Judaism as a First Language

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You know this sentence is English. But if I asked you to give me a set of rules for determining if a certain text is English or not, I suspect you'd have a hard time. You might say, well, it's English if words have particular meanings, if certain rules of syntax are obeyed, and so on. But if you're American and some bloke in a brilliant jumper asked you for a fag, you might at least want to concede that a characterization of English might involve a family of variations, in each of which words have particular meanings, certain rules of syntax are obeyed, and so on. Even that, however, would not quite be the most fruitful approach. Consider this:

> *Whilom, as olde stories tellen us, Ther was a duc that highte Theseus; Of Athenes he was lord and governour, And in his tyme swich a conquerour, That gretter was ther noon under the sonne.*[1]

That used to be called English. And if the English speakers who spoke that way had tried to characterize English then in terms of static semantics and syntax, it's not very likely that this would have made the cut:

Ayo, my pen and paper cause a chain reaction to get your brain relaxing, a zany acting maniac in action, a brainiac in fact, son, you mainly lack attraction.[2]

And in fact, if we were to try to characterize English now in some static way, it's unlikely that our characterization would cover English a generation from now. The point of all this is that the only plausible way to include both Chaucer and Eminem in our characterization of English is to define English as a process rather than as something static. There is a community of people who speak a common language, and the two co-evolve. Language slowly changes as the community of speakers collectively makes small changes. The linguistic community changes as people migrate in or out of it. Chaucer and Eminem are both "in" because a continuous evolutionary process includes them both.

Each of us individually hears English spoken or sees it written and infers certain rules about its syntax and semantics. Sometimes we are even taught explicit rules, though this is relatively rare. Most of the time, we don't even make the rules explicit in our own minds; we just manage to absorb them well enough to use them. Now, the fact that children can learn to speak grammatical English based only on hearing other people speak it is quite astonishing. They are able to do this only because the human brain is hard-wired to prefer certain kinds of grammars, and, not coincidentally, these are the ones that exist. This is not to say that there is only one possible grammar—an obviously false proposition, given the variety of spoken languages in the world. Rather, the range of possible grammars is highly constrained. We might sum this up by saying that people have a language instinct.[3]

So where's the process? Well, people are creative with language. We invent neologisms, borrow words from other languages, use old words in new ways, push the boundaries of syntax, and generally take whatever linguistic liberties are necessary to express new ideas or capture particular nuances. Most of our inventions die out as easily as they are born. But some spread and become part of the language. Thirty-five years ago nobody had heard of the word "meme"; then it became a meme; now it's just a word.

The crucial point is that the loop is closed. Once some incremental change has been sufficiently absorbed into the language, it becomes part of the base to which speakers relate when they expand that language. So there is an ongoing process that looks something like this:

1. Each individual English speaker absorbs current English and instinctively pushes the envelope (call this "expansion").
2. When enough people push the envelope in the same direction, "current" English is redefined (call this "aggregation").
3. Back to 1.

Of course, the steps don't actually take place in neat, sequential order. Both expansion and aggregation are happening all the time.

Now, with an eye toward our discussion of Judaism, let's make a few observations about this process.

First, changes in language are slow enough that, if you don't take the long view, you can think of it as being static without the fallacy of that view confronting you too brutally. But, if Chaucer didn't convince you, try reading *Beowulf*.

Second, aggregation works in two ways: One way is for many people to push the linguistic envelope in the same way without this change ever being formally noted; it just happens. The other is for the change to be somehow made "official" by incorporation in some instrument of record. For example, twenty years ago I might have referred to memes only if I were talking to someone whom I had reason to believe hung out in the relevant neck of the woods. Now, anybody can look up its Wikipedia entry. To the extent that Wikipedia is an instrument of record, "meme" has graduated to the lexical big leagues.

One consequence of all this is that English evolves in different ways among different communities of English speakers. In the days before the Internet, geographically isolated communities were also linguistically isolated. They were somewhat immune to changes happening in the mainland and instead evolved on their own. They might even have developed their own

instruments of record (dictionaries, grammar books, recognized experts, etc.), so that they began to think of mainland English as wrong, or at least odd. This sort of process can lead to two versions of English that are so different that we wouldn't even think of them as being the same language, just as we don't think of, say, German and English as being the same language, despite their common ancestor.

Judaism, in a way, is not that different from English—or any other language, for that matter. In fact, Judaism *is* a language of sorts; its internal dynamics, the manner in which it evolves, and the powers through which it is fashioned are all startlingly similar to those of the linguistic process. Now, one can treat this comparison as a mere intellectual exercise, an interesting metaphor at most, but I believe its potential implications are great and far-reaching. It can shed light on some of the problems that keep many contemporary Jews—myself included—up at night: If Judaism, as it is currently practiced in certain circles, has gone off the rails, how would we know? Is there some Archimedean point from which we could decide the matter? And, if this is indeed the case, is the founding of a Jewish state likely to get us back on track? The answers to these questions, I will attempt to show here, are all inextricably connected, and the key to finding them may perhaps lie in understanding Judaism as language.

II

Let us, then, turn to Judaism, or, more specifically, to the system of traditional social norms that stands at its center. I'll refer to this system as *halacha*, although this term is often used in a narrower and more technical sense than I intend here.[4] The attempt to define halacha, even in the most general of terms and for the most well-versed of halachists, leaves one facing the same difficulties as the attempt to characterize a language,

such as English. Although there might be an invariant core, halacha varies from period to period and from community to community.[5]

We can understand halacha in all its instantiations as a process. As in the case of language, halacha develops through the interaction of expansion and aggregation. Armed with a base of halachic knowledge, people make moral judgments all the time. Some consensus regarding some matter becomes apparent and is incorporated into the halachic base, which, in turn, becomes the point of departure for new moral judgments. And so forth.

Just as we use our language instinct to guide the way we subconsciously infer patterns in the English we hear and read, we use our moral instinct to guide the way we subconsciously infer patterns in the halacha we learn. Just as the language instinct constrains the ways in which we can expand language, but doesn't strictly determine a particular one, so our moral instinct limits the ways in which we can expand halacha without determining a single, "correct" path for this development. And just as with language, the process of expansion and aggregation of halacha is fundamentally a collective—rather than solitary—phenomenon.

Now, I can feel your nagging discomfort already. First, how could moral instincts play any role in resolving questions regarding ritual that seem to be far removed from issues of justice and fairness? Second, why do I insist that the expansion of halacha requires a moral instinct? Perhaps halacha could simply be generalized according to formal principles of inference, or an aesthetic sense—in a manner analogous to the way we formulate scientific hypotheses—without resort to any distinct moral sensibility.

The first question is based on a typically modern misunderstanding of the moral instinct, which I will address below. The second question is more serious. In fact, I can't prove that there is no underlying aesthetic sense that subsumes all human aptitude for generalization—scientific, linguistic, or moral. What I do know is this: Just as language would be wildly underdetermined from a finite set of examples, without the constraints imposed by the hard-wiring of our brains, so too halacha would be wildly underdetermined without some instinctual constraints. Every time a commentator

or a *posek* (halachic decisor) reads earlier texts on Jewish law, some previously unconditional halacha is defined and possibly circumscribed, an interpretive device known as an *ukimta* (plural: *ukimtot*). These ukimtot are not inherent in the given material; rather, they result from the interaction of the received halacha and the conclusion that the interpreter instinctively knows to be right.[6] The instinct that guides him is the moral instinct.[7]

III

The rules of language are, as we have noted, occasionally codified by authors of textbooks and dictionaries or by members of august academies. But native speakers of the language don't actually pay much attention to them. Language evolves in a rather natural way.

