Sovereignty Without Debt:

The Political Theology of Jonathan Sacks

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Abstract

Jonathan Sacks is a world-renowned Chief Rabbi, scholar, and prolific writer who has written a plethora of books that speak to his moral diagnosis of ills facing Western society. Sacks' writing enables the transition sought by the globalized present to reintroduce religion to the public square. This paper will discuss Sacks' tireless efforts to unmask the theological assumptions that constitute the democratic endeavor. This paper will further expose the theological and Biblical antecedents for the normative attraction of power that guides Western styles of political sovereignty. In doing so, Sacks will propose the necessary mechanisms for redistributive justice that direct sovereign formations of power against the principles that corrupt power. A hermeneutical approach will explore the innerworkings of Sacks' theological consciousness to reveal what may not have been apparent in Sacks' own language. To accomplish this, it will be shown how Sacks justifies his own theological proclivity for the redistributive forces of justice that seek to reverse the obligation for the debt that legitimizes sovereign formations of power. To that end, this paper will illustrate in detail how Sacks' concept of Divine sovereignty and its direct impact on social and political conceptions of indebtedness complicates and embraces its theological antecedents. It will be shown how Sacks reads the Hebrew Bible as resource for rethinking the vision for redistributive justice in Western society. To illustrate Sacks' position in depth, the tenets of this vision – *Tzeduka* (charity), jubilee, and Sabbath – will be explored. The sovereignty engendered by these positions will also serve as the hermeneutical fulcrum that seeks its assertion against the framing of capital accumulation. This paper will conclude with a vision of sovereignty uninhibited by its accruing indebtedness.

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Introduction

Jonathan Sacks was the former Chief Rabbi Jonathan Sacks, of the United Hebrew Congregation of the British Commonwealth. He dedicated his writings to excavating the public dimensions of morality. Sacks writes as a rabbi and homilist in the wake of an accelerated period of globalization and the degradation of a common morality in contemporary society. Sacks' writings may be situated within the frame of what many refer as the post-secular turn.[1] The post secular is neither a cultural paradigm shift nor a cultural innovation. Rather, the post secular is indicative of the failed mindset that previously considered the category of religion as either a relic of the past or a private affair. The post secular attends to the continuous presence of religion in spaces paradoxically created by telecommunication systems for the proliferation of globalization. The digitalization proffered by advanced media technology made the presence of religion ever more present and persistent in the public sphere. In response, Jonathan Sacks spent his career seeking a social framework to return the Hebrew Bible to the public square as that text which always inspires the moral imagination. Sacks understands the moral sense not as "a blazing fire but a flickering flame"[2] "hard to light easy to extinguish"[3], whose slow chain of transmission is necessary to inflict the

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[1] Hent de Vries, *Political Theologies* (New York: Fordham University Press, 2006), 3. The term "public religions" was coined by José Casanova. See Hent de Vries, "In Media Res," *Religion and Media*, ed. Hent de Vries and Samuel Weber (Stanford: Stanford University Press), 6. Hent de Vries, *Political Theologies: Public Religions in a Post-secular World* (New York: Fordham University Press, 2007), 3. Scott M. Thomas, *The Global Resurgence of Religion and the Transformation of International Relations: The Struggle for the Soul of the Twenty-First Century* (New York: Palgrave Macmillan, 2005), 24–26.

[2] Jonathan, Sacks, *The Great Partnership: Science, Religion, and the Search for Meaning* (New York: Schocken Books, 2014), 162.

[3] Jonathan, Sacks, *To Heal a Fractured World: Restoring the Common Good in Divided Times:* (New York: Schocken Books, 2005), 169.

necessary gentle revolutions,[4] so as to keep the flame going.[5] Sacks sought a vision of society beyond the moral restitutes of his own Jewish observance while being able to hold steadfast to its traditional framework.[6]

In this paper, I present Jonathan Sacks as a political theologian in the way he sought to both expose and accentuate the Biblical antecedents for the modern democratic polity. Sacks will argue for his theological assertions from the grounds of the Hebrew Bible. Such a contention will both confirm and complicate Carl Schmitt's assertion that the liberal polity masks its theological face. I contend that Sacks' explication for these theological antecedents to this polity will reconfigure Schmitt's own overture. In doing so, I seek to expose the antecedents to Sacks own politico-theological vision. Due to the scope of this project, I will be withholding discussion of the way Sacks' broader social vision may inform and continue the contemporary democratic polity.

Sacks never resolved the critical framework through which he asserted to claim.[7] Therefore, my method for approaching Sacks' writing is neither chronological nor thematic. I do not seek to expose Sacks' intellectual resources, nor reveal how he converses with his interlocutors. Rather, I take a hermeneutical approach, attempting to rework Sacks own language by directing it against the broader inner workings of his own theological consciousness.

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[4] Sacks, *The Great Partnership*, 290.

[5] Ibid.,163. "It is about husbands and wives, parents and children, and the tense rivalry between siblings, as if to say: This is the locus of the religious life. In the love that brings new life into the world. In marriage where love becomes a covenant of loyalty." Ibid.

[6] Jonathan Sacks, *The Home We Build Together: Recreating Society* (New York: Continuum, 2009), 22-23, 85, 169. Sacks, *Faith in the Future* (Macon: Mercer University Press, 1997), 117-124.

[7] *Jonathan Sacks: Universalizing Particularity,* edited by Hava Tirosh-Samuelson and Aaron Hughes (Leiden: Brill, 2013), 132. Refer to Hava Tirosh-Samuelson's interview there with Sacks where he discusses the deeper theological and philosophical projects he has yet to pursue.

It is pertinent to discuss that Sacks himself attributes his own approach to Jewish thought by over emphasizing the active mode of "what we do, rather than how we respond to what is done to us".[8] Sacks though, is quick to warn his readers to be aware that "there are quite complex things going on beneath the text."[9] Sacks adapts a creative approach by interweaving a variety of narrative forms that reflects Sacks' own Midrashic forbears.[10] Sacks summarizes this approach as follows, "In order to construct an adequate account of Jewish social ethics, I have had to bring together law and theology, Biblical interpretation and philosophical reflection, general principles and specific examples, narrative and analysis. There is little that is self-evident in the interpretations I offer. They can be challenged at almost any point. That is a given of a living tradition as complex and many-faceted as Judaism. To an unusual degree Judaism is a conversation scored for many voices. Its key texts are anthologies of arguments. 'These and those', say the sages, 'are the words of the living God'. In the final analysis, 'A judge must rule on the basis of the evidence before him'. One has to tell the story as best one can, knowing that there are other ways of narrating it that may differ in both substance and style."[11]

This narrative approach allows Sacks to capture and hold a configuration of complex concepts that couldn't be properly articulated by philosophic analysis.[12] The process of interweaving allows Sacks to approach a style of writing that both reveals concepts with simplicity while concealing its subtexts around broader philosophical

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[8] Sacks, *To Heal a Fractured World*, 13.

[9] Ibid.

[10] For the dialogic nature of Sacks engagement with midrash refer to Mordechai Rotenberg, *Rewriting the Self: Psychotherapy and Midrash* (London: Routledge, 2004) and Steven Kepnes, *The Text as Thou: Martin Buber's Dialogical Hermeneutics and Narrative Theology* (Bloomington: Indiana University Press, 1992).

[11] Ibid., 13-14.

[12] Sacks, *The Great Partnership* p .134, 139-140, https://rabbisacks.org/bo-5780, https://rabbisacks.org/ki-tavo-5779-nation-storytellers.

conversations and undertaken over multiple generations. Sacks' appeal to narrative as an interweaving of sources enables an approach that engages with Western modes of thought. Sacks will thereby understand the narrative approach of the Hebrew Bible as a vital resource for the Western organization of society. This approach further articulates an appeal to the narrative organization of temporal experience. Such an appeal will be pertinent to Sacks' use of Biblical and Rabbinic sources that will be adopted by in the process of disfiguring the linear organization of time. Ultimately Sacks utilizes narrative as a course of reflexive action. In a Ricoeurean manner narrative for Sacks is always a retelling that engenders the reversal of what has occurred in the past.[13] As Ricoeur himself states "We learn also to read time itself backwards, as the recapitulating of the initial conditions of a course of action in its terminal consequences"[14] This is a vital approach for Sacks' reading of the Hebrew Bible. Retelling the collective narrative weaves together the strands of past commitments that propel oneself forward to chart a course of action in the future. These narrative features loosely convey a shifting configuration of covenantal commitment and covenantal infidelity. Where the asymmetry of time is caught between the anticipation to begin and the expectation to end. This paper will further expose the manner through which Sacks' political theology resides within the hermeneutical fulcrum for this narrative theology. Sacks' own approach to narrative will complicate the traditional narrative structure of beginning, middle and end. This refers to literary approaches that regard a text's plot as a closed system where events follow a predetermined sequence. Instead, Sacks will approach narrative sequence following

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[13] Sacks specifically exemplifies this in the biblical character of Joseph. See, *Not in God's Name*: *Confronting Religious Violence* (New York: Schocken Books, 2015), 125-160.

[14] Ricoeur, "Narrative Time." Critical Inquiry, 7:1 (Autumn 1980): 180. Also see Paul Ricoeur, *Time and Narrative vol 1* (Chicago: University of Chicago Press, 1984), 67.

thinkers such as Martin Buber who entrench the stories middle as the stories ending. Steven Knepes interprets Buber's' focus on the middle as follows. "The middle represents the time of the everyday in which we live, act suffer, work, and love. The middle represents the time when we are in direct contact with other humans."[15] As opposed to Buber's dialogical approach this midpoint for Sacks will take on a moral character as the time that propels the call to responsibility.[16] The narrative midpoint engenders for Sacks that space where past promises become everyday commitments. In this paper the midpoint will serve as the redistributive threshold that continuously redeems beginnings to the now. To supplement Sacks' approach, I introduce Ricoeur's use of "emplotment". According to Ricoeur, emplotment attends to the notion that what happens in the text effects the outside world. This approach consists in opening the narrative to lived experience. [17] This approach further projects the middle to a verity of surprises, discoveries, reversals, interactions and relationships that are interwoven between the linear passage of its plot and the linear disfiguring by its emplotment. Sacks in other words, will emplot life's journey following his approach to reading the Hebrew Bible as a narrative structure with a beginning, middle and "distant end"[18]. The middle in

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[15] Steven Kepnes, *The Text as Thou: Martin Buber's Dialogical Hermeneutics and Narrative Theology* (Bloomington: Indiana University Press, 1992), 97.

[16] Sacks is following thinkers such as Alasdair MacIntyre, Michael Walzer and Paul Ricoeur

> who have stressed the link between narrative and morality. We understand our lives as stories being acted out. Even a morally significant act is in a sense part of the story, be it the personal, autobiographical or the collective, historical one. The integrity of the self, or what is called personal identity, presumes the integrity and continuity of the narrative in the framework of which our moral acts gain meaning. Ehud Luz, *Wrestling with the Angel*: *Power, Morality and Jewish Identity* (New Haven: Yale University Press, 2003), 4. Sacks specifically interweaves MacIntyre with the Hebrew Bible's command to retell the Exodus on Passover.

Jonathan Sacks, *The Politics of Hope* (London: Vintage, 2000), 177-178. See Alisdair MacIntyre, *After Virtue*: *A Study in Moral Theory* (London: Duckworth, 1981), 201.

[17] Paul Ricoeur, *Time and Narrative Vol 1* (Chicago: University Chicago Press, 1984), 65-67.

[18] Jonathan Sacks, *The Jonathan Sacks Haggadah* (Jerusalem: Koren Publishers, 2013), 102.

this sequence will be shown to engender an asymmetry of time that will be both continuous and discontinuous with its sense of an ending. Finally, this asymmetry will be conclusive for the sovereignty that is both continuous and discontinuous with its accruing debt and sense of indebtedness.

Thereby, in this paper, I even seek to go beyond what is strictly justified by Sacks' works. I seek to redeploy Sacks' overture around the deeper motifs that accentuate his own thinking. I do so only by expanding Sacks' theological and political resonance inside the boundaries which he asserts to be thinking within. I, therefore, interpret Sacks' overture by the way the redistributive force of justice reverses the obligation for the debt that legitimizes sovereign formations of power.[19] Sacks instead will reveal a conception of Divine sovereignty that both complicates and embraces social and political conceptions of indebtedness. I will display how Sacks creates a theological constellation of markers that legitimize his own vision for redistributive justice. Those markers are the moral import of Sacks' vision of covenant: *Tzeduka* (charity), jubilee, and Sabbath. I will more specifically conclude by revealing the way the Sabbath acts out this hermeneutical fulcrum in Sacks' overture. The Sabbath will serve as the pivot for the redistribution of debt that seeks its assertion within time, while framing sovereignty against the flow of time.

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[19] It would be beyond the scope of this project to delineate between maximalist and minimalist conceptions for procedural redistributive justice in Sacks' thought but to explore this thought see Sacks, *To Heal a Fractured World*, 30-43; Sacks, *Faith in the Future*, 43-54.

Chapter 1

Covenant

Sacks underlying theological assumption behind his works is the following:

> The human other [face] is a trace of the Divine Other. As an ancient Jewish teaching puts it: "When a human being makes many coins in the same mint, they all come out the same [when] God makes every person in the same image — His image — and each is different." The supreme religious challenge is to see God's image in one who is not in our image. That is the converse of tribalism. But it is also something other than universalism. It takes difference seriously. It recognizes the integrity of other cultures, other civilizations, other paths to the presence of God.[20]

The Talmudic dictum reverses the imagery of debt in coinage and insists on the sovereignty of the face.[21] The human face is not an icon in an exchangeable market. Rather the face is a unique imprint of the Divine image. Sacks calls this principle "the dignity of difference."[22] This dignity is neither found by wielding for power nor in its retreat from power as such. Rather, dignity is construed through the bonds that infer a relational reception of difference cohabiting with the rule of law. Sacks calls this covenant.

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[20] Jonathan Sacks, *The Dignity of Difference*: *How to Avoid the Clash of Civilizations* (New York: Continuum, 2002), 59-60.

[21] Susan Buck-Morss, "Visual Empire," *Diacritics*, 37. 2-3 (2007): 182. Buck-Morss adds, "Like the imperial coins that circulated throughout the economy of political power, [icons] circulated throughout the economy of belief." Devin Singh commenting on the imperial usage of currency in late antiquity also highlights the radicalism of the Talmudic statement.

> Both coins and icons make use of imagery, appealing to the power of images and to images of power in order to declare their referents and invite response. Both make use of precious metal and the appeal of brilliant, reflective surfaces as emblematic of the value they signify. Both involve ritual, whether prostration and adoration or exchange and hoarding. Both travels far and wide within a territory, delineating boundaries, yet everywhere seeking new realms to inhabit.

Devin Singh, *Divine Currency*: *The Theological Power of Money in the West* (Stanford: Stanford University Press, 2018), 126.

[22] Sacks, *The Dignity of Difference,* 59-60.

Sacks' dilemma is whether markets and governments can respond to the most fundamental issue of Western society namely how the redistribution of wealth and justice may both maintain and continue societies social bonds.[23] Sacks frames the dilemma as follows:

> Economics is about the production and distribution of wealth. Politics is about the concentration and distribution of power. But neither is adequate to the fundamental dilemma: how do I create a lasting relationship of mutuality and trust with another while honoring his or her freedom and dignity? If I pay another to do my will (economics) I have not created an enduring bond. Likewise, if I coerce the other by the use, real or threatened, of force (politics). In both cases, what is operative is the self-interest of two persons, not a sharing of their concerns into a conjoint 'We'.[24]

Sacks defines covenant as a binding promise to a bond that will continue in the future. This as opposed to a contract where two parties come together who have differing interests today whose benefit is merely the terms of the contract itself.[25] "A contract is a transaction. A covenant is a relationship."[26] Covenants, Sacks asserts are "relational not ontological and thereby pluralistic."[27] Covenants create society where contracts create

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[23] Sacks, *To Heal a Fractured World,* 53.

[24] Ibid. 53.

[25] Jonathan Sacks, *Morality*: *Restoring the Common Good in Divided Times* (New York: Basic Books, 2020), 313.

[26] Jonathan Sacks, *Future Tense: Jews, Judaism, and Israel in the Twenty-first Century* (New York: Schocken Books, 2012), 163. As a supplement to Sacks' point David Novak writes:

> The priority of covenant to contract in Judaism is historical, ontological, and teleological. Historically, any contract presupposes that there is a covenant already in place. Ontologically, the covenant already in place is always more foundational than the contract related to it. Teleologically, a contract is ultimately for the sake of the very covenant that made it possible. The covenant is, therefore, the past, present, and future of any contract. The covenant is the background, the ground, and the foreground of any contract.

David Novak, *The Jewish Social Contract* (Princeton: Princeton University Press, 2005), 31.

[27] Sacks, *The Dignity of Difference*, 203. Alan Brill interprets that,

> pluralism, for Sacks, is not a secular doctrine, rather the celebration of diversity at the very heart of the monotheistic imagination. He offers a theocentric pluralism in which each religion has its own dignity and approach to God without needing to connect to Judaism or the Jewish people. This celebration of diversity, in which each religion helps make the world a better place, creates a sophisticated form of ethical pluralism.

states. Society therefore must precede the contractual state.[28] A polity must proceed from territory.[29] A covenant precedes from a community. Debt as the indebtedness people owe to one another thereby precedes political sovereignty.[30] The state is its own entity that does not replace nor is integrated within the social covenant.[31] Therefore, Sacks privileges civil society over the state and market by the covenant construed out of the Hebrew Bible between God and Israel.[32]

Marcia Pally beautifully explains the discrepancy that recognizes the universal recognition for the image of God in relation to the particular covenant of the Jewish people. Pally writes, "this grammar of existence is covenantal because, on the Biblical and rabbinic worldview, covenants are bonds between (even radically) distinct parties who give reciprocally for the sake of the other. *Covenant is a name for difference-amid-relation.* As this covenantal setup is the grammar of existence, human life and society too are covenantal. Each of us, while unique and different from other persons, is also in foundational, covenantal relationship beginning with those nearby but extending out."[33]

Alan Brill, *Judaism and Other Religions*: *Models of Understanding* (Palgrave: Macmillan, 2010), 145. Also, in reference to Sacks use of the word pluralism, *Faith in the Future,* 117-124.

[28] Sacks, *Future Tense*, 165.

[29] Sacks, 164. Sacks points to Exod. 19:8 where consent of the people precedes government further exodus 24:3 'all the people responded as one'.

[30] Ibid., 165.

[31] Sacks, *The Great Partnership*, 277, 323-324.

[32] Sacks, *Faith in the Future*, 57. Here, Sacks quotes Daniel Elazar who defined covenant as follows, "In its heart of hearts, a covenant is an agreement in which a higher moral force, traditionally God, is either a direct party to or guarantor of a particular relationship." Ibid.

[33] http://www.telospress.com/asymmetric-warfare-the-first-three-thousand-years. See further Pally's own analysis of covenant in theological thought. Marcia Pally, *Commonwealth and Covenant: Economics, Politics, and Theologies of Relationality* (Grand Rapids: Wm. B. Eerdmans Publishing Co., 2016). Sacks qualifies:

> Abrahamic politics…is politics with a human face, the politics that knows the limits of power, as well as the transformative effects of free persons freely joining together to make social institutions

Sacks is also understanding the language of social bonds as inherently Biblical. Sacks refers to the covenant as an act of *hessed* normally translated as kindness. Here Sacks, expands calling it "covenant love". Sacks defines covenant as:

> a bond by which two parties pledge themselves to one another, each respecting the freedom and integrity of the other, agreeing to join their separate destinies into a single journey that they will travel together, 'fearing no evil, for You are with me' (Ps. 23:4). Unlike a contract, it is an open-ended relationship lived toward an unknown future…in the prophetic literature God says to Israel through Jeremiah, 'I remember the kindness [hessed] of your youth, the love of your betrothal—how you were willing to follow Me through the desert in an unsown land' (Jer. 2:2). Hessed is the love that is loyalty, and the loyalty that is love.[34]

In Britain, Sacks extracts the Biblical notion of covenant as symbolic metaphor for a civil society that mitigates the individual to the state. It is vital to state that Sacks asserts this Biblical precedent as bound by the Noachide covenant of Genesis legitimizing this paradigm of a just society. Sacks writes:

> The Noah covenant is the Bible's universal code, the basic infrastructure of a just social order. The Noahide laws, as understood by Judaism's sages, set out the broad parameters of a decent society: respect for God, human life, the family, property, animal welfare and the rule of law. These principles are general, not specific: thin, not thick. They apply to everyone in virtue of the fact that they are in the image of God, therefore worthy of dignity and respect. They are universal rules of what today we would call responsibilities and rights.[35]

> worthy of being a home for the divine presence. Abrahamic politics never forgets that there are things more important than politics, and that is what makes it the best defense of liberty.

Jonathan Sacks, *The Great Partnership*,142.

[34] Sacks, *To Heal a Fractured World*, 45.

[35] Sacks, *Not in God's Name*,197. Elsewhere Sacks writes,

> [The] Noah covenant expresses the unity of God and the shared dignity and responsibility of humankind. The Abrahamic covenant expresses the particularity of our relationship with God, which has to do with our specific identity, history, language and literature. The result is that in the Bible there is both a *morality* that applies to everyone, insider and outsider alike, and an *ethic*, that is, a specific code of conduct that frames relationships within the group.

Sacks proposes the language of covenant in its social character without relinquishing its Jewish legal precedents bound by the Abrahamic covenant and Siani Covenant. Sacks seeks to merely expand on the absolute principle of covenant not its legal legislation binding God and Israel. Sacks will seek a theocentric conception of sovereignty that is both commanding and mutual. In other words, Sacks' vision for sovereignty exposes dignity in the call for both responsibility and rights, equality and equity. This sense of sovereignty will only stand outside the rule of law by virtue of complicating the prerogatives of sovereignty through which the law aims to uphold. In contradistinction, Carl Schmitt seeks to assert dignity that lies exclusively with the sovereign who stands outside law and thereby has the power to make an exception to the law.

