

# THOSE WHO ACT OUT OF LOVE: REPENTANCE IN THE LAW AND ETHICS OF KANT AND ROSENZWEIG

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## **Abstract**

This paper uses repentance as a lens through which to view the relationship between Jewish Law and ethics in the respective philosophies of Immanuel Kant and Franz Rosenzweig. Kant's conception of a rigid, absolute standard of normative ethics makes repentance, and metaphysical redemption in a more general sense, problematic and unnatural. Rosenzweig's views on religious law, which under the necessary (or so thought) connection between commandment and normativity, open a supererogatory space in religious law that enables performance as an open-ended expression of an internal force of love, in contradistinction to wholly heteronomous obedience. Thus Jewish Law proves to be, counterintuitively, more "autonomous" than Kant's religion of reason.

**Keywords:** autonomy, atonement, commandment, defiance, ethics, free will, grace, heteronomy, Kant, law, love, morality, normativity, religion, repentance, ritual, Rosenzweig, sin.

## **Introduction**

*Those who are offended but do not offend, hear their disgrace without rejoinder, who act out of love and rejoice in travails, of them it is written (Judges 5): "They who love*

*Him are as the rising sun in its might!*" (B. Talmud, Shabbat 88b)

The interwar movement of the "New Thinking" in which Franz Rosenzweig figured prominently, aimed to reform contemporary philosophical and theological thought by correcting features of the dominant German idealist tradition that had become restricting. The "New Thinking" called for a reassessment of the human relationship to time and abstraction following in Nietzsche's footsteps, as well as a new exploration of the categories of law and ethics, autonomy and heteronomy, with all attendant value judgments as formulated by Immanuel Kant a century and a half earlier. The ethical system of religion that Kant had outlined in his *Religion within the Boundaries of Mere Reason* proved an ideal point of departure from which Jewish thinkers such as Rosenzweig could launch their divergent viewpoints, both because of its overt hostility toward Jewish ritual and because it was regarded as a quintessential expression of the modern philosophical theology against which such thinkers sought to push back. Rosenzweig's theology is thus largely developed in critical response to Kant.

The differences between Kant and Rosenzweig's religious frameworks are thrown into sharp relief when one analyzes their considered views on the nature and possibility of repentance. Kant's religious philosophy operated on the field of a fully defined and unyielding system of normative ethics. Consequently, the notion of *atonement*—that one could conceivably undo a wrong perpetrated in history, and thus, undeserving, receive divine favour or reward—is at its heart difficult for Kant. His long and belaboured discussion of the mechanism and reliability of atonement in *Religion within the Boundaries of Mere Reason* represents for him an attempt to come to terms with a fraught topic. To the extent that he admits the possibility of any sort of unwarranted divine assistance, this concession exposes difficulties and logical inconsistencies in his thought that generations of interpreters alternately condemned or struggled to defend.

Kant's idea of morality as autonomous positive legislation is also caught up with his critique of religious

(including Jewish) law, which he attacks as a competing, heteronomous form of normativity lacking ethical content. Rosenzweig's radical departure from the Kantian negative evaluation of exclusively heteronomous, positivistic religious law, however, creates a space for religiously significant action—even ethical action—that goes above and beyond Kant's clearly delineated limited expectations. The subversion of the unyielding and infinitely high normative standard so intrinsic to the Kantian paradigm allows for a conception of repentance that is not founded on the necessity of erasing a contaminated past but on entering into a timeless redemptive process. The opening Rosenzweig creates for action—performance not oriented toward a Kantian benchmark of normative immaculacy—allows for atonement, the ultimate affirmation of a life marred by a history of sin. In the final analysis, Rosenzweig's redemptive autonomy is loyal to traditional Jewish conceptions of divine reward and punishment and capable of illuminating Kant's own conception of autonomy.

## **Kant's Law**

In *Religion within the Boundaries of Mere Reason* Kant clearly hierarchizes religious life and normative ethics. Religion, for Kant, exists as a handmaiden to ethical striving, which is itself the only standard by which human beings can be judged. Kant makes the priority of morality to religion absolutely clear in the opening sentences of the preface, where he declares that morality, insofar as it “is based on the conception of the human being as one who is free” and “binds himself through reason to unconditional laws” has no need of “the idea of another being above him in order that he recognize his duty.”<sup>1</sup> Religion, rather than providing a grounding for the moral system Kant envisions, is a “necessary consequence” thereof, providing an “object

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<sup>1</sup> Kant, *Religion within the Boundaries of Mere Reason*, trans. Allen Wood and George di Giovanni (Cambridge: Cambridge University Press, 1998), 33.

that unites within itself the formal condition” for the “ends” that morality envisions independently.<sup>2</sup> Religion, because it satisfies this “natural need” of the moral mind, is useful to morality as an institution devoted solely to conditioning humanity to its ends.<sup>3</sup> This is why Kant can speak of Christianity as a “*moral religion*, i.e. the religion of *good life-conduct*.”<sup>4</sup> Religion is not merely in accordance with morality, but kneels before it.

The morality in whose service religion is bound *must* be independent of all external influence, because human autonomy and free will form the bedrock of Kant’s ethics. Kant most famously formulates this commitment in the *Grounding for the Metaphysics of Morals*, where he argues that the minute that any motivation besides the will’s “own legislation of universal laws,” i.e. the categorical moral imperative enjoined by pure reason, enters into the decision-maker’s consideration, the morality of the decision is

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<sup>2</sup> *Ibid.* Although in the *Critique of Practical Reason* Kant postulates the existence of God and immortality of the soul as necessary “incentives” for the realization of morality, he is careful to qualify there that he does “not mean by this that it is necessary to assume the existence of God as a basis of all obligation as such (for this basis rests, as has been proved sufficiently, solely on the autonomy of reason itself)” *Critique of Practical Reason*, trans. Werner S. Pluhar (Indianapolis: Hackett, 2002), 157; 159. Nevertheless, many interpreters of Kant’s ethics stress the importance of God and immortality in Kantian morality, and this bears mentioning. See, for example, Allen Wood’s *Kant’s Moral Religion* (Ithaca: Cornell University Press, 1970) and John Hare’s *The Moral Gap* (New York: Oxford University Press, 1996), as well as Paul Guyer’s essay “From a Practical Point of View: Kant’s Conception of a Postulate of Pure Practical Reason,” in *Kant on Freedom, Law, and Happiness*, ed. Paul Guyer (Cambridge: Cambridge University Press, 2000), 333–371, in which he refers to God’s existence as a “ground” of “rationality of conduct in accordance with the moral law” at least from a “practical” standpoint (355). My thanks to the referee of this paper for pointing out the relevance of this discussion in the *Second Critique* and the surrounding debate.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*, 71.