This is not the case with halacha. Halacha is forever being codified in codes, responsa, and specialized instructional volumes. Could halacha have developed as naturally as language does?

There is one basic difference between language as process and halacha as process, and this difference leads to many others. The principles of aggregation are exogenous to language but endogenous to halacha. In other words, the rules of grammar say nothing about how consensus is formed with regard to linguistic expansion. But halacha has a great deal to say about how the process is supposed to function. The English language is quite indifferent to the fact that Eminem doesn't sound like Chaucer. Such considerations are entirely outside the realm of the rules of syntax and usage. Halacha, on the other hand, includes within its scope its own dynamics. Sudden discontinuities violate the rules of halacha itself.

For this reason, the expansion and aggregation of halacha are performed less naturally and more consciously than the analogous linguistic phenomena. In this light, let's look at the interaction of the two stages a bit more

carefully. Individual moral judgments are instinctive, but they might easily be tainted by self-interest of various sorts. I don't mean simply that people might override their moral judgments, behaving according to other considerations while possibly acknowledging that they are doing so. I mean that moral instincts themselves are often murky as a result of the interference of other considerations. The process of codifying these individual judgments thus serves multiple purposes. First, it at least partially winnows out the effects of self-interest, since self-interest will often vary from one individual to the next, while the moral instinct—to the extent that it is universal—will not. Second, it renders collective judgments explicit, so that they can be preserved for future use. Third, it grounds morality in conscious reason by identifying (or aspiring to identify) the nearest approximations of collective judgments that can be anchored in explicit rules. Thus, while individual moral judgments are primarily instinctive, collective ones are primarily rational.[8]

Although codification of halacha serves multiple purposes, it also exacts a high price. I will describe this price in considerable detail below. For now I want only to note that the traditional Jewish view, as reflected in the Talmud and in many subsequent rabbinic works, is that halacha in its "natural state" is much more like language than is often realized. Codification was regarded by the sages as a necessary evil. Apart from the Bible, all of Jewish tradition was intended to be an oral, not written, tradition, precisely in order to preserve the nuances that are lost in codification.[9]

The Talmud discusses how an open legal question would work its way up the hierarchy of the courts until being resolved by the Sanhedrin (the Supreme Court).[10] The discussion is capped by an unexpected coda. It is reported that unresolved disputes began to multiply when many students of Shammai and of Hillel failed to serve their masters properly. Given the context, we would have expected to hear that disputes multiplied when the Sanhedrin was abolished, i.e., when the mechanism for dispute resolution ceased operation. But that is not the point being made. In multiple places, the Talmud reports that codification is a necessary response to a malfunction of the

oral tradition.[11] Thus, when oral transmission breaks down due to a failure of the teacher-pupil relationship, as in the case of the students of Shammai and Hillel, the resulting need for codification transforms the natural multiplicity of coexisting views and preferences into formalized disagreements.

This is not just an arcane historical point. Codification often forces us to frame problems in terms of discrete choices precisely where such choices are least productive. This is true in three different realms: law, doctrine, and communal solidarity. Let's see how.

IV

In which register shall I commence this portion of my peroration? Or should I say: So how'm I gonna start this section? Clearly, there are advantages to both formal and casual tenors, but they can't both be right, can they? There's got to be one *correct* way to do this. I think I'll look it up in a style manual. If that doesn't settle the matter, maybe I'll consult my local Orthodox grammar expert. I sound peculiar, you say? That's because you're not accustomed to thinking about language the way many Jews think about halacha. If you became so accustomed, you'd probably find your grammar considerably more consistent—and your language instincts a lot more flabby.

Morality can also be spoken in multiple registers. If you're like most people, you probably find each of the following morally offensive: assaulting an innocent person, mopping the floor with the national flag, and cannibalism. These examples correspond to three different flavors of moral instinct[12]:

> 1. The ethics of autonomy—Individual freedom/rights violations. In these cases an action is wrong because it directly hurts another person, or infringes upon his/her rights or freedoms as an individual. To decide

if an action is wrong, you think about things like harm, rights, justice, freedom, fairness, individualism, and the importance of individual choice and liberty.

2. The ethics of community—Community/hierarchy violations. In these cases an action is wrong because a person fails to carry out his or her duties within a community, or to the social hierarchy within the community. To decide if an action is wrong, you think about things like duty, role-obligation, respect for authority, loyalty, group honor, interdependence, and the preservation of the community.

3. The ethics of divinity—Divinity/purity violations. In these cases a person disrespects the sacredness of God, or causes impurity or degradation to himself/herself, or to others. To decide if an action is wrong, you think about things like sin, the natural order of things, sanctity, and the protection of the soul or the world from degradation and spiritual defilement.[13]

Before we go any further, we must mention one important distinction between the first flavor of morality and the other two. Unlike the first flavor, the latter two depend rather overtly on membership in some community. What psychology professor Paul Rozin calls "the ethics of community" is plainly incoherent without a community. But even what he calls "the ethics of divinity" (or what we refer to in Hebrew as *mitzvot bein adam leMakom*, "between man and God") are community-dependent. The idea that there ought to be some restrictions on what can be eaten or with whom one can have sex crosses cultures, but the specifics of these restrictions vary from one community to the next: In some cultures, people don't eat pig flesh; in others, they don't eat cow flesh. In some cultures, men marry their nieces; in others, they regard it as incest. This distinction between what I call *universal* morality (the first flavor) and *community-based* morality (the other two) is crucial to the thesis that I'll be developing. But first let's take note of the ways in which the three flavors of morality are deeply intertwined. Those who don't generally respect the rights of others are ultimately unlikely to honor the more profound obligations to those with whom they share a familial or

communal bond. Those who don't honor communal obligations are unlikely to honor rules of self-restraint (typically, limitations on food and sex) that are specific to their community. And, to close the cycle, those who don't develop habits of self-restraint are unlikely to respect the rights of others.[14] In this sense, the three flavors of morality are empirically dependent.

In fact, though, the flavors of morality are not only empirically interdependent, they are also logically interdependent. What does it mean to harm another person? Suppose your neighbor is offended at the idea that you own a television and this genuinely causes him aggravation. Have you infringed upon his right as an individual to live in a television-free neighborhood? If you glibly deny that he has such a right, suppose that your neighbor likes to throw the occasional party right below your window at which human flesh is served and his whole gang of cannibal friends come over to whoop it up.[15] Has he infringed upon your right to a cannibalism-free zone?

The point is that it's not conceptually possible to define harm or rights without recourse to some version of community-based morality. If you try to escape that proposition by insisting that harm is simply subjective—e.g., whatever causes your neighbor grief is harm—you'll have to dump your TV. If you want to define harm in some very limited way that excludes fuzzy, subjective stuff, you'd better get used to cannibalism under your window.

In short, the definition of harm in what some regard as a universal moral code really depends on quite how offensive something is according to some community-based moral code. The supposedly bright line dividing universal morality and community-based morality is an optical illusion. Absent a community we can say a great deal about the first kind of morality but very little about the other kinds.

Like other moral systems, Judaism includes both universal morality and community-based morality. And, while the flavors of morality are mutually reinforcing, as we've just seen, they are also in tension. To take but the most obvious example, my loyalty to my compatriot might compete with my respect for the rights of a stranger with whom he is in conflict.[16]

Now, imagine that within some community subtle differences develop in the balance between the universal and community-dependent aspects of Judaism, with some people shifting slightly one way and others slightly the other. So long as these are nothing more than unremarked differences in dialect, they are unlikely to harden into a significant schism. Halacha in its natural state would weather such differences as all languages do.