> The Sovereign determines the possibility of the 'rule of law' by deciding on the exception: 'For a legal order to make sense, a normal situation must exist, and he is sovereign who definitely decides whether this normal situation actually exists…. Sovereignty is *outside the law* since the actions of the sovereign in the state of exception cannot be bound by laws. To claim this is anti-legal is to ignore the fact that all laws have an outside, that they exist because of a dominant source of binding rules within a territory. [36]

Rather, Sacks' antecedents for human dignity are construed through the Hebrew Bible:

> God, in the Bible, has a monopoly of power in order to take power out of the equation…. *Faith is about relationship sustained without the use of power*. If any relationship, whether between husband and wife, parent and child, siblings,

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The Dignity of Difference, 57. See also Sacks, *Morality*, 265 where he frames these claims in the framework of Michael Walzer's distinction between thick and thin morality (loaned to Walzer through Clifford Geertz).

[36] Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty* (Chicago: University of Chicago Press, 2006), 36-38.

> neighbors, strangers, and friends, is dependent on power, faith has broken down. God does not live in such relationships. [37]

Sacks is asserting the reception of the political sovereign belongs to the promise entrusted in the trusteeship of the covenant. The suspicion of the sovereign is as much a reflection of the suspicion of societies relational bonds. Sacks will contend the state just as the Biblical monarchy will be at best legitimized by covenant.[38] To what then, should the covenant be entrusted? There resides an ongoing conflict within secularization due to political sovereignty and the sacredness of the covenant.

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[37] Sacks, *The Great Partnership,*168.

[38] Sacks, *Future Tense*, 158-164. Here a thorough discussion of Sacks' contention that the Israelite monarchy was a default condition for the society the Hebrew Bible was envisioned. Sacks also refers this discussion to an argument from *Maimonides* and *Arbavenel* on reconciling 1 Sam. 8:11-18 and Deut. 17:14-15.

> Hence the extreme variation among the commentators as to whether monarchy is a good institution or a dangerous one. Maimonides holds that the appointment of a king is an obligation, Ibn Ezra that it is a permission, Abarbanel that it is a concession, and Rabbenu Bachya that it is a punishment – an interpretation known, as it happens, to John Milton at one of the most volatile (and anti-monarchical) periods of English history.

https://rabbisacks.org/shoftim-5774-learning-leadership. Sacks does find a Rabbinic precedent for such reconciliation by Zvi Hirsch Chajes Hobbesian reading of monarchy in his, *Torat Ha-Neviim*, section *Din Melech Yisrael*, 43–9. Sacks therefore reads the Book of Samuel as a political text that tells how "power corrupts both the powerful and the powerless." Sacks, *Future Tense*, 162. Also refer to https://rabbisacks.org/pinchas-5780 on the danger of the amorality of politics.

Chapter 2

Which Secularization

In Sacks' overture, the Hebrew Bible will both undermine and anticipate Carl Schmitt's assertion that, "all significant concepts of the modern theory of the state are secularized theological concepts."[39] Sacks gives a hint of his personal thoughts on Schmitt's works.[40] Sacks once referred to Carl Schmitt as the greatest legal mind in Nazi Germany.[41] Yet, what Sacks refers of Schmitt's greatness belongs to Sacks' discussion of Germany's moral degradation after the First World War. It is pertinent therefore to expose Schmitt's own moral degradation through the Biblical antecedents revealed in Sacks' writings. To Schmitt's point, Sacks will re-purpose the term secularization as a force that legitimizes God's sovereignty by directing power against the forces that corrupt power. Schmitt legitimizes his own claim on the grounds that secularity was "transferred from theology to the theory of the state, whereby, for example, the omnipotent God became the omnipotent lawgiver—but also because of their systematic structure, the recognition of which is necessary for a sociological consideration of these concepts. The exception in jurisprudence is analogous to the miracle in theology."[42]

A variety of today's commentators on Political Theology substantiate these claims when stating that "the notion of political sovereignty cannot be separated from its prototype, the sovereignty of God, which generated the forms of Western politics, from

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[39] Schmitt, *Political Theology*, 36.
[40] https://rabbisacks.org/faiths-must-stand-together-hatred.
[41] https://rabbisacks.org/holocaust/topic1.
[42] Schmitt, *Political Theology*, 36.

its ideas of power and the good, through the divine right of kings, and so on."[43] Sacks seeks to complicate these assertions without disagreeing with their premise. His social vision seeks to undermine linear conceptions of theological transitions—in which formations of political life were transferred from theology to the theory of the state. Though, Schmitt's assumptions are themselves a response to Max Weber's sense of disenchantment,[44] Schmitt and Sacks both reject the standard linear replacement theory of secularization whereby reason replaces the sacred. Though, Sacks own critique will hover over both the replacement and translation models of secularization. Sacks asserts that,

> the linear theory of secularization always was an over-simplification…it failed to take account of the persistence of faith. None of the four great institutions of the modern age—science, technology, the market economy, or the liberal democratic state—offers compelling answer to the three great questions every reflective human being will ask at some stage in life: Who am I? Why am I here? How shall I live?[45]

In this sense, Sacks is rejecting secularism as "a form of authorized knowledge that creates and perpetuates particular claims about modern politics".[46] Sacks also is not appealing to the Christianizing effects of secularization. Rather, he appeals to the

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[43] Catherine Keller, and Elias Ortega-Aponte. *Common Goods: Economy Ecology and Political Theology,* ed. Melanie Johnson-DeBaufre, Catherine Keller, and Elias Ortega-Aponte (New York: Fordham University Press, 2015), 7.

[44]Weber, *The Protestant Ethic and the Spirit of Capitalism*, Trans. Talcott Parsons (New York: Scribner,1958), 105, 139. This is based on the view made popular by Max Weber who argued that the Protestant Reformation contributed to the "disenchantment of the world," meaning, in the first instance, the exclusion of miracles, mystery, and magic. According to Weber:

> Rationalization means that there are no mysterious, incalculable forces that come into play, but rather that one can, in principle, master all things by calculation. This means that the world is disenchanted Central to the modern concept of secular rationality is calculability, which is premised on a regularity of the natural and social orders that excludes breaks or disturbances. Disenchantment served to create a lawful, predictable cosmos and economy.

Max Weber, "Science as a Vocation," in *From Max Weber: Essays in Sociology* ed. H. H. Gerth and C. Wright Mills (London: Routledge, 2007), 139.

[45] https://rabbisacks.org/the-limits-of-secularism-published-in-standpoint-magazine.

[46] Elizabeth Shakman Hurd, "Secularism and international relations theory," in *Religion and International Relations Theory* ed. Jack Snyder (New York: Columbia University Press, 2011), 64.

existential needs necessary under any political theological structure. Appealing to these questions creates the backbone for any moral virtue of goodness to call itself common.[47]

Where Schmitt is attempting to account the state of exception persisting in the liberal democratic order, Sacks will seek to account for the separation of powers in the liberal democratic order. Where Schmitt seeks to accentuate the exception that is preventing the legal order from being rendered predictable, Sacks seeks to expose the Biblical antecedents of liberalism's diffusion of power on the theological terms that will respond to those presumptive existential questions. Therefore, Sacks, is asking to consider the role of civil society in the formation and persistence of the secular state.[48] That is faith shifting from the political sphere inward onto the public sphere of common life.

Sacks would accuse Schmitt for merely looking at the state and paying "scant attention to the framework of personal relationships: to families and communities and to the rules, rituals, and traditions that sustained them."[49] Sacks is asking the translation theory of secularization to account for civil society. In doing so, Sacks suggests tracking

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[47] Sacks, *The Home We Build Together*, 152-158.

[48] Sacks, *The Great Partnership*, 136-137. Sacks, *Future Tense*, 175. Sacks, *The Politics of Hope*, 170.

[49] Sacks, *Faith in the Future*, 65. Similar arguments are made in regards as to whether there was disenchantment from secularization. See for example the recent study by Jason Ananda Josephson Storm, *The Myth of Disenchantment: Magic, Modernity and the Human Sciences* (Chicago: University of Chicago Press, 2017). Other arguments contend that the Enlightenment was never a monolithic movement to begin with. David Sorkin in particular contends that:

> [t]he Enlightenment consisted of its radical, moderate, and religious versions as they developed across Europe from the mid- seventeenth century to the end of the eighteenth century. We must renounce the temptation, however intellectually seductive or politically expedient, to designate any one version, either in any one place at any one time, or in any one cultural or religious tradition, *the* Enlightenment. The entire spectrum across Europe during the entire period constituted the Enlightenment.

David Sorkin, *The Religious Enlightenment*: *Protestants, Jews, and Catholics from London to Vienna* (Princeton: Princeton University Press, 2008), 2011.

the discontinuities between the polity and civil society might retroactively expose the continued persistence of traditional frameworks of faith in the public square. Sacks also argues that it was the replacement theory of secularization by the radical enlightenment that "began the disintegration of those institutions within which human beings have, since the birth of history, found meaning and identity through relationship with others and membership in a community with its memories and hopes."[50]

Sacks falls in line with thinkers such as Richard Kearney to demonstrate this two-way process. Kearney writes, "The sacralization of the secular needs to be supplemented by the secularization of the sacred.[51] Kearney seeks to obstruct the negative qualifications inflicted onto Divine sovereignty by unsettling the strict pretenses for the secular-sacred divide.[52] "The task is to re-envision the relationship between the holy and the profane such that we can pass from theophany to praxis while avoiding the traps of theocracy and theodicy."[53]

Indeed, Sacks proposes a secularization by the political assumptions played out in the Hebrew Bible as continuously being interrupted by a network of vertical and horizontal attachments pursued through its civil society of covenant. Sacks' underlying concern that asserts in the Hebrew Bible, society preexists the state by the covenant between God and Israel. Sacks concludes:

> Judaism's theory of the state paved the way for the great works of Hobbes and Locke, the architects of modern constitutional government. But the Biblical

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[50] Sacks, *Faith in the Future*, 65.

[51] Kearney, *Anatheism*: *Returning to God After God* (New York City: Columbia University Press, 2011), 139. Abraham Joshua Heschel puts it this way, "The task is to humanize the sacred and to sanctify the secular." Abraham Joshua Heschel, *Israel: An Echo of Eternity* (New York: Farrar, Straus and Giroux, 1969), 159.

[52] Kearney, *Anatheism*, 53-54.

[53] Ibid, 139. See further Richard Kearney's discussion on responses to the functionalist approaches to Secularity from Raimon Panikkar to Abdolkarim Soroush. Ibid., 138-148.

> theory of society was far more original and has never been rivaled, let alone surpassed. States are sustained by the instrumentalities of power: governments, armies, police, courts, and the use of force, actual or potential, to resolve conflict. Societies depend on quite different institutions: families, communities and schools, the things Judaism most cultivated and nurtured.[54]

Biblical Political Theology

This backdrop allows Sacks to assert that the state is its own entity and does not replace nor need to be integrated within the Western social covenant.[55] . In today's democratic polity, Sacks would further assert that the world's religions should have a public voice in the common good.[56] Sacks, I suspect, would claim these systemic theological antecedents that seek to rework Christian notions of salvation in the modern state are mitigated by the mutual and yet diverse voices of faith in an ongoing persistence of the common good.[57]

Sacks, of course, asks to account for faith's most precious questions in aversion to the replacement theory of secularization. Sacks' critique serves as a response to the

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[54] Jonathan Sacks, *A Letter in the Scroll: Understanding Our Jewish Identity and Exploring the Legacy of the World's Oldest Religion* (New York: Free Press, 2000), 128. Sacks, *The Great Partnership*, 130-131.

[55] Sacks, *The Great Partnership*, 227. Sacks' social covenant is situated to reverse the loss of social capital referred to by Harvard sociologist Robert Putnam. Social capital – are the networks of reciprocity and trust – in the liberal democracies of the West. Sacks, *Morality*, 386-287. See Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York, Simon & Schuster, 2000). Putnam, Campbell and Garrett, *American Grace: How Religion Divides and Unites Us* (New York: Simon & Schuster, 2010). See Sacks, *The Great Partnership*, 323-324.

[56] Sacks, *The Dignity of Difference*, 41-42.

[57] Sacks, *The Home We Build Together*, 152-158. Here, Sacks discusses the historical antecedents of the 'common good' moving from religion to moral codes or from the individual to the group. Catherine Keller complements Sacks when she astutely comments that such common goods:

> [I]nclude the things we need, receive, give, and create, as well as the values, rights, and enjoyments more or less materialized in each act of creation. The singular good is good in as much as it remains open to the conflictual complexity of values actualized in specific goods—which themselves can only remain good to the extent that they participate in the shareable planetary weal.

Keller and Ortega-Aponte, *Common Goods: Economy Ecology and Political Theology,* 5.

Christianizing effects of the modern polity.[58] Though it cannot be denied that Sacks' comprehension of the secularization thesis was both Biblicizing and Christianizing in different registers.

Ultimately, Sacks follows the assumptions of Eric Nelson's political genealogy found in his work, *The Hebrew Republic*. Nelson writes,

> The political science of the humanists did not rely on appeals to Revelation, but rather on the sort of prudential knowledge to be found in the study of history and in the writings of the wise. It was, rather, in the seventeenth century, in the full fervor of the Reformation, that political theology reentered the mainstream of European intellectual life. The Protestant summons to return to the Biblical text brought with it incessant appeals to God's constitutional preferences as embodied in Scripture.[59]

In Sacks' own summary:

> the received narrative of European politics is misleading. It says that in medieval and Renaissance Europe, political thought was fundamentally Christian and theological. Only with the rise of science did it become secular and thus tolerant.

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[58] Robert Yelle contends that the Hebrew Republic only deepened the negative image toward the Jews of Christian Europe. "Condemnations of the Hebrew republic accelerated during the deist period, which exacerbated traditional Christian anti-Judaism. The deists, for whom true or "natural religion" (meaning the moral law) was universal and rational, abhorred the idea that salvation could depend on a particular historical dispensation given to a chosen people." Yelle even concludes that, "Carl Schmitt was right to point to radical Protestantism and Deism as moments of exclusion of both the miracle and the sovereign "exception." Robert Yelle, "Imagining the Hebrew Republic" in, *Politics of Religious Freedom* ed. by W.F. Sullivan, Elizabeth Shackman Hurd, Saba Mahmood and P.G. Danchin (Chicago: The University of Chicago Press, 2015), 21. Nirenberg, *Anti-Judaism: The Western Tradition,* (W. W. Norton & Company, 2014). David Nirenberg also recounts with the Christianizing effects of anti-Judaism even when Christian Hebraist were introducing principles from the Hebrew Bible.

[59] Eric Nelson, *The Hebrew Republic*: *Jewish Sources and the Transformation of European Political Thought* (Cambridge: Harvard University Press, 2011), 2. Sacks further comments:

> Nelson argues that the Hebrew Bible influenced European and American politics in three ways. First, the Christian Hebraists tended to be republican rather than royalist. They took the view – held in Judaism by Abarbanel – that the appointment of a king in Israel in the days of Samuel was a (tolerated) sin rather than the fulfilment of a mitzvah. Second, they placed at the heart of their politics the idea that one of the tasks of government is to redistribute wealth from the rich to the poor, an idea alien to Roman law. Third, they used the Hebrew Bible – especially the separation of powers between the king and the High Priest – to argue for the principle of religious toleration.

Jonathan Sacks, *Covenant & Conversation: Deuteronomy* (Jerusalem: Maggid, 2019), 61-62. Jonathan Sacks, *Covenant & Conversation: Leviticus* (Jerusalem: Maggid, 2015), 368.

> To the contrary, Nelson argues Renaissance humanism inspired by the pagan inheritance of Greece and Rome, developed a secular approach to politics. The founders of modern European politics, by contrast, were religious, and their key text was the Hebrew Bible. [60]

In other words, according to Nelson, these thinkers recognized the monarchical structure as an illicit form of constitutionalism. Further, these thinkers legitimized their political vision based on the passages of the Hebrew Bible translated by Christian Hebraist of the early modern era. Nelson concluded, "the Christian encounter with these materials transformed political thought altogether."[61]

Sacks' political theology thereby grounds notions of secularity in the principles that assumed the separations of power first authorized in the Hebrew Bible.[62] Such a ground for secularity is retroactively directed from God, "The day will come when you cry out because of the king whom you yourselves have chosen; and the Lord will not answer you on that day" (I Sam. 8:18). As Erica Brown commented, "There is a critical

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[60] Foucault in his 1977–8 lecture series *Security, Territory, Population*, exposes the genealogical antecedents of practices that display security and government amongst the polity in the sixteenth and seventeenth centuries. Foucault observed the paradigm for the theologically sovereign-centric methods of governing were being altered. Foucault shows us that preservation of the sovereign and their territory therein wasn't the center of power. Foucault notices the beginnings of divisions separating the sphere of sovereignty. Yet, Foucault fails to account for these transitions as derived from the Hebrew Bible. See Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977–1978*, ed. M. Senellart (Basingstoke: Palgrave Macmillan, 2007). For a further substantiation of this claim see Saul Newman, *Political Theology* 111-117.

[61] Nelson, *The Hebrew Republic*, 3. Bernard Lewis nicely summarizes Christianity's own conflation for the separations of powers in stating:

> Throughout Christian history, and in almost all Christian lands, church and state continued to exist side by side as different institutions, each with its own laws and jurisdictions, its own hierarchy and chain of authority. The two may be joined, or, in modern times, separated. Their relationship may be one of cooperation, of confrontation, or of conflict. Sometimes they may be coequal, more often one or the other may prevail in a struggle for the domination of the polity. In the course of the centuries, Christian jurists and theologians devised or adapted pairs of terms to denote this dichotomy of jurisdiction: sacred and profane, spiritual and temporal, religious and secular, ecclesiastical and lay.

Bernard Lewis, *What Went Wrong*: *The Clash between Islam and Modernity in the Middle East*, (New York: Harper Perennial, 2003), 98.

[62] The basic prerogatives and legitimization for kingship in the Hebrew Bible may be found in Deut. 17:14-20 and first Samuel chapter eight.

interplay in the Bible between the desire to be ruled by power-hungry leaders and the divine mandate to limit human power through constitutional leadership.[63] These Divine mandates preceded Schmidtian "analogies for a structural parallel between the absolute authority of God and the absolute authority of the sovereign".[64]

Robert Yeller explains how Carl Schmitt identified this analogy:

> between the sovereign "decision," which is necessary both to declare and to suspend the law, and the miracle, which interrupts natural law…. Sovereignty is manifested through a violation or suspension of the rule or norm and appears as antinomian—lawless or against the law—even when displayed in the creating and commanding of new norms…. As the theologians who framed the doctrine of creation ex nihilo had understood, if it were allowed that anything had coexisted with (much less preexisted) the deity, then God's eternity and sole responsibility for creation would be called into question. Temporal priority and ontological singularity were attributes of sovereign authority.[65]

Schmitt contends the political is prior to the ethical. Sovereignty constitutes both the enactment and suspension of legal norms. In response, Sacks understands the Hebrew Bible as creating an alternative paradigm, "because the Torah [Hebrew Bible] is profoundly concerned…with the more fundamental moral and human issues. What kind of society do we seek? What social order best does justice to human dignity and the delicate bonds linking us to one another and to God?"[66] Schmitt contends it was natural law that supplanted the Biblical miracle and what became Deism of the Seventeenth century did so by leaving room for Gods absolute transcendence.[67]

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[63] Erica Brown, *Leadership in the Wilderness: Authority & Anarchy in the Book of Numbers* (Jerusalem: Maggid Books, 2013), 15. Brown refers to King Uzziah in 2 Chron. 26:5-16. See Sam. 8:18.

[64] Bonnie Honig, "Is Man a Sabbatical Animal?" Agamben, Rosenzweig, Heschel, Arendt," *Political Theology* Vol 20, no.1, 2019, 5.

[65] Yelle, *Sovereignty and the Sacred*, 9.

[66] http://rabbisacks.org/the-economics-of-liberty-behar-5775.

[67] "To the conception of God in the seventeenth and eighteenth centuries belongs the idea of his transcendence vis-à-vis the world, just as to that period's philosophy of state belongs the notion of the transcendence of the sovereign vis-à-vis the state." Schmitt, *Political Theology*, 49.

In Schmitt's words:

> The idea of the modern constitutional state triumphed together with deism, a theology and metaphysics that banished the miracle from the world. This theology and metaphysics rejected not only the transgression of the laws of nature through an exception brought about by direct divine intervention, as is found in the idea of a miracle, but also the sovereign's direct intervention in a valid legal order. The rationalism of the Enlightenment rejected the exception in every form…with the aid of analogies from a theistic theology.[68]

According to Schmitt, secularization is the emptying of the Divine body by re-embodying the Divine as the sovereign person of absolute transcendence.[69] It is not the purpose of this paper to assess the validity of Nelson or Schmitt. Rather, the point is to elucidate Sacks' conception of political theology as reconfigured through the Hebrew Bible onto the liberal democratic order.

Sacks' point contends what was secular for the Hebrew Bible was the diffusion, sharing and separation of absolute power, is referred to as "the unity of heaven into the diversity of earth".[70] Sacks reminds his readers that in the pagan world gods and kings

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[68] Ibid, 36-37.

[69] The antecedents for this assertion are found in Schmitt's, *Roman Catholicism and Political Form*, written at the same time as *Political Theology*. Schmitt argues that the unifying political form or idea was once provided, in the sixteenth century, by the Catholic Church and papal *auctoritas*. The Catholic Church had the capacity for *representation* – it could offer a unified image of the social order as embodied or incarnated in the Person of Christ. See Saul Newman, *Political Theology,* (Cambridge: Polity, 2018), 56. See Carl Schmitt, *Roman Catholicism and Political Form* (Westport: Praeger,1996).

For a deeper analysis of this assertion see Eric Santler, *The Royal Remains: The People's Two Bodies and the Endgames of Sovereignty* (Chicago: University of Chicago Press, 2012) and Ernst Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology,* (Princeton: Princeton University Press; 2016). Giorgio Agamben, *Homo Sacer,* (Stanford: Stanford University Press, 1998). Robert Yelle, *Sovereignty and the Sacred: Secularism and the Political Economy of Religion* (Chicago: University of Chicago Press, 2018),18-19. Carl Schmitt, *Political Theology*, 36. Kathleen Biddick, *Make and Let Die*: *Untimely Sovereignties* (Santa Barbara: Punctum Books, 2016), 1-5. Samuel Weber. "Taking Exception to Decision: Theatrical-Theological Politics: Walter Benjamin and Carl Schmitt." in *Walter Benjamin, 1892-1940*. ed. Uwe Steiner (Bern: Peter Lang, 1992), 123-138.

