Lubavitchers and Liberals

Peter Berkowitz on ***Lubavitchers as Citizens: A Paradox of Liberal Democracy*** by Jan Feldman

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Jan Feldman.
Lubavitchers as Citizens: A Paradox of Liberal Democracy.
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Highly educated Americans tend to have little place in their imagination and less patience in their hearts for the devoutly religious. The cruder among the highly educated dismiss religion as a crude relic of a bygone era. Moderates may tell you that religion, in moderation, is a fine thing. From time to time, they may indulge in it themselves at weddings, at funerals, and at the celebration each year of a few major holidays. But the devoutly religious, especially if they are fellow citizens, especially if they belong to faiths that have become part of the American mainstream, especially if they are fellow Christians and Jews, are another matter. It's not that those who place religious belief at the center of their lives are, for that reason, more inclined to break the law or impose a special financial burden on the state. No, what truly discomfits so many of the highly educated about the devoutly religious is the determination to stand apart, to refuse to join in, to go their own way.

But why? For the most part, devoutly religious Christians and Jews happily embrace modernity's great political achievements — individual rights and equality before the law. So the problem is more with what the devoutly religious stand for. To varying degrees, they say "no thank you" to the glorification of one of modernity's moral ideals, autonomy, as well as to its many enticements — sexual liberation, popular culture, and affluent, commercial society. And notwithstanding the high-flown theorizing the highly educated can put forward to justify their distaste and the impartiality and universality they may claim for their reasoning, it is this "no thank you," no matter how politely put, that rankles and drives them to distraction.

What is true of many highly educated people tends to be more true of our professional political theorists. Indeed, most schools of political theory, it seems, have reason for denigrating the devoutly religious. Academic liberals dislike the proud dependence of the devoutly religious on external authorities, particularly spiritual leaders and God. Communitarians, when brought face-to-face with a real-life, tightly-knit community in which individuals are commanded to subordinate their private desires to the community's good, suddenly discover that the good of community consists in no small measure in its having been chosen freely by those who belong to it. With barely distinguishable differences in

emphasis, deliberative democrats and civic republicans wax indignant about the failure of religiously devout parents to educate their children for the responsibilities of citizenship, primary among which the theorists believe is the responsibility to engage regularly in vigorous public debate about constitutional first principles and the fine points of public policy. Too often, feminists, regardless of what devoutly religious women say about the dignity and fulfillment of their lives, cannot bring themselves to see in them anything but subordination to men. And multiculturalists find themselves confounded by a group within their midst — rather than safely located on some distant shore — whose members do not regard multiculturalism as a supreme value that ought to be affirmed by each member of the group.

But don't be fooled by the profusion of scholarly slogans and schools. When all is said and done, the vast majority of these theorists see eye-to-eye. They are all — at least those who belong to the dominant schools — progressive liberals. Of course progressive liberalism needn't go hand-in-hand with a Voltairean hostility to religion. As the exemplary writings of William Galston, Charles Taylor, and Michael Walzer have demonstrated, respect for the wisdom, beauty, and even truth of religion can be compellingly combined with a belief in government's high responsibility to protect the powerless and voiceless. Nevertheless, a sizeable majority of our political theorists, in the name of progress and freedom — or under some other name but in the service of a progressive interpretation of individual freedom — insist upon, or at least would welcome, state intervention, particularly in the form of inculcation by the public schools, of the right virtues and values in order to correct the beliefs and practices of the children of the devoutly religious.

Proponents of this view are called "perfectionist liberals"; they believe that it is the task of the liberal state to perfect the liberalism of its citizens. They welcome state intervention not merely for the public good, but for the sake of the devoutly religious themselves, in order to save them or at least their children from their supposedly unfulfilling, backward, and degrading faith. Perfectionist liberals are not much perturbed, if they notice it at all, by the intolerance that underwrites their determination to use government to save, or transform the souls of, their fellow citizens and their belief that the state has not only a right but a duty to do so.