When halacha is in an ongoing state of codification, however, no difference of emphasis goes unremarked. Like the students of Shammai and Hillel, we elevate every subtle difference to the level of a formal dispute. Those who tend to the community-dependent side feel threatened by what they perceive as the assimilationist tendencies of the universalists and downshift the latter's weight in establishing the communal consensus. Concomitantly, the universal side might be frightened by what it perceives to be the obscurantist tendencies of the other side, and tend to discount its views in determining *its own* communal consensus.

In short, codification and the dynamics it engenders might force us into a hard choice between two imperfect dialects of Judaism: one that emphasizes universality at the expense of community, and another that privileges community at the expense of universality.[17] When these are in balance, the universalist sensibilities are expressed in what political scientist James Q. Wilson calls "a life governed by conscience and cosmopolitan awareness," while commitment to community is reflected in "a life governed by honor and intimate commitment."[18] When they are not balanced, pure universalism amounts to mere self-indulgence, and the commitment to community amounts to parochial prejudice. It is very likely that neither of these unbalanced dialects will be sustainable. After all, if you are armed with two kinds of moral instincts—universal and community-based—and if these are indeed interdependent (as we have seen), you are likely to find each of the extreme dialects running counter to your instincts. And if enough people feel that way, one of two things must happen. Either the system will self-correct or it will disintegrate.

V

Don't be offended, but I'm going to stop respecting the rules of English grammar soon. You see, now that I've gotten out in the world a bit and learned all about other languages, I realize how arbitrary these rules are. I mean, maybe if I were like my more benighted ancestors and actually *believed* in the rules, it would be different, but I'm afraid I'm too sophisticated now for all that. I know it would be much easier to just fake it and keep respecting the rules of syntax and semantics as a matter of social convention—after all, I hate to hurt my parents this way—but I need to have the courage of my convictions. I must say I've been pleasantly surprised that most of my friends have been okay about my decision. I suspect some of them have their own doubts about the divine origin of the rules of conjugation of the first person singular of the perfect indicative active. Syntax forever goodbye you miss I will and also semantics furiously green dreams colorless sleep sdfge drtyg nmbcds….

It would never occur to us to ask someone to explain why he is an English speaker. It is evident that English serves a useful purpose for an English speaker. Nor does it seem incongruous for someone to speak more than one language. Each serves a purpose.

Judaism is a process like English. Yet it is generally assumed that being a "speaker" of Judaism requires explanation and that being a member of one moral community precludes being a member of others. Why should this be so? The easy answer is that moral systems make claims about the world that we call "beliefs," that these beliefs are not self-evident and thus require defense, and that different moral systems have conflicting beliefs. The easy answer is way too easy; it's not clear why any of the propositions in the previous sentence are true. Let's try to do better.

Just as one can speak a language fluently, one can "speak" a moral system fluently. Sometimes, when one speaks a moral system fluently, one can

achieve a sense of transcendence, of being part of something larger than oneself, something directed, enduring, and deeply meaningful. It is this fleeting sense that constitutes true belief. This kind of belief *follows* commitment to the moral system; it does not precede it. In fact, it may be said to be identical with a full internalization of that commitment.

Now, just as we codify Jewish law when we fail to trust our instincts, so too we codify Jewish belief when we fear for the fleetingness of the sense of transcendence that accompanies our commitment to Jewish law. Sometimes we codify it (or at least try to) in order to persuade others to stick with the system, even in the absence of that sense of transcendence. Sometimes we try to codify it for ourselves, to keep that sense of transcendence in our pockets even when we can't actually experience it. But the attempt to freeze a fleeting sense in midair inevitably cheapens that sense.

Let's try to explore how such a belief might be translated into specific claims. Think of it this way: If speaking Judaism fluently can (sometimes) give us the feeling that we are part of something uniquely directed, we seek to concretize the claim that—as a process—Judaism is itself uniquely directed. Minimally, we'd capture this in the claims that (a) the process evolved organically from some non-arbitrary point (let's call that "revelation"), (b) the process is headed toward some non-arbitrary point (let's call that "redemption"), and (c) being part of the process is uniquely rewarding (let's call that "reward and punishment").

In short, what we generally think of as principles of faith is simply a narrative that codifies the sense of meaningfulness that accompanies true commitment to the moral system.

You may think that that's too clever by half, that there is something cynical about determining proper beliefs according to the purpose they serve rather than according to the evidence for their truth. But there is nothing cynical about it. Let us digress a bit.

Think about how science develops. We observe, say, that the sun has risen in the east many times and that there are no records of it ever having failed to do so, so we propose that it is a law that the sun rises daily in

the east—past, present, and future. Our underlying assumption is that we are able to generalize from observations to laws of nature. But how can we justify this assumption? It would be circular to justify it on the grounds that we have observed that it works. While heroic attempts have been made to rescue this argument from circularity by translating it into some kind of bootstrapping argument,[19] in the end none of these attempts are convincing. Rather, the justification for our most basic methodological assumptions concerning science is entirely pragmatic. If we hope to render our lives coherent, we need to make these assumptions.

So, too, if we wish to render our *moral* lives coherent, we also need to make some assumptions. And that's exactly what we do. There is no more shame in it than in the methodological assumptions scientists make every day. Here's how William James puts it:

> [Pragmatism's] only test of probable truth is what works best in the way of leading us, what fits every part of life best and combines with the collectivity of experience's demands, nothing being omitted. If theological ideas should do this, if the notion of God, in particular, should prove to do it, how could pragmatism possibly deny God's existence? She could see no meaning in treating as 'not true' a notion that was pragmatically so successful. What other kind of truth could there be, for her, than all this agreement with concrete reality?
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> …The notion of God… however inferior it may be in clearness to those mathematical notions so current in mechanical philosophy, has at least this practical superiority over them, that it guarantees an ideal order that shall be permanently preserved. A world with a God in it to say the last word, may indeed burn up or freeze, but we then think of him as still mindful of the old ideals and sure to bring them elsewhere to fruition; so that, where he is, tragedy is only provisional and partial, and shipwreck and dissolution not the absolutely final things. This need of an eternal moral order is one of the deepest needs of our breast. And those poets, like Dante and Wordsworth, who live on the conviction of such an order, owe to that fact the extraordinary tonic and consoling power of their verse. Here then, in

> these different emotional and practical appeals, in these adjustments of our concrete attitudes of hope and expectation, and all the delicate consequences which their differences entail, lie the real meanings of materialism and spiritualism—not in hair-splitting abstractions about matter's inner essence, or about the metaphysical attributes of God. Materialism means simply the denial that the moral order is eternal, and the cutting off of ultimate hopes; spiritualism means the affirmation of an eternal moral order and the letting loose of hope.[20]

Justifying belief in pragmatic terms does not mean, however, that anything goes. In order for pragmatic assumptions to serve their purpose, they must be both substantive enough to grip the soul and abstract enough to grip the intellect. In the absence of the direct experience of transcendence in our performance of commandments, we are forced to translate rather abstract beliefs about the directedness of Judaism into considerably more concrete and specific beliefs that may be difficult to reconcile with our other beliefs about the world.