[70] https://rabbisacks.org/the-limits-of-secularism-published-in-standpoint-magazine.

were intertwined. "The ruler was both head of state and head of the religion. He was either a demigod, or a child of the gods, or the chief intercessor with the gods."[71] Therefore:

> The Hebrew Bible secularized power, first by ascribing…authority to God. Human power was therefore delegated power, and it had moral limits…. Second, power itself was divided by separating kingship from priesthood. Third, it was kept in check by the institution of the prophet who was mandated by God to criticize the corruption that power inevitably brings.

Sacks is following the argument put forth by Eric Voegelin, "The world of politics is essentially polytheistic in the sense that every center of power, however small and insignificant it may be, has a tendency to posit itself as an absolute entity in the world, regardless of the simultaneous existence of other centers which deem themselves equally absolute."[72]

In Schmitt's overture, the modern state uses secularized theological concepts such as decision, sacrifice and obligation. These concepts substitute God for the sovereign leader as if faith were substituted for idolatry. The confluence for such jurisprudence is the decision itself.[73] The sovereign decision does not attend so much to how it should occur, rather, to the decisive action necessary to make it occur.[74] Heinrich Meier argues, "Schmitt's political theology, its 'pure and whole knowledge' about the 'metaphysical core of all politics,' provides the theoretical foundation for a battle in which only faith

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[71] Sacks, *The Great Partnership*, 259.

[72] Sacks, *Not in God's Name*, 230. For the full context see, Voegelin, *Israel and Revelation* (Baton Rouge: Louisiana State University Press, 1956). See further Jonathan Sacks, *Essays on Ethics: A Weekly Reading of the Jewish Bible* (Jerusalem: Maggid Books, 2016), 219.

[73] Schmitt, *Political Theology*, 6-10.

[74] Benjamin Lazier, *God Interrupted: Heresy and the European Imagination Between the World Wars* (Princeton: Princeton University Press), 92- 93.

meets faith— in which the right faith counters the thousand varieties of heretical faith."[75] Schmitt accounts for the discrepancies in the Hebrew Bible as the decision-ism of transcendent power by reading twentieth century Marcionism onto modern politics.[76] Instead, Sacks accounts for these discrepancies by the Hebrew Bible's diffusion of transcendent power in the monotheistic revolution.[77] When Sacks uses the word monotheism, he is asserting the Hebrew Bible introduced the idea not of one God as opposed to many, rather, "that this One God was personal and thereby relational."[78]

Democratizing Power

From this purview, Sacks reads the diffusion and separation of powers in contemporary democratic politics as the inherited legacy of the sixteenth and seventeenth century appropriation of Biblical literature.

> Power is to be used not to impose truth, but to preserve peace. The religious significance of liberal democracy is precisely that it secularizes power. It does not invite citizens to worship the state, nor does it see civic virtue as the only virtue. It recognizes that politics is neither a religion nor a substitute for one. Liberal

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[75] Heinrich Meier, *Leo Strauss and the Theological-Political Problem* (Cambridge: Cambridge University Press, 2006), 82.

[76] Gregory Kaplan writes:

> It is hard, though, to imagine Carl Schmitt likewise opposing the decision-ism—the fundamental urgency of deciding either one way or another—implied by crisis theology (deciding, in its terms, either for or against [the right kind of] divinity). Indeed, Schmitt's plea to distinguish friend and enemy effectively rendered political the otherwise very theological distinction inscribed by Marcionism between the Creator God and the Redemptive God.

Gregory Kaplan, "Power and Israel in Martin Buber's Critique of Carl Schmitt's Political Theology," *Judaism, Liberalism, & Political Theology*, Ed. Randi Rashkover and Martin Kavka (Bloomington: Indiana University Press, 2014), 160. See Schmitt, *Roman Catholicism and Political Form*, 5-9. On the theological background for this crisis in Catholic thought see Benjamin Lazier, "On the Origins of 'Political Theology: Judaism and Heresy before the Wars," New German Critique 35, no. 3 (2008): 143–64, and Benjamin Lazier, "Overcoming Gnosticism: Hans Jonas, Hans Blumenberg, and the Legitimacy of the Natural World," *Journal of the History of Ideas* 64, no. 4 (2003): 619–37.

[77] Sacks, *The Great Partnership*, 29-38.

[78] Sacks, *A Letter in The Scroll*, 85-86.

> democratic politics *makes space for difference*. It recognizes that within a complex society there are many divergent views, traditions, and moral systems. It makes no claim to know which is true. All it seeks to do is ensure that those who have differing views are able to live peaceably and graciously together, recognizing that none of us has the right to impose our views on others. Democratic politics has no higher aspiration than to allow individuals freedom to pursue the right as they see the right, with this proviso only, that they extend the same right to others, seeking the maximum possible liberty compatible with an equal liberty for all. Democratic politics is a religious achievement because it secularizes power.[79]

Sacks asserts that modern politics depends on its theological precedents. The way in which modern politics operates doubly in Sacks' passage indicates that even when interrupted, sovereignties absolute transcendence persists. Sacks anticipates the comment made by Stephen Eric Bronner who suggests that the "Separation of powers…does not so much imply a division of sovereignty than a structure for its accountability. Thus, the meaning of the sovereign and the assumptions of sovereignty are transformed".[80]

Sacks' strategy though is to expose and inform this accountability from the democratic process with the principles of the Hebrew Bible. He legitimizes this vision by insisting the "Politics is about power, and Abrahamic faith is a protest against power."[81] Sacks' democratization of the Hebrew Bible emphasizes that exclusive Divine Sovereignty can be defined in his overture as *an act of power directed against the principle of power.* Sacks call this "[the] moralization of power the idea that even rules are bound by rules."[82] Schmitt's prerogative for a sovereign exception is bound by the exceptionality of Sacks' sovereign God whose unity belongs to the prerogative of diversifying exceptionality in the image of God.

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[79] Sacks, *Not in God's Name*, 229-230.
[80] Bronner, *The Sovereign* (London: Routledge, 2020), 90.
[81] Sacks, *The Great Partnership*, 132.
[82] Sacks, *A Letter in the Scroll*, 79-80.

Sacks concludes from this inference:

> *There is no single, simple system that will honor both our commonalities and our differences*. Tribalism—identity without universality—leads to violence. Imperialism—universality without identity…. That is why the Bible sets but two covenants, not one: one that honors our common humanity (Noah Covenant Genesis 8), the other that sanctifies diversity and the particularity of love. *And the universal comes first*. You cannot love God without first honoring the universal dignity of humanity as the image and likeness of the universal God.[83]

Sacks makes the claim that the universal is embraced first in the Hebrew Bible. Sacks will later imply the particular is what makes the universal possible.

It is for this purpose Sacks seeks an Abrahamic politics centered on civil society. This infers, "the domain of families, communities, religious congregations, voluntary associations, charities, neighborhood groups and the like is where we relate to one another on the basis of friendship, reciprocity and a moral bond, without the use of power. Abrahamic politics depends on a strong civil society to counterbalance the power of the state, a power that has an inbuilt tendency to grow over time".[84]

Sacks' conception of indebtedness to the state is an indebtedness that already relies on the bonds that have been woven by the shared commitment of covenant in the Hebrew Bible.

Sacks even suggests this framework running through the Hebrew Bible itself.

> The faith of Abraham makes two monumental claims: first, that the relationship between God and humanity is a matter of love, not power; second, that you can build a society on the basis of love, love of neighbor and stranger, that leads us to care for their welfare as if it were our own.[85] There is a clear structure to the way the Bible tells its story. Genesis, which is about personal relationships, is the necessary prelude to Exodus, which is about politics and power, liberation, and

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[83] Sacks, *Not in God's Name,* 200.
[84] Sacks, *The Great Partnership,*136-137.
[85] Ibid., 164.

> nation-building…. We find the same pattern in the closely linked books of Ruth and Samuel. First comes the intensely moving story of Ruth, her loyalty to her mother-in-law Naomi and the kindness of Naomi's distant cousin Boaz. Then, at the end of the book, we discover that Ruth becomes the great-grandmother of David, Israel's greatest king. It is a prelude to the books of Samuel, which tell of the birth of Israelite monarchy. Genesis-Exodus and Ruth-Samuel are the literary way of establishing *the primacy of the personal over the political*.[86]

Yet he warns, "there came a time when both Judaism and Christianity yielded to temptation. In Judaism the Hasmonean monarchs combined kingship with high priesthood.[87] In Christianity, the conversion of Constantine in the fourth century turned a religious sect into an imperial power."[88] Following Nelson's lead, Sacks asserts such a secularization has already interrupted itself with the revival of Hebraic and rabbinic sources made available in the sixteenth and seventeenth centuries. Sacks contends this secularization was a reconfiguration of a Christological centered sovereignty as suspected by Schmitt. Sacks would attribute deism's inability to rid itself of absolute transcendence to the recovery of the Hebrew Bible. He calls Schmitt's secularized theological concepts

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[86] Ibid.

[87] Sacks, *The Future of Faith*, 111. Sacks is referring to the Talmudic principle of the three crowns: government (*keter malkhut*, priesthood (*keter kehunah*) and Jewish law and morality (*keter Torah*). According to Sacks:

> The separation of powers, later developed and modified by Montesquieu, seems to have been a consistent feature of Jewish organization at most times. It does not correspond to a division between secular and spiritual authority since each domain drew its ultimate mandate from God and was bound by Divine law. Rather, it represents three different aspects of life of society.

Ibid., 111.

[88] Jean-Luc Nancy, *The Ground of the Image* (New York: Fordham University Press), 134. Nancy qualifies this when stating:

> That is why political sovereignty, particularly in the form the Christian world inherited from Rome, consists in nothing other than the recognition of an unassignable order of public potency—of a secret and disquieting or even terrible nature attributed to the state— and in an absolute withdrawal of power into the ground of power itself, by which it is forced to invent itself at every moment, to exclude itself at every point from the very order that it founds, and to expose itself to its own ungroundedness.

There, Nancy, *The Ground of the Image*, 134. Sacks is aware that the "first Christians were non-political in a different way. They focused on the kingdom of heaven, not that of Earth."

a reverberation of the Biblical temptation to embrace kingship. Sacks social conception of covenant is an attempt to heal this project in the west by re-presenting the Hebrew Bible's message to the common good of society.

Sacks acknowledged the secularization as proceeded it through the enlightenment pursuit for universal reason. Yet, he is qualifying this as an interruption of the secularization sought in the Biblical precedent for the separation of powers in early modern era. To that end, it is not the purpose of this writing to deduce how these processes became convoluted in Sacks' thought.[89] Rather, it is merely to state Sacks' acknowledgement that this secularization inhabited the structure of faith itself. For example, Sacks refers to the work *Exodus and Revolution* where Michael Walzer writes,

> If messianism outlives religious faith, it still inhabits the apocalyptic framework that faith established. Hence the readiness of messianic militants to welcome, even to initiate, the terrors that precede the Last Days; and hence the strange politics of the worse, the better; and hence the will to sin, to risk any crime, for the sake of the End.[90]

Sacks responds to Walzer's work by stating, "Abrahamic monotheism…lives in the cognitive dissonance between the world that is and the world that ought to be. Normally this gap is bridged by daily acts of altruism, the redemption of small steps. This is *exodus politics*, the long, slow journey across the wilderness to redemption an act at a time, a day at a time."[91]

In such an endeavor, Sacks envisions power only to ensure the continued exposure of covenant amid the people. Covenant mitigates the states desire for

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[89] Charles Taylor, *A Secular Age* (Cambridge: Belknap Press of Harvard University Press, 2018). Sacks does agree with some of the assumptions made by Charles Taylor. See https://rabbisacks.org/the-future-of-religion-in-a-secular-age.

[90] Michael Walzer, *Exodus and Revolution* (New York: Basic Books, 1986), 135, 145.

[91] Sacks, *The Great Partnership*, 257. Sacks, *Future Tense*, 153, 156.

preservation away from the Schmidtian exception.[92] Therefore, power is a more subtle and yet complex concept when considering the Hebrew Bible.

> The God of Abraham is the God of surprises, the supreme power who intervened in history to liberate the powerless and set them on the long journey to freedom. He taught us the paradoxical truth that nations survive not by wealth but by the help they give to the poor, not by power but by the care they extend to the weak. Civilizations become invulnerable only when they care for the vulnerable. Belief in God has historically been the only way to establish the moral limits of power. Belief in the sovereignty of God is infinitely preferable to belief in the sovereignty of humankind. Human beings' worship.[93]

Divine Sovereignty

Sacks reads the Hebrew Bible as the most advantageous attempt to make this framework plausible. He understands political sovereignty as power for sure. Yet, the power conceived merely facilitates the redistributing of resources that would otherwise construct more decisive frameworks of power.[94] Sacks seeks merely to reconfigure stagnant conceptions of political sovereignty rather than deconstruct sovereignty altogether.

> God, in the Bible, has a monopoly of power in order to take power out of the equation. It is not at issue. It is not what the religious life is about. *Faith is about relationship sustained without the use of power*…. If any relationship, whether between husband and wife, parent and child, siblings, neighbor's, strangers and

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[92] This recalls Walter Benjamin's distinction between 'Mythic Violence' and 'Divine violence'. Benjamin seeks to dilute sovereignty within a space between violence and the law. The 'Mythic violence' that seeks to abolish a law is also a return to the original state of mythic founding. The 'Divine violence' neither preserves the law nor overrides its fulfillment. Rather 'Divine violence' organizes society outside the clutches of sovereignty. The difference for Sacks is such a 'Divine violence' would necessitate itself as preexisting 'mythic violence'. Benjamin's 'messianic promise therefore is only a 'retribution' that seeks to expel its guilt. Sacks rather seeks a restitution that seeks its fulfillment through the law and begins within the moral force of law (creation). See, Walter Benjamin, *Reflections: Essays, Aphorisms, Autobiographical Writings* (New York: Schocken Books, 2019), 297–300, 312-313.

[93] Sacks, *The Great Partnership*, 289-290.

[94] Sacks, *To Heal a Fractured World*, 53.

> friends, is dependent on power, faith has broken down. God does not live in such relationships. [95]

Sacks' theological language for Divine Sovereignty follows traditional Rabbinic exegesis where the Jewish new year (Rosh Hashana) is a coronation for God's throning anew each Rosh Hashana.[96] Sacks is implying sovereignty itself needs recognition and renewal for its own power to be conferred. "There is no king without a people".[97] Sacks traces the translation of Divine kingship in the Hebrew word, *HaMelech,* "the king," to Philo. "With the lack of a Greek word theocracy was chosen colloquially as rule by God alone."[98] Simply stated, "This meant that no human ruler had absolute authority. Prophets could criticize kings. People could disobey an immoral order. The sovereignty of God meant that there are moral limits to the use of power. Right is sovereign over might."[99]

Yet Sacks' absolute conception of Divine sovereignty is itself indebted to covenant. Devin Singh pushes beyond the technical definition of sovereign debt as the debt a state contracts with foreign creditor. Singh writes,

> Sovereign debt signals a more fundamental dynamic of indebtedness within the concept of sovereignty and, as such, invites closer theoretical consideration. Whether the sovereign is externally obligated to other centers of power or internally indebted to the citizen-subjects who sustain it, these debt dynamics

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[95] Ibid, *The Great Partnership*, 168.

[96] Jonathan Sacks, *The Koren Rosh Hashana Mahzor* (Jerusalem: Koren, 2011), xix-xiii, 581. Jonathan Sacks, *Ceremony & Celebration Introduction to the Holida*ys, 1-10.

[97] Rabbi Elie Kaunfner says:

> The irony is that the authors of the liturgy were similarly turned off by the image of a king. The Rabbis, over and over again, set up a clear distinction between a "flesh and blood" king and the kinship of God. In short, God, the supreme king, is the opposite of everything we know about kings…The God of Rabbinic literature is the "un-king" king.

Elie Kaunfner, "Crowning "the Un-king" King," *All the World: Universalism, Particularism and the High Holy Days*. Edited by Lawrence Hoffman (Woodstock: Jewish Lights Publishing, 2014), 238.

[98] Jonathan Sacks, *Ceremony & Celebration Introduction to the Holidays* (Jerusalem: Maggid, 2017), 8. Sacks points to Judg. 8:23 to support this contention.

[99] Ibid., 8. See also https://rabbisacks.org/behaalotcha-5774-power-influence.

> present one point of rupture in totalizing views of sovereignty that occlude sovereignty's origins.[100]

With Singh in mind, Sacks is signaling a more dynamic occurrence of indebtedness within the notion of Divine sovereignty. Singh is not concerned as to whether the stakes are human or Divine in the formation of sovereignty. Singh merely tracts the indebtedness that occurs between the sovereign and subject. Singh sought to disrupt what Carl Schmitt conceives as an "originary" sovereignty, that is, sovereignty as "exceptional and radically anterior to law, order and the governed community."[101] Sacks clarifies Singh's assertion by not conceiving God's sovereignty as ontologically indebted to humanity. In respect to Divine omnipotence, Sacks instead will conceive God as axiologically indebted to humanity. Sacks' notion of Divine sovereignty is relational, both ontologically prior and concurrent with the sphere of law.[102] Yet, this language of law "then represents not a set of regulations but that configuration of character that the Aristotelian and Maimonidean traditions call virtue."[103] While it is beyond the scope of this paper to assess Sacks' understanding of virtue, it is pertinent to point out Sacks is linking faith and morality in the sense that Wittgenstein asserted languages inability to be a private affair.[104] Sacks explains:

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[100] Devin Singh, "*Sovereign Debt*," *Journal of Religious Ethics* 46 no.2 (2018), 240. What Singh infers from the word originary is the "self-grounding" of sovereignty. Ibid.

[101] Ibid.

[102] Sacks refers to Psalm. 105:8-10. One may also refer to BT Berakhot 32a discussing Exod. 32:13. On the issue of law and Divine immutability, see David Novak, *Athens and Jerusalem*: *God, Humans, and Nature* (Toronto: University of Toronto Press, 2019), 51-54.

[103] Sacks, *Faith in the Future*, 48-50. Sacks refers this comment to Jer. 31:33.

[104] Ibid., 66. See a preliminary discussion on virtue in Sacks, *Faith in the Future*, 16-21. According to Wittgenstein a private language infers that, "the words of this language are to refer to what only the speaker can know — to his immediate private sensations. So, another person cannot understand the language." Ludwig Wittgenstein, *Philosophical Investigations*, trans. G. E. M. Anscombe, P. M. S. Hacker and Joachim Schulte (Oxford: Blackwell, 2009), 243.

> The fundamental feature of the Bible, which is that language is the essential medium of creation. God speaks and the world comes into being. And Wittgenstein's famous and fundamental point, that there can be no private language. Language is essentially a shared phenomenon. There is no such thing as a private language. There cannot be. Logically, there cannot be. Language is essentially interpersonal. Without inter-personality there is no language. In other words, it logically follows that even for a supreme and omnipotent power, even so, before Hashem [God] can say the word anochi, "I", he has to be able to have a "thou". That is a logical truth, not a contingent one. What monotheism creates, for the first time, is the concept of divine loneliness. God is all alone…And, therefore, we begin to understand that the words lo tov heyot ha'adam levado," [it's not good for the creature to be alone] the first time the words "not good" appear in the Bible, are as applicable to a Creator as to a creation. "It is not good to be alone."[105]

Therefore, Sacks implicates a sovereign God in the loneliness of the human creature. Divine speech teaches Sacks of God's own liberation from solitude. What Sacks refers as the "redemption of solitude"[106] is further constitutive of a future uncertainty evident in the Divine Name *Ehyeh asher Eheyeh* literally, "I will be that I will be" (Ex. 3:14). Sacks accomplishes this move by tying language to the proclivity for free-will on part of the creature and creator. "Therefore, nobody knows the future…not God, not us… how, then, do we negotiate the constitutive uncertainty of the future: this wilderness that everyone of us is walking across every single day. There is only one way of minimizing the risk of the future and that is not control. It is not prediction. It is knowing that we won't face it alone…Faith is where the loneliness of God meets the loneliness of the human individual and is redeemed in a covenant of love." [107]

In *Faith in the Future*, Sacks makes his point more explicit in defining ethical monotheism as follows:

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[105] https://rabbisacks.org/faith-lectures-creation-where-did-we-come-from.
[106] https://rabbisacks.org/faith-friendship-behaalotcha-5778.
[107] https://rabbisacks.org/faith-lectures-creation-where-did-we-come-from.

> the idea that God is not merely the author of the moral law but is Himself bound by it[108]…neither God nor man arbitrarily invent morality, just as neither husband nor wife invent marriage. By entering a covenant both agree to bind themselves to one another within its terms. Thus, love is translated into a moral relationship whose terms are law.[109]

This assertion that morality is generated by the act of promise is discussed in depth in the following section. Suffice it to say, Sacks substantiates this claim by quoting Psalms 105:8-10, "He is ever mindful of His covenant, the promise He gave for a thousand generations, that He made with Abraham, swore to Isaac, and confirmed in a decree for Jacob, for Israel, as an eternal covenant."[110] Such a promise is constitutive for human freedom. Sacks asserts that:

> God is a non-interventionist parent. During the early years of his people's history, he intervened to deliver them from slavery, but increasingly as they matured, he too moved from parent-as-owner to parent-as-educator. God does not do our work for us. He teaches us how to do it for him. For God himself abides by the laws he gives us.[111]

Sacks' principle of rules bound by rules reverses Schmitt's antinomic principle for sovereignty as an erasure of law. God transcendence does stand outside the law. The difference between Sacks' promise and Schmitt's sovereign exception is the laws *future* fulfillment. Apophatically, God's covenant precedes God's kingship, because God's Kingship is already the future tense of its covenant. This signals Sacks translation of *Ehyeh asher Ehyeh* (Exod. 3:14) as, "I will be what I will be", inferring the God of Israel

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[108] Sacks, *Faith in the Future*, 47. Sacks derives this notion from biblical passages that assert the right of its characters to challenge God on moral grounds. See for example, https://rabbisacks.org/vayera-5781.

[109] Sacks, *Faith in the Future*, 48.

[110] Ibid. (utilizing his own translation).