compromised.<sup>5</sup> Morality therefore can only be judged from a decision's motivation rather than from its content. The struggle of morality is always then a struggle of autonomy against heteronomy—only the free decision to follow the dictates of rational ethics can be considered moral, and heteronomous legislation and incentives are a pollution of the individual's moral motive, or maxim. The human being is “evil only because he reverses the moral order of his incentives,” placing heteronomous incentives over the moral law.<sup>6</sup> Kant thus titles the section of the *Grounding* cited above “Heteronomy of the Will As the Source of All Spurious Principles of Morality.”<sup>7</sup>

But, as will be shown, Kant's ethics of autonomy unwittingly puts in peril our ability to judge any life favourably. Because morality is judged according to right and wrong motivations, there is a clear decision procedure delineating moral choices in the Kantian worldview. Consequently, Kant is able to establish a simple standard against which moral perfection can be judged: the correct motivation in decision for the sum total of all decisions ever

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<sup>5</sup> Kant, *Grounding for the Metaphysics of Morals*, trans. James Ellington (Indianapolis: Hackett, 1981), 45. Richard Henson, contests this point, claiming that Kant might be said to judge an overdetermined action as favorably as one that stems from moral imperatives alone. See Richard Henson “What Kant Might Have Said: Moral Worth and the Overdetermination of Dutiful Action” in *The Philosophical Review* 88, no. 1 (1979): 39–54. This discussion and Barbara Herman's 1981 critique in the same journal are good points of departure for analysis of the topic. See her “On the Value of Acting from the Motive of Duty” in *The Philosophical Review* 90, no. 3 (1981): 359–382. The point in any event remains that the morality of an action is determined for Kant exclusively by its autonomous and disinterested ethical motivations; all other motives are at best neutral. And even Henson would agree that to the extent that heteronomous interests detract from the effects of the moral maxim, Kant would judge the action in a harsher light. I am indebted to the referee for pointing out this strain in the secondary literature.

<sup>6</sup> Kant, *Religion*, 59.

<sup>7</sup> Kant, *Grounding*, 45.

made. And because morality takes the form of legislation in every instance, it is in every instance expected of the human being that they make the right decision. It follows therefore that the decision maker is *expected* to make the right decision all the time:

However virtuous someone is, all the good that he can ever perform still is merely duty; to do one's duty, however, is no more than to do what lies in the common moral order and is not, therefore, deserving of wonder. This admiration is, on the contrary, a dulling of our feeling of duty, as if to give obedience to it were something extraordinary and meritorious.<sup>8</sup>

Not only is the most perfect set of such decisions unremarkable, but Kant fully owns that it cannot even be achieved. The radical evil that pervades humanity's character impinges on the individual's ability to make the correct decision in every case. Perfection on Kant's moral scale is indeed so lofty that he refers to it in the *Grounding* as "empty, indeterminate, and hence of no use for finding in the immeasurable field of possible reality the maximum sum suitable for us."<sup>9</sup>

Kant himself, with some dismay, sees that the expectations he upholds for human behaviour are so stringent and rigid that "no rational being in the world of sense is capable" of them "at any point of time in his existence."<sup>10</sup> What is more, in addition to the impossibility of attaining such standards, a life that did could not even be considered praiseworthy. As Wood states Kant's problem: "the thesis of radical evil in human nature offers a serious challenge to the practical possibility of moral perfection in man, and threatens us with moral despair over this end."<sup>11</sup> Even the Kantian postulate of immortality of the soul, which grants an eternity of time so that the individual's governing principles may progress toward the moral good, does not

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<sup>8</sup> Kant, *Religion*, 69.

<sup>9</sup> Kant, *Grounding*, 47.

<sup>10</sup> Kant, *Critique of Practical Reason*, 155.

<sup>11</sup> Wood, *Moral Religion*, 226.

allow us to attain the moral perfection that stands at an infinite distance from our finite capabilities: “our being a human being well-pleasing to God,” “in our earthly life (and perhaps even in all future times and in all worlds) is always only in mere *becoming*.”<sup>12</sup> It would thus seem that the human being, according to Kant, risks being ineluctably contaminated by the soul’s radical evil. This problem flows naturally from the versions of radical evil in the Christian tradition, and one could argue that Kant, in this sense, is in tune with classical Christian notions of sin. Kant is thus moved toward the equally essential Christian doctrine of grace—God’s ability to forgive the sins of repentant individuals—yet with this Kant has even more difficulty.

Kant describes grace as a “supernatural intervention into our moral though deficient faculty ... to satisfy our duty in full.”<sup>13</sup> That is to say, grace is the process by which God compensates for the human being’s flawed disposition and thus exonerates those who have done the best they can—imputing to us the aforementioned moral life, which we can only possess in “*becoming*,” “as if we already possessed it in full.”<sup>14</sup> To Kant, this notion is necessarily held by anyone who wishes to have moral hope: “the command that we *ought* to become better human beings still resounds unabated in our souls; consequently we must also be capable of it, even if what we can do is of itself insufficient and, by virtue of it, we only make ourselves receptive to a higher assistance inscrutable to us.”<sup>15</sup>

But though it is clearly necessary, Kant sees the danger in such a formulation, since it poses the risk that sinners will, rather than try to improve themselves, merely resign their moral character to divine hands. Kant describes the notion as “very risky and hard to reconcile with reason; for what is to be accredited to us as morally good conduct must take place not through foreign influence but rather through

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<sup>12</sup> Kant, *Religion*, 91.

<sup>13</sup> *Ibid.*, 183.

<sup>14</sup> *Ibid.*, 91.