While for some, it may be enough to believe that Judaism has evolved helter-skelter from some special origins in the murky past, others might need to feel certain that every detail of Judaism such as it is today can be traced directly to an original revelation in a specific place at a specific time.[21] While for some, it may be enough that the process is limping forward in some vaguely understood, positive direction, others might need the ultimate destination of the process to be specified in terms of concrete political events and/or miraculous interventions, and signs of the imminence and inevitability of such events to be already discernible. While for some the satisfaction of leading a life bound to Torah is its own reward, others might need to be assured that the righteous reap rewards and the wicked suffer punishments in the most prosaic of ways, preferably instantly and in plain sight.

Halacha in its natural state is accompanied by directly experienced belief. But the codification of belief forces us to choose between concrete compelling beliefs and abstract plausible ones.

VI

When I started hearing my teenage daughter's friends use "friend" as a verb, I mentally filed the phenomenon in the English_is_Doomed/Kids_Nowadays folder. When the new usage started to show up in academic journals, I began to rethink my position. Some people's votes get more weight than others.' When it comes to language, the calculus of aggregating the vote is almost completely instinctive. In the world of codified halacha, not so much.

Imagine that I've broken my leg and my parents have gotten me a Gramatron electric wheelchair. Some doubts have been raised about the halachic permissibility of using the Gramatron on Shabbat,[22] so I need to decide whether or not to use it. Ordinarily, I would look around and quickly ascertain the established custom on the matter in my community. But the Gramatron is a novel item and no custom is yet evident. There are various considerations tied to the specific circumstances of the case (respect for my parents, the extent to which I can manage without the chair) and other more general considerations regarding the use of electronic appliances on Shabbat. After analyzing the matter, my analysis might nudge me in one direction or the other. But, at least in part, what I'm really trying to determine is what consensus will ultimately emerge in my community.

How do I go about anticipating such a consensus? Some of my friends and neighbors might have thought about the problem, and I can canvas them. But I will surely not give them equal weight. Some are more likely than others to be reliable representatives of the emerging consensus. Some are more learned, some are more tuned in, some are more sincere, and some are simply more influential. I'll give these more weight than the others.

Note the circularity here: I'm trying to estimate the consensus based on a sample of people who themselves are trying to estimate the consensus. (This is not very different from what is known as a "Keynesian beauty contest," in

which I try to anticipate which stocks might increase in value because others think they will.[23]) I have a fighting chance of predicting the consensus correctly if I assign weights properly. For example, I can assign a great deal of weight to a prominent rabbi. There are several reasons the rabbi's decision has a good chance of predicting the consensus. The most generous explanation is as follows: There is a right answer out there, and the consensus is likely to reach it (in accordance with Condorcet's Jury Theorem);[24] similarly, the rabbi is knowledgeable and unbiased by personal considerations, and he, too, is likely to reach the right answer. A considerably less generous explanation is that the rabbi is simply a "Schelling point."[25] That is, he is very salient in the community, so most people are likely to follow his opinion and he will thus determine the consensus, even if he is actually no more reliable than a coin toss.

Now just as I want to assign weights to my cohorts in a way that reflects their respective reliabilities, each of my neighbors wants to be assigned high weight by his cohorts. In other words, both my neighbor and I wish to have status within the community; we want our opinions to count. But for my opinions to count, I need to demonstrate at least one of two things: One is that I am hooked into the action in our community such that I reflect some emerging consensus; if you give weight to my decisions, you probably won't be left hung out to dry. The other is that I am knowledgeable and committed enough that my actions might anticipate or partly determine some emerging consensus.

The problem is that in this transaction between my neighbor and me, there is asymmetric information. I know if I'm hooked in and a reasonably sincere cooperator, but he can only estimate how hooked in I am, and he might have a very hard time determining my true commitments. Likewise, he knows his own commitments, but I do not.

Such types of asymmetric information are, of course, very common. When you buy a car, the seller knows if it's a lemon, but you don't. When you buy life insurance, you might know that you're a ticking time bomb, but the insurance company doesn't. When you apply for a job, you know

that you're brilliant and diligent and not planning to leave for the Amazon as soon as you've finished being trained at your employer's expense, but he doesn't. In cases of asymmetric information, if you're the person with the informational advantage, you can try to overcome the other guy's suspicions by signaling that you're a good sort. For example, you can spend ten years in college and graduate school. In many fields, your education is pretty irrelevant to your ability to do a good job for your employer, but the fact that you were willing to invest the money and effort to complete the course—and were able to do so successfully—sends a strong signal to a potential employer that you're minimally intelligent and diligent and that, at least when you undertook your course of education, you were sufficiently committed to the field to justify that level of investment.[26]

This kind of signaling is ubiquitous. In the animal kingdom, males signal virility and females signal fertility; each species has evolved so that the relevant signals are instinctively broadcast and instinctively responded to. (The peacock's plumes are a nice example, but big cars and high heels might hit a little closer to home.) What these signals have in common is that they are conspicuous and they are costly, in terms of either money or effort. If education were too easy, it wouldn't be a convincing signal of commitment; if sports cars were cheap, girls wouldn't be impressed.

But let's get back to the *shtetl*. My status in the community—and, in particular, the weight that others in the community assign to my decisions in making their own—depends, at least in part, on my signaling that I'm hooked in and want to do the right thing. The most convincing way to do this is to perform arbitrary and costly acts that would not be worth my while unless I were committed for the long haul, or that only somebody at the cutting edge of my community's fashion sense would know about.[27] Conveniently, and not coincidentally, halacha is chock-full of opportunities for performing apparently arbitrary and costly acts, whether wearing the right clothes, eating the right foods, or performing the right rituals at the right time. This is a good thing, since—precisely because of their conspicuous

costliness and arbitrariness—these acts tell us whom we can trust about issues that are not arbitrary at all.

The effectiveness of signals can, however, vary with time and circumstance. In the world of American Orthodox Judaism, the refusal to eat non-kosher meat or Hostess Twinkies was once regarded as sufficiently onerous, due to the dearth of alternatives, that it could serve as an effective signal. But then the easy availability of kosher meat and snacks rendered such signals ineffective, because they were insufficiently costly. As a result, the old signals were replaced by new ones that were onerous enough to serve as signals. Kosher was replaced by glatt kosher, which was replaced by *hasidishe shechita*, *yashon*, hydroponic vegetables, and so on up the ladder of costliness and strictness. The easier each of these becomes to obtain, the less useful it is.[28]

There are some interesting aspects of this kind of signaling escalation worth looking at in greater detail. One aspect concerns the splitting off of sub-communities. Once communities grow too large, there is pressure to split into more manageably sized sub-communities in which the optimal level of intimacy is maintained. Different economic and social pressures might result in generally similar sub-communities' developing different signaling mechanisms. A *shtreimel* (a fur hat worn by Hasidic men on festive occasions) might be the perfect signal in Romania or Poland, where it is costly but not too costly, because interaction with Gentiles is limited, yet it is too onerous in Hamburg, where such interaction is common. Thus, pre-war German Jews and Eastern European Jews each inhabited their own separate signaling planets. Eventually, Polish Hasidim and Romanian Hasidim split and signaled their differences with, for example, different-shaped shtreimels. Polish Hasidim then split into sub-groups such as Gerrers and Alexanders and Sochaczovers and Amshinovers, each with its own signals. And so on.