[111] Sacks, *The Great Partnership,*179. See also Sacks, *To Heal a Fractured World*, 13.

is the God of the future tense.[112] Covenant ultimately entrusts the people with God because kingship's moral locus for confirmation is a promise conferred as the future dimension of trust.[113]

> This is solidified in God's choice not to destroy the world after the flood and instead mandating the continuation of life. After the Flood, God vowed: "I will never again curse the ground for man's sake, although the imagination of man's heart is evil from his youth; nor will I again destroy every living thing as I have done." This is the principle of Divine forgiveness...There is an objective basis for morality after all. It rests on two key ideas: justice and forgiveness, or what the sages called *middat ha-din* and *middat rachamim*. Without these, no group can survive in the long run"[114]

This is Sacks' assertion that the Hebrew Bible begins with a *nomos* not *physis* to give primacy to relationality.[115] This notion of covenant accounts for why the Hebrew

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[112] Sacks, *Future Tense*, 232-234. Sacks I suggest is following Richard Kearney's theological treatise, *The God who May Be*. While beyond the scope of this paper, I suggest Sacks was deeply influenced by Kearney. Reading Sacks through the optics of Kearney may suggest Sacks' vision can only be understood through the stranger.

Whereas the stranger *ger* for Sacks is a central pivot for social ethics, it's further beyond the scope of this paper to delineate the stranger's role for Sacks' political theology. For Sacks' preliminary remarks see https://rabbisacks.org/ shemot-5780. To review Kearney's philosophy, see Richard Kearney, *The God Who May Be: A Hermeneutics of Religion* (Bloomington: Indiana University Press, 2001), 20–38.

[113] This is how Sacks qualifies these remarks:

> In 'The Book of Beliefs and Opinions' – [Rabbi] R. Saadia Gaon (882-942) explained…it takes humanity time to arrive at truth, and there are many slips and pitfalls along the way…that co-operation is as necessary as competition, that co-operation depends on trust, that trust requires justice, and that justice itself is incomplete without forgiveness. Morality is not simply what we choose it to be. It is part of the basic fabric of the universe, revealed to us by the universe's Creator, long ago.

https://rabbisacks.org/covenant-conversation-noach-true-morality.

[114] Ibid. While the Noachide covenant was the first instance of Divine forgiveness it was also constitutive of human freedom. Sacks confirms this assertion as stated in an interview. As I understand from the work of Konstan's book *Before Forgiveness*, a concept of forgiveness does not exist in Greek thought. So, forgiveness appears for the first time in the Hebrew Bible and the first recorded instance of forgiveness is to be found in the story of Joseph and his brothers." Sacks, *Universalizing Particularity*, 118. See further where Sacks discusses Kostan's interpretation of Greek forgiveness as a form of appeasement to restore social order, while considering Rene Girad's understanding of cyclical revenge that results from the failure of appeasement. https://rabbisacks.org/takes-forgive-vayechi-5778. See David Konstan, *Before Forgiveness*: *The Origins of a Moral Idea* (Cambridge: Cambridge University Press, 2012).

[115] Sacks, *The Great Partnership*, 230.

Bible's overture is both simultaneously obligatory and mutual.[116] Sacks asserts, "it is built on the faith that God has faith in us. God empowers us to become his partners in the work of creation".[117] The language of trust allows Sacks to play down the motif of the Biblical miracle as a distraction from this driven purpose.

> That God has total power is taken for granted at the outset. God speaks and the world is. The power of God is largely irrelevant to the religious life. Miracles in the Bible are usually for the sake of impressing people who believe in that sort of thing. So, the ten plagues and the division of the Red Sea are performed against the Egyptians. God Sends a fire at Elijah's request to defeat the false prophets of baal…[yet] When God speaks at the same mountain centuries later to Elijah, he makes a point of showing him that God is not in the whirlwind, the Earthquake or the fire, but in the 'still small voice.[118]

Sacks is asserting that the Hebrew Bible's emphasis on Divine power is at the same time the undermining of such power. "So, the first revolution of monotheism is to demythologize and thus secularize power".[119] Of course, it is not the purpose of this paper to make Sacks account for the numerous descriptions of Divine intervention in the

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[116] Sacks is implying partnership.

[117] Sacks, *The Home We Build Together*, 124.

[118] In fact, Sacks understands miracle in the manner Alain Badiou understood event. see Alain Badiou, *Being and Event*, trans. Oliver Feltham (New York: Continuum, 2006). Sacks' is commenting on the splitting of the Red Sea, "Alain Badiou has proposed the concept of an "event" as a "rupture in ontology" through which individuals are brought face to face with a truth that changes them and their world. It is as if all normal perception fades away and we know that we are in the presence of something momentous, to which we sense we must remain faithful for the rest of our lives. "The appropriation of Presence is mediated by an event." Ibid., 255.

> It is through transformative events that we feel ourselves addressed, summoned, by something beyond history, breaking through into history. In this sense, the division of the Reed Sea was something other and deeper than a suspension of the laws of nature. It was the transformative moment at which the people "believed in the Lord and in Moses His servant" (Ex. 14:31) and called themselves "the people You acquired" (Ex. 15:16).

https://rabbisacks.org/divided-sea-natural-or-supernatural-5779. Yet, Badiou speaks closer to John Caputo who describes the 'unconditional' as "the event that stirs within the relative and contingent things around us" Caputo, "Spectral hermeneutics," 157. Sacks' 'exceptional moment' was a 'summon' of hospitable transfiguration outside the world of contingency. Sacks, *Faith in the Future*, 47.

[119] Sacks, *The Great Partnership,* 168.

Hebrew Bible and Rabbinic exegesis. We may rather ask what he is trying to achieve by downplaying the role of miracle.

I contend Sacks infers the miracle as anterior to the law which belongs to the relation co-constituted through its materialized expression in the life of Israel. Hence, all indebtedness is inferred from Divine creation understood as "God's choice for human assistance."[120] "God accepts the risk that Israel will be unfaithful. Israel faces the risk that God will hide his face."[121] Therefore, anterior sovereignty can only be sovereign within a circumscribed framing of covenant.

Yet such a response does not fully account for Schmitt's insistence for constituting a Divine command theory. Robert Yelle explains Schmitt's contention,

> the model for sovereignty is an all-powerful God, who created the world out of nothing (creation ex nihilo). The evidence for the existence of sovereignty parallels the traditional mode of evidencing the existence of the deity. Both the exception and the miracle interrupt the continuity of routine and, by doing so, simultaneously demonstrate their supervening, transcendent actuality.[122]

Instead, Sacks refers to the philosopher J. L. Austin who claims covenants are asserted through performative utterances between two people. In turn, Sacks posits that language creates 'ex nihilo' moral bonds that didn't exist prior to the uttered

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[120] Sacks, *Faith in the Future,* 73. Choice in this context designates free Divine activity absent contingent on any form of necessity and or reciprocity, not choice where the proposition is dependent on its premise. On the issue of Divine indebtedness as Divine choice, implying a sovereign debt to human life as covenant, see https://rabbisacks.org/faith-lectures-creation-where-did-we-come-from and https://rabbisacks.org/eikev-5780. Also see David Novak, *Athens and Jerusalem* (University of Toronto Press, 2019), 51-57.

[121] Sacks, *One People?: Tradition, Modernity and Jewish Unity* (Liverpool: Liverpool University Press, 2008), 215.

[122] Yelle, *Sovereignty and the Sacred*, 9.

performance.[123] Sacks refers to a marriage ceremony where it is said, "Behold', you are betrothed to me."[124] This is why he asserts "marriage is where morality begins."[125] It is an instance of power that generates trust.[126] Upholding these words is an act of *Emunah* faithfulness,[127] "just as in marriage the two partners pledge themselves."[128] Sacks concludes, "Marriage is the binding relationship with otherness that brings new life into being and allows us to experience the covenant dimension of the world."[129] God chooses humans to act on behalf of the very power that undermines the Divine status of power. Creation's prerogative for human freedom is the situation of Divine power directed against the principle of exceptionality that demands such power.

In the spirit of Sacks' writings, Fred Dallmyr concludes, "what Schmitt completely ignores here is that the entire story of modernity can be read in a very different light: namely, as the incipient unfolding of a different conception of the divine and a correspondingly different self-understanding of humanity. Seen in this light, the alleged "transfer" of theological concepts to political theory appears much more complex and less unilateral than Schmitt suggests.[130]

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[123] Sacks, *A Letter in the Scroll*, 82. See, https://rabbisacks.org/covenant-conversation-5768-devarim-words/. Sacks, *The Dignity of Difference*, 202. See J.L. Austin, *How to Do Things with Words*, ed. J.O. Urmson (Clarendon Press, Oxford, 1975).

[124] Sacks, *A Letter in the Scroll*, 81-83. This is derived from Sacks' exegesis of the creation of women (*Havah)* in Gen. 2. Particularly the phrase 'a suitable helper' *ezer ke-negdo* in Gen. 2:18.

[125] Ibid., 83. Sacks will continue to substantiate this assertion by following philosophers such as Stuart Hampshire who tie morality to language, because just as there cannot be a private language (Wittgenstein) there cannot be a private morality. Sacks, *The Dignity of Difference*, 54-55. Jonathan Sacks, *The Persistence of Faith: Religion, Morality and Society in a Secular Age* (London: Bloomsbury Continuum, 2005), 45. Morality is then born in utterance (Austin). See also how these assertions are masked in Sacks' biblical exegesis of the Babel narrative. Sacks, *Not in God's Name*, 192-193.

[126] Ibid., 83.

[127] Ibid.

[128] Ibid., 85. Sacks is quoting from Hos. 2:21-22.

[129] Ibid., 89.

[130] Fred Dallmayr, *Integral Pluralism: Beyond Culture Wars* (Notre Dame: University of Notre Dame Press, 2020), 202 n. 6.

Chapter 3

Promise

In this section, we investigate how Sacks considers whether a political order can exist without its promise being bestowed to allow it to continue existing.[131] Sacks' inquiry begins with the promise that constitutes a societies self-formation. He asserts that promise is the fundamental performative utterance because "…promising is the fundamental moral act. When I promise, I voluntarily agree to bind myself. It is this ability of humans to commit themselves to do or refrain from doing certain acts that generates order in the relations between human beings without the use of coercive force."[132] Sacks is responding to Nietzsche who stated:

> To breed an animal with the prerogative to promise is that not precisely the paradoxical task which nature has set herself with regard to humankind? Is it not the real problem *of* humankind? …. [M]an himself will really have to become *reliable*, *regular*, *necessary*, even in his own self-image, so that he, as someone making a promise is, is answerable to his own *future*. That is precisely what constitutes the long history of the origins of *responsibility*.[133]

Nietzsche is articulating a creaturely consciousness that distinguishes animal forgetfulness[134] with the human proclivity to make promises. Nietzsche observes that human beings are governed not by consciousness and memory but by an active capacity to forget. Nietzsche's "noble man" allows themselves "no memory for insults" leaving an

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[131] Sacks, *The Great Partnership*, 165.
[132] Ibid.
[133] Friedrich Nietzsche, *On the Genealogy of Morality*, ed. Keith Ansell-Pearson, trans. Carol Diethe (Cambridge: Cambridge University Press,1994), 35–6.
[134] Ibid., 39.

excess of power to form, mold, recuperate and forget.[135] Nietzsche ascertains that the capacity to forget co-enables the capacity to form. Therefore, Nietzsche is tying the proclivity to remember to the faulted human animal that is incapable of standing for their own future. Nietzsche understands that a human animal does not maintain that level of forgetfulness and is always socially imbued through a promise maintained as "a real memory of the will".[136] The paradox Nietzsche is stuck with is the promise that both privileges the formation of a bonded society while allowing its demise through dangerous irresponsible human animals whose promises cannot be trusted. Sacks responds to these comments,

> A free political order is possible only when *the fundamental political act is a mutual promise* between governor and governed. But no human being can be trusted to keep his or her word when he or she has access to power—a power not available to opponents…. Freedom can only be guaranteed in a political system where the constitutional sovereign is God himself, where he has sought and obtained the free consent of the governed, and where he has bound himself to respect human freedom. That is what happens in Exodus 19–20, the making of a covenant—a mutually binding promise—between God and the children of Israel.[137]

Sacks theocentric vision of society is essential to the promise's society keeps. While simultaneously including those necessary arrangements (the social contract) to maintain a conception of order outside the purview of God, I suggest Sacks is juxtaposing Nietzsche statement with Hannah Arendt's reading of Nietzsche.[138] Hannah Arendt envisions the "faculty to make and keep promises" as responding to "the frailty of human

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[135] Nietzsche, *On the Genealogy of Morality,* 57.

[136] Ibid., 58. "[Telling a promise] involves no mere passive inability to rid oneself of an impression, no mere indigestion through a once-pledged word with which one cannot 'have done,' but an active *desire* not to rid oneself, a desire for the continuance of something desired once, a real "memory of the will." Ibid.

[137] Sacks, *The Great Partnership*, 165.

[138] Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), 23–47.

affairs"[139] Arendt further comments "in an ocean of uncertainty, which is the future, promises serve to set up those islands of security that assure the continuity and the durability of human relationships."[140] For Arendt, the promise of the sovereign individual is necessary to overcome the negative outcomes of the memory of the will. The promise maintains order by mitigating against unpredictability because relationships are indeterminate. The promise for Arendt is a mechanism to guarantee the future by ensuring the memory of the past promise.[141] Vanessa Lemm comments, "As such the promise constitutes a bilateral commitment and guarantee which binds people together through an agreed purpose."[142] Similarly for Sacks, the Promise will entrust memory as a moment for beginning again. Arendt notes,

> in this birth of each man this initial beginning is reaffirmed, because in each instance something new comes into an already existing world which will continue to exist after each individual's death. Because he is a beginning, man can begin; to be human and to be free are one and the same. God created man in order to introduce into the world the faculty of beginning: freedom.[143]

Lemm further comments, "The promise exercises control over the future by means of drawing the future ever further into the past. In so doing, the promise reverses the flow of time."[144] Thus, "instead of being born into an uncertain future, one is born into a secured past."[145] Sacks projects this rendering onto exodus politics as a symbolic

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[139] Hannah Arendt, *Between Past and Future* (London: Penguin Classics, 2006), 164.

[140] Arendt, *The Human Condition*, 244.

[141] Ibid., 246. According to Arendt, "the promise understood as a mechanism of control over the future lies at the basis of every polity that arises out of "the will to live together with others in the mode of action and speech." Ibid.

[142] Vanessa Lemm, "Memory and Promise in Arendt and Nietzsche." *Revista de Ciencia Politica* 26, no. 2. (2005): 164. Also see Daniel Brandes, "Nietzsche, Arendt, and the Promise of the Future," *Animus* 14 (2010).

[143] Arendt, *Between Past and Future: Eight Exercises in Political Thought*, 166.

[144] Lemm, "Memory and Promise in Arendt and Nietzsche," 164.

[145] Ibid., 162.

paradigm for how Abrahamic societies can forge a covenant. According to Sacks, the promise ensures that sovereignty derives from the future as the capacity to begin again. Arendt is explicitly critiquing political conceptions of sovereignty[146] and explicitly uses the term in order to signify exactly the opposite, namely, that the "sovereignty of a body of people, bound and kept together by an agreed purpose for which alone promises, and contracts are valid, and binding is preferable to being completely free, unbound by any promise, and not kept by any purpose."[147] Sacks expands on this further when stating,

> Covenant is politics with a purpose. It sees history as a journey—long, slow, fraught with setbacks towards a destination perhaps never finally reached but glimpsed from afar. It recognizes that we are fallible, frail, prone to every kind of moral failing, but it refuses to give way to cynicism or despair.[148]

It can be inferred that Sacks is associating Arendt's use of human sovereignty and the faculty of making promises with Nietzsche's memory of the will.[149] Sacks follows Arendt by transfiguring the memory of the will away from the will to power. He does this by locating responsibility as the freedom inferring the power of the "We".[150] Sacks only confers this assumption when God in the Hebrew Bible chooses to share power with human beings, "it is built on the faith that God has faith in us. God empowers us to become his partners in the work of creation*"*.[151]

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[146] Arendt, *Between Past and Future*, 165. "If men wish to be free, it is precisely sovereignty they must renounce." Ibid.

[147] Arendt, *The Human Condition*, 245.

[148] Sacks, *The Home We Build Together*, 124.

[149] Nietzsche, *On the Genealogy of Morality*, 39. I will not contend with Arendt's reading of Nietzsche here as other have already done.

[150] This is an ongoing motif in Sacks' works *The Home We Build Together* and *Morality*. Sacks attempts to concretize this 'We' onto the ethos of a society that seeks rights as responsibilities over rights as entitlements.

[151] Sacks, *The Home We Build Together*, 124.

This insists on God's memory of the Noachide and Abrahamic covenants as the source for the 'We', sharing out to the 'I'.[152] Therefore, Sacks conceives Divine creation to infer every beginning is a re-beginning. God's sovereignty belongs to the future tense *Ehyeh asher Ehyeh* (Exod. 3:14) as "I will be what I will be," conceived as the promise now that is also not yet fulfilled.

Sacks' theocentric view cannot conceive from what beginning Arendt's notion of beginning again would conjure. To what past may a community return without a shared memory and sense of belonging that can initiate a new beginning? Suffice it to say, for Sacks, the covenant provides a symbolic expression of social bond, that invokes a freedom in the power of the 'We' whose authority is both obligatory and mutual.[153] According to Arendt, the promise needs to be institutionalized, or, in other words, that freedom needs to be founded.[154] She defends the contingency of the public realm by holding that the unreliability of human action is the price that has to be paid for freedom and that the impossibility of predicting the consequences of action is the price that has to be paid for plurality.[155] Hence, Arendt must defend the institution of memory to secure the power of the group against the uncertainties of the future. Sacks is inverting this prerogative by invoking "the unappeased memory of a future yet to be fulfilled."[156] Therefore, Sacks asserts, "Jewish faith is written in the future tense. It is belief in a future that is *not yet* but could be, if we heed God's call, obey his will and act together as a covenantal community."[157]

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[152] Sacks, *Faith in the Future*, 166. Sacks, *A Letter in the Scroll*, 93-94.
[153] Sacks, *The Home We Build Together*, 124.
[154] Hannah Arendt, *On Revolution* (London: Penguin, 1988), 141-214.
[155] Arendt, *The Human Condition*, 175-181.
[156] https://rabbisacks.org/jewish-time-vayechi-5777.
[157] Sacks, *Future Tense,* 250.

The question for both Sacks and Arendt, "is whether this institutionalized protection not only preserves freedom and plurality, but simultaneously threatens them assuming that institutionalization is essentially a mechanism of control directed against the unreliability and unpredictability that define the freedom and plurality of human action."[158]

Tshuvah/Return

In the previous section I exposed the manner Divine sovereignty belongs to the promise that confers the future tense of God's name 'I will be what I will be' (Ex. 3:14). This promise is therein tied to the premise for the unpredictability of the future.

In response, Robert Yelle noted that,

> Schmitt's argument that the exception is necessary as a supplement to the gaps and weaknesses in the legal order of secular liberalism countered the attempt to reduce the legal order to a set of statutes that could be mechanically applied in such a way as to render the world predictable and certain.[159]

Secondly, where Arendt and Nietzsche seek to show it is the promise of the sovereign individual that allows the questioning of present institutions, Sacks seeks to show that it is the promise of the future that is the source of questioning the institutions of the present. Because for Sacks the "power of now"[160] will derive from remembering the future that is not yet.[161] The Biblical covenant ensures not a mechanism to control

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[158] Lemm, "Memory and Promise in Arendt and Nietzsche," 171.
[159] Yelle, *The Trouble with Transcendence / Method and Theory in the Study of Religion,* 189-206, 192.
[160] http://rabbisacks.org/three-versions-of-shabbat-emor-5779.
[161] Sacks, *Future Tense*, 244-250, 260-261.

unpredictability, but rather, to control forgetfulness. To ensure the future for messianic unpredictability that may have been dominated by violent institutions of the past, is a promise that knows how to disrupt the memory of the will in the name of the future.[162] Sacks comments, "in Judaism we are always in the middle of a story whose ending lies in the future."[163] This is because "the Hebrew Bible is a story without an ending."[164] Implying an ending is already discovered in its beginnings. Sacks confirms this:

> The story begins with God's call to Abraham to leave home and travel to the land which I will show you. Seven times, God promises Abraham the land. He promises it again, once to Isaac and three times to Jacob…. The end, heralded at the beginning, will be the land. It will become Abraham's children's home. It is a story about a journey with a destination, a divine promise, and its fulfilment. Abraham leaves one home to find another. The story begins with a departure and ends with an arrival.[165]

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[162] Sacks, *Future Tense*, 239. There, Sacks is tracing the Hebrew Bible from Abraham's departure in Genesis to the Israelites entering the promised land:

> Following Joshua, the rule of judges ends in anarchy: 'In those days there was no king in Israel; everyone did what they saw fit.' The people choose monarchy, but this proves only a temporary unification. After the death of Solomon, the kingdom splits in two. The northern kingdom is taken captive and disappears. The southern kingdom falls to the Babylonians. The Book of Books ends, at 2 Chronicles 36, with Cyrus, king of Persia, who has conquered Babylon, giving permission to the exiles to return. So, we find ourselves—after thirty-nine books and more than a thousand years of history—back almost where the story began, in Babylon, not far from Ur of the Chaldees from where Abraham's family first set out.

Ibid.

[163] Ibid, 240. Sacks is following the framework laid out by David Clines. See Clines, *The Theme of the Pentateuch* (Sheffield, University of Sheffield, 1978).

[164] Ibid, 239. Sacks is referring to Frank Kermode's work *The Sense of an Ending*. See, Frank Kermode, *The Sense of an Ending: Studies in the Theory of Fiction*, (Oxford: Oxford University Press, 2000), 9.

[165] Ibid, 237. Sacks finds the theological antecedents for this assertion in the phrase *Ehyeh asher ehyeh* Exod. 3:14., "I will be whatever I will be." (Sacks' emphasis) Sacks comments:

> It is a statement about the future, about choice and freewill and the unknowability in advance of how God will appear and when. It means, "I am the future tense. I am the God of freedom, whose future can't be predicted by humans." In other words, I am that Being who will never be fully known, mapped, charted in terms of scientific laws or philosophical constructions. This is the God of history, not ontology; the God who is encountered, not proved by inductive or deductive reasoning. This is the God of freedom who has granted us freedom and thus made us something other and more than matter in space, a biological organism whose behavior is the result merely of physical, chemical, or genetic causes. There will always be some margin of mystery and some element of unpredictability.