<sup>15</sup> *Ibid.*, 66.

the use of our own powers.”<sup>16</sup> Grace, therefore, can only be taken into account after the fact. It must be a shoring-up appended to the free action of a will that has not depended on it. Thus Kant describes the “*moral religion*,” in which “everyone must do as much as it is in his powers to do; and only then, ... can he hope that what does not lie in his power will be made good by cooperation from above.”<sup>17</sup>

This, in short, is the Kantian mechanism of repentance. Divine grace fills in those gaps that are left open by the individual’s utmost striving, enabling him or her to be judged favourably. Here a whole chorus of critics begins to point out inconsistencies inherent in Kant’s position.<sup>18</sup> If we are to maintain that morality is *expected* of the decision-maker, what principle of morality would allow God to give us any kind of positive credit at all, let alone more than we deserve? According to Firestone, this “divine judicial fudging” means that God must be thought of in a somewhat contradictory fashion. God is the supreme, just judge who *must* also be the merciful, forgiving lover of humanity.”<sup>19</sup> Firestone calls even the intellect’s supposition of such an entity “selfish action” and is forced to turn to theories amounting to a “softening” of Kant’s moral philosophy to defend its legitimacy.<sup>20</sup>

In addition to theological difficulties, the original problem with humanity still remains. If I don’t devote my every effort to improving my character as far as I can, I do not deserve God’s grace. But does anyone actually devote every possible effort to improving his or her own character? A case could be made that the demand for *every* possible

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<sup>16</sup> *Ibid.*, 183.

<sup>17</sup> *Ibid.*

<sup>18</sup> See, for example, Wood’s engagement with Silber in *Kant’s Moral Religion*, 236–245, as well as Firestone and Ward (cited below). Michelle Kosch also takes issue with Kant’s account as regards the dependence of morality on freedom of the will. See Michelle Kosch *Freedom and Reason in Kant, Schelling, and Kierkegaard*, (Oxford: Clarendon Press, 2006), 57–65.

<sup>19</sup> Chris Firestone, *Kant and Theology at the Boundaries of Reason* (Surrey: Ashgate Publishing, 2009), 66.

<sup>20</sup> *Ibid.*, 83.

effort to hone one's maxim is merely another standard of perfection, no more realistically actualized than the utmost attempt to achieve a spotless record of moral decisions!<sup>21</sup>

A further difficulty with Kant's account of repentance arises when he describes it in terms of a conversion from the evil disposition to the good. Though he has left behind individual actions as a measure of the good life, replacing them with well-ordered motivations, he struggles to find a mechanism for coping with the original state of self-centeredness out of which everyone must climb: "Whatever his state in the acquisition of a good disposition, ... *he nevertheless started from evil*, and this is a debt which is impossible for him to wipe to wipe out."<sup>22</sup>

Kant himself addresses this final problem by claiming that "punishment must be thought as adequately executed in the situation of conversion itself."<sup>23</sup> Because in adopting the good principle, the repentant sinner "dies unto sin," and this throwing-off of the old identity is "still fitting *punishment*" for the "old human being."<sup>24</sup> To the extent that the reader might protest that Kant is clutching at straws, he counters that if perhaps, "*physically*, ... he still is the same human being liable to punishment," grace ensures our absolution "for the sake of the good in which we believe," i.e. for the sake of the new disposition toward the good.<sup>25</sup>

But these new categories appear only to confuse the issue further. If the death of the sinner is atonement enough, why should it matter whether this "death" takes place midway through life, and metaphorically, or at the end of life, and literally? What is more, doesn't this model seem

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<sup>21</sup> Wood, in *Kant's Moral Religion*, (245–246), attempts to resolve this difficulty by emphasizing the distinction between "narrow" or "perfect" duties on the one hand, and "wide" or "imperfect" duties on the other. But this distinction just begs the question: what principle of morality would allow the individual who has fulfilled only an "imperfect" duty to escape blame for his or her very real moral deficiencies, given that these flaws were incurred freely?

<sup>22</sup> Kant, *Religion*, 88.

<sup>23</sup> *Ibid.*, 90.

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*, 91–92.

inexplicably to give judgmental preference to the sinner's repentant state of mind later in life over earlier sinfulness? Why should priority be accorded to one over the other? And does the converted soul have any guarantee of finality? Ward presses Kant on this final point: "Suppose that at one time,  $T_1$ , a man has happiness as his determining incentive; at  $T_2$  he takes the moral law as incentive; and at  $T_3$  he returns again to happiness. Has he had a change of heart and back again?"<sup>26</sup>  $T_2$  might be a period of many years of genuine striving after the moral law; would a sudden fit of Epicureanism in this man's final years annul that previous conversion? If we accept Kant's postulate of immortality as a means of actualizing the constant disposition to moral progress, would that mercy itself be compromised merely by the deleterious ordering of the human being's incentives at the very moment of death?

It is clear that when it comes to the question of whether an individual life can ultimately be justified, Kant's formulation of ethics as law, as *duty*, and simultaneously as the only legitimate end by which action may be judged, has forced him into a corner. On the one hand, he wishes to remain true to a Christian tradition that seeks to affirm human life and provide for the possibility of grace and hope. On the other, all of these concepts grate on his project of an ethics grounded in bare reason, which, with its clearly delineated boundaries, expects and demands all proper action before it is performed. With such expectations, integral components of Christian doctrine, such as the immortality of the soul and grace, do not naturally arise; rather, they must be postulated as mere external corrections to guard against the moral despair that seems to flow naturally from a positivistic form of morality in which there are only two kinds of lives: the imperfect and the despicable. Kant himself must have struggled mightily with this conundrum, for his arguments in this area come off as disjointed and circular, constantly introducing new elements to apologize for ones he has just explicated. Grace, for

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<sup>26</sup> Keith Ward, *The Development of Kant's View of Ethics* (Oxford: Basil Blackwell, 1972), 149.

example, compensates for the necessary inadequacy of the immortal soul, which itself is an appendage meant to salvage the legitimacy of moral conversion, and so forth. It thus comes as no surprise that one of the many conclusions he reaches in touching on the subject of grace is flat-out agnosticism: “Hence we can admit an effect of grace as something incomprehensible but cannot incorporate it into our maxims for either theoretical or practical use.”<sup>27</sup>

## Rosenzweig’s Commandment

Franz Rosenzweig, writing in a world where Kantian remonstrations regarding the moral law did little to curb the barbaric acts of war perpetrated by purportedly enlightened states, sought to respond to Kant’s ideas both in theory and in practice. In the realm of learning, he wrote to Martin Buber in his 1923 essay “The Builders,” he sought to erase the distinction between the “essential” and the “non-essential” that so typified priority of categories of knowledge in Kantian thought.<sup>28</sup> Kant had commented that it was “not essential, and hence not necessary, that every human being know what God does, or has done, for his salvation;” Rosenzweig’s remark might be taken, among its many meanings, to target a theology that subordinated religious concepts to the architectonic dictates of practical reason.<sup>29</sup> In the realm of practice, Rosenzweig sought to break down the hard, systematic distinction between the “forbidden” and the “permissible,” and to remake the whole notion of Jewish law that had been in vogue among Western European Jews and Christians from Kant’s time onward.<sup>30</sup> Rosenzweig thus rose up against all the popular Kantian notions of ethics as law and of Jewish law as opposed to ethics, or the neo-Kantian conception of Jewish law as

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<sup>27</sup> Kant, *Religion*, 73.