From another vantage point, the religiously devout are to many of today's political theorists what Jews were to Christian thinkers in the eighteenth and nineteenth centuries: an embarrassment and a reproach. If Christianity represented the transcendence of the Law, what but stubbornness, such thinkers asked, could account for the determination by Jews to adhere to their ancestral ways? No doubt many simply assumed the falsity of Judaism. But for some, the question was driven by a nagging, perhaps subterranean doubt: What if the Jews knew something important? What if Christianity had not transcended God's revelation to Moses? Similarly, many political theorists today silently presume that in our enlightened age it can only be the stubborn refusal to see the light that explains the resolve of the devoutly religious to cling to their peculiar beliefs. Some come to this conclusion because of

an atheism as invincible as it is unprovable. But, in the case of the more acute, lurking behind the presumption is also an anxiety: What if the religiously devout know something that we do not know, something to which we prefer to close our eyes lest it complicate our lives? And in this anxiety lies an opportunity.

It is political scientist Jan Feldman's startling contention that the Lubavitcher Jews have a great deal to teach academic political theorists, particularly perfectionist liberals, about citizenship and liberalism. It is also an audacious contention. The Lubavitchers are a school of Hasidism (also known as Chabad) whose members revere the late Menachem Mendel Schneerson of Crown Heights, Brooklyn, the Lubavitcher rebbe. They are not just any devoutly religious group. Numbering between 150,000 and 200,000 worldwide, with perhaps another 250,000 maintaining close ties, the Lubavitchers have been described in the New York Times, not without cause, as "the most ambitious, aggressive, and, at times, detested Jewish movement." In contrast to most movements within Judaism, including much of orthodox and ultra-orthodox Judaism, they are seen as proselytizers, political opportunists, and zealous proclaimers of the Messiah. Feldman's book, the work of a woman who is herself both a professor and an observant Jew with "a close affiliation with Lubavitch," succeeds in humanizing the Lubavitchers and in capturing the rhythm of their lives, built around the Hasidic belief that even ordinary people can hasten the coming of the messiah through the joyous, enthusiastic fulfillment of the commandments. She also exposes some typical limitations of academic political theory concerning the devoutly religious. But neither a friendly portrayal of their faith nor a critique of the excesses of the academics leaves the Lubavitchers as immune from criticism as she would have readers believe.

What strikes the eye first about the Lubavitchers is their anachronistic appearance: the men in their black hats and black suits and bushy beards (which replicate the appearance of eighteenth century Polish aristocrats); the women in their long skirts and long sleeves and big wigs (which they believe protect the dignity of men as well as women); and the parents with their great gaggles of children (who reflect the priorities they believe imposed on the them by God's commandments). Of course the Lubavitchers are also known for their massive outreach programs. The mobilized faithful can be seen in the pale and awkward young men hovering beside their mitzvah-mobiles on college campuses and busy city street corners, insistently inviting Jews passing by to step into the back of their open U-Haul trucks to say a prayer, and in the establishment around the world of Chabad Houses that provide Torah study, a Shabbat meal, and a seat at holiday feasts to Jews away from home. And the Lubavitchers are notorious for their enthusiasm for their spiritual leader, investing the Lubavitcher rebbe, in death as in life, with mystical, messianic, world-redemptive powers.

So the chasm between the Lubavitcher life and the liberal or progressive life is real and wide. It also provides Feldman with her opening. For the liberal life places a special emphasis on respecting humanity in its breathtaking diversity, and so is compelled by its own principles to, at minimum, tolerate much that it finds disagreeable in the Lubavitcher life and, at its best, to come to grips with what is respectable in the Lubavitcher life.

Feldman, who, with her family, lived for a year among the Lubavitchers in Montreal and whose research is also based on a wealth of detailed interviews, does not gaze at the Lubavitchers through rose-colored glasses. She does, though, leave to others the unseemly thrill of airing the community's dirty linen (in recent years others have stepped to the plate). She understands the complexities of what Martin Buber had in mind when he described ultra-orthodox Jews in Jerusalem as at once "sublime and grotesque." Yet Feldman has her priorities. She wants to bring into focus what is sublime in the Lubavitchers and to show that much that strikes the secular intellectual as grotesque in their ways is based on a failure of understanding and want of sympathetic imagination.