For Arendt, this promise welcomes the return of Nietzschean animal forgetfulness as that force which disrupts the identity between past, present and future "in the name of the free and spontaneous generation of life".[166] Lemm concludes, "Both kinds of promises, the ones that stabilize and secure the rule of the group and the ones that revolutionize it are, according to Nietzsche, of equal value to human animal life. Depending on whether life needs to be preserved or whether life needs to be renewed, either the first or the second kind of promise protects the freedom and plurality of human action."[167] For Sacks, this is the promise that calls individuals to responsibility for the future in anticipation for a transfiguration of the past:

> For if freedom means that humans will sin, then God must have accepted in advance that they would sin, which means that He provided a mechanism for their forgiveness—a mechanism that, without releasing people from moral responsibility, acknowledges that they can recognize that they did wrong, express remorse for the past, and dedicate themselves to learning from it and growing thereby, in short, that they can do *teshuva*[return].[168]

In fact, Sacks comments, "the Talmudic sages who interpreted the passage, 'Now O Israel, what does your God ask of you?", suggested 'Now' infers *Teshuva* the Hebrew word that designates repentance yet more literally returning."[169] Sacks further writes, "*Teshuva* insists that we can liberate ourselves from our past, defy predications of our

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Tirosh-Samuelson and Hughes, *Jonathan Sacks: Universalizing Particularity*, 115.

[166] Lemm, "Memory and Promise in Arendt and Nietzsche," 171.

[167] Ibid.

[168] Jonathan Sacks, *The Koren Yom Kippur Mahzor* (Jerusalem: Koren Publishers, 2009), xxiv. Sacks is referring Genesis 2-5 where the sin of Adam, Eve and Cain implies that freedom is a double-edged sword. "The freedom to do good is inseparable from the freedom to do harm, to commit sin, to practice evil. The problem of evil is *the* problem of humanity." Ibid, xxiv.

[169] Deut. 10:12, Midrash Bereshit Rabbah, to Genesis 21:6. See Maimonides commentary to M. Avot 1:13; Mishnah Torah, Laws of Repentance, 2:1, 3:4, 7:2. Jonathan Sacks, *Tradition in an Untraditional Age* (Elstree: Vallentine, Mitchell,1990), 203.

future, by a single act of *turning*…as long as we do it now".[170] Following Maimonides, Sacks asserts debt is redeemed by resolution followed by remorse.[171] Resolution as the power of now transfigures past remorse from self-pity in the unfulfilled future of each resolved past.[172]

Sacks infers this structure of returning for past forgiveness belongs to creation and the beginnings that allow beginning again. Sacks derives this from a Rabbinic Midrash:

> Rabbi Yannai said: from the beginning of creation God foresaw the deeds of the righteous and wicked. *The earth was void*—this refers to the deeds of the wicked. *And God said, let there be light*—this refers to the deeds of the righteous. *And God separated the light from the darkness*—this means, the deeds of the righteous from the deeds of the wicked. *God called the light "day,"*—this refers to the deeds of the righteous. *The darkness He called night*—this refers to the deeds of the wicked. *And there was evening*—the deeds of the wicked. *And there was morning*—the deeds of the righteous. *One day*—this means that God gave them [both] a single day. Which was it? Yom Kippur. (*Midrash Bereshit Raba* 3:8)

Sacks comments:

> the midrash is based on the observation that the Hebrew text of Genesis calls the first day of creation, *yom eĥad*, literally "one day," when it should have said, *yom rishon*, "the first day" (see *Bemidbar Raba 13:6.* Evidently, then, the Torah does not mean "the first day." It means the singular, unique day of days, which in Jewish terms means Yom Kippur. But the midrash is clearly saying something deeper. It is asserting that *divine forgiveness preceded the creation of the first humans* for without a mechanism for repentance, the creation of Homo sapiens

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[170] Ibid., 203-204.

[171] Maimonides, Mishnah Torah, Laws of Repentance, 5:2 and 2:2 whose proof text is Jer. 31:18, read on the holiday of *Rosh Hashana*.

[172] It would be pertinent to further juxtapose Sacks argument against Derrida's assertion that the impossibility of forgiveness is prior to the impossibility of the gift of forgiveness. See Jacques Derrida, "To Forgive: the unforgivable and the imprescriptible," in *Questioning God*, ed. J.D. Caputo, M. Dooley, and M.J. Scalon (Bloomington: Indiana University Press), 21-51. In response to Derrida's depiction of forgiveness. See Edith Wyschogrod, "Repentance and Forgiveness: the undoing of time," in *Self and Other: Essays in Continental Philosophy of Religion*, ed. Eugene Thomas Long (New York: Springer, 2007), 157-168. On the relation between forgiveness and forgetfulness in Jewish thought see, Elliot Wolfson, *Pathwings*: *Philosophic and Poetic Reflections on the Hermeneutics of Time and Language*. (Barrytown: Stationhill Press, 2004), 111-138. On the relation between confession as predication versus solicitation see P.H. Peli, *Soloveitchik on Repentance* (New York: Paulist Press, 1984), 77-80. On sin as an economic metaphor for debt see, Gary Anderson, *Sin: A History* (New Haven: Yale University Press, 2010).

> does not make sense. Without it, our guilt would accumulate, as it did in the generation of the Flood. There would be no way of mending the past or moving on from it. The human condition would be tragic.[173]

The language of *Yom Ehad* designates the beginning again that recollects itself in each *yom rishon.* That singular forgiveness is the sovereign indebtedness that reverses the accruing debt political sovereignty demands on its subjects. This legitimizes the Divine forgiveness that initiated the Noachide covenant. Forgiveness is an infinite redistribution of justice. This structure of pardoning belongs both to the *middat Harachamim* forgiveness and *middat Hadin* justice that serves as the undergarment for Sacks' political theology of Divine sovereignty.[174]

Sacks ends this discussion stating that without forgiveness,

> we would live weighed down by the burden of remorse, or worse we would seek to liberate ourselves from the voice of conscience altogether, and we would then become lower than the beasts.[175]

It can be assumed Sacks uses the language of lower than beasts to dramatize a person who were to liberate their Nietzschean conscience, as they no longer are able to promise nor be answerable to their future. Arendt reverts from Nietzsche and correctly sees, the distinction of "humans from animal life…constitutes the condition of possibility of politics, that is, of human freedom and action."[176] In language quite succinct to Sacks, Arendt claims, "Otherwise we would be doomed to swing forever in the ever-recurring

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[173] Sacks, *The Koren Yom Kippur Mahzor*, xxiv.

[174] Sacks further qualifies this theme in his *To Heal a Fractured World*, where Sacks exposes the manner through which the 'good' and the 'holy' simultaneously conjoin and disjoin in Jewish ethics.

[175] Ibid., xxiv.

[176] Arendt, *The Human Condition*, 241.

cycle of becoming"; "we would be the victims of an automatic necessity."[177] In the sovereign individual, memory is not imposed on the human animal's forgetfulness. Instead, the promise of the sovereign individual portrays the features of animal forgetfulness. Sacks responds:

> The Hebrew Bible argues, contrarily, that if our acts are no more than the effects of causes over which we have no control, then we inhabit a tragically configured universe, and time is no more than a cycle of eternal recurrences. Against this the Bible predicates its faith – God's faith – in freedom. If we can change, then the future is not destined to be an action replay of the past. Repentance is the proof that we can change.[178]

Under Arendt's pretenses, Vanessa Lemm asserts that, "for Arendt, this return to the past is a return to the beginning which allows one to re-begin because what one returns to is essentially the memory of the human being as a beginner."[179] Lemm is referring to Arendt's assertion that a person in and of themselves are beginnings, and "because he is a beginning, man can begin; to be human and to be free are one and the same."[180] The question remains whether each singular Arendtian beginning, is the cause or the effect for each beginning again. How can Arendt transition from the memory of past beginnings while holding onto each beginning again that would spring society into the spontaneous

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[177] Ibid, 241.

[178] Sacks is interpreting specifically the Biblical narrative of Joseph. See, *Not In God's Name*, 157. See generally, Ibid., 144-160. Also refer to https://rabbisacks.org/vayigash-5780. Here Sacks refers this insight to the work of Mordechai Rotenberg. Rotenberg articulates for Sacks the psychoanalytic transference that occurs when re-biographing a narrative failure according to the asymmetry of time. It's beyond the scope of this paper to give of a full explication of how Sacks may be using Rotenberg's psychoanalytic readings of Rabbinic midrash. Please refer to the following sections that elucidate the Rabbinic proclivity to re-biographize past narratives as an act of *t'shuva*. Mordechai Rotenberg, *Rewriting the Self: Psychotherapy and Midrash* (London: Routledge, 2004), 52-71,154-158, 163-171, 181-184, 189-198.

[179] Lemm, "Memory and Promise in Arendt and Nietzsche," 164. Arendt, *Between Past and Future,* 167.

[180] Arendt, *The Human Condition,* 167.

future.[181] I suggest Sacks would accuse Arendt of being too vague as to whether memory conjures future action from a foundation for an uncertain future.

Sacks would thereby respond, "the guardian of conscience is memory,"[182] yet evident for the six times Moses uses the word memory *Zachor* in Deuteronomy.[183] Sacks finds two conceptions of memory inherent in covenant building. In *A Letter in a Scroll*, Sacks refers firstly to the memory based on the past "where they came from and what has happened to them". [184] Secondly, the future based on "where a group is going"[185], implying a pursuit that does not belong merely to past memory and ethnic belonging, rather, to a shared future vision.[186] Sacks is stating this memory is not based on past claims. Rather, memory serves as an inference for future responsibilities because society has not reached their destination. Sacks' vision of the future tense of memory is based on a passage in Isaiah 46:10:

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[181] Ibid, 164. Arendt also asserts this promise of beginnings needs to be founded and institutionalized. Arendt, *On Revolution*, 141–214.

[182] https://rabbisacks.org/the-politics-of-memory-eikev-5779.

[183] Ibid. Here, Sacks identifies the six as:

> (i) Remember that you were slaves in Egypt…therefore the Lord your God has commanded you to observe the Shabbat day. (Deut. 5:15);
> (ii) Remember how the Lord your God led you all the way in the desert these forty years…(Deut. 8:2);
> (iii) Remember this and never forget how you provoked the Lord your God to anger in the desert…(Deut. 9:7)
> (iv) Remember what the Lord your God did to Miriam along the way after you came out of Egypt. (Deut. 24:9)
> (v) Remember what the Amalekites did to you along the way when you came out of Egypt. (Deut. 25:17)
> (vi) Remember the days of old, consider the years of ages past. (Deut. 32:7).

[184] Sacks, *A Letter in a Scroll*, 115. Sacks quotes Jacob Neusner,

> Civilization hangs suspended, from generation to generation, by the gossamer strand of memory. If only one cohort of mothers and fathers fails to convey to its children what it has learned from its parents, then the great chain of learning and wisdom snaps. If the guardians of human knowledge stumble only one time, in their fall collapses the whole edifice of knowledge and understanding.

Sacks, *Faith in the Future*, 42.

[185] Ibid, 115-116.

[186] Ibid.

I make known the end from the beginning,
from ancient times, what is still to come.
I say: My purpose will stand,
and I will do all that I please.[187]

Isaiah confirms for Sacks the framework of Abrahms journey throughout the Hebrew Bible. God reveals the end at the beginning. Hermeneutically, such an assertion will belong to the unclaimed memories of the past promise whose future narrates a midpoint that both conjoins and disjoins with its beginning turning to its distant end.[188] This not yet is the void where listening enacts memory by re-presenting the now in renewed attention. What Sacks continuously refers to in his writings is the still small voice of Elijah.[189] According to Sacks the openness of the future entails a glimpse of the end already revealed in the beginning. What makes this vision teleological for Sacks is not the bringing of history to an end. Therefore, the distant end narrates the reconfiguring midpoint whose Divine voice redeems the solitude of the now, by projecting the memory of the past promise onto an open future.

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[187] http://rabbisacks.org/sabbath-first-day-last-ki-tissa-5777.

[188] Asher Biemann. *Inventing New Beginnings: On the Idea of Renaissance in Modern Judaism* (Stanford: Stanford University Press, 2009), 60. The paradox of beginning is the very paradox of thresholds; thresholds of time and continuity. Its ability to bind and to dissolve, to conjoin and disjoin, to be bridge and door, enables the beginning to turn time into and against history, to fabricate continuity and to tear it apart. Herein lies the "temporal dialectic" Paul Ricoeur had attached to narrative time. In the beginning, time becomes plot, history becomes narrative, but the beginning can begin only in a synchronic chronic present, in the presence of a "fullness" of time. The beginning must be conscious of a temporal whole; it must be conscious of its place in a middle where the termini of plot are present as thresholds of time, as open transitions.

[189] Sacks, *Letter in the Scroll,* 86-88, 225. Sacks, *Future Tense*, 192-193. Sacks, *The Great Partnership*, 56, 149, 160, 168, 206, 285, 291, 295. Sacks, *Not in God's Name*, 3, 237. Sacks, *To Heal a Fractured World*, 13-14, 253, 262. Sacks, *Essays on Ethics*, 8, 148, 251, 254-255.

Sacrifice

The promise ensures that memory is further preserved through the ritual that dramatically acts out an intention.[190] "This is especially important in the case of repentance, in which something (representing the old self) has to die so that something else (the new self) can be born."[191] The pardon in this sense juxtaposes alongside the notion of sacrifice in the process of redistributive justice. When animal sacrifice occurs, the animal forgetfulness that the human seeks to extinguish renews the future promise of debt cancellation. For this reason, "It was the genius of Judaism to understand that what was central in *avodah*, the service of God, was the intention, not the precise form of its symbolic enactment. That is how words (prayer) could eventually substitute for *property* (animals, grain)."[192]

Sacks derives this meaning from a verse from the prophet Hosea 14:2-3:

> Return, O Israel, to the LORD your God.
> Your sins have been your downfall!
> Take words [deva rim] with you
> and return to the LORD.

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[190] https://rabbisacks.org/sin-offering-vayikra-5777. Responding to Arendt's connection between forgiveness and action, Sacks writes, "Forgiving, in other words, is the only reaction which does not merely re-act but acts anew and unexpectedly, unconditioned by the act which provoked it and therefore freeing from its consequences both the one who forgives and the one who is forgiven." https://rabbisacks.org/jewish-time-vayechi-5777.

[191] Sacks, *Tradition in an Untraditional Age*, 203-204. "Teshuva insists that we can liberate ourselves from our past, defy predictions of our future, by a single act of turning…as long as we do it now." Ibid.

[192] https://rabbisacks.org/covenant-conversation-5768-tzav-on-sacrifice. Here Sacks identifies:

> The noun korban, "sacrifice", and the verb le-hakriv, "to offer something as a sacrifice" actually mean "that which is brought close" and "the act of bringing close". The key element is not so much giving something up (the usual meaning of sacrifice) but rather bringing something close to G-d. Le-hakriv is to bring the animal element to be transformed through the Divine fire that once burned on the altar, and still burns at the heart of prayer if we truly seek closeness to G-d.

https://rabbisacks.org/covenant-conversation-5770-vaykira-self-and-sacrifice.

While the standard interpretation of these verses is that Hosea is speaking about *T'shuva* the return and repentance, Sacks reads this passage more subversively, suggesting,

> Israel's existence as a nation, however, is not based on power or a land (though it longs for and is promised both) but on words—the words of God to Israel and the acceptance of those words by Israel. So long as the word exists, Israel exists; and because God is eternal and never revokes His word, Israel will always exist. Because Israel's very being as a nation is constituted by *deva rim*, the "words" of God, there is always the possibility and promise of return. Israel, alone among the nations of the world, survives defeat and dispersion—the loss of power and land—because there is something it will never lose: God's word given and received in love. "Take words—the words of the covenant—with you and return to the Lord.[193]

Arendt though would remind Sacks that violence is at stake whenever the grammar of promise is employed in "the realm of making."[194] This implies "the presence of force over oneself and over others: to promise means to hold onto something rather than let it go…to make oneself remember rather than forget."[195] This is accomplished in the name of a future that seeks to tie itself to an authoritative past.

Arendt may be echoing the dilemma of Carl Schmitt who contends the indebtedness that characterizes sacrifice, infers the exceptional violence that founds the polity outside law. According to Heinrich Meier, Schmitt embraced sacrifice in the

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[193] Sacks asserts:

> The 'words' *devarim*, "harks back to the great vision of Moses (in chapter 30) of exile and return: When all these words [devarim, often – wrongly – translated as "things"], the blessings and curses I have set before you, come upon you and you take them to heart wherever the LORD your G-d disperses you among the nations, and when you and your children return to the LORD your G-d and obey him with all your heart and with all your soul according to everything I command you today, then the LORD your G-d will restore your fortunes and have compassion on you and gather you again from all the nations where he scattered you. Even if you have been banished to the most distant land under the heavens, from there the LORD your G-d will gather you and bring you back.

https://rabbisacks.org/covenant-conversation-5768-devarim-words.

[194] Arendt, *The Human Condition*, 136-174.

[195] Lemm, "Memory and Promise in Arendt and Nietzsche," 164.

framework of divine command theory, "Tertullian's guiding principle: We are obliged to something not because it is good but because God commands it accompanies Schmitt through all the turns and vicissitudes of his long life."[196] The sovereign that founds a polity is the 'miracle' that suspends natural law. This miracle constitutes the exception that is always anterior to the law. Divine command in other words illustrates the ability to suspend moral law by making an exception to the law. Robert Yelle comments, "Schmitt identified the original political decision as beyond both good and evil, locating it instead in the designation of the enemy."[197] This is the enemy that for Schmitt generates a legalized exception whose enforcement returns the polity violently to its founding sacrificial moment.

Sacks is understanding Schmitt's enemy as acting out Rene Girard's outsider. "Hence Girard's contentions that, first, the primal religious act is human sacrifice; second, the primal sacrifice is the scapegoat; and third, the function of religion is to deflect away internal violence that would otherwise destroy the group."[198] This occurs when a cohesive group in contention needs to relieve themselves via a third party. Schmitt is locating the source of community by distinguishing friend from enemy. This distinction articulates the foundational sense of identity. Ongoing sacrifice thereby returns the polity to its founding moment. Sacks would understand Schmitt's friend/enemy distinction as already occurring within a breakdown of fraternal

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[196] Heinrich Meier, *The Lesson of Carl Schmitt: Four Chapters on the Distinction between Political Theology and Political Philosophy*. trans. Marcus Brainerd and Robert Berman (Chicago: University of Chicago Press, 2011), 59–60, quoting Tertullian.

[197] Yelle, *Sovereignty and the Sacred*, 10-11. Schmitt, *The Concept of the Political*, 26.

[198] See Sacks, *Not in God's Name,* 75.

cohesiveness.[199] By following Girard, Sacks would accuse Schmitt of not properly secularizing theology because, "It is not religion that gives rise to violence. It is violence that gives rise to religion."[200] In other words it's not the act sacrifice that gives rise to violence and the polity, it is violence already fraternal to any group that gives rise to the scapegoat whose sacrifice founds society. Sacks thereby would attribute Schmitt's interpretation to the prophetic critique of sacrifice. Sacks writes,

> This explains the sustained critique of sacrifices by the prophets. They were not against the institution, but they recognized that here, more than anywhere else, without constant reminders, Jews could lapse into idolatry. They could come to see sacrifices as a way of placating God, leaving them free to exercise power over the powerless. In Judaism the point of sacrifice was the precise opposite—a renunciation of power in favor of God, so that the experience of powerlessness in the face of Infinity could activate their identification with the powerless in society. Here more than anywhere else, intention was vital. The wrong intention could turn a holy act into a pagan one. Prophecy is a critique of power. That is why the prophets focused on two institutions, monarchy (earthly power) and sacrifice (as a means of enlisting divine power).[201]

Sacks thereby reverses the order of Schmitt's enmity. Sacrifice and pardon project the polity from the perspective of its not yet future rather than an orginary and self-grounding sacrificial past. Sacks attributes sacrifices future tense to acts that entail the givenness of love. Love is for Sacks a series of future tense commitments.[202] "*We love*

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[199] On Schmitt's friend/enemy distinction see Schmitt, *Political theology*, xv, xvi, xxi. Regarding fraternal conflict, Sacks does not follow the conclusions upon which Girard read onto mythical texts. On this point see Richard Kearney, *Strangers, Gods and Monsters*: *Interpreting Otherness* (London: Routledge, 2002), 37-39. Sacks does follow Girard in locating violence within the inner communal fraternal conflict that arises amongst sibling rivalries. Sacks reads these conflicts in light of the Hebrew Bible's attention to those rivalries in the book of Genesis. Refer to Sacks' analysis of Cain and Abe and Jacob and Esau in *Not in God's Name.* Sacks, *Not in God's Name*, 107-166. Challenging Sacks, Moshe Halbertal reads the Cain narrative and locates the source of violence in the "exclusion from the possibility of giving". See, Moshe Halbertal*, On Sacrifice* (Princeton: Princeton University Press, 2012), 19-22.

[200] Sacks, *Not in God's Name*, 74.

[201] https://rabbisacks.org/covenant-conversation-5768-tzav-on-sacrifice.

[202] Sacks noted:

> My late predecessor, Lord Jakobovits, had a lovely way of putting this. The Talmud says that when a man divorces his first wife, "the altar sheds tears" (Gittin 90b). What is the connection between the altar and a marriage? Both, he said, are about sacrifices. Marriages fail when the

what we are willing to make sacrifices for…. To love is to thank. To love is to want to bring an offering to the Beloved. To love is to give. Sacrifice is the choreography of love."[203] Recall the future can only be meaningful by presupposing rededication (beginning again).[204] Therefore, sacrifice seeks to extinguish animal forgetfulness in the fire/word that returns itself through its future promise that occurs in the past. In Sacks' own words, "*Lehakriv* ['to offer something as a sacrifice'] is to bring the animal element within us to be transformed through the divine fire that once burned on the altar, and still burns at the heart of prayer if we truly seek closeness to God."[205] The animal is conferred

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> partners are unwilling to make sacrifices for one another… Not all sacrifice is holy. Today's suicide bombers sacrifice their lives and those of their victims in a way I have argued (in *Not in God's Name*) is sacrilege. Indeed, the very existence of animal sacrifice in the Torah may have been a way of preventing people from offering human sacrifice in the form of violence and war. But the principle of sacrifice remains. It is the gift we bring to what and whom we love.

https://rabbisacks.org/understanding-sacrifice-tzav-5776.

