religious” uniformity or the quashing of dissident opinion and belief. However, if the Inquisition attacked the Jewish community’s very self-conception, the assumptions and practices upon which the nation was founded, then restoring freedom of worship is an inadequate remedy. As Klausner, Sokolow, and Klatzkin intuit, to encompass the critical conception of diversity, the state must recognize the Jews as a nation, granting some form of political autonomy. That is, the demand is not merely for rights and exemptions, but for a radical reordering of the polity via relaxation of the state’s sovereignty.

<sup>85</sup>Laborde, *Liberalism’s Religion*, 169. Nor do contemporary pluralists conceive of the collectives whose autonomy they assert as foreign states. See Muniz-Fraticelli, *The Structure of Pluralism*. Of course, my argument has many affinities with the pluralists’ powerful critique of unitary sovereignty. Yet the analogy between the *kahal* and the collectives on whose behalf the pluralists advocate remains inexact given the vastly differing historical circumstances. When pluralists expand outwards beyond the “church,” they tend to focus on “intermediate associations” such as universities, corporations, and trade unions – none of which aspire to the status of a foreign nation.

<sup>86</sup>Klatzkin, *Boundaries*, 86.

<sup>87</sup>Sokolow, *Baruch Spinoza*, 144.

Thus, accommodating Jewish demands to persist as “a religion-nation all in one” may require that we displace – or even abandon – liberal frameworks. If, as Laborde contends, “liberalism relies on a presumption of state sovereignty,” then diaspora Jews cannot constitute themselves as an autonomous polity within a liberal state.<sup>88</sup> Rather, liberalism confronts Jews with a binary choice: Either adopt the state’s designation as a “church” or “association,” or establish a liberal state of one’s own (on the assumption that Jews constitute a “mere” nation). Laborde would presumably object that classifying the Jewish community as a voluntary “association” poses no threat to communal viability, since diaspora Jews need not internalize the state’s designation. “It is not the business of the law to express and protect the full ethical value of any given social institution.”<sup>89</sup> Although the state cannot reflect a given community’s self-conception, Laborde argues, community members remain free to organize their lives on that basis (with minimal constraints). Admittedly, the expectation that the state will adopt one’s self-definition is unrealistic, perhaps even unwarranted. Were members of every private institution to demand that state law reflect their own conception of that institution’s “full ethical value,” it would be difficult for the (liberal) state to fulfill its designated functions. Yet Laborde is insufficiently sensitive to the power of state designations to alter, distort, or even destroy local modes of self-organization. In other words, state-imposed constraints are more constraining than Laborde allows – especially when the community in question constitutes a minority in nearly every jurisdiction (as was true of Jews prior to 1948).

The rise of the modern state – with its presumption of unitary sovereignty – imposed “religious” forms of life upon European Jews and rendered certain forms of Jewish polity obsolete. Of course, as Roth’s example demonstrates, many Jews embraced Judaism’s new-found status as a “religion” – and the liberal settlement gained increasing traction among Jews in the years following WWII (although it is now fraying at the seams). In the interwar period, however, resistance to religionization was one factor motivating the Zionist demand for political self-determination. Given space constraints, I can neither elaborate nor defend the moral and political justifications for such resistance. Rather, my goal has been to convince scholars eager to enfranchise dissenters from “religion” that they will find insufficient resources for doing so within liberalism itself. Studying the history of controversies regarding what qualifies as a “religion” may lead us to renounce, or at least relax, a certain liberal aspiration – the aspiration to create one overarching community in which “members of different groups would speak a language of common citizenship.”<sup>90</sup>

Of course, relaxing the demand for a common political identity does not obviate the challenge of pluralism – but it may change the way that pluralism presents. As we saw above, Klausner and his colleagues sought to enfranchise idiosyncratic and dissenting Jewish voices, creating a more vibrant, capacious, public dialogue.<sup>91</sup> Yet they jettisoned discourses

<sup>88</sup>Laborde, *Liberalism’s Religion*, 240; see also 163.

<sup>89</sup>*Ibid.*, 34.

<sup>90</sup>Mehta, “On the Possibility,” 66.

<sup>91</sup>One could object that the autonomist frameworks used to address internal Jewish diversity in the pre-state period provide little guidance for grappling with political controversies surrounding pluralism in the contemporary State of Israel, where more than twenty percent of citizens (Palestinian citizens as well as those whose Judaism is not recognized by the state Rabbinate) are not Jewish. The semi-autonomous polities of the middle ages, after all, were exclusively Jewish – and they did not exert power beyond their own “borders.” Space constraints prevent me from addressing this matter fully. However, it is worth noting that, in the period in question, some Zionist thinkers upheld traditions of diasporic Jewish autonomy as a model for the creation of a decentralized polity uniquely suited to accommodating Palestine’s ethnic, religious, national, and economic diversity. See Ben Gurion, “National Autonomy and Neighborly

of toleration and individual rights for a materialist approach focused on identifying historical conditions hospitable to dissent. To create a more capacious Judaism, Klausner argued, we must arrest trajectories of religionization, defining communal membership in practical terms (e.g., language, law, land). Implicit within Klausner's analysis is a proposition that sounds counter-intuitive when read against current political configurations, which tend to oppose liberal universalism (presumed open and inclusive) to nationalism (presumed closed and exclusive) – namely, that in certain historical contexts, nationalist political mobilization may facilitate greater hospitality to (certain kinds of) diversity. Again, my point is not to endorse Klausner's program. As an empirical matter, Klausner's proposition that intellectual receptivity correlates with an embodied Judaism is eminently controversial. Rather, my complaint is that few political theorists have deigned to engage the controversy or to acknowledge nationalist thinkers as credible interlocutors on matters of pluralism and diversity. Like Roth, contemporary liberals find it inconceivable that such forms of politicization might make ritual, doctrinal, and ideological diversity seem like an asset, rather than a threat. Perhaps the episode related above can dislodge the pervasive view that, once we leave the familiar precincts of liberal universalism, we are bereft of both the motivation and the resources to encourage an embrace of diversity. More pointedly: If the liberal repertoire has proved insufficiently elastic to address the political dilemmas of non-Christian minorities, it behooves political theorists – at the very least – to entertain materialist alternatives. My hope is that, once we appreciate the toll that “religion” has historically exacted and the gravity of political claims to be released from its clutches, we may be more inclined to heed the insights of non-liberal thinkers (materialist or otherwise) and better positioned to assess their political viability.

## Disclosure statement

No potential conflict of interest was reported by the author.

## Notes on contributor

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Relations.” Of course, autonomist political settlements were preemptively abandoned with the creation of a Jewish nation-state. I mention proposals such as Ben Gurion's not to imply that they were feasible or would have guaranteed a regime more just than the current, patently unjust, regime. Rather, I merely note that, for some thinkers in the period, diasporic precedents seemed eminently relevant when confronting Palestinian political claims. On the materialist approach sketched here, recovering autonomist currents within Zionism is a preliminary exercise – one must then examine the historical and political conditions under which the nation-state might again lose its veneer of obviousness as a vehicle for Jewish self-determination. On this point, see Cooper, “The Nation-State Law.”

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