At the same time, her inquiry, which grows out of her personal concerns as observant Jew and professional political theorist, is narrowly focused. What she especially wants to know is whether, in a liberal democracy, one can be both a good Lubavitcher and a good citizen. Although Lubavitchers see no particular contradiction, the preponderance of opinion among her fellow professional political theorists, she stresses, is that one can't. Because of their faith, the expert consensus goes, the devoutly religious

> are incapable of informed, rational, autonomous political deliberation. They are assumed to march in lockstep to the polls to cast their leader's vote. They are seen as refusing to be bound by the accepted standard of "reasonable public speech" because they may refer to Torah, the core of Jewish law, for guidance. This is regarded as a breach of political civility. Finally, they are perceived as rejecting our fundamental principles of justice and democracy when they reject liberal values. We put the burden of proof on them to demonstrate that their "otherness" is not a threat to us.

Feldman thinks that the expert consensus, which reflects the predominance in the academy of perfectionist or, as she sometimes refers to it, "militant" liberalism, is partly right and partly wrong. It is partly right because the Lubavitchers do reject the image of the good citizen as the freely choosing, autonomous individual subject to no authority save his own critical intellect. But it is partly wrong because it conflates one peculiar and demanding interpretation of good citizenship with democratic citizenship as such.

Feldman can't quite bring herself to say that the theorists' rarefied conception of citizenship is unreasonable in its demands and illiberal in its reach. Yet it is, because it demands a specific orientation of the mind and because it reaches beyond lawful outer conduct to pry into matters of conscience. Instead, she sets out to show that nothing in the Lubavitcher life stands in the way of the lesser and bottom-line requirements of merely democratic citizenship, by which she seems to mean the ordinary, common-sense view that citizenship in a free country largely consists in obeying the law, voting one's interest and one's conscience, and caring for oneself, one's family, and one's community.

Given this looser understanding, the Lubavitcher rebbe, Feldman earnestly contends, can be seen as a "friendly critic of American democracy." While devoted to religious freedom, he also believed that the best arguments for religious freedom, and the virtues necessary for maintaining it, had religious sources. In fact, the religious grounding of religious freedom has great precursors in the American intellectual tradition, particularly the Puritans who set sail from England in order to find a land where they could practice their austere religion as conscience dictated. What would have undoubtedly astounded our Puritan forbears, however, was the rebbe's belief that the religion on which freedom and democracy in America particularly depended was Torah Judaism.

While wishing to bolster what they believe to be the foundations of democracy in America, the rebbe's followers have no desire to alter or abolish them, argues Feldman. They embrace the rabbinic teaching, dina d'malchuta, dina, or the law of the land is law. And they emphasize that the seven Noahide Laws — constituting the covenant entered into by Noah and God after the Flood — include respect for other human beings, respect for their rights and property, and the creation of a judicial system, and are binding on all humanity. These religious principles, grounded in the Torah and elaborated in the Talmud, form the backbone of the Lubavitchers' theological justification for honoring liberal democracy in America.

The Lubavitchers, however, do not simply embrace the protections of civil and criminal law, mind their own business, and withdraw from public life. In fact, they have shown a certain facility with the mess and the mechanics of the democratic process and have established themselves as significant political players in Canada as well as in America. In 1994, their representatives on Capitol Hill demonstrated their comfort in the halls of power by successfully lobbying for the rebbe to receive the Congressional Gold Medal.

In general, Jews in North America are the most progressive of ethnic and racial groups. At the same time, most ultra-orthodox Jews avoid the politics of the secular state. In contrast to both, the Lubavitchers, Feldman notes, have their own agenda. They have entered the political fray both to pursue narrow, local goals, seeking to obtain more of government's scarce resources for their communities, and to advance the largest, most universal goals, the hastening of the messiah's arrival and the redemption of the world, the best known instance of which is their fight to display giant menorahs in public places in order to increase the nation's spirituality.

While politically aggressive, the Lubavitchers defy conventional partisan categories. They are, Feldman reports the Lubavitcher emissary in Washington saying, "sometimes to the left of the Democrats, and sometimes to the right of Republicans." They would keep abortion "safe, legal, and rare" but favor school prayer. They strongly support social welfare programs but support with equal strength school vouchers and military spending. They oppose gay marriage but also oppose discrimination against minorities and favor criminalizing "hate speech." They embrace the separation of church and state but reject the idea that the public square should be denuded of religious symbols.