[203] Sacks, *Covenant and Conversation: Leviticus: The Book of Holiness,* 67. Elsewhere Sacks quotes Paul Kahn as saying:

> Sacrifice is at the heart of both politics and family. Both parent and citizen understanding themselves as subject to a demand for sacrifice. They recognize the demand as legitimate because they live in the world of meanings that the sacrificial acts affirm. Sacrifice is, accordingly, the way of being in a meaningful world. Sacrifice, we say, is an act of love. In love, we are willing to sacrifice, and through that sacrifice we simultaneously create and discover the subject that we are.

Paul Kahn, *Putting Liberalism in its Place (*Princeton: Princeton University Press, 2004), 224.

[204] Divine sovereignty attends disjointly to that relation between sacrifice and pardon that infers debt cancellation. Biemann comments, "hidden in the pardon is the unhistorical work of "the possibility of "turning return" (teshuvah, metanoia) a repairing pairing going back that defies all temporal order." Biemann, *Inventing New Beginnings*,14-15. Biemann quotes Aidin Steinzaltz: "The penitent, has the actual ability historians can only fantasize about: to "return . . . to the past, one's own, or one's ancestors." Ibid.

Steinsaltz empowers the penitent with a sense of predictability over the future. "Once this return is truly answered by the voice that is pardon, the past ceases indeed to be past: Active in a stronger sense than forgetting." Aidin Steinsaltz, *Teshuvah: A Guide for the Newly Observant Jew* (New York: Free Press, 1982), 15. Emmanuel Levinas adds, "pardon acts upon the past, somehow repeats the event, purifying it. The past, in a word, ceases to be past not by its negation or undoing but by its affirmation and purifying redoing. It is neither forgotten, nor remembered, but relived and "redeemed." Emmanuel Levinas, *Totality and Infinity*: *An Essay on Exteriority* (Pittsburgh: Duquesne University Press), 282.

[205] Sacks, *Essays on Ethics: A Weekly Reading of the Jewish Bible*, 166. "The noun *korban*, 'sacrifice', and the verb *le-hakriv*, 'to offer something as a sacrifice' means 'that which is brought close' and 'the act of bringing close'. The key element is not so much giving something up (the usual meaning of sacrifice) but rather bringing something close to G-d." Sacks might even be associating Nietzschean 'animal forgetfulness' with Rabbi Shneur Zalman's distinction between the Godly soul and the animal soul *nefesh habehemit.* Sacks concludes, "We can redirect our animal instincts. We can rise above mere

through sacrifice because its word commits to its promise of [return for a] pardon that is also the future givenness of pardoning given from the beginning *yom ehad*.[206] Without promise, a person will be trapped in animal forgetfulness. This reverses the order between sacrifice and promise.[207] It is the future tense of the promise that confers the sacrifice, not the past tense of political sacrifice that confers the promise. Thereby, Sacks recovers from Schmitt the theological framework for Biblical redistributive justice founded on future promise rather than the originary violence that is founded in present sacrifice.

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survival. We are capable of honoring boundaries. We can step outside our environment." https://rabbisacks.org/covenant-conversation-5770-vaykira-self-and-sacrifice.

[206] Ibid, *The Great Partnership*, 179. It is now wonder Sacks describes the *Akeda*, the Biblical episode of Isaac being bound to the altar as follows: "Abraham renounces ownership in his child by handing him over to God only to be *regained* to Abraham." Ibid.

[207] On this account Sacks would be concurring with Soloveitchik's interpretation of repentance where the acts effect confers its cause. Joeph B. Soloveitchik writes:

> There is a living past and there is a dead past. There is a future which has not as yet been "created", and there is a future already in existence. There is a past and there is a future that are connected with one another and with the present only through the law of causality-the cause found at moment *a* links up with the effect taking place at moment *b*, and so on. However, time itself as past appears only as "no more" and as future appears as "not yet".

Joseph B. Soloveitchik, *Halakhic Man* (Philadelphia: Jewish Publication Society, 1983), 114. Levinas similarly suggests the separation between interiority and face, "is not [first] reflected in thought but produced by it. For in it the *after* or the *effect* conditions…the cause: the *before* (or cause) appears and is only welcomed." Emmanuel Levinas, *Totality and Infinity*, 54. Elliot Wolfson, "Eternal Duration and Temporal Compresence: The Influence of Habad on Joseph B. Soloveitchik," in *The Value of the Particular: Lessons from Judaism and the Modern Jewish Experience*, ed. Michael Zank and Ingrid Anderson. (Lieden: Brill, 2015), 222-225.

Chapter 4

Sabbatical

Jonathan Sacks once wrote, "Shabbat is the greatest tutorial in liberty ever devised."[208] Sacks locates this tutorial of liberty as the undergarment for a just and covenantal society:

> Therefore, a discipline that rests on moral foundations. What matters to the Torah is not simply technical indices such as the rate of growth or absolute standards of wealth but the quality and texture of relationships: people's independence and sense of dignity,[209] the ways in which the system allows people to recover from misfortune, and the extent to which it allows the members of a society to live the truth that "When you eat from the labor of your hands you will be happy and it will be well with you" (Ps. 128: 2)."[210]

In this chapter, I will display how Sacks espouses the principle of redistribution as the hermeneutical fulcrum that seeks its assertion within time while framing human dignity against the flow of time.[211]

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[208] Jonathan Sacks, *Radical Then, Radical Now* (New York: Continuum, 2009), 130.

[209] Sacks refers to Peter Berger who argued:

> One of the most important transitions in Western modernity was the movement from honor to dignity. The difference between them is that honor is something you occupy in virtue of your rank in society; dignity is something that attaches to you by the mere fact of being human. Honor presupposes hierarchy, whereas dignity is an expression of a specific form of equality: namely, equality of respect. That is one reason that honor cultures, so important even in our own past, seem archaic from the point of view of the contemporary West.

See Sacks, *Morality*, 269; Berger, *On the Obsolescence of the Concept of Honour*, 339-47.

[210] http://rabbisacks.org/the-economics-of-liberty-behar-5775.

[211] Heschel, *The Sabbath*, 28.

> To set apart one day a week for freedom, a day on which we would not use the instruments which have been so easily turned into weapons of destruction, a day for being with ourselves, a day of detachment from the vulgar, of independence of external obligations, a day on which we stop worshipping the idols of technical civilization, a day on which we use no money, a day of armistice in the economic struggle with our fellow men and the forces of nature—is there any institution that holds out a greater hope for man's progress than the Sabbath…In regard to external gifts, to outward possessions, there is only one proper attitude—to have them and to be able to do

It will be helpful for our analysis to read Sacks by first considering how capital is being trapped between the sovereignty of credit and the indulgence of debt. Phillip Goodchild writes:

> The distribution of credit and absolution from social obligations are religious matters. An economic system that only distributes credit to opportunities for profit is bound for destruction. The distribution of credit, however, is on the one free activity through which the social order can be transformed…. Liberation may occur through the subordination of money to credit—and credit to evaluation—through the emergence of a new kind of social institution that expresses effective evaluations.[212]

Sacks does not directly explore the theological resonance of the credit/debit relation. He does appeal to a 2014 work by French economist Thomas Piketty called *Capital in the Twenty-First Century.* Sacks describes the book as a "dense 600-page long treatise on economic theory backed by massive statistical research exposing how accounting propagates self-mastery."[213] Sacks further comments,

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> without them. On the Sabbath we live, as it were, independent of technical civilization: we abstain primarily from any activity that aims at remaking or reshaping the things of space. Man's royal privilege to conquer nature is suspended on the seventh day.

Ibid.

[212] Phillip Goodchild, *Theology of Money*: *The Price of Piety* (Durham: Duke University Press, 2009), 24. Elsewhere Goodchild writes "The paradox of accounting is that it directs attention to what is counted rather than to what matters. It propagates a morality of self-mastery and the pursuit of self-interest that is incompatible with the physical and spiritual realities of most people's lives." Ibid, 47. See Nelson, *The Hebrew Republic*, 66-70.

[213] http://rabbisacks.org/the-economics-of-liberty-behar-5775. Sacks further writes:

> The appeal of Piketty's work was the way it documented the phenomenon that is reshaping societies throughout the world: in the current global economy, inequalities are growing apace. In the United States between 1979 and 2013, the top one per cent saw their incomes grow by more than 240 per cent, while the lowest fifth experienced a rise of only 10 per cent. More striking still is the difference in capital income from assets such as housing, stocks and bonds, where the top one per cent have seen a growth of 300 per cent, and the bottom fifth have suffered a fall of 60 per cent. In global terms, the combined wealth of the richest 85 individuals is equal to the total of the poorest 3.5 billion – half the population of the world.

> Picketty's contribution was to account for this conflict in the monetary system. "The market economy, he argues, tends to make us more and less equal at the same time: more equal because it spreads education, knowledge and skills more widely than in the past, but less equal because over time, especially in mature economies, the rate of return on capital tends to outpace the rate of growth of income and output. Those who own capital assets grow richer, faster than those who rely entirely on income from their labor.[214]

Devin Singh complements Sacks' instincts while also commenting on Piketty, "In modern, secular societies we might still speak of the godlike power of the financial institutions and the near-religious intensity with which many people pursue wealth. But money has a long history of actual connection with divinity and with the prestige of the holy."[215] For Singh, money always belongs to the sovereign political frameworks that wield debt and indebtedness.[216] In Sacks' writings, this paradox permeates both the capitalist enterprise and the Hebrew Bible's economic vision. Both visions struggle "to see maximum human flourishing: self-expression, self-assertion and self-improvement. On the other hand, freedom, dignity and equality for all."[217] Therefore, Sacks seeks monetary principles that are not subservient to the political and economic institutions that

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Ibid. (citing Thomas Picketty, *Capital in the Twenty-First Century,* (Cambridge: Belknap Press of Harvard University Press, 2014)).

[214] http://rabbisacks.org/the-economics-of-liberty-behar-5775.

[215] https://www.academia.edu/7610925/_Capital_the_Gods_and_Money_s_Sacred_Power_Cosmologics_July_9_2014. Elsewhere Singh comments, "Sovereign power depends upon economy—its economy of the governed and exchanges with other sovereigns—for its continued existence, raising questions about the totalizing view of sovereign authority." Singh, *Sovereign Debt*, 240.

[216] Singh concludes, "What Piketty demonstrates indirectly by the modern alchemy of data analysis is that money, as a creation of these centers of power, multiplies for and returns to such centers." https://www.academia.edu/7610925/_Capital_the_Gods_and_Money_s_Sacred_Power_Cosmologics_July_9_2014.

[217] See http://rabbisacks.org/the-economics-of-liberty-behar-5775. Sacks attributes this to the distinction afforded to the Hebrew Bible between *hofesh* and *Herut*. *Hofesh* implying what Isiah Berlin calls negative liberty 'freedom from. *Herut* implies 'freedom for' implying responsibility towards others. Both are necessary according to Sacks for a free society to persist. See *A Letter in the Scroll*, 120-121. See also *The Home We Build Together*, 192-193. Sacks, *The Politics of Hope*, 33-34, 113, 243-244.

[217] Sacks, *The Home We Build Together*, 11. Sacks infers universals at the existential level of companionship and the material level of both food and shelter.

perpetuate this dilemma because capitalism desires equality etc. Sacks, instead seeks a vision that propagates healthy transitions between equality and equity.

The market, according to Sacks, is more than companies and corporations, it is itself a mind set and mentality.[218] He infers the insight from economist Robert Skidelsky, that labor accordingly is inherently competitive as people always compare themselves with one another.[219] In contradistinction, Sacks introduces the Biblical sabbath as the mitigating pivot of redistribution for his vision of society. Sacks writes,

> The Sabbath is a focused, one-day-a-week antidote to the market mindset.[220] Husbands sing a song of praise to their wives.[221] Parents bless their children…. Family, friend's synagogue and community, prayer, thanking God, Torah study. People share occasions of joy and mourners find comfort.[222]

Sacks seeks social spaces not dictated through the market and state as these institutions conform to a form of power for sale.[223] The Sabbath instead is an axiological union,

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[218] Sacks, *Dignity of Difference*, 14. Sacks writes, "Corporations have become…shadowy entities, outsourcing many of their operations and able to move funds and functions at a moment's notice. Who then is the author of these events?" Ibid. Sacks is asking what sort of ethical language applies when no face stands out in responsibility. The problem of outsourcing was taken further in Sacks' recent work 'Morality'. Sacks situates outsourcing in Ricardo's notion of 'competitive advantage' that results from Smith's 'division of labor'. Sacks is critiquing the outsourcing of risk that led to the 2008 financial crisis. Sacks also refers to the outsourcing of memory to technological databases that skew the difference between history and memory. According to Sacks, "History asks, 'what happened'? and memory asks 'who am I? History relates facts and memory relates identity. This discrepancy of understanding leads to the outsourcing of morality to the state in absence of spaces for shared memory and thereby shared morality." Sacks, *Morality,* 14-20. Also refer to https://rabbisacks.org/credo-it-was-not-consumerism-that-led-to-wealth-creation-but-its-opposite-puritanism/.

[219] Sacks, *Morality,* 106. See further Robert Skidelsky, *How Much is Enough: Money and the Good Life* (London: Penguin, 2012).

[220] Sacks, *Morality,* 113.

[221] See Jonathan Sacks, *Koren Siddur* (Jerusalem: Koren Publishers, 2009), 378-379.

[222] Sacks, *Morality*, 114.

[223] Sacks spells out the antecedents for this approach as follows:

> Increasingly, as philosophers reflected on human institutions, they came to locate moral discourse at two and only two levels: private emotion and public reason, the unique and the universal, the precise counterparts of the abstract individual and the procedural state. This left the whole framework of traditional morality – families, friendships, loyalties and the codes of obligation that sustained them – inherently in articulate, deprived of discourse. These institutions are local rather than universal but are also shared rather than private.

where loyalty and happiness are not impervious to the market and yet will converge on the Sabbath both within and against the flow of its cycle.

Therefore, the Sabbath may be characterized according to Sacks as a "protest to the buying and selling, and the paying and leasing of labor."[224] The Sabbath is one way to embrace John Maynard Keynes future economic vision of celebrating ends and not means by shorter work weeks and choosing the good over the useful.[225] Sacks is asserting the weekly Sabbath can be called upon now and avoids having to wait for Keynes social vision of a future economy. He writes in *The Politics of Hope,* "The seventh day, in Judaism, is strictly observed and involves complete rest from any activity that might be considered laborious or manipulative of the physical universe."[226].

Sacks, *The Politics of Hope*, 138. We can deduce Sacks had the Sabbath in mind when writing this piece. Further Sacks warns without this framework for civil society people would only meet as strangers and never come together. Ibid., 139. This is how Sacks characterizes civil associations as a covenant rather than contract. In a covenant the moral domain of trust, loyalty, obligation mitigate the pursuit for self-interest. Ibid., 138. Sacks suggests merging Sunday to public time and turning parks into public space. Ibid., 201-202.

[224] Ibid., 201.

[225] John Keynes, *Essay in Persuasion, The Collected Writings of John Maynard Keynes* (Cambridge: Cambridge University Press, 1978), 134 321-332. See Schumpeter, *Capitalism, Socialism and Democracy*, *Volume 9* (New York: Harper Perennial Modern Classics, 2008). Sacks notes that economic success does not prevent social break down. Rather, success can situate social chaos. Schumpeter even adds that capitalism creates the critical frame that allows its own impulses to turn on the very institutions that allowed it to persist in the first place. Sacks takes this to infer that too much competition relinquishes trust. Therefore, civil associations are necessary to mitigate these destructive forces. See further Sacks' comments regarding Adam Smith's *Wealth of Nations*, Sacks, *The Politics of Hope,* 235-240.

[226] Sacks, *The Politics of Hope,* 150-154. Ibid., 150. Sacks refers the example that it is forbidden to carry in a public space. "Because carrying a burden is labor and therefor forbidden. Yet what constitutes carrying can adjust over time." Ibid. Sacks refers to the Talmudic debate (BT Shabbat 63a/ BT Baba Bathra, 60b) as to whether carrying a sword is an extension of the bodies clothing. Sacks exposes the cultural linguistic changes that took from the 1st century to the fourth century. The meaning of the word sword morphed from an material object to a metaphor for wisdom. Nevertheless, Sacks points out the Talmudist who disagreed displayed a hermeneutic principle where a sword may carry its literal meaning even while exceeding its current legislation.

Jubilee

Sacks is juxtaposing the relation between the state and the market as evident from the Hebrew Bible. While the Hebrew Bible commands debt cancellation on every seventh year (Deuteronomy 15:1-2), the Hebrew Bible undermines the command by referring to the needy who will need assistance during that year (Deuteronomy 15:9-11). Sacks comments, "To ban loans together would condemn people to poverty and deprive them a chance to start or sustain their own enterprise."[227] Sacks understands that the less debt a person accumulates the more opportunity that individual realizes. Sacks supports a necessary debt release, without condemning a percentage of the population to poverty in a manner that can foster collective prosperity.[228] While emphasizing the moral implications in needing a free market, Sacks also seeks the markets redistribution.

Sacks writes:

> The Torah's [Hebrew Bible] solution…is a periodic restoration of people's fundamental liberties. Every seventh-year debts were to be released and Israelite slaves set free. After seven sabbatical cycles, the Jubilee year was to be a time when, with few exceptions, ancestral land returned to its original owners…"Proclaim liberty throughout all the land unto all the inhabitants thereof" (Leviticus 25:10). So relevant does this vision remain that the international movement for debt relief for third world countries by the year 2000 was called *Jubilee 2000*.[229]

Such an institutionalized and transient symbolic system marks the opportunity to serve as a paradigm for covenant-based societies and transnational movements to recreate debt as the indebtedness that members of a society attempt to share with one another.

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[227] Sacks, *The Dignity of Difference*, 117.
[228] Ibid.
[229] http://rabbisacks.org/the-economics-of-liberty-behar-5775. Sacks, *The Dignity of Difference,* 118.

Robert Yelle raises a problem for Sacks when stating,

> The tension between sovereignty and legality is evident…in the exercise of the pardon power, which in theological terms corresponds to the operation of divine grace. Pardons are also sometimes associated with an interregnum because they occur most often at the beginning or end of a sovereign's rule…. One of the most relevant contemporary forms of the pardon concerns the cancellation of debts, particularly of sovereign debts, such as those owed by Greece to other European Union nations and institutions.[230]

Sacks' notion of redistribution does not frame accumulation according to a strict beginning or end of the sovereign rule. The territorial nature of Jubilee in the land of Israel serves as the paradigm that enacts these Sabbatical rhythms. This Sabbatical inferred by the lands natural cycles disrupts the temporal relation that ties money to credit. The Sabbatical embraces territory as a turning point of redistribution that mitigates the labor in which politics allows itself to be conducive to assertions for power. According to Sacks, such a Sabbatical recurrence does not generate a sovereign exception more interested to itself than the general rule. Instead, the Sabbatical renews its inceptions regardless of the sovereign intervening. The Sabbatical as a peculiar rhythm enacts its own sovereign power by releasing debt from the credit that directs itself against the principle of indebtedness. The sabbatical is the situation of sovereignty directed against the principle of sovereignty itself.

As for a periodic redistribution that seeks justice for those who suffered misfortunes, the Hebrew Bible is framing the jubilee as one way to balance equity with

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[230] Yelle, *Sovereignty and the Sacred*, 3-4. Singh shares Yelle's critique as well. https://www.academia.edu/20443083/_Debt_Cancellation_as_Sovereign_Crisis_Management_Cosmologics_Magazine_Jan_18_2016.

equality, "where economic equity meets political freedom" (Leviticus 25:10).[231] Eric Nelson explains why this is so,

> What is being proclaimed throughout the land is the return of all patrimonies to their initial holders, as well as the release of slaves. No land sale, according to the Hebrew Bible, should be regarded as anything more than a lease extending to the next jubilee (and should be valued based on the number of years remaining). The text specifies a further set of observances (for instance, as in any sabbatical year, the land is to lie fallow), but the central feature of the jubilee is the release. "The land shall not be sold forever," God explains, "for the land is mine; for ye are strangers and sojourners with me. And in all the land of your possession ye shall grant a redemption for the land" (Leviticus 25:23– 24).[232]

The Jubilee for Sacks is a critique of the market, "whose equitable distribution will not emerge naturally from the free working of the market alone."[233] In this manner individuals can "break the cycle of poverty and dependency" [234] while seeking dignity in labor. This is one instance for Sacks how the covenant fosters redistribution. Yet, the failure of the market in dealing with meaning and social equity is necessary for the market to contribute to the public good. Sacks is aware of the double bind of

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[231] Sacks writes:

> For many reasons the Torah accepts the basic principles of what we now call a market economy. But though market economics is good at creating wealth it is less good at distributing it equitably. Thus, the Torah's social legislation aimed, in the words of Henry George, "to lay the foundation of a social state in which deep poverty and degrading want should be unknown." Sacks is firstly referring to the "institutions that left parts of the harvest for the poor: *leket*, *shikchah* and *peah*, fallen ears of grain, the forgotten sheaf and the corners of the field. Secondly Sacks is referring to *Shmittah* and *yovel*, the seventh and fiftieth years with their release of debts, manumission of slaves and the return of ancestral property to its original owners, restored essential elements of the economy to their default position of fairness.

https://rabbisacks.org/the-second-tithe-and-the-making-of-a-strong-society-reeh-5775.

[232] Nelson, *The Hebrew Republic*, 68. Refer as well to the synopsis of the Biblical commentator Rashi's comments here: https://www.jtsa.edu/the-limitations-of-ownership.

[233] Sacks, *The Dignity of Difference*, 118. Sacks refers to Jubilee 2000 the most recent and biblically influenced international debt relief campaign.