<sup>28</sup> Franz Rosenzweig, “The Builders,” in *On Jewish Learning* (Madison: University of Wisconsin Press, 2002), 75.

<sup>29</sup> Kant, *Religion*, 72.

<sup>30</sup> Rosenzweig, “The Builders,” 82.

ethics, or, for that matter, Jewish law as law altogether—as “The Builders” demands: “Law [*Gesetz*] must again become commandment [*Gebot*] which seeks to be transformed into deed at the very moment it is heard.”<sup>31</sup> This distinction between “law” and “commandment” is the building block of Rosenzweig’s philosophy of Jewish observance, a philosophy that holds over Kant the ability to produce an affirmed life in the form of redemption for the collective, and for the individual in the form of atonement.<sup>32</sup>

For Kant, the word “law” had been ever-present when discussing both action of which he approved and of which he did not, indicating that his whole ethical world operated within the framework of positive norms. Ethics took the form of a universal imperative that affected everyone equally (the autonomous law of reason), and Judaism, for example, represented a competing legislation of ritual alien to ethics (heteronomous law). Because all decisions took the form of legislation, all correct decisions were expected, rather than appreciated: “to do one’s duty ... is no more than to do what lies in the common moral order and is not, therefore, deserving of wonder.”<sup>33</sup> All action lay on a negative spectrum below the infinite norm. The effort to do what is right was thus replaced in Kantian thought with the effort to do nothing wrong, leading more to paralysis than to a life of positive action. Because of this, Paul Mendes-Flohr concludes that according to Rosenzweig “Kant’s ethical formalism cripples action.”<sup>34</sup> This negative theology of law,

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<sup>31</sup> *Ibid.*, 85.

<sup>32</sup> Rosenzweig’s distinction between “law” and “commandment” should not be confused with Kant’s dichotomy of the “letter” and “spirit” of the law, which is at heart the difference between the level of “actions” and that of “attitudes” in accordance with an unchanging, universal moral law (Kant, *Critique of Practical Reason*, 190). Rosenzweig, by contrast, attempts to reformulate the normative legal imperative into a personal and fluid “inner power” (Rosenzweig, “The Builders,” 86).

<sup>33</sup> Kant, *Religion*, 69.

<sup>34</sup> Paul Mendes-Flohr, “Rosenzweig and Kant: Two Views of Ritual and Religion,” in *Divided Passions: Jewish Intellectuals and the Experience of Modernity*, ed. Paul Mendes-Flohr (Detroit:

which treats positive action as mere duty while unambiguously condemning sin, meets even the best actions with tepid acknowledgment. Kant's ethics withholds from affirming the vast majority of life and demands a positive response.

Rosenzweig responds by developing a philosophical system free from many of the most basic Kantian categories. Rosenzweig's rebellion against a universal ethics is first of all apparent from the paucity of references to ethics in the *Star*, leading to Peter Gordon's observation: "it seems misleading to call Rosenzweig's ideas 'ethical' in the customary sense."<sup>35</sup> In response to Kant's rigid structuring of ethics in particular, and philosophy in general, Pollock makes note of Rosenzweig's communication in a letter to Rudolf Ehrenberg in 1917 that "system is *not architecture*." Pollock continues:

By identifying the reductive approach to system he seeks to overthrow as *architecture*, however, Rosenzweig overtly turns the idealist critique of Spinoza against itself. For we recall that it was Kant whose "Architectonic of Pure Reason" posited the task of system in architectural terms, demonstrating that the possibility of grasping the One and All demanded that the philosopher grasp, from the beginning, "the idea of the whole," "the unity of the end, to which all parts are related and in the idea of which they are also related to each other," just as the architect must see the

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Wayne State University Press, 1991), 294. Although thinkers such as Mendes-Flohr have accused Kant's ethics of "empty formalism" at least since Hegel's writing, there are contemporary interpreters that have sought to defend Kant from this charge. See, for example, Guyer, *Kant on Freedom, Law, and Happiness*, 198, and Christine Korsgaard, *The Sources of Normativity*, (Cambridge: Cambridge University Press, 1996), Lecture 3. My thanks again to the referee for directing me to these sources.

<sup>35</sup> Peter Eli Gordon, *Rosenzweig and Heidegger: Between Judaism and German Philosophy* (Berkeley: University of California Press, 2003), 201.

blueprint of an entire building before construction commences.<sup>36</sup>

Whether or not one accepts that Kant believed that all philosophy must have the form of a system, the rigid structure and categorization in his *Critiques* and in the *Religion* indicate a general architectonic bent in many of his writings. Not only does Rosenzweig's willingness to forego such a bottom line—the concrete goal for philosophy before it commences—counter this aesthetic; it is eventually actualized in his vision of Jewish Law: Kant had set a standard to which the human being must measure up; Rosenzweig starts in the present of human consciousness and opens up for exploration a whole world of performance. Kant had seen human existence as an inherently imperfect journey toward a demanded but infinite norm; Rosenzweig, by deemphasizing the normativity of commanded action, can begin to view human life and action in a more positive and appreciative light. In “The Builders,” commandment thus differs from Kant's structured law in three ways: by emphasizing the personal over the universal, open-endedness over normativity, and immediacy over historicity.

Firstly, in contradistinction to Kant's universal ethical imperative, commandment is intensely personal. In a letter to Martin Buber dated July 1924, Rosenzweig writes: “I insist on the universality of the Law only as it applies to hearing, not to doing or, as the case may be, thinking. You would be parting ways with me only if you were to feel it unnecessary for your being a Jew to say yes or no—in each individual case.”<sup>37</sup> The voluntarism that Rosenzweig here attaches to the Law is echoed in “The Builders”:

Thus, what counts here too is not our will but our ability to act. Here too the decisive thing is the selection which our ability—without regard to our will—makes out of the

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<sup>36</sup> Benjamin Pollock, *Franz Rosenzweig and the Systematic Task of Philosophy* (Cambridge: Cambridge University Press, 2009), 71.