One more point: Most signals are costly only to the signaler. But clearly the signaler regards the cost incurred as justified by the benefit received, or he wouldn't bother. For example, wearing a shtreimel is harmless to the rest

of the world (except, perhaps, to sables) and apparently worthwhile to the wearer, so it's a win-win proposition. But other signals negatively impact third parties (an economist would say that there are "negative externalities"). Think about what is sometimes called "bridge-burning." A familiar example is elaborate body piercing by teenagers: A conspicuously pierced teenager limits his or her options in the adult world (since s/he is liable to be shunned by respectable types), thereby signaling that s/he is a reliable cooperator in the rebellious teenager sub-community.

For some Jews, the failure to obtain a secular education serves as a conspicuous bridge-burning signal. It is very costly to the signaler because it cuts off many options for advancement outside one's sub-community and hence signals long-term cooperation within the community. But, unlike wearing a shtreimel, it is also socially costly, because it imposes a greater burden on those outside the community, who are more likely to need to subsidize the signaler's income.

Population growth and material success lead to a greater multiplicity of sub-communities, each with its own costly signals. Ease of assimilation gives rise to the need for more socially costly bridge-burning signals among those who do not wish to assimilate. And, in some communities, the plethora of arbitrary signals might overwhelm other norms more tightly tied to moral instincts.

VII

The formalized Judaism we have described actually has a linguistic analog. Practicing formalized Judaism is something like speaking a second language. Consider how some of us speak a recently acquired second language. First, we grope for rules in order to decide how to frame a sentence. That's why we tend to speak a second language a bit less

idiomatically than a first language. In addition, a second language is often not spoken fluently, but rather self-consciously; we reflect on the fact of our speaking the language as we speak it and maybe even ask ourselves whether it's worth the effort. Finally, we sometimes need to make conscious judgments about whose linguistic practices we may trust so that we can mimic them.

It may be that we "speak" Judaism like a second language because, in many cases, that is exactly what it is. In the absence of an economically and politically self-sufficient society committed to Jewish social norms, Jews must inevitably speak Judaism like a second language. Since the destruction of the Second Temple, no such society has existed. It is thus no surprise that Judaism has grown increasingly formalized ever since.[29]

A moral system both creates and responds to a moral environment. When a good part of that environment is immune to the effects of the moral system, members of the moral community are driven to self-consciousness. Jews in the diaspora are dependent on others, and are vulnerable to their ill will. The public square in which they participate is shaped largely by the moral sensibilities (and depredations) of others. Even in ostensibly congenial countries, Jews who wish to get ahead are under pressure to acculturate and assimilate.[30] Finally, whole areas of life, from agriculture to defense, have often been off-limits to Jews (or at least, owing to circumstance, not of natural interest to them). All these conditions serve as a constant reminder to Jews of the limitations—if not outright incongruity—of their own moral system. It makes adherence to that system a consciously chosen and consciously idiosyncratic commitment, rather than a natural and fluent way of life.

Preserving a second language requires considerable effort. Those committed to preserving Judaism must set up barriers—including signaling mechanisms—the heights of which are dependent on the environment in which Judaism is being preserved. Changes in this environment can trigger a dynamic within Judaism that can send the entire process hurtling toward some new, possibly bad realities. Let's see why.

We noted above that Jewish law is a system in which the dynamics (rules of aggregation and formalization) are endogenous to the system. Sometimes this works out fine. Consider, for example, a community that is ideologically and geographically close-knit and in which opportunities for assimilation are limited. If circumstances are ideal, the degree of trust among members of such a community will be high. A reasonable amount of signaling is thus adequate for maintaining that trust. The weight that members assign each other in attempting to anticipate consensus is fairly uniformly distributed, so that, by definition, most people's instincts are in sync with the consensus. The standard narrative will naturally evolve toward some version that is appropriate for the sensibilities of the community. We call this state of affairs a good equilibrium. *The measure of Judaism's success at any given time is the extent to which it approaches a good equilibrium.*

However, even subtle social changes could be sufficient to upset this delicate balance. Minor deviations in common practice can lead to changes in the aggregation and formalization mechanisms, which, in turn, might exacerbate the deviations. This can lead to a vicious spiral. When opportunities for defection from some Jewish community increase, social trust within that community is likely to diminish, even if only slightly at first. This lack of social trust can have many consequences. It might lead to skewed assignment of weights in determining consensus; those who are suspicious or afraid of being thought disloyal will flee to safety and grant especially high weight to prominent rabbis (and low weight to the unwashed masses). For the same reason, lack of social trust creates a need for more costly signaling. Hence, skewed weighting can lead to a formal consensus that is quite remote from the actual instincts of many community members, running the risk of disaffection. Similarly, the need for more costly signaling diminishes the incentive to stay in the community. Both these processes lead to increased defection, which in turn further diminishes social trust. Each step in this cycle results in diminished trust and, accordingly, increased formalization and extremeness, which in turn accelerates communal disintegration.

VIII

Let's now consider the crucial change in the environment in which Judaism has functioned. For most of the Jews' sojourn in the diaspora, the first language with which Judaism had to co-exist as a second language was that of a community with its own competing narrative: Paganism, Christianity, Islam, etc., each of varying degrees of intensity and tolerance, depending on the time and place. In modern times, the nature of the dominant competing narrative has changed.

If you're like many people I know, you live in at least two different worlds. One of them is your religious/moral community (or some equivalent); the other is the company or institution where you work. And you probably relate to these in very different ways. Your moral community is more central to your identity; it is one in which you are more emotionally invested and for which you are willing to make greater sacrifices. Your business relationships, by contrast, are essentially instrumental. They are characterized by a self-interest that happens to coincide with that of others. When there is no such overlap, you're unlikely to sacrifice your interests for those of the company.

Sociologists Ferdinand Tonnies and Émile Durkheim called these two kinds of associations *Gemeinschaft* (community) and *Gesellschaft* (society), respectively.[31] The communities I discussed above are forms of Gemeinschaft. Tonnies and Durkheim note that since early modern times, the bonds of community have weakened throughout the Western world. Industrialization and concomitant urbanization have led to the prevalence of corporate societies at the expense of organic communities.

Let's contemplate what happens when moral communities disintegrate and many people are not affiliated with any such body. If a person doesn't identify with *any* community, he will have a far greater appreciation of what we called the ethics of autonomy—that is, fairness—than of the ethics

of community and the ethics of divinity, both of which are community-dependent. He will not comprehend the meaning of respect for the traditions and authorities of a specific community in the same way that members of that community do, or even in the same way that members of other communities do. At best, he might wish to avoid offending others whose traditions he finds benign, even if pointless. He will not experience taboos on certain foods or sexual practices the way members of a community do; he'll experience them only as preferences for alternatives, devoid of a moral dimension. The specific taboos of any given community would seem to him arbitrary. Gluttony and debauchery might strike him as unaesthetic or vulgar, but so long as someone engaging in them is not harming anyone else, he'll regard such a person as acting "within his rights."[32] The compromises often made between special loyalty to other community members and respect for the universal rights of all people will strike him as insufficiently egalitarian. The narrative of any community will appear to him delusional, because he'll interpret it as a set of claims about the world rather than as an expression of the experience of being a member of a certain kind of community.

One might think, therefore, that with the disintegration of communities, Jews were no longer faced with a competing narrative, but rather with a widespread lack of narrative. This is not quite true.