[234] See Sacks' comments as he relates this tension to the Biblical character of Joseph. https://rabbisacks.org/jews-economics-mikketz-5778-2.

globalization, "a new freedom for one is also a cruel fate for another."[235] Sacks recall is not advancing an economic policy based on a social contract. Rather, it is based on the voluntary association of covenant that is impervious to the forces of its politization. Therefore, Sacks suggests the response will be voluntary as well. Sacks is calling for an ethos of voluntary charity *tzedakah*.[236]

Tzedakah/Charity

Tzedakah for Sacks is another distributive form of justice. Though, a less formal and procedural form of justice. Sacks writes,

> The nearest equivalent to *Tzedakah* is a phrase that came into existence alongside the idea of the welfare state namely social justice…. Behind both is the idea that no one should be without the basic requirements of existence, and that those who have more than they need must share some of that surplus with those who have less.[237]

The Hebrew word *tzedakah* itself contains both etymologies for charity and justice. The distinction is simple according to Sacks, "Suppose, for example, that I give someone £100. Either he is entitled to it, or he is not. If he is, then my act is a form of Justice. If he is not, it is an act of charity."[238] *Tzedukah* thereby attends to the distinction between the nature of possession and ownership.[239]

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[235] To paraphrase Zygmund Bauman, *Globalization: The Human Consequences* (New York: Columbia University Press, 1998), 2.

[236] See BT Berakhot, 3b.

[237] Sacks, *To Heal a Fractured World,* 32, 33-42. Sacks does point to Hayek's critique of social justice as a term full of self-contradiction. Friedrich Hayek, *The Fatal Conceit*: *The errors of Socialism* (London: Routledge, 1988), 106-119.

[238] Sacks, *The Dignity of Difference*, 113. Sacks points out the English and the Latin words *caritas* and *iustia* understood *tzedek* and *Tzadukah* as two discrete acts. Eric Nelson qualifies this when commenting:

Responding to Rousseau's *Discourse on the origins of Inequality,* Sacks writes:

> The entire ethical-legal principle on which the Hebrew Bible is based is that we own nothing. Everything—the land, its produce, power, sovereignty, children and life itself—belongs to God. We are mere trustees, guardians, on his behalf. We possess but we do not own. That is the basis of the infrastructure of social justice that made the Bible unique in its time and still transformative today. Cain represents the opposite: power as ownership, ownership as power. The Hebrew word *Baal*, the name of the chief Canaanite god, has the same range of meanings. The root means to own, to possess, to exercise power over someone or something. That for the Bible is the ultimate idolatry.[240]

According to Sacks, this is the Hebrew Bible's first lesson of Cain who murders Abel (Genesis 6:11). The risk the Hebrew Bible ensues, is how to "translate individual freedom into collective freedom."[241] How the assertion of individual power may be directed against itself in the power of the collective and vice versa. Sacks is asking his

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> Those of us whose languages use terms derived from Greek and Latin are used to marking a key lexical distinction between "justice" *(diké*/*iustitia)* and "charity" *(cháris*/*charitas)*. What distinguishes them is the element of personal discretion. If I give you a $5 bill to which you have a legal claim, this is an instance of justice, not charity; if, however, I give you a $5 bill to which you have no legal claim, this is an instance of charity, not justice. Hebrew recognizes no such dichotomy. The same Hebrew word *(tzedek/tzedakah)* refers both to the fulfillment of what we would regard as conventional legal obligations *and* to the performance of what we would regard as charitable acts…The Hebrew Bible develops a theory of property according to which there is only one owner. As God says to Moses in chapter 25 of Leviticus, "the land is mine" (Lev. 25:23).

Nelson, *The Hebrew Republic*, 65

[239] Sacks, *The Dignity of Difference*, 114.

[240] Sack comments:

> It was Jean-Jacques Rousseau who unintentionally provided the deepest commentary. In his *Discourse on the Origin of Inequality*, he writes: The first man who, having fenced in a piece of land, said "This is mine," and found people naïve enough to believe him, that man was the true founder of civil society. From how many crimes, wars, and murders, from how many horrors and misfortunes might not any one has saved mankind, by pulling up the stakes, or filling up the ditch, and crying to his fellows: "Beware of listening to this impostor; you are undone if you once forget that the fruits of the earth belong to us all, and the earth itself to nobody." The only word with which a reader of the Bible would disagree would be the last. "The earth is the Lord's and the fullness thereof" (Ps. 24:1). It does not belong to nobody; it belongs to God.

Sacks, *A Letter in the Scroll,* 127.

[241] Sacks, *The Great Partnership*, 127, 132, 143. Sacks quotes Lord Acton," Power tends to corrupt and absolute power corrupts absolutely". Lord Acton, 'The History of Freedom in Antiquity', *Essays in the History of Liberty: Selected Writings of Lord Acton*, ed. J. Rufus Fears (Indianapolis: Liberty Fund, 2010), 5.

readers to rethink the nature of ownership considering redistributive formations of possession. Therefore, *tzedukah* charity is at the forefront of Sacks' economic vision.[242]

Human sovereignty solidifies ownership by taking possession, while Divine sovereignty solidifies ownership by sharing out possession. Sacks is not afraid of human possession. Rather, he directs the act of taking possession against itself in association with Divine ownership. Meaning, we merely "hold it in trust for god"[243] because "we are all in God's image".[244] This trusteeship by possession means we "share part of what we have with others in need"[245] because giving charity begins as a gift that is already a redistribution.[246] Where Nietzsche associates this gift-giving with animal forgetfulness,[247] Sacks understands the privileged responsibility of the sovereign individual with the power that overcomes the need to dominate others. The promise as evident from covenant making belongs to the responsibility of *Tzedukah* whose gift-giving is itself an expression of power.

This also implies the person giving charity, is already receiving charity. It is worth recalling this principle of redistributive justice in the *Akeda*. "Abraham renounces ownership in his child by handing him over to God only to be *regained* to Abraham."[248] The *Akeda* is the situation of God directing the power to grant life against the power to end Abraham's progeny. Isaac is a gift whose appearance is already a redistribution for

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[242] Nelson, *Hebrew Republic,*57-87.

[243] Ibid, 113.

[244] Ibid, *A Letter in the Scroll,* 225.

[245] Sacks, *The Dignity of Difference,* 105-124. Such trusteeship suggests Sacks, may spill into realms such as charity *tzedukah* as a legal requirement that may be enforced by courts of law. Sacks, *To Heal a Fractured World,* 167.

[246] Nietzsche associates this gift-giving with animal forgetfulness. See Nietzsche, *The Genealogy of Morality,* 74-79. While Arendt and Sacks privilege the responsibility of the sovereign individual with the power that overcomes the need to dominate others. The promise belongs to the responsibility of *Tzedukah* whose gift is its expression of power.

[247] Nietzsche, *Thus Spoke Zarathustra*, 16, 74-79.

[248] Sacks, T*he Great Partnership,* 179.

that gift through Abraham via God. Sacks infers we take possession by renouncing ownership. In a similar vein, Abraham anticipates the Jubilee by taking possession of the land of Canaan by virtue of renouncing ownership to God (Leviticus 25:23– 24). The mandate for taking possession is the situation of taking ownership directed against the principle of ownership.[249] Possession then infers indebtedness as trust and ownership infers indebtedness as dependency. Covenant infers trust and sovereignty infers dependency. This implies the underlying principle of Sacks' political theology, namely, the assertion of power directed against the principle of power. Sacks will further qualify this sense of redistribution with the Sabbath itself as a one-day-per-week occurrence of "possession without ownership."[250]

In fact, Sacks asserts "This is particularly true of the three great commands ordaining periodic rest: the Sabbath, the sabbatical year and the jubilee year. On the Sabbath all agricultural work is forbidden, 'so that your ox and your donkey may rest' (Exodus 23: 1 2). It is a day that sets a limit to our intervention in nature and the pursuit of economic activity. We become conscious of being creations, not creators. The earth is not ours but God's. For six days it is handed over to us, but on the seventh day we symbolically abdicate that power. We may perform no 'work', which is to say, an act that

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[249] Where Sacks writes:

> Children and land are the most natural of all endowments. Almost everyone has them. What makes the patriarchs and matriarchs different? Only this: that *what everyone else has naturally, they only have as the gift of God*. Most couples have children. The matriarchs, except Leah, were all infertile. Their children were seen as the gift of God…The Israelites do not own the land. They merely inhabit it, and their right to do so is conditional on their recognition that it does not belong to them but to God. And what applies to the land applies to children likewise. Abraham, whose name means "mighty father", is to live out an experience that will establish, once and for all time, that *our children do not belong to us but to God*. Isaac, the first child of the covenant, is the child who belongs to God. Only thus is parenthood to be conceived in the life of the covenant.

Sacks, *The Great Partnership*, 178-179.

[250] Sacks*, A Letter in the Scroll*, 138. Sacks is referring to the Sabbath.

alters the state of something for human purposes. The Sabbath is a weekly reminder of the integrity of nature and the boundaries of human striving."[251]

Labor or Work

Sacks understands this redistribution as a dignity that seeks the liberation of debt, that cannot but assert itself except through debt.[252] Sacks resorts to affirm the necessity for a dignity of difference to impart itself via market exchange as work itself is a "condition for human dignity."[253] Sacks is quick to separate the creation of wealth from its distribution.[254] At the same time he concluded, "The inequalities of markets are no reason to abandon the market."[255] Therefore, Sacks makes two additional points regarding the social and economic program in the Hebrew Bible. These points aim at a narrow distinction between human freedom and economic equality. Sacks is referring to the trap set in by debt as serious constraints on human freedom in general.[256] Sacks comments:

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[251] http://rabbisacks.org/three-versions-of-shabbat-emor-5779/. See Sacks' comments as well, *The Dignity of Difference*, 167-8.

[252] Elattra Stimilli, "The Threshold Between Debt and Guilt" in *Between Urban Topographies and Political Spaces*, ed. Nuselovici, A, Ponzi, M, Vighi, F. (Lanham: Lexington Books, 2014), 143-155. Stimilli comments, "Debt as mechanism of power presupposes a practice of freedom through which each individual can invest in their own lives". Ibid., 151.

[253] Sacks, *The Dignity of Difference*, 94.

[254] Ibid., 100-101. Sacks evokes the traditional Jewish blessing of '*bore nefashot rabbot vechesronam*, 'who creates many kinds of soul and their deficiencies'. Sacks sees in thanking God in what we lack as opposed to what we have. Without lack we would not need relationships. "The very fact that we are different means that what I lack, someone else has, and what someone else lacks I have." Ibid., 101.

[255] Ibid., 122. According to Sacks, the ills of the market will not solve themselves through market operations. Rather, Sacks calls on individuals and communities to engage in the act of *Tzedakah*. See Sacks' chapter on *Tzedakah*. Ibid., 105-123.

[256] Sacks, *A Letter in the Scroll*, 120-121. Sacks, *The Home We Build Together*, 192-193. Sacks, *The Politics of Hope*, 33-34, 113, 243-244. Sacks attributes this to the distinction afforded to the Hebrew Bible between *hofesh* and *Herut*. *Hofesh* implying what Isiah Berlin calls negative liberty 'freedom from.

> Fundamental to a Jewish understanding of the moral dimension of economics is the idea of independence, "each person under his own vine and fig tree" as the prophet Micah puts it (Micah 4: 4). There is something profoundly degrading in losing your independence and being forced to depend on the goodwill of others…. Hence the provisions in the Hebrew Bible are directed not at equality but at restoring people's capacity to earn their own livelihood as free and independent agents…. Secondly it takes this entire system out of the hands of human legislators. It rests on two fundamental ideas about capital and labor. First, the land belongs to God: "Since the land is Mine, no land shall be sold permanently. You are foreigners and resident aliens as far as I am concerned" (Leviticus 25: 23). Second, the same applies to people: "Because the Israelites are my servants, whom I brought out of Egypt, they must not be sold as slaves" (Leviticus 25: 42)…. This means that personal and economic liberty are not open to political negotiation.[257] They are inalienable, God-given rights.[258]

Richard Dienst offers a similar perspective of these principles in *The Bonds of Debt*. Dienst calls for "a radical politics of indebtedness"—that require combining two utopian attitudes that "might at first appear opposed or contradictory."[259] The first entails an acceptance that "human productivity itself requires indebtedness as a kind of irreducible technical prosthesis," and this is well pursued through practices like microcredit.[260] The second, "associated with Jubilee," "insists that people must always be able to refuse the obligations built into their circumstances, and insofar as these obligations can be ruptured by an act of will . . . cancelling debts or going bankrupt is always somehow liberating. Not just once, but over and over."[261]

Herut implies 'freedom for' implying responsibility towards others. Both are necessary according to Sacks for a free society to persist.

[257] See Sacks, *The Politics of Hope*, 204-208.

[258] http://rabbisacks.org/the-economics-of-liberty-behar-5775. Sacks substantiates these claims by referring to Maimonides, Mishnah Torah, Gifts to the poor 10:7-14 and Julie Salamon, *Rambam's Ladder: A Meditation on Generosity and Why it is Necessary to Give* (New York: Workman, 2003). Sacks, *To Heal a Fractured World,* 37-38, 42.

[259] Richard Dienst, *The Bonds of Debt*: *Borrowing Against the Common Good* (New York, Verso, 2018), 183–84.

[260] Ibid, 184.

[261] Ibid.

Sacks finds these utopian attitudes implicit from a Rabbinic passage in *Avot de Rabbi Natan* chapter Eleven.[262] "Where Rabbi Shimon ben Elazar comments that the passage "The Lord God took the man and placed him in the garden of Eden to till it and preserve it" (Genesis 2:15) came before God Commanded Adam from the tree Adam may eat. (Paraphrasing Genesis2:16) Adam was told even in Eden to till the earth even as food lay around him."[263] Sacks interprets the Rabbis as concerned about the self-respect of labor *kavod habriyot*. "Work, though not itself a religious act, is a condition of human dignity."[264]

These utopian tendencies then overlap in the weekly Sabbath. Sacks writes,

> No utopia has ever been realized (the word utopia itself means no place) with one exception: the world to come. The reason is that we rehearse it every week, one day in seven. The Sabbath is a full-dress rehearsal for an ideal society that has not yet come to pass, but will do, because we know what we are aiming for because we experienced it at the beginning.[265]

According to Sacks, the Talmudic sages were concerned with the self-respect that came through labor. For Sacks, labor harnesses creativity when earned.[266] Labor is the nexus that binds sovereignty as free men with the debt that relinquishes self-respect. For Sacks, this is the necessary condition that propagates creativity.[267]

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[262] Sacks, *The Dignity of Difference*, 94.

[263] Ibid, 95. Sacks further comments even gamblers are invalidated in Jewish law from serving as a witness because they don't contribute to labor. See Maimonides, Mishnah Torah, Laws of Theft, 6: 8-11.

[264] Sacks, *The Dignity of Difference*, 94. Sacks refers to the Saturday night blessing 'When you eat of the labor of your hands, you are happy, and it be well with you'. Sacks comments, "The Rabbis commented, you are happy' refers to this life; 'It shall be well with you' refers to life in the world to come (BT Berakhot, 8a)."

[265] Sacks, *To Heal a Fractured World*, 66, 67-68. See, http://rabbisacks.org/sabbath-first-day-last-ki-tissa-5777.

[266] Sacks, *The Dignity of Difference*, 95.

[267] Ibid. Sacks quotes Grace after meals, 'Please God, do not make us dependent on the gits of men'. This line suggests Sacks see debt as a negative form of possession. Yet debt is not ownership as the jubilee and sabbaticals return debt into positive possession.

Sacks' understanding of sabbatical, therefore, can be characterized as an instance of what anthropologist Anna Tsing refers to as peri-capitalism. Tsing seeks to characterize market participants that can both preexist the market while partake in the market's accumulation. *Peri-capitalist* is a term that acknowledges, that mankind is caught in constant transitions and translations between gift and commodity, between non-capitalist and capitalist forms. Therefore, mankind is never fully shielded from capitalism nor reduced to capital formation. For Tsing, agricultural reaping involves salvage accumulation, where "lives and products move back and forth between non-capitalist and capitalist forms; these forms shape each other and interpenetrate. ... *peri-capitalist* spaces are unlikely platforms for a safe defense and recuperation."[268] Sacks as a proto *peri-capitalist* points to the Hebrew Bible to espouse two notions of work. *Melakhah* work as creation and *avodah* work as servitude. While *Avodah* infers weekly profane labor, it is the former that transfigures space between man and God, from servants to partners.[269] *Melakhah* as used to describe work on the Sabbath, is what happens to *Avodah* sundown each Friday. *Avodah* anticipates the *melakhah* of the Sabbath, through constant innovative free trade. In turn, innovative free trade fosters the religious act of *tzedakah* by retroactively reducing poverty.[270] Therefore, Sacks concludes market exchange is the best means to achieve dignity in difference.

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[268] Anna Tsing, *The Mushroom at the End of the World: On the Possibility of Life in Capitalist Ruins* (Princton: Princton University Press, 2017), 44.

[269] Mekhilta de-Rabbi Shimon bar Yochai, par. *Yitro*, to Exodus 18:13.

[270] Sacks, *The Dignity of Difference*, 97. Sacks culls many sources to show Judaism is anti-poverty. See BT Kiddushin, 4:12. Deut. 26:11, BT Nedarim, 7b, BT Baba Batra, p. 116a, Shemot Rabbah to Exodus 31:14.

Within such a moral framework, Sacks writes "Shabbat is not private time, but shared time, a time for sharing, not owning."[271] "Shabbat is what we possess by not owning, it is public time."[272] Such a conception of time transforms labor from sharing inward to sharing outward.[273] Such an act does not render labor inoperable.[274] Rather, Sacks instills a rhythm of dignity that lies inherent to weekly labor that intra-acts with itself on the Sabbath. Such a transformation of labor anticipates Hannah Arendt's profanation of action. According to Bonnie Hoenig, Arendt attempts to find new uses of the laboring and working body, while oriented to the inaugural, the creative, the new.[275] In Arendtian Action, we experience a temporality removed from need, want and satisfaction. Arendt herself assigns distinct temporalities to each of the three domains of human living: labor, work, and action. Arendt comes close to something Sabbatical in discussing beginning again. Her more formal language for this movement is natality where a conceptual moment occurs "when one is born into the political as the sphere were acting together can create the remarkable."[276] For Arendt, humans stave off future

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[271] http://rabbisacks.org/three-versions-of-shabbat-emor-5779/.

[272] Sacks*, A Letter in the Scroll*, 139.

[273] Sacks, *The Politics of Hope,* 139. Sacks draws an analog between the Sabbath and a public park shared by both rich and poor:

> A park exists in virtue of being shared "I can only participate in them by being part of the "We" that creates the shared arena for the "I". Shabbat is time differential of the parks space. Shabbat time is not vacation time free time that is owned. Sacks quotes Michael Walzer who said "Sabbath rest is more egalitarian than the vacation because it can't be purchased: it is the one thing that money can't buy. It is enjoined for everyone, enjoyed by everyone.

Ibid.

[274] Georgio Agamben discusses 'inopertivity' on the Sabbath, "whether festive inoperativity precedes religion or results from the profanation of its apparatuses, what is essential here is a dimension of praxis in which simple human activities are neither negated nor abolished but suspended and rendered inoperative in order to be exhibited, as such, in a festive manner." Giorgio Agamben, *Nudities*, trans. D. Kishik and S. Pedatella (Stanford: Stanford University Press, 2010), 112. See Honig, "Is Man a "Sabbatical Animal?" Agamben, Rosenzweig, Heschel, Arendt," 5-11.

[275] Arendt, *Between Past and Future*, 166.

[276] Arendt, *The Human Condition*, 9.

uncertainty by the capacity for promising as conferring each moment of natality. Such constitutes for Arendt the framework for the miraculous, "Namely, interruptions of some natural series of events, of some automatic process, in whose context they constitute the wholly unexpected."[277] Such moments expose what Arendt calls a "small track of non-time…the non-time-space in the very heart of time, the present situated between the memory of an infinite past and the anticipation of an infinite future."[278] For Arendt, the promise for beginning again is not applied to action from the outside its political frame but is itself an "articulation of natality".[279]

Echoing Arendt, Sacks adds an element of a relationality to this configuration that breaks in from the outside. Sacks writes, "Whether it is God's call to us or ours to Him, whether God initiates the meeting or we do, holy time becomes a lovers' rendezvous, *a still point in the turning world* [i.e., eternity][280] when lover and beloved, Creator and creation, make time for one another and know one another in the special form of knowledge we call love."[281] This love does not wait for Arendtian labor to self-propel itself into action. The Sabbath reconfigures the moment of natality in the wake of labors

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[277] Ibid., 165-166

[278] Arendt, *Between Past and Future: Eight Exercises in Political Thought*, 13.

[279] Arendt, *The Human Condition,* 246.

[280] Sacks' Sabbath 'still point' is an echo of "the still point of the turning world," a phrase that runs like a leitmotif through T.S. Eliot's poem "Burnt Norton," the first of Eliot's Four Quartets. "*At the still point of the turning world*. Neither flesh nor fleshless; Neither from nor towards; at the still point, there the dance is, but neither arrest nor movement . . . Except for the point, the still point, there would be no dance, and there is only the dance." T.S. Eliot, *Collected Poems, 1909–1962* (New York: Harcourt Brace Jovanovich, 1991), 177.

[281] http://rabbisacks.org/three-versions-of-shabbat-emor-5779. Sacks further teases out the Hebrew Bibles language that designates festivals. According to Sacks,

The *Mikra kodesh* ['appointed time']and *mo'ed* ['meeting'] as they appear in Leviticus have an extra sense that they do not bear elsewhere because they evoke the opening verse of the book: "He called [*Vayikra*] to Moses, and the Lord spoke to him in the Tent of Meeting [*Ohel Mo'ed*], saying…" (Lev. 1:1). The focus is on *mikra* as "call" and mo'ed as "meeting.

profanation. In this sense, the Sabbatical exposes beginning again as "the midpoint that disjoins and conjoins ever anew the story of renaissance [renewal/t'shuva]."[282]

[282] Biemann. *Inventing New Beginnings*, 13.