<sup>37</sup> Martin Buber *The Letters of Martin Buber: A Life of Dialogue*, ed. by Glatzer Nahum and Mendes-Flohr Paul, trans. Richard Winston et al. (New York: Schocken Books, 1991), 318.

wealth of the possible deeds. Since this selection does not depend on the will but on our ability, it is a very personal one; for while a general law can address itself with its demands to the will, ability carries in itself its own law; there is only my, your, his ability and, built on them, our; not everybody's.<sup>38</sup>

The focus Rosenzweig places on individual practice responds not only to Kant's preference for universality, but also to his interpretation of ethics as only realizable in a society of ethical human beings. According to Rotenstreich, such an interpretation of ethics "has its descriptive basis in Kant's anthropology, namely, that the goal of the human race cannot be achieved within the limits of individuals but only within the scope of the race of mankind at large."<sup>39</sup> He contrasts this with Rosenzweig's response, which finds room for human striving even within the self.<sup>40</sup>

In and of itself, the individualized law begins to counteract the difficulties for atonement that we find in Kant, because it reassesses the notion of radical evil. Kant had struggled to give a coherent account of an innate sinfulness of the individual that could simultaneously be a "natural propensity to evil" (thus explaining the ubiquity of evil, or potential therefor, in human nature) and nevertheless "brought upon us by ourselves" (in accordance with freedom and moral responsibility).<sup>41</sup> The tension between the empirical acknowledgement of corrupt human action and the impossibility of accounting for this in moral terms led many of Kant's successors to attempt to provide a conception of sin that could flow naturally even from a properly functioning human nature. Rosenzweig's focus on "defiance" as the source of sin attempts to alleviate the difficulty by claiming that "it is as defiance that the

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<sup>38</sup> Rosenzweig, "The Builders," 86.

<sup>39</sup> Nathan Rotenstreich, "Rosenzweig's Notion of Metaethics," in *The Philosophy of Franz Rosenzweig*, ed. Paul Mendes-Flohr (Hanover: University Press of New England, 1988), 82.

<sup>40</sup> *Ibid.*, 82–83.

<sup>41</sup> Kant, *Religion*, 56.

abstraction of free will takes shape.”<sup>42</sup> Defiance is not a fundamental distortion of human nature, but rather a natural consequence of human individuality and will as independent from God.<sup>43</sup> The consequences of such a position become clearer later in the *Star*, where Rosenzweig contends that “without the storms of defiance in the Self, the silence of the sea of faithfulness within the soul would be impossible.”<sup>44</sup> As a *natural* outcome of the free will and a necessary prerequisite for faithfulness, sin is no longer an almost inexplicable anomaly. And intuitively, this more naturalistic version of sin seems easier to forgive when overcome. Rotenstreich expresses the moral complexity of defiance when comparing the mechanisms for repentance in Rosenzweig and the neo-Kantian Hermann Cohen: “while Cohen regards sin as the point of departure for establishing the position of the individual, Rosenzweig emphasizes the aspect of defiance, which is not an act of sin or an omission, though one could interpret sin as a defiance of the divine commandment. For Rosenzweig defiance is placed *ab initio* vis-à-vis the surrounding world and thus is inherent in the very position of man.”<sup>45</sup> Thus, through defiance, the individual starts out alone. But that is not a sin *per se*, only a fact, and Rosenzweig’s focus on the individual over the universal emphasizes this.

Beyond offering a more robust understanding of radical evil, the personalization of law opens up a space for performance beyond and above the standard bar of moral action. By abandoning the Kantian emphasis on a universal normative standard in favour of self-contained individual experiences, he allows actions to be religiously significant in ways other than their ability to measure up to such a

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<sup>42</sup> Franz Rosenzweig, *The Star of Redemption*, trans. Barbara E. Galli (Madison: University of Wisconsin Press, 2005), 76.

<sup>43</sup> My reasoning in this section is indebted to Michelle Kosch’s discussion of Schelling’s conception of sin in *Freedom and Reason* (100–101), and I am grateful to the referee of this essay of pointing me towards that passage.

<sup>44</sup> Rosenzweig, *Star*, 184.

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

standard. This is one possible interpretation of Rosenzweig's concept of the "Meta-ethical," which Rotenstreich discusses, pointing out Rosenzweig's statement in the *Star* that "the Self does not live in an ethical world; it has its ethos. The Self is meta-ethical."<sup>46</sup> Rotenstreich interprets this meta-ethical soul as: "above or prior to the ethical realm."<sup>47</sup> Because the self is "above" or "prior" to ethics, ethics is no longer the exclusive criterion by which its existence is judged. Ethics, which took center stage as the titanic ruler of Kant's conception of religious action, now takes a back seat to the commandments of revelation, which speak immediately to the self. To quote "The Builders," "love is not social"—there are acts that have value independent of their inclusion in the social ethical system.<sup>48</sup>

The prefix "meta," if taken to mean "above," echoes the "super" in "supererogation." The image of "meta-ethics" can therefore also be used to introduce the second distinction between Rosenzweig's commandment and Kant's ethical law: the lack of *expectation*. Meta-ethics goes above and beyond the limits of normative ethics, flying in the face of the Kantian paradigm in which every good action is simply a fulfillment of duty. Again, by moving away from a view of action as toward a demanded universal standard, Rosenzweig creates a framework in which actions can be viewed positively in their own right, rather than being assessed relative to an infinite ethical bar against which they would always be found wanting.

It is clear from Rosenzweig's writing that he objected to the canonical formulation of religious duties and dogmas as unnecessarily cramping the bounds of Judaism. We can discern his disgust with the reduction of morality to a simple, structured set of principles and tests, commonly associated with Kantianism, when he praises Martin Buber for having "liberated the teaching from this circumscribed sphere [a few fundamental concepts] and, in so doing, removed us from the imminent danger of making our

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<sup>46</sup> *Ibid.*, 82.

<sup>47</sup> Rotenstreich, "Metaethics," 80.