Durkheim used the term "anomie" to refer to the dwindling of identification with moral systems that arose as Gemeinschaft gave way to Gesellschaft. He regarded anomie as a kind of pathology. Following Durkheim, Jonathan Haidt points out that "the historical and cross-cultural prevalence of Gemeinschaft suggests that this form of association is in some sense the human default: It is the form of social structure in which human evolution took place, and the context in which intuitive ethics became a part of the human mind."[33] Precisely because it is unnatural, the absence of moral affiliation often proves unstable. Indeed, the language instinct is so strong that groups of people without language will develop a language. If you drop a group of people with no common tongue on a tropical island,

they will develop a simplified pidgin language with very primitive grammatical rules. Children raised on that pidgin will develop it into a full-blown creole language with sophisticated grammar.[34] Similarly, some moral unaffiliateds will develop a creole moral system, which I will call *universalism*.

The moral systems I described above establish a code, ideally based upon the full range of moral instincts, and then articulate a narrative that gives it meaning. Some systems, which I'll call *ideologies*, begin with a narrative and then develop a corresponding code. Because they serve a predetermined narrative, such codes do not always grow organically from the full range of moral instincts, but sometimes from their suppression, as the narrative dictates. In this sense, universalism is an ideology. Let's consider its foundational narrative.

We saw earlier that when the Jewish narrative is made explicit, it consists of three main threads: a unique origin, reward for adherents, and an orientation toward redemption. Actually, most religious narratives can be made to neatly fit that paradigm, and universalism is no exception.

The first article of universalist faith is that all instantiations of the ethics of community and divinity are arbitrary social constructs, but that the ethics of fairness/justice/equality are objective, self-evident, and real. Members of the universalist faith are moral absolutists with regard to the obligation to respect others' rights, but moral relativists with regard to good and evil—insofar as good and evil can't be translated into the language of rights. Once the unaffiliated develops a relativist attitude toward the kinds of morality that require a community, whatever morality is left expands to fill the vacuum. From there, it is but a short step to the conclusion that "rights" are woven into the very fabric of the universe.

The second article of faith is that all narratives of moral communities are false and lead to ruin. (This narrative itself is, of course, exempt; the non-God of the universalist faith is a jealous one.) In fact, there is a whole theology, called critical studies, the sole object of which is to systematically demonstrate how every other narrative is designed for the sole purpose of subjugating victims to the whims of powerful insiders. As political

thinker Hugh Heclo puts it, "all cultural inheritances are something to see through, go behind, and get over."[35] It is instructive to compare this article of faith to that of traditional religions, which also regard other religions as false. It might be said that the faith of the universalists and the faith of the affiliated are very similar: The affiliated think that all moral communities but one are misguided, and the universalists disagree only about that one. This, however, misses the point. I might regard the belief system of another community as bizarre, but I understand that I am viewing that belief system from the outside, while a member of the other community is experiencing it from the inside; I understand this because I experience my own belief system from the inside. I might view the specifics of another community's code as arbitrary, but I understand that the commitment of a member of that community to that code may nevertheless be authentic, just like my own authentic commitment to a code that I realize seems arbitrary to outsiders. But to one who is blind to the experience of membership in a moral community, all belief and all commitment is *necessarily* inauthentic and manipulative. The fundamental tenet of critical theory—that all moral systems exist for the sole purpose of screwing somebody—is an *a priori* belief. The rest is just a matter of figuring out who is screwing whom, and how.

The third article of faith is that we are on the path toward inevitable redemption in which the whole world will recognize that all particular moral systems are false and will accept the true faith of universalism. As someone once put it: "Imagine there's no heaven, it's easy if you try. No hell below us, above us only sky. Imagine all the people living for today. Imagine there's no countries, it isn't hard to do. Nothing to kill or die for and no religion, too. Imagine all the people living life in peace."[36] You might say he's a dreamer, but he's not the only one.

Far from it. The spread of universalist ideology (and variations on the same theme that preceded it) within Jewish communities has precipitated just the sort of reactions and counter-reactions that have led to the disequilibrium I sketched above.[37] If universalists have emphasized the ethics

of individual autonomy to the exclusion of the other two flavors of ethics, many have responded by prioritizing the ethics of community, while others have prioritized the ethics of divinity.

Faced with an implacably hostile environment, some of those strongly committed to Judaism choose isolation. As one keen observer described it, "[T]he complete segregation of the *ben Torah* from the masses as such and his retreat into a unique, almost hermit-like fellowship, closed his mind to the true challenge of halacha as a dynamic force and practical discipline. The tragic results are now discernible in every sector of Jewish life. The *talmid hacham* has attained a complete withdrawal from the people into a sectarian society with all its idiosyncrasies and eccentricities."[38]

The need for the faithful to signal loyalty to ever-narrower splinter groups has led to increasing emphasis on precisely those aspects of tradition that are obscure and unnatural, while the lack of opportunity for constructive sacrifice has given rise to socially costly signaling. Likewise, the need for the faithful to affirm an articulated narrative has become much greater, just as the specificity of the narrative has become more pronounced. Affirming the belief in the genius of the sages, the powers of the righteous, and the inevitable downfall of the wicked has become a litmus test of loyalty. Increasing monasticism and obscurantism have led to increasing defection. Each of these reactions has been triggered and exacerbated by the others and together they have constituted a vicious cycle, driving the community further and further away from a good equilibrium.

IX

Will the existence of a Jewish state ultimately change this dynamic?

The promise of a Jewish state is that of self-sufficiency. The ability to create a public square based on Jewish sensibility, the lack of pressure to

conform to others' expectations, and the opportunity—in fact, the necessity—of participating in all aspects of economy and governance would, it might be argued, eventually bring about a more natural and instinctive participation in the Jewish moral system. The Jewish tradition could be applied to whole areas of activity that had been off-limits for centuries. A state would provide constructive outlets for creativity informed by Judaism. The ingathering of exiles would focus attention on the common, more foundational, elements of Jewish tradition, rather than on the random details of the particular codes of each sub-sub-community. Jews could signal loyalty to the community and to tradition by making socially constructive sacrifices on behalf of the general welfare. And the main elements of the narrative—the rewarding of the Jews' loyalty to tradition by their return to former glories—would be affirmed before the eyes of the whole world.

In short, if Judaism was spoken in the diaspora as a second language, dare we hope that in a Jewish state it might regain its status as a first language?

There is room, I believe, for optimism, but only after we overcome certain misconceptions regarding how the state might catalyze such a healing process. Many of those who worked and toiled for the establishment of a Jewish state thought it could *replace* Jewish communities. The state, not the community, would become the locus of Jewish identity; the laws of the state would replace the norms of the community; the state would assume the central role in the Jewish narrative; citizenship in the state would replace membership in the community.

This view, however, confuses peoplehood with citizenship. The two are not compatible. As philosopher Roger Scruton puts it, "Citizenship is precisely not a form of brotherhood, of the kind that follows from a shared act of heartfelt submission: It is a relation among strangers, a collective apartness, in which fulfillment and meaning are confined to the private sphere."[39] In Durkheim's terms, the state is a kind of Gesellschaft, not a Gemeinschaft.

Judaism will never become a first language as long as we insist on burdening the state with roles in moral affairs that it is ill-equipped to carry out. On the contrary, the way to bring about the desired progress is to increase liberty, including liberty from the state, thereby allowing Judaism to regenerate organically. It is neither possible nor necessary for the state to instantly establish equilibrium out of disequilibrium; rather, it would be sufficient if it were to create the conditions for a return of Judaism toward equilibrium, by providing Jews with liberty, with an environment that reflects the values of a preponderantly Jewish population, and with opportunities to express the Jewish tradition creatively in many areas of life. All that is needed is to reorient the dynamics sufficiently such that the Jews begin to move in the right direction, however slowly and fitfully. The healing process could then take place within the Jewish community, a community that retains an identity distinct from that of the state. In short, a Jewish state could promise the Jews independence and security—in a word, freedom—and freedom would allow Judaism to flourish.