Chapter 5

Shamor/Observe *and Zachor*/Remember

In this final section, I will display how the Sabbath acts out the hermeneutical fulcrum of redistributive justice that seeks its assertion within time while framing human dignity against the flow of time.[283] Sacks does this by juxtaposing the two versions of the Decalogue…as they appear in the books of Exodus and Deuteronomy. Sacks comments:

> Famously, the wording of the two versions is different. The Exodus account begins with the word *Zachor*, remember. The Deuteronomy account begins with *Shamor*—keep, guard, protect. But they differ more profoundly in their very understanding of the nature and significance of the day. Here is the Exodus text:
>
> Remember the Sabbath day by keeping it holy. Six days you shall labor and do all your work, but the seventh day is a sabbath to the Lord your God…for in six days the Lord made the heavens and the earth…but He rested on the seventh day (Exodus 20:7–9).
>
> According to this, Shabbat is a reminder of creation. The Deuteronomy text gives a very different account:
>
> Six days you shall labor…but the seventh day is a sabbath to the Lord your God…. Remember that you were slaves in Egypt and that the Lord your God brought you out of there…. Therefore, the Lord your God has commanded you to observe the Sabbath day (Deuteronomy 5:11–14).

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[283] Abraham Joshua Heschel, *The Sabbath* (North Richmond: Noonday Press, 1951), 28. Sacks appears to be working off the assumptions of Heschel who writes:

> To set apart one day a week for freedom, a day on which we would not use the instruments which have been so easily turned into weapons of destruction, a day for being with ourselves, a day of detachment from the vulgar, of independence of external obligations, a day on which we stop worshipping the idols of technical civilization, a day on which we use no money, a day of armistice in the economic struggle with our fellow men and the forces of nature—is there any institution that holds out a greater hope for man's progress than the Sabbath…In regard to external gifts, to outward possessions, there is only one proper attitude—to have them and to be able to do without them. On the Sabbath we live, as it were, independent of technical civilization: we abstain primarily from any activity that aims at remaking or reshaping the things of space. Man's royal privilege to conquer nature is suspended on the seventh day.

Ibid.

> Here there is no reference to creation. Instead, the Torah speaks about a historical event: the Exodus. We keep Shabbat not because God rested on the seventh day but because He took our ancestors out of Egypt, from slavery to freedom. Therefore, Shabbat is a day of freedom even for servants, and even for domestic animals. One day in seven, no one is a slave.[284]

Variations of Sacks comments on the Sabbath will fall straight in line with the juxtaposition between *Shamor* and *zachor*, "We call Shabbat a remembrance of creation (*zikaron lemaaseh bereishit*) as well as a reminder of the Exodus (*zekher liyetziat Mitzrayim*)."[285] "Shabbat is not private time, but shared time, a time for sharing, not owning."[286] "The Sabbath was an unprecedented innovation. It meant that one day in seven all hierarchies of wealth and power were suspended."[287] "The Sabbath is the lived enactment of the messianic age, a world of peace in which striving, and conflict are (temporarily) at an end and all creation sings a song of being to its Creator."[288] "The Sabbath is Judaism's stillness at the heart of the turning world.[289] "Shabbat is the day in which, in the stasis of rest and the silence of the soul, we hear the Call of God."[290] "Shabbat became our moment of eternity in the midst of time".[291]

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[284] http://rabbisacks.org/three-versions-of-shabbat-emor-5779.

[285] Ibid. Sacks in this sermon moves further tying in the way a third version of sabbath is depicted in the weekly portion of *Emor* Leviticus. Sacks does this by juxtaposing the words '*mikra kodesh*' [appointed time] with '*mo'ed*'[meeting]. The third version designates for Sacks revelation. See Ibid.

[286] Sacks, *Faith in the Future*, 135.

[287] Sacks, *The Jonathan Sacks Haggadah,* 25.

[288] Ibid.

[289] Sacks, *Radical Then, Radical Now*, 130. See Sacks' reference to a story about the Hasidic Master Levi Yitzhak of Berditchev. Sacks, *A Letter in the Scroll*, 140.

[290] http://rabbisacks.org/three-versions-of-shabbat-emor-5779.

[291] Sacks, *A Letter in the Scroll,* 141.

Sacks' writings inhabit a proclivity to render the Sabbath in poetic language. Sacks also attributes these variations of wording to the Sabbatical day as the texture of human relationships[292] that dignifies the labor of the week.

Sacks writes,

> To reveal the end at the beginning [implying the end occurred already in the beginning] That is the meaning of the Sabbath. The Sabbath is not simply a day of rest. It is an anticipation of the end of history, the Messianic age. On it, we recover the lost harmonies of the Garden of Eden. We do not strive to do; we are content to be. We are not permitted to manipulate the world; instead, we celebrate it as God's supreme work of art. We are not allowed to exercise power or dominance over other human beings, nor even domestic animals. Rich and poor inhabit the Sabbath alike, with equal dignity and freedom.[293]

Sacks is understanding God as making the end of human history already implicit from its beginnings (garden of Eden) so that to cope in a world of work and striving, conflict and competition. Sacks is responding to Hayek's law of unintended consequences referring to revolution plans and policies that fail.[294]

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[292] http://rabbisacks.org/the-economics-of-liberty-behar-5775.

[293] http://rabbisacks.org/sabbath-first-day-last-ki-tissa-5777. Steven Schwarzschild comments on Rav Yitzhak Hutner's cumulating triumph of the Divine good, "The eschatological future, in which evil has ceased, is, however, actually a restoration of Edenic existence, before sin entered the world in the first place. In short, it is not really future but outside of (historical) time, i.e., eternity." Steven Schwarzschild, *The Pursuit of the Ideal: Jewish Writings of Steven Schwarzschild.* ed. Menachem Kellner (Albany: State University of New York Press, 1990), 244. Sacks would characterize Eden not outside of time but the distant end that marks the situation of time directed against the duration of time. Such a notion of time can be read through the optics of Levinas who wrote,

> To be temporal is both to be for death and to still have time, to be against death . . . It is a relation with an instant whose exceptional character is due not to the fact that it is at the threshold of nothingness or of a rebirth, but to the fact that, in life, it is the impossibility of every possibility, the stroke of a total passivity alongside of which the passivity of the sensibility, which moves into activity, is but a distant imitation.

Levinas, *Totality and Infinity*, 235.

[294] Sacks, is quoting the Talmudic sages: '"Wherever you find the word *vayehi* ['and it came to pass'] it is always a prelude to tragedy.' When things merely come to pass, they rarely have a happy ending." See, https://rabbisacks.org/sabbath-first-day-last-ki-tissa-5777.

Therefore, the recurrence of the past Sabbath in the present now does not entail what Elliot Wolfson characterized as, "the memory of a quantifiable and predictable repetition of the identical event but rather the indeterminable and incalculable iteration of an original occurrence of the same."[295] Sacks refers repetition of the same event to the narrativization of endless wanderings of Israelites in the wilderness. With a sense of destination Sacks asserts, "we would not lose our way in the wilderness of time."[296] Sacks refers this tempo as "Covenantal time" which refers life's journey, "as a narrative with a beginning and a distant end, in whose midst we are and whose twists and turns continue to surprise us"[297] Broadly Sacks' message is straightforward no society can honor its past without knowing where it wants to go in the future. Sacks is implying the Jewish people are narrative incisions onto a seemingly arbitrary series of events, where

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[295] Elliot Wolfson, "Suffering time: Maharal's Influence on Hasidic Perspectives on Temporality," *Supplements to The Journal of Jewish Thought and Philosophy,* Volume: 30: 27. Franz Rosenzweig similarly comments, "Eternity is not a very long time…but a tomorrow that just as well could be today. Eternity is a future, which, without ceasing to be future, is nevertheless present." Franz Rosenzweig, *The Star of Redemption*, trans. Barbara Galli (Madison: University of Wisconsin Press, 2005), 241. Further Rosenzweig writes,

> For it its temporality, this fact that the years recur, is considered only as a waiting, perhaps as a wandering, but not as a growing…. For eternity is precisely this, that between the present moment and the completion time may no longer claim a place, but as early as in the today every future is graspable. Ibid., 348.

[296] https://rabbisacks.org/sabbath-first-day-last-ki-tissa-5777/.

[297] Jonathan, Sacks. *The Jonathan Sacks Haggadah* (Koren Publishers Jerusalem, 2013), 102. Similarly, Joseph B. Soloveitchik comments:

> The Jewish conception of tradition (masorah) revolves about this "paradoxical time awareness," which "involves the individual in the historic performance of the past and makes him also participate in the dramatic action of an unknown future…therefore, such is not only a formal succession within the framework of calendaric time but the union of the three grammatical tenses in an all-embracing time experience.… Covenantal man begins to find redemption from insecurity and to feel at home in the continuum of time.… He is no longer an evanescent being. He is rooted in everlasting time, in eternity itself.

Soloveitchik, *Lonely Man of Faith*, p. 68-69. Dastur, "Phenomenology of the Event: Waiting and Surprise," 182–83. Elliot Wolfson, *Heidegger and Kabbalah: Hidden Gnosis and the path of Poiesis* (Bloomington: Indiana University Press, 2019), 43-44. Wolfson, *Alef, Mem, Tau: Kabbalistic Musings on Time, Truth, and Death* (Berkley: University of California Press, 2006), 176–77.

beginnings are also middles.[298] This, "redemption of small steps is *exodus politics*, the long, slow journey across the wilderness to redemption an act at a time, a day at a time."[299] Therefore, Sacks refers acts of redistributive justice as instances of counter historicism. This counter journey acts out that to which does not bring history to an end, rather it's the "reminder that wherever we are, we can begin again."[300]

Sacks therefore insists the Biblical Sabbath that preceded the building of the tabernacle in the wilderness is itself a prototype for the building of society.[301] Hence, Sacks situates the creation of civil society as a precedent that in the end fulfills the moral prerogatives for political sovereignty.[302] Sacks concludes, "The Sabbath of history (the Messianic age, the world to come) will come last…. God made known the end at the beginning—the fulfilled rest that follows creative labor; the peace that will one day take

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[298] Here, Sacks is again echoing Ricoeur's temporal dialectic. Ricoeur writes "Time becomes human to the extent that it is organized after the manner of a narrative; a narrative, in turn, is meaningful to the extent that it portrays the features of temporal experience." Paul Ricoeur, *Time and Narrative Vol 1*, 3. This does not contradict Sacks' vision of narrative regeneration through *T'shuva* described in chapter three. Elliot Wolfson explains:

> The narrative structuring of time by the temporal structure of narrative would seem to lead hermeneutically to an inversion of the circle, whereby the end is read from the beginning and the beginning from the end. Upon closer inspection, however, we observe that recapitulation is not dependent on sequential coherence. On the contrary, narrated time, in its cyclicality, revolves about the poles of memory and expectation. Future is retained in the protentionally envisaged past; retrospection ensues from retrieving traces of what is yet to be left behind.

Elliot Wolfson, *Alef, Mem, Tau: Kabbalistic Musings on Time, Truth, and Death* (Berkeley: University of California Press, 2006), 49-50.

[299] Sacks, *The Great Partnership*, 257. Sacks, *Future Tense*, 153, 156. Sacks, *Essays on Ethics: A Weekly Reading of the Jewish Bible,* 219.

[300] Jonathan Sacks, *The Politics of Hope,* 260. Arendt continues:

> In this birth of each man this initial beginning is reaffirmed, because in each instance something new comes into an already existing world which will continue to exist after each individual's death. Because he is a beginning, man can begin; to be human and to be free are one and the same. God created man in order to introduce into the world the faculty of beginning: freedom.

Arendt, *Between Past and Future: Eight Exercises in Political Thought*, 166. Compare to the comments made referring Nietzsche to Arendt in *The Great Partnership*, 132.

[301] https://rabbisacks.org/sabbath-first-day-last-ki-tissa-5777.

[302] Sacks, *Future Tense*, 165. Sacks also asserts that, "…the book of Samuel tells the birth of Israel as a kingdom. The earlier book of Exodus tells of its birth as a nation," Ibid, 164.

the place of strife—so that we would catch a glimpse of the destination before beginning the journey."[303]

Beginning Again

Underlying this vision is the memorializing of creation that has been characterized as an instance of *yom ehad*, beginnings again.[304] For Sacks, the novelty of the Sabbath, as *zachor* enacts the performative memory to remember the end in each beginning again.[305] Each sabbath is itself an innovation of beginnings and belongs to its very grammar.

Sacks appears to be echoing Abraham Joshua Heschel who taught:

> …creation is not an act that happened once upon a time, once and forever. The act of bringing the world into existence is a continuous process. God called the world into being, and that call goes on. There is this present moment because God is present. Every instant is an act of creation. A moment is not a terminal but a flash, a signal of Beginning. Time is perpetual innovation, a synonym for continuous creation.[306]

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[303] https://rabbisacks.org/sabbath-first-day-last-ki-tissa-5777.

[304] Heschel, *The Sabbath*, 100-101. See Heschel, *The Insecurity of Freedom*: *Essays on Human Existence* (New York: Farrar, Straus and Giroux, 1959), 81– 82. It is worth recalling here the comments made by Levinas:

> What begins to be done not exist before having begun, and yet it is what does not exist that must through its beginning give birth to itself, come to itself, without coming from anywhere. Such is the paradoxical character of beginning which is constitutive of an instant…. A beginning does not start out of the instant that precedes the beginning; its point of departure is contained in its point of arrival, like a rebound movement. It is out of this withdrawal in the very heart of the present that the present is affected, and an instant taken up.

Levinas, *Existence and Existents*, 75.

[305]. Marc Brettler comments that, "biblical remembering should not be conceived of as an abstract activity, but as one intimately connected to performance." Marc Brettler, "Memory in Ancient Israel," in *Memory and History in Christianity and Judaism*, ed. Michael A. Signer (Notre Dame, IN: University of Notre Dame Press, 2001), 5

[306] Heschel, *The Sabbath*, 100-101. Elsewhere Heschel writes:

Sacks appears to imbibe Heschel's sabbatical ethos by referring this sentiment himself through the Medieval Jewish philosopher Judah Halevi. Sacks writes, "from the notion of creation ex nihilo: In kabbalistic parlance creation from nothing (Beria) to something (yetzira). Halevi says this is like a carpenter who makes a table, and the table continues to exist after its creation."[307] It occurs to me, speaking the grammar of table does not belong to its temporal tenses and would be best rendered apophatically: it is like a carpenter who makes a table that extensively exists through the nothing that both already and yet again, makes up the table. Elliot Wolfson explains, "Ontically it [the table] does not demarcate something that can be named or even nothing that cannot be named"[308] Rather, it hints to the temporality disclosed in the void and the void concealed within temporality. Sacks would then be making the point that the creative act must be continually renewing itself. Otherwise, at its Newtonian juncture one can say either the

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> Things of space exhibit a deceptive in dependence. They show off a veneer of limited permanence. Things created conceal the Creator. It is the dimension of time wherein man meets God, wherein man becomes aware that every instant is an act of creation, a Beginning, opening new roads for ultimate realizations. *Time is the presence of God in the world of space*, and it is within time that we are able to sense the unity of all beings. Time is perpetual presence, perpetual novelty. Every moment is a new arrival, a new bestowal.

Heschel, *The Insecurity of Freedom*, 81– 82. See also Abraham Joshua Heschel, *Man Is Not Alone* (New York: Farrar, Straus and Young, 1951), 200-6; Wolfson, *Alef, Mem, Tau*, 120–21. Additionally, Alain Badiou notes "truth not as pure miraculous beginning, but an interminable process of beginning over and over again." Christopher Watkin, *Difficult Atheism*: *Difficult Atheism: Post-Theological Thinking in Alain Badiou, Jean-Luc Nancy and Quentin Meillassoux* (West Bengal: Academic Publishers, 1969), 97 (translating from Bruno Bosteels, *Alain Badiou: Une tracjectorie polemique*, 131).

[307] Sacks, *The Koren Siddur*, 459. See Jonathan Sacks, "Practical implications of infinity" in *To Touch the Divine*, ed. Benzion Rader (Brookly: Merkos Linyonei Chinuch), 66.

[308] Elliot Wolfson, "Tsimtsum, Lichtung, and the leap of Bestowing Refusal," in Agata Bielik-Robson and Daniel H. Wiess. *Tismtsum and Modernity* (Berlin: De Gruyter, 2021), 171. I'm utilizing Wolfson's discussion of the kabbalistic trope of *Ein Sof* literally the 'infinite without end' and redirecting this particular point that is fitting for the purposes of this paper in terms of Sacks' discussion of *Beirah* the 'nothing' that renders the kabbalistic tropes of the Divine void in the first stage of creation.

table does or does not exist. Sacks, himself, refers this insight to Wittgenstein who said, "It is not how the world is, but that it is, which is the mystical."[309]

Therefore, Sacks' Sabbatical takes exception by enacting its own spacetime whose climax releases debt from sovereignty.[310] Upon juxtaposing *Shamor* and *zachor*,[311] the Sabbath exceptionality belongs both to the already and yet again of its own occurrence. The Sabbath repose designates a point of stillness between an already turning both towards and against a yet again. In this sense, the Sabbath articulates the next world *olam haba* as the coincidence with the Sabbath day itself.[312]

Sacks point of stillness is not merely a clever euphemism for Sabbath meditation. Sacks' works should be read through the prism of Erin Manning who wrote, "Standing still is often associated to posture."[313] Manning, herself, refers to Moshe Feldenkrais who defines posture as dynamic equilibrium. Suggesting:

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[309] Sacks, *The Koren Siddur*, 459. Ludwig Wittgenstein, *Tractatus Logico Philosophicus* (London: Routledge and Kegan Paul, 1974), 6,44. Elsewhere Wittgenstein hints at the apophatic nature of the mystical when stating, "Perhaps what is inexpressible is the background against which whatever I could express has its meaning". Ludwig Wittgenstein*, Culture and Value*, trans, by Peter Winch (Oxford: Basil Blackwell, 1980), 17. Also refer to comments made by Fergus Kerr, *Theology After Wittgenstein* (London: The Society for Promoting Christian Knowledge, 1997), 65.

[310] Instead Agamben would invoke a "coming community." Agamben, *Nudities*, 98-112. In this registrar, *"coming* does not mean *future.*" The "coming" of the coming community is devoid of a linear understanding of time…which sees it as a cumulative progression. Its temporality is that contraction of past, present and future which Agamben will call "*the time of the end*": that is, the messianic "now", "the present as the exigency of fulfilment." Giorgio Agamben, *The Time that Remains* (Stanford: Stanford University Press, 2005), 62, 76. The "coming" of the coming community is "always coming", and its theo-politcal vision find itself within a messianic presentness. For Sacks, the Sabbath reveals the end in the novelty of beginnings. Sacks' Sabbath isn't mere 'presentness' divorced from debt as a mechanism of power. According to Sacks novelty presupposes a practice of freedom through which each individual can invest on their own lives. Agamben calls this labor' inoperative'. For Agamben labor needs to be repurposed or given new use. In Sacks' purview this labor forgets itself in its 'messianic 'presentness'. This labor doesn't recall itself in the dignity of what it was (weekly) in light of what it could be again (Sabbath).

[311] Heschel, *The Sabbath*, 20.

[312] Ibid, 105.

[313] Erin Manning, *Relationscapes: Movement, Art, Philosophy* (Cambridge: MIT Press, 2009), 44. "Stand still!" sounds to me like "Stand up straight!" Yet, like "stillness," posture is elusive. Posture is less a stopping of movement than a passing- through. If standing still is a shifting between thousands of micro-movements in the making, posture is how its incipient action is felt."

> that posture is how we move *through*. Posture is how we carry our movement stilling. This movement stilling is allied to the movements of experiential space-time. We move with the reaching toward of experience as it moves us. Posture is not a stopping. It is a stilling of the between of the body's reconfigurations in extensive and intensive space-time. Feldenkrais further asserts, "Between one displacement and the next there is always a moment when the body is, practically speaking, not changing position significantly"[314].

Every shift depends on a moving-through and not being immobile. Posture is the quality of the moving-through. It is not a position, not something to aim for or to attain, it is reconfiguring movement within movements. In such a manner, stillness conveys, the turning face between the already and the not yet. For Feldenkrais, the relative immobility of the betweenness of posture is not something associated only with humans. All animals have this quality as part of their movement reconfigurations. Feldenkrais calls it "the special characteristic of a given body."[315]

From a legal perspective, the Sabbath spacetime enacts itself from where bodies find themselves emplaced.[316] In a more poetic idiom Heschel writes,

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[314] Ibid. (quoting Moshe Feldenkrais, *The Elusive Obvious: The Convergence of Movement, Neuroplasticity and Health*. (Cupertino: Meta Publications, 1981), 47).

[315] Ibid.

[316] Kraemer, *Rabbinic Judaism* (London: Routledge, 2019) 70-71. David Kraemer comments:

> The tradition preserved in the Talmud (BT Eruvin 48a with parallel at JT Eruvin 4:1) derives this law from scripture: "Sit every man under him" (Ex. 16:29), [that is] like that which would be under him. And how much is under him? His body is three cubits and [add] another cubit for the extension of his arms and legs. In other words, a person's personal space—the space that defines his Sabbath domain in the absence of other factors—is the space that she or he could control (the space that would be "under him") without moving. We are to imagine, in effect, that a person's personal Sabbath space is a square, with her at the center, the edges of which are the length of her body, arms extended. (An alternative opinion holds that the person has a distance of four cubits in each compass direction, creating a square 8 x 8 in size.) A person's body is normally approximately three times the length of his forearm, and since, when a person raises his arms straight above his head, it is the forearm that will extend above the top of the head, a person's length will normally be approximately four personal cubits. This is deemed a person's "natural" space, and so, even if she were to find herself in the middle of a wilderness on the Sabbath, she would be able to walk and carry within her personal space, a distance of four cubits.

Ibid.

> Every one of us occupies a portion of space. He takes it up exclusively. The portion of space which my body occupies is taken up by myself in exclusion of anyone else. Yet, no one possesses time. There is no moment which I possess exclusively. This very moment belongs to all living men as it belongs to me. We share time, we own space. Through my ownership of space, I am a rival of all other beings; through my living in time, I am a contemporary of all other beings.[317]

Recall Sacks own words "Shabbat is what we possess by not owning it is public time."[318] The Sabbath is the posture of taking possession in the act of sharing out. The tempo for sabbatical turnings instigates a point of holding back that is also its opening up. Sacks' Sabbath as the still point in a turning world, is itself a peculiar bodily posture by designating turning as a quality of "relational texture"[319] between the giver and given.[320] Stillness thereby, conveys the original presence of the Divine whose [non] being is a withholding and yet a turning to the not yet *Ehyeh asher Ehyeh*, literally, "I will be what I will be" (Ex. 3:14). This facing to the not yet constitutes Divine Sovereignty and is both ontologically prior and