<sup>48</sup> Rosenzweig, "The Builders," 80.

spiritual Judaism depend on whether or not it was possible for us to be followers of Kant.”<sup>49</sup> He is even more explicit in his open letter on education “*Bildung und kein Ende*” wherein he introduced the idea of the *Lehrhaus*: “It is necessary for [the Jew] to free himself from those stupid claims that would impose Juda ‘ism’ on him as a canon of a definite circumscribed ‘Jewish duties’ (vulgar Orthodoxy), or ‘Jewish tasks’ (vulgar Zionism), or—God forbid—‘Jewish ideas’ (vulgar liberalism).”<sup>50</sup> Batnitzky interprets: “dogma imposes a limitation on the Jewish experience, reducing Jewishness to some particular sphere of life, rather than allowing Jewish existence to exist in its wholeness.”<sup>51</sup> This circumscription of Judaism divorces all but a small slice of life from being a meaningful expression of the Jewish will (Rosenzweig’s “inner power”); thus, in articulating his own views, Rosenzweig paints a picture of a world of performance in which there is no upper limit of expectation to the expression of this inner power:

Whether much is done, or little, or maybe nothing at all, is immaterial in the face of the one and unavoidable demand; that whatever is being done, shall come from that inner power. As the knowledge of everything knowable is not yet wisdom, so the doing of everything do-able is not yet deed. The deed is created at the boundary of the merely do-able, where the voice of the commandment causes the spark to

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<sup>49</sup> *Ibid.*, 76–77.

<sup>50</sup> Nahum Glatzer, *Franz Rosenzweig: His Life and Thought* (Indianapolis: Hackett, 1998), 222.

<sup>51</sup> Leora Batnitzky, *Idolatry and Representation: The Philosophy of Franz Rosenzweig Reconsidered* (Princeton: Princeton University Press, 2000), 184–185. It is important to note that as regards law, Rosenzweig has here drawn a parallel between the cold, circumscribed moral law of Kant and the cold, circumscribed Jewish legal codes of Orthodoxy. Rosenzweig’s primary target here is the German Orthodoxy of Rabbi Samson Raphael Hirsch, which he calls “a rigid and narrow structure, unbeautiful despite its magnificence,” and which circumscribes Judaism to the narrow sphere of “commandments and prohibitions” (“The Builders,” 80–82).

leap from “I must” to “I can.” The Law is built on such commandments, and only on them.<sup>52</sup>

Like Kant, Rosenzweig is concerned with the inner motivation of the action, rather than the action itself. Like Kant, he considers that underlying motivation (or, as Kant would have it, *maxim*) to be the truly significant aspect of a commanded life. But unlike Kant, Rosenzweig requires the field of play for affirmed action to make the jump from “I must” to “I can.” Kant’s moral action requires the actor to reach an infinitely high, yet clearly defined bar set for it; Rosenzweig’s imperative is truly open-ended: “Nobody should be allowed to tell us what belongs to its spheres.”<sup>53</sup>

In this passage the word “love” makes an appearance again to describe positive action that can flow forth without end, what Rosenzweig earlier called a “unifying and broadening of the Jewishly do-able.”<sup>54</sup> Mendes-Flohr makes explicit Rosenzweig’s implicit association, describing love as the meta-ethical principle allowing an action to be worthwhile even if directed entirely at God, rather than at some ethical end. Kant had only allowed religious rites to figure into his philosophy as a means for moral training, “making intuitive for ourselves our duty in the service of God,” which itself “can consist only in the disposition of obedience to all true duties as divine commands, not in actions determined exclusively for God.”<sup>55</sup> But Mendes-Flohr interprets Rosenzweig as lending a new significance to ritual:

*Mitzvot qua* divine commandments mark a revelatory experience of God’s love. Rosenzweig seems to be suggesting then that the *mitzvot qua* religious rite have a sacramental power, that is, as a recent student of Rosenzweig comments, the *mitzvot* may become “vehicles for further revelation,” an opportunity to behold God’s presence. ... *Ab initio* and ideally the *mitzvot* performed

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<sup>52</sup> *Ibid.*, 86.

<sup>53</sup> *Ibid.*

<sup>54</sup> *Ibid.*, 85.

<sup>55</sup> Kant, *Religion*, 184.

not as heteronomous obligations, but as God's commandments; as such they are a locus for the theo-human encounter.<sup>56</sup>

Unlike Kant's ethical actions, which conform to the standards of law and duty, love has endless possibilities for supererogatory expressions of devotion; to invoke the cliché comparing love to a flame, the more it gives of itself, the greater its light. This image should be contrasted to the closed Kantian system, with its carefully formulated categorical imperative, proscription of loyalty to any value but the self-legislated moral law, and "the church's necessity and determinability in only one possible way."<sup>57</sup> Rosenzweig helps himself to his own cliché regarding love: "We discern the story of Hillel and the heathen, quoted *ad nauseam*, the smiling mockery of the sage, and it is not to his first words that we adhere, but to his final word: go and learn."<sup>58</sup> The concept of love does not itself explain the commandments (limiting them); rather it describes them, providing the possibility for an infinite outpouring of positive performance.

Mendes-Flohr develops this point further in writing that according to Rosenzweig "we need not know ... the shape of the future in order to act. The 'demand of the day' is sufficient, Rosenzweig says in a letter of 1917, to enjoin our ethical response. The present calls upon us to effect social reforms, and more pertinently to approach he whom 'I meet' with love."<sup>59</sup> The connection made here between the infinite possibility for Jewish action and the "demand of the day" ushers in the third major distinction between Kantian ethical law and Rosenzweig's commandment—immediacy—which constitutes the final step toward human redemption and atonement.

Kant's monolithic-historical system of ethical progress (mirrored in his political-philosophical essay "On Perpetual

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<sup>56</sup> Mendes-Flohr, "Rosenzweig and Kant," 299.

<sup>57</sup> Kant, *Religion*, 122.

<sup>58</sup> Rosenzweig, "The Builders," 76.

<sup>59</sup> Mendes-Flohr, "Rosenzweig and Kant," 294.

Peace”), applies a single normative standard for all time while viewing history as progressing toward that set ethical goal. Thus, while speaking of the desired end-product of religion as “unchanging,” he can still title sections of the *Religion*: “The Gradual Transition of Ecclesiastical Faith toward the Exclusive Dominion of Pure Religious Faith” or “Historical representation of the gradual establishment of the dominion of the good principle on earth.”<sup>60</sup> By contrast, Rosenzweig’s commandments live perpetually in a single moment. A program of action that “does not wish to know” what it entails “beforehand” contrasts with one that keeps one eye fixed on perfection even while the other despairs of its obsession with an uncorrectable past.<sup>61</sup> For Rosenzweig, eternity is not the sum total of all performed actions, but rather the metaphysical extension of the present moment to include all past and future existence: “Our life does not run in one steady course like theirs. Our independence from history or, put it positively, our eternity, gives simultaneity to all moments of our history. . . . We must be able to *live* in our eternity.”<sup>62</sup> Thus, where Kant’s theories of repentance lent themselves to puzzles like Ward’s, which show the difficulty in judging a person with continuously changing maxims, Rosenzweig’s views on the nature of action avoid such difficulties by rejecting the progressive-historical paradigm in favour of an eternal present, an endlessly repeating cycle of repentance and atonement grounded in the circularity of the Jewish year.