So why do so many schools of professional political theory, above all the perfectionist liberals, implicitly condemn Lubavitchers as bad citizens? The problem, according to Feldman, lies less with the Lubavitchers than with the theorists' fantastically ambitious conception of citizenship, which lays claim not merely to the individual citizen's outer conformity to law but to the personality or spirit that citizens bring to political life. What has usually been thought good enough in a free society — earning a living, raising a family, worshiping God as you see fit or not, pursuing your interests as you understand them, casting or not casting your vote, arguing if you like with fellow citizens, and all the while refraining from infringing the rights of others — is thought not good enough by many of our leading theorists. What a free citizen owes his or her fellow citizens, according to them, turns out to be rather more rigorous. It requires a specific kind of personality, which as it happens coincides exactly with many political theorists' idealized self-image.

This personality celebrates the multiplicity of goods, the openness of choices, the subjectivity of values, the rights of individuals, and the diversity of societies. Valuing these goods of course can form, or contribute to the formation of, an appealing personality. But according to the perfectionist liberals, it should not be optional. Parents and government have an obligation to instill these beliefs in their children. Parents play their part by exposing their children to a wide variety of lifestyles, and government plays its by ensuring a public school curriculum that reinforces the lesson. To do less is to deprive young people of the opportunity to choose for themselves what is right and good.

The question, though, is whether requiring this much deprives parents of their right to educate their children as they believe proper. And the danger is that this form of education exalts the act of choice at the expense of the thing chosen, fostering a confusion between the freedom to choose in accordance with what is right and good and the rightness and goodness of whatever individuals choose.

Indeed, by making the celebration of autonomous choice the ticket of admission to the public square, the political theorists' favored conception of citizenship takes sides against the central teaching of devout Christians and Jews that what is needful is loving recognition of Him to whom one owes obedience. Of course, if the devoutly religious life were truly irrational and manifestly cultivated bad citizens, which is the underlying conceit of much contemporary citizenship theory, then such undermining could hardly be considered a loss.

But is the Lubavitcher way truly irrational? Are you a bad citizen if you do not pledge allegiance to critical rationality and individual autonomy? Feldman answers with a resounding "no." The Lubavitcher life displays its own rationality, she contends, which the liberal life can't see or won't consider.

In defending her claim, Feldman manages to go not far enough and also too far. What Feldman should have said but does not say is that the Lubavitcher life embodies goods that political theorists ought to appreciate and is based on claims about humanity's obligations

and God's governance that they lack reasons for rejecting, as they are wont to do, out of hand. But what she should not have said but does say is that there are two rationalities, a Lubavitcher rationality and a liberal rationality. While perspectives are multiple and conflicting, and while wisdom comes in many forms, there is only one reason. And the Lubavitcher life, by taking a great deal on faith and placing it securely beyond question or doubt, substantially restricts reason's operation.

Feldman finds rationality pervading the Lubavitcher life. Central to it, as for all observant Jews, is Torah study. This education, Feldman argues, is anything but rote, mechanical, or dogmatic. Young men, and increasingly young women, hone their intellects through endless hours poring over the Talmud and confronting its conflicting commentaries and interpretations, multiple layers of play and paradox, and constant posing of dissenting opinion. While such study has its fixed points — the sovereignty of God, the sanctity of Torah, the wisdom of the sages — it forms an endless school in the complexity of human affairs. And while such study often encourages hair-splitting and distinction-mongering, it constantly calls attention to the exalted purpose — the love of God and the repair of the world — for which it is undertaken.

But what of the Lubavitcher conviction that the world is 5,763 years old and that evolution is myth? And how about their belief in the efficacy of prayer, in the divine supervision of the world, in the miraculous powers of righteous men (tzaddkim), in the obligation to obey strictly an ancient legal code (halacha)? What place can these beliefs and convictions have in a liberal and enlightened world? Feldman readily concedes that many will find Lubavitcher beliefs "strange, incomprehensible, even downright crazy." But invoking the bedrock liberal distinction between public life and private life, she argues that such convictions and beliefs are not political in nature and demand nothing special from the polity. As for the case of Simcha Goldman, an observant Jew and captain in the U.S. Army who did demand something special, the right to wear his kippah (skullcap) while in uniform, Feldman sees it as an example of the constitutional order working as it should. Goldman took his claim to the courts, the Supreme Court decided Goldman had no right, and eventually Congress passed legislation effectively overruling the Court by granting the right.