No matter how slight, this shift to common ground is crucial. We have already seen how slightly increasing differences between subcommunities within a moral system can trigger a negative spiral. As ideological differences between them grow more and more acute, such sub-groups engage in signaling wars that drive them even further apart. Similarly, even slight decreases in variance can trigger a virtuous cycle in which increasing trust among groups leads to broader consensus and a growing willingness to rely on moral instincts. The consensus that slowly emerges from such reliance on moral instincts (constrained as they are by prior consensus) in turn serves as a more congenial basis for the exercise of moral instincts.

By forcing interaction and the pursuit of common goals among subcommunities, Israel can catalyze a slow process of convergence.

At the risk of focusing too narrowly, let me be a bit more precise about the kind of common ground we might hope to see, specifically with regard

to halacha. What I think I see developing in Israel (and I have no statistics to back me up, only my own lying eyes) is a tendency toward halachic "normalcy." In the diaspora, many aspects of real life—defense, agriculture, art, music, literature, etc.—were inseparable from a general culture that Jews sought to resist. Halacha, to some extent, helped separate Jews from such real-life concerns and, in some cases, to create a virtual world into which they could escape. Halacha was most effective at achieving that objective—and, no less important, at facilitating the signaling of loyalty to that objective—precisely when it was at its most incongruous. Under those circumstances, attempts to smooth the rough edges of halacha, to make it more "normal," were correctly perceived as steps toward acculturation and, ultimately, assimilation.

The desire for normalcy in halacha that I see in Israel is of an altogether different type. It encompasses attempts to develop an authentic Jewish aesthetic that grows organically from the Jewish tradition and is not derivative or imitative. It is the desire to revive neglected commandments, such as that of *techelet*, in a manner that restores not only the technical aspects of the mitzva but also its underlying historical purpose and symbolism.[40] It is the desire to restore Shabbat as a communal, not merely individual, day of rest that captures its original social purposes. It is the desire to revive agricultural commandments tied to the Land of Israel in a manner that makes them meaningful. Perhaps most significantly, it is the desire for Jewish sensibilities to transcend the boundaries of a particular sub-community and to inform Israeli culture as a whole.[41] In short, it is the desire for Judaism to serve as Israel's default culture rather than a counter-culture, as a first language rather than a second language.

I concede that all of the above are merely inchoate desires, certainly not achievements. To the extent that they are even reasonably well-defined, some are poorly conceived and most remain far from being realized. What is important about them is simply that they are authentic desires being expressed by increasing numbers of people across the traditional social divisions in Israel. In fact, while the achievements have thus far been very modest, it

is not hard to diagnose where success is most marked and where it is least so. In areas where change can easily grow from the bottom-up—art, music, fashion, etc.—interesting developments have been most evident. Where communal coordination is required—a community Shabbat, for example—achievements have been more modest, but still measurable. Where national coordination is necessary—meaningful observance of the *shmita* year[42] or a rational conversion policy, for example—there has been no evident progress at all. This is as it must be. For changes to be meaningful and lasting, they must evolve organically from below, that is, via the slow development of some consensus rooted in the instinctive sensibilities of those committed to Judaism as an organic moral system. The more high-level the necessary mechanism of coordination, the longer it takes for those sensibilities to percolate. There have recently been some cogent arguments for the urgent implementation of certain halachic solutions by the state and its rabbinic representatives.[43] It is true that, to the extent that the state is already enmeshed in such matters, there is an urgent need for more effective state policy. But we should not imagine that more efficiency on the part of the state will have an iota of effect on how the relevant aspects of Judaism are understood or experienced.

Does the fact that there is some commonality of interest regarding the future of Judaism necessarily imply that we are at the beginning of a virtuous cycle directed toward some favorable equilibrium? That will depend on a number of things.

First, the state must play a very limited role in the process.[44]

Second, progress must be slow. Ignorance of Judaism is still widespread in Israel and universalist ideology is, unfortunately, ubiquitous. Jewishly informed and committed moral instincts are still in limited supply. The need for codified halacha to ensure continuity and prevent moral drift has not abated. The increase of social trust, the resulting diminution of the need for destructive signaling, and the turning of attention to matters of central moral concern all evolve very slowly. Enthusiastic attempts to accelerate this process will only do harm. Codification mechanisms—books, experts,

institutions, and fixers—serve as a check on the drift or degradation that sometimes characterizes the moral sensibilities of the masses. A virtuous cycle occurs only when both the masses and the codifiers properly calibrate the degree to which the emerging consensus needs to be written or otherwise formalized.

Finally, although my premise has been that diminishing gaps between sub-communities increases trust, we should recall that sometimes it also increases anxiety, precisely because greater closeness evokes legitimate fears of bastardization. It is neither leniency nor stringency nor even deviance that is threatening to those closest to us, so much as our insistence that every deviance be couched in some grandiose theory that justifies it. On such occasions, we would do well to remember the virtues of hypocrisy.

When we have achieved fluency in our language and the muse strikes, we are on occasion moved to poetry or song. And when we sing, we sometimes take liberties with the rules of grammar. We don't deny for a moment the validity or importance of these rules.

And yet, we sing.

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Notes

1. Geoffrey Chaucer, "The Knight's Tale," *The Canterbury Tales*, lines 859-863.

2. Eminem, "Infinite" (1996).

3. Steven Pinker, *The Language Instinct: How the Mind Creates Language* (New York: William Morrow, 1994).

4. The term "halacha" is often understood in contemporary discourse to refer to codified Jewish law or, even more narrowly, to some specific version of such codified law. I refer here to the Jewish moral tradition in the most general sense.

5. Some are tempted to define halacha based on the contents of a particular book, but even they must concede that it is only the broad acceptance of the book's authority that endows it with canonical status. Thus, by all accounts, community standards, not written texts, are determinative.

6. For example, an early talmudic dictum establishes that a person can plant near the property line between his field and his neighbor's field, provided that he leaves enough room for his harvesting equipment to pass through without trespassing on his neighbor's ground. Later interpreters, however, assert that this rule applies only when the two fields are separated by rock formations that prevent root growth from damaging the neighbor's field; otherwise, proximity to the property line must take this potential damage into account (Bava Batra 18a). The Talmud is replete with thousands of such examples.

7. See Marc D. Hauser, *Moral Minds: How Nature Designed Our Universal Sense of Right and Wrong* (New York: HarperCollins, 2006).

8. I'm largely in sympathy here with the position of David Hume, who argues, in *An Enquiry Concerning the Principles of Morals*, that our knowledge of morality is entirely intuitive. I believe that members of a community collectively translate these common intuitions into ideas with a rational basis, and that these ideas form the cultural foundation that is incorporated into the moral intuitions of community members. In this sense, moral knowledge has a rational basis as well. See Jonathan Haidt, "The Emotional Dog and Its Rational Tail: A Social Intuitionistic Approach to Moral Judgment," *Psychological Review* 108:4 (October 2001), pp. 814-834.

9. See, for example, Gittin 60b: "These [the words of the Pentateuch] you may write, but you may not write laws"; or Exodus Rabba 47:1: "Only the Bible will I give them in writing; but the Mishna, the Talmud, and the Aggada, I will give them orally, so that when the nations enslave them, they will remain distinct from them."