Batnitzky clarifies how Rosenzweig’s thought liberates the Jewish practitioner from the constraining, past-oriented bonds of what Nietzsche would have called the spirit of revenge against time:

Like the witness, Judaism uses the past for the sake of the present. The present, however, is also the future. The Jewish reflection upon the Jewish past forms at the same time the goal of the Jewish future. Historical time knows

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<sup>60</sup> Kant, *Religion*, 122, 129.

<sup>61</sup> Rosenzweig, “The Builders,” 86.

<sup>62</sup> *Ibid.*, 90.

no future, but only the endless passing of time. To truly be future, then, Judaism must exist separately from the world of historical time. The future, for Rosenzweig, is a radical future; it is a time that is itself timeless. The future cannot exist in time, for time always passes away. Judaism for the Jew is thus both future and timeless.<sup>63</sup>

It should thus come as no surprise that Rosenzweig's conception of the cyclical Jewish year mirrors Nietzsche's eternal recurrence. According to Gordon, Rosenzweig's *Star* "lacks any robust theory wielding ethics to redemption."<sup>64</sup> Rather, redemption springs from the ability to live *eschatologically* with the existence of sin, which plays an integral part of the Jewish liturgical and festal cycle. Benjamin Pollock expresses this idea concisely when he writes: "In the cycle of the liturgical year ... the 'course' of the All within which we live rounds itself into a circle, and in the communal prayer which anticipates the redemptive conclusion of the course of the All within the concluding moment of the liturgical year [the ten days of repentance], 'the All presents itself immediately to view.'<sup>65</sup>

The "renewal of the liturgical cycle has its microcosm in the individual's ability to repent. On Yom Kippur, the Jewish Day of Atonement, history falls away to allow humanity the chance for atonement in the infinite present:

The year absolutely becomes the fully legal representative of eternity. In the yearly return of this the "latest" judgment, eternity is freed from any otherworldly distance; it is now really here, tangible and graspable for the individual and touching and grasping the individual with a strong hand. It is no longer in the eternal history of the eternal people, no longer in the eternally changing history of the world. No waiting counts, no hiding behind history. The individual is directly judged.<sup>66</sup>

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<sup>63</sup> Batnitzky, *Idolatry and Representation*, 185.

<sup>64</sup> Gordon, *Rosenzweig and Heidegger*, 203.

<sup>65</sup> Pollock, *Systematic Task*, 280.

<sup>66</sup> Rosenzweig, *Star*, 344.

The Day of Atonement thus transcends some of the problematic aspects of Kantian ethics: the problem of a projected future that we cannot live up to and a contaminated past that we cannot escape. It also mirrors the other two features that we have seen distinguish Rosenzweig's commandment from Kant's moral law. Atonement pertains first and foremost to the individual: "On these days the individual stands directly before God in his naked individuality, in the sin of man simply."<sup>67</sup> The sins that are atoned pertain to the relationship between God and the soul:

There is of course no longer any guilt before men. If it still weighed him down, he would have had to free himself of it beforehand in sincere admission from man to man. The Day of Atonement does not expiate such guilt; it knows nothing of it; for it all guilt, even the guilt expiated and pardoned before men, is guilt before God, sin of the lonely man, sin of the soul—for it is the soul that sins.<sup>68</sup>

And far from reaching out to a hard standard of perfection that makes demands from an unreachable vantage point, repentance is based on the overflowing expression of the Jew's inner power that Rosenzweig speaks of as love, uncalled for, supererogatory, and of infinite potential. Earlier in the *Star*, Rosenzweig had described God's own love in such terms, as "a progress that begins anew every day, and never needs to come to its end; at every moment, because it is wholly present, it thinks it has reached the height beyond which there is none higher—and yet, each new day it learns again that it has never loved as much as today the part of life which it loves."<sup>69</sup> The open-ended and boundless nature of divine love is therefore the model for its counterpart—human love for the divine. According to Rosenzweig, divine love is the only possible source from which a "commandment" to love can issue without such a

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

<sup>68</sup> *Ibid.*, 347.

<sup>69</sup> *Ibid.*, 176.

commandment merely reworking a Kantian normative standard:

You shall love—what a paradox in these words! Can love be commanded? Isn't love destiny and being deeply touched, and if it is free, isn't it a free offering? And now it is being commanded? Surely love cannot be commanded.... The commandment of love can only come from the mouth of the lover.... From his mouth, the commandment of love is not a strange commandment, it is nothing other than the voice of love itself. The love of the lover has no other word to express itself than the commandment.<sup>70</sup>

The imperative to love God in return, then, is not a law or standard in the way Kant envisions the moral principle, but rather the inevitable expression of God's love toward the soul. It is personal, intimate, and immediate: "it can imagine only the immediacy of obedience. If it were to think of a future or an 'always,' it would be neither a commandment nor an order, but a law."<sup>71</sup> Thus, when the beloved soul responds in penitence by confessing: "I am far from loving in the way I—know myself to be loved," it is not confessing its failure to live up to a set and measurable standard of action and intention.<sup>72</sup> It is rather confessing an inadequacy that exists immediately inside the self in its intimate relationship with God. And the inadequacy of a personal relationship, unlike the failure to observe a law, can be repaired by means of penitence itself: "by confessing its fallibility as always present, and not as a 'sin' that took place formerly," the soul "becomes certain of the answer" to its petition, because the confession itself "includes the certainty that God loves it. It is not from God's mouth, but from its own, that this certainty comes to it."<sup>73</sup> The confession, implicitly bearing with it the acknowledgment of God's love, opens the soul up to that divine love.

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<sup>70</sup> *Ibid.*, 190.

<sup>71</sup> *Ibid.*, 191.

<sup>72</sup> *Ibid.*, 195.

<sup>73</sup> *Ibid.*

Rosenzweig's formulation of morality and repentance in terms of this personal, reciprocal relationship, in which the actions undertaken by the human being and by God mirror one another, underlies Rosenzweig's comments on a liturgical poem of penitence written by Judah Halevi: "Man, whenever he stands before God, is sensible of his own weakness and therefore forced to expect and implore God to take the first step. Yet at the same time he hears what he cannot help but hear: God demanding the first step from him.... The whole matter continues in the form of an unending dialogue."<sup>74</sup> Love, therefore, endlessly reciprocated by the soul and by God, is the vehicle that finally brings the cycle of repentance and atonement to its climax:

And to such mutual-lonely imploring of a humanity in burial garb, of a humanity beyond the grave, of a humanity of souls, God inclines his countenance, the God who loves man before his sin as afterwards, the God whom man in his need can call to account as to why he abandoned him, the God who is compassionate and merciful, patiently full of unmerited clemency and full of faithfulness, who keeps his love to the two-thousandth generation and forgives wickedness and defiance and guilt and pardons him who returns. So that the man toward whom the divine countenance inclines openly rejoices in the confession: He, this God of love, he alone is God.<sup>75</sup>

## Concluding Remarks

Given that Franz Rosenzweig spent much of his mature life immersed in Jewish learning, texts, and practice, it should not surprise us that his views on law and ethics—and thus on atonement—resonate with classical Jewish texts in a way that Kant's do not. The Talmudic phrase "*sechar mitzvah*," divine reward for performance of a commandment, indicates a view of action wherein no good decision is taken for granted. One has only to look at the missionary activities of

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<sup>74</sup> Glatzer, *Rosenzweig*, 286–287.

<sup>75</sup> Rosenzweig, *Star*, 347.

some Hasidic Jews, who seek to induce as many strangers on the street as possible to perform the isolated ritual commandment, to suppose that there are traditions that regard commandments as metaphysical goods. Rosenzweig does not go this far, but one can envision that he would be particularly moved by a passage in the Talmud (Avodah Zarah 2b-3a) that describes God's judgment of the nations of the world at the end of days. In this passage, God repeals his commandments to those nations upon hearing that they have not properly observed them. When the Kantian voice in the Talmud protests that this sacrifices justice—morality—in favour of unwarranted mercy, another voice responds: “[such a repeal] indicates that even were they to fulfill the commandments, they would receive no reward.” According to the Talmud, only commandments, which are fluid and subject to the individual encounter with God, bear reward. In Kant's world, where commandments are considered as unyielding laws, virtue must suffice as its own reward. No personal, immediate, and boundless relationship through love and commandment offers hope for positive reward and redemption.

That Rosenzweig may find support in the Talmud for his views is predictable. In a counterintuitive twist, however, Rosenzweig can be seen to outmanoeuvre Kant by formulating a version of morality and religious experience that is even more serious about human freedom than his own. According to Rosenzweig, it might at first seem that the commanded human being must forego autonomy: “A decision based on ability cannot err, since it is not choosing, but listening and therefore only accepting.”<sup>76</sup> Nevertheless, commanded-ness, with its individual voice that speaks to every human being, allows a new freedom that is foreign to Kant's ethics: a freedom to respond individually to the commandment as we hear it. As Rosenzweig says: “For this reason no one can take another person to task, though he can and should teach him; because only *I* know what *I* can do; only my own ear can hear the voice of my own being which

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<sup>76</sup> Rosenzweig, “The Builders,” 91.

I have to reckon with.”<sup>77</sup> The dictates of a universally legislated normative ethics assume that we will all reach the same reasoned conclusions individually, and as such rob us of the freedom for individual reaction and interpretation that Rosenzweig provides. Ellen Charry correctly identifies this strain in Rosenzweig’s thought when she explains Rosenzweig’s objection to Kant’s view of freedom as autonomy. According to Charry, Rosenzweig rejected formulations of freedom as obedience to a universal moral law, given that reaction to such a law is no more free—indeed less so—than reacting to a divine command that resonates directly inside each individual; it is only in the latter conception that sin (and repentance) make sense as a natural part of the divine-human encounter: “In Rosenzweig’s judgment, the theological anthropology of Kant, Hegel, and Cohen was too optimistic and its doctrine of human freedom and destiny too bold because they failed to take sin seriously. He contrasted the humble notion of human freedom as he understood it to be given in light of revelation with the liberal notion of human freedom as self-actualization.”<sup>78</sup> The quote from Rosenzweig she brings to illustrate the claim is masterful:

My “freedom”: certainly not my freedom as the philosophers lie about it, for they draw off the red blood of the free choice and let it run into the container of “sensuality,” “instinct,” and “motive,” and focus only on the bloodless residue of obedience to the law as freedom: but this total freedom, my absolutely dully irresponsible freedom is lame from birth. For what good is all obedience toward the ideal, all adoption of universally valid maxims, all Hegelian divinity, if the person who asked for all these lovely things is powerless? Yet more: if he doesn’t even have the power to see himself in this his sinful naturalness, [how does he acquire the power to be] master of all these ideals which claim his service and find the courage in every fibre of his being to put the finishing touch on every

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<sup>77</sup> *Ibid.*

<sup>78</sup> Ellen Charry, *Franz Rosenzweig and the Freedom of God* (Bristol, IN: Wyndham Hall Press, 1987), 62–63.

sentence of the ethical system? The “ideals,” “imperatives,” “ideas,” of all types spoken to humanity: “give yourself to me!” out of gratitude, voluntarily, for the sake of “being yourself,” to fulfill your destiny,” but in any case—“give yourself to me!” The assumption therefore is that humanity belongs to itself. On the contrary, revelation says: Do my will! Do my work! The assumption there is that humanity belongs to and is entrusted with God’s will, God’s work.<sup>79</sup>

As critics of Kant as early as Hegel pointed out, the architects of normative ethics have merely traded in one heteronomous system of laws for another. By rising above the realm of law generally, by claiming that “God is not a lawgiver, but he commands,” that “it is only man in his inertia who makes laws out of the commandments by the way in which he keeps them,” Rosenzweig has created a personal space for fluid and intimate intercourse with God where the totality of human existence can be affirmed through love.<sup>80</sup> Free from the shackles of historical sin, from universal legislation, the individual can come to immediate terms with God in the infinite present. By confessing its defiant self, the soul can constantly establish and re-establish its place in a relationship of divine love. From this space of infinite possibility for performance, of infinite love, the cantor can cry, as cantors will on the Day of Atonement: “And may You raise up the banner of Love over us, and cover over all crimes with Love!”<sup>81</sup>

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<sup>79</sup> *Ibid.*

<sup>80</sup> Buber, *Letters*, 319.

<sup>81</sup> I would like to thank the referees of this paper for their insightful comments and criticisms, which were challenging and greatly helped me clarify my own thinking on this topic, as well as for bringing to my attention several noteworthy additional sources that were of great use in further honing and focusing these ideas.

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