But what of the women? Surely the way the Lubavitchers treat their women rises to the level of public concern. And to an extent it does. Like all citizens, the Lubavitchers are prohibited by the laws of the land from depriving their female children of a basic education, from assaulting and battering their women or physically harming them in any way and, once they reach maturity, from blocking their exit from the community. But beyond that, the state must mind its own business. No doubt some will shudder at the thought of allowing Lubavitcher parents to teach their children that men and women are subject to overlapping but differing catalogues of divine commandments; that, owing to the quality of natural differences or the quality of their souls, women must take a leading role at home while men must take a leading role in public; that separation of the sexes should be the norm and that women should dress modestly in public and hide their hair under wigs lest they sexually arouse easily arousable

men. But a shudder is not an argument. And the arguments for liberating the women (and children) of the devoutly religious from their parents, however ingenious, that the citizenship theorists muster to justify their shudder turn on assigning the state responsibility for the health of the hearts and souls of its citizens. But no healthy liberal state can properly claim citizens as its creatures, to be compressed into a mold of the state's own making.

Furthermore, in a critical respect, the Lubavitcher life enhances women's choices. As Feldman emphasizes, Lubavitcher communities have become home to many ba'alot teshuva, literally "masters of return." These are women who have grown up in secular, educated and, in many cases, well-to-do households but have chosen to adopt the Lubavitcher way of life. In her conversations with them, Feldman heard these "refugees from liberal lifestyles" explain that the contemporary culture of promiscuity, and the opportunities that the marketplace provides to compete with men and other women left them feeling hollow, sullied, and estranged from their deepest longings — and that observant Judaism celebrates their roles as wives, mothers, and women in search of a way of life that makes even the routine of daily life an occasion for affirming the world's holiness.

By elaborating the logic of the Lubavticher life, Feldman aims to convince liberals of their obligation to tolerate "nonliberal" subgroups. In making her case, she is partly right and partly wrong. She is right that the Lubavitchers in America have every right to be tolerated, but she is wrong to downplay the irreducible tensions between the liberal life and the Lubavitcher life. Clash there is between the liberal life and the Lubavitcher life, but to grasp it properly one must go beyond Feldman's framing of the issues. One must also understand the clash within the liberal life and the suppression of clash within the Lubavitcher life.

Feldman grants the perfectionist liberals too much. The consensus that she takes as an authoritative representation of the liberal tradition, while a powerful persuasion within it, has gone astray. It has made an idol of autonomy. It threatens to sacrifice toleration on autonomy's altar. And so it endangers the balance of competing principles critical to conserving our liberalism.

In fact, toleration and autonomy are kindred principles. Both grow out of respect for the equal rights of individuals, and both provide interpretations of how that respect should be put into practice. The principle of toleration maintains that individuals should be allowed to pursue their lives free of government supervision, provided that they respect the life, liberty, and possessions of others. The principle of autonomy affirms that individuals achieve their full potential in choosing for themselves how to conduct their lives, guided by no authority — meaning not only government authority but also that of parents, teachers, and custom and tradition — save their own critical intellect.

Whereas the principle of toleration concerns the limits of political authority, the principle of autonomy advances a moral ideal. The liberal spirit is drawn by both, but often in competing directions. The principle of toleration imposes limits on the regulation of belief and conduct

beyond which the state may not pass. In contrast, the principle of autonomy, especially as progressively interpreted, provides the state with a justification for passing beyond those critical limits on the regulation of belief and conduct that the liberal tradition has solemnly warned the state to honor: limits that separate matters that pertain to the body from those that pertain to the soul, that distinguish harm to others from harm to oneself, that divide the public realm of politics from the private realm of family and religion.

Liberals who put the emphasis on toleration are willing to suffer within their midst individuals who worship other gods or no gods at all. But those who put autonomy first yearn to sanctify the freely choosing life as the only life worth living. They have learned too little from Rousseau, the French Revolution, and other more sinister forms of what Isaiah Berlin called "positive liberty," and so they indulge the self-important delusion that they and the state have a moral obligation to force their fellow citizens to be free.