10. Sanhedrin 88b.

11. "They [laws transmitted orally] were forgotten and subsequently re-established." See Temurah 16a; Yoma 80a; Sukka 20a.

12. A comment about dividing stuff into flavors: These things are pretty arbitrary. There are various methods of deciding whether two flavors of morality should be regarded as variations of the same flavor or as two distinct flavors, such as whether they share a single evolutionary explanation, whether the same people worry about them, etc. But in the end, it's really a matter of expository convenience. Some list four moral flavors. See, for example, James Q. Wilson, *The Moral Sense* (New York: Free Press, 1997). Others list five. See, for example, Jonathan Haidt and Craig Joseph, "The Moral Mind: How Five Sets of Innate Moral Intuitions Guide the Development of Many Culture-Specific Virtues, and Perhaps Even Modules," in Peter Carruthers, Stephen Laurence, and Stephen P. Stich, eds., *The Innate Mind,* vol. 3 (New York: Oxford, 2007), pp. 367-391. I find it most convenient to list three, as in, for example, Richard A. Shweder, Nancy C. Much, Manamohan Mahapatra, and Lawrence Park, "The 'Big Three' of Morality (Autonomy, Community, Divinity) and the 'Big Three' Explanations of Suffering," in Allan Brandt and Paul Rozin, eds., *Morality and Health* (New York: Routledge, 1997), pp. 119-169.

13. These definitions are taken verbatim from Paul Rozin, Laura Lowery, Sumio Imada, and Jonathan Haidt, "The CAD Triad Hypothesis: A Mapping Between Three Moral Emotions (Contempt, Anger, Disgust) and Three Moral Codes (Community, Autonomy, Divinity)," *Journal of Personality and Social Psychology* 76:4 (1999), pp. 574-586.

14. James Q. Wilson puts it this way: "We cannot say that wolfing down your food or answering the door unclothed are in themselves immoral actions. But we can say that the repetition of such acts will persuade others that when moral issues are front and center you do not have the state of character to restrain you from preferring your own immediate advantage over the rightful and more distant interest of others." Wilson, *Moral Sense*, pp. 84-85.

15. Let's stipulate that the eatee has died of natural causes and has willed his body for this purpose.

16. There is nothing paradoxical about the fact that the flavors of morality are at once mutually reinforcing and in tension. Think of a multiplicity of cafés in a gentrifying neighborhood; they are at once mutually reinforcing, by making the neighborhood more attractive, and in tension, by competing for patrons.

17. This is not to say that compromises are not attainable. In fact, individual disputes are often resolved via compromise. My point is only that a multiplicity of conscious dichotomous choices is likely, in the long run, to lead to bifurcation into distinct sub-communities.

18. Wilson, *Moral Sense*, p. 246.

19. Max Black, "Self-Supporting Inductive Arguments," in Richard Swinburne, ed., *The Justification of Induction* (Oxford: Oxford, 1974), pp. 127-134.

20. William James, *Pragmatism: A New Name for Some Old Ways of Thinking* (Indianapolis: Hackett, 1980), pp. 38-39, 50-51.

21. "Even what a pupil asks his teacher, God told Moses at that time [the revelation at Sinai]." See Exodus Rabba 47:1; Ecclesiastes Rabba 1:29; Leviticus Rabba 22:1; Jerusalem Pe'ah 2:4; Jerusalem Megilla 4:1; Jerusalem Hagiga 1:8.

22. The direct activation of electric devices on Shabbat is generally regarded as halachically forbidden, though certain mechanisms for indirect activation (*grama*) are fodder for controversy.

23. John Maynard Keynes, *The General Theory of Employment, Interest, and Money* (London: Macmillan, 1936), ch. 12.

24. In a classic paper published in French in 1785, the Marquis de Condorcet proved analytically that a large committee voting on a true/false question (where the decision is according to the majority) is very likely to reach the correct answer if each member has a (possibly only slightly) better than 50 percent chance of getting it right.

25. Thomas C. Schelling, *The Strategy of Conflict* (Cambridge: Harvard, 1960).

26. See Michael Spence, "Job Market Signaling," *Quarterly Journal of Economics* 87:3 (August 1973), pp. 355-374.

27. Of course, the importance of signaling in the evolution of social norms is not unique to Judaism; it is universal. See Eric A. Posner, *Law and Social Norms* (Cambridge: Harvard, 2001).

28. See Eli Berman, "Sect, Subsidy, and Sacrifice: An Economist's View of Ultra-Orthodox Jews," *Quarterly Journal of Economics* 115:3 (August 2000), pp. 905-953.

29. "Since the destruction of the Temple, God is confined to the four cubits of halacha" (Brachot 8a).

30. See Barry Rubin, *Assimilation and Its Discontents* (New York: Crown, 1995).

31. Ferdinand Tonnies, *Community and Society*, trans. Charles P. Loomis (New York: Harper & Row, 1963).

32. See Edward Skidelsky, "The Return of Goodness," *Prospect* 150 (September 2008).

33. Jonathan Haidt and Jesse Graham, "Planet of the Durkheimians, Where Community, Authority, and Sacredness are Foundations of Morality," In John T. Jost, Aaron C. Kay, and Hulda Thorisdottir, eds., *Social and Psychological Bases of Ideology and System Justification* (New York: Oxford, 2009), pp. 371-401.

34. For a real-life example of this phenomenon on Hawaiian sugar plantations in the early twentieth century, see Derek Bickerton, *Bastard Tongues: A Trailblazing Linguist Finds Clues to Our Common Humanity in the World's Lowliest Languages* (New York: Hill & Wang, 2008).

35. Hugh Heclo, *On Thinking Institutionally* (Boulder, Colo.: Paradigm, 2008), p. 94.

36. John Lennon, "Imagine." For an engaging riff on Judaism and universalism that uses the lyrics of Lennon's "Imagine" as a point of departure, see Ze'ev Maghen, *John Lennon and the Jews* (New York: Bottom Books, 2011).

37. See Rubin, *Assimilation*. For some egregious recent examples, see Daniel Gordis, "Are Young Rabbis Turning on Israel?" *Commentary* (June 2011).

38. Letter from Rabbi Joseph B. Soloveitchik to Dr. Samuel Belkin, April 1955, in Joseph B. Soloveitchik, *Community, Covenant, and Commitment: Selected Letters and Communications* (Jersey City, N.J.: Ktav, 2005), p. 96.

39. Roger Scruton, "Forgiveness and Irony," *City Journal* 19:1 (Winter 2009).

40. See the top of the copyright page of this journal.

41. See, for example, Yair Sheleg, *From Old Hebrew to New Jew: The Jewish Renaissance in Israeli Society* (Jerusalem: Israel Democracy Institute, 2010) [Hebrew]. It must be noted, however, that some of the phenomena described in this work actually parallel earlier diasporic attempts at acculturation and assimilation adapted to the Israeli context, while others are little more than veiled attempts by committed universalists to missionize the Jews. It is not to these phenomena that I refer here.

42. According to halacha, every seventh year is a sabbatical year, in which the land is to lie fallow and a variety of restrictions on the use of agricultural produce are in effect. The means by which the sabbatical laws are currently observed—or, more typically, circumvented—generally fail to capture their intended spirit.

43. See Evelyn Gordon and Hadassah Levy, "Halacha's Moment of Truth," Azure 43 (Winter 2011), pp. 58-96.

44 . Identifying the very limited roles that a Jewish state can successfully assume in promoting progress toward equilibrium in Judaism is a substantial topic on which I am currently completing a monograph.