The tension between securing the conditions for toleration and promoting the life of autonomy runs throughout the modern liberal tradition; in On Liberty Mill provides a model for managing it. Mill certainly takes his stand in favor of the autonomous life and acknowledges its opposition to the traditional life: "The despotism of custom is everywhere the standing hindrance to human advancement, being in unceasing antagonism to that disposition to aim at something better than customary, which is called, according to circumstances, the spirit of liberty, or that of progress or improvement." But, Mill stresses, the spirit of progress or improvement — by which he means progress in enlarging the number of individuals who pursue autonomy and improving their exercise of it — is not identical to the spirit of liberty, and they must not be conflated:

> The spirit of improvement is not always a spirit of liberty, for it may aim at forcing improvements on an unwilling people; and the spirit of liberty, in so far as it resists such attempts, may ally itself locally and temporarily with the opponents of improvement; but the only unfailing and permanent source of improvement is liberty, since by it there are as many possible independent centers of improvement as there are individuals. The progressive principle, however, in either shape, whether as the love of liberty or of improvement, is antagonistic to the sway of Custom, involving at least emancipation from that yoke; and the contest between the two constitutes the chief interest of the history of mankind.

When push comes to shove, the spirit of improvement must yield to the spirit of liberty. Toleration takes precedence over autonomy, because you cannot respect individuals by forcing them to abandon strongly held beliefs and deeply entrenched practices.

But in this limitation Mill also finds progressive hope. The blessings of toleration, he suggests, are a constant enticement to the pursuit of autonomy and hasten the spread of its appeal. The liberal state exerts an ineluctable pull on its citizens and cannot help but shape

their sensibilities and inform their morals. Its political institutions and laws, its public debates, and its popular culture loudly proclaim and subtly insinuate the moral ideal of the sovereign and self-aware individual.

In other words, it is one thing, as Mill envisaged, to create the political conditions under which individuals are free to undertake "new and original experiments in living." It is quite another, as some of his more enthusiastic descendants would do, to assign government responsibility to root out religious faith, employ the resources of the state to rigorously train individuals to reject custom and tradition, and to legislate autonomy as the nation's norm. Surely a free country has room for those who instead wish to serve God in accordance with their conscience and their tradition.

Actually, America also has an interest in welcoming the devoutly religious, and for the reason that Mill in the nineteenth century, as popular government and the liberal state were consolidating in England, welcomed personal eccentricity: because the devoutly religious embody a part of the truth that their absence would leave it more difficult for the rest of us to discern. Particularly in America, where democracy has triumphed and the liberal life is growing routinized, the devoutly religious remind us of the possibility of service to an authority higher than self. They teach about the costs of progress. They instruct about the variety of ways of being human.

Neither tolerating nor learning from the Lubavtichers, however, requires the suspension of the operation of our critical faculties. To the contrary, we have every reason to notice that Torah study for them commonly departs from an ideal which they also recognize, instead confining students to repetitive study of Tanya (1796), the classic Chabad work of its founder Rabbi Schneur Zalman, and a narrow range of Lubavticher interpretations of sacred texts, cutting them off from the wider world of human learning, and constricting their sentiments and sense of what is possible and valuable as a human being. We have an obligation to observe that Lubavitcher spiritual leaders and basic beliefs have contributed to the creation of a cult-like reverence for the Lubavitcher rebbe, a reverence that passes well beyond respect for his achievements as a man and love for the spirit he embodied, and threatens to transform him into a fairy-tale wizard for the faithful and to induce a worship of him that borders on the idolatrous. And we have a duty to take account of the fact that the Lubavitcher life educates individuals, from the time they are boys and girls and throughout their lives as men and women, to feel ill at ease in each other's presence, and thereby cultivates distance and distrust in every member of its faith community for half of humanity.

Dogmatism, fanaticism, and puritanical austerity will be a danger wherever religion is freely practiced. Nevertheless, a religious faith like that of the Lubavitchers — which, despite its foreign ways, is grounded in the biblical belief that all human beings are created in the image of God, and which teaches respect for basic rights and the laws of the land — offers common ground enough with liberalism for the Lubavitchers to respect liberal ways and for liberals to respect Lubavitcher ways.

All that is necessary to understand this is a healthy skepticism about the moral ideal of autonomy, a generosity in the understanding of those whose beliefs about God differ from one's own, and a toleration for those commands of conscience that do not violate other people's rights. All that is necessary, in short, is a return to what is finest in the liberal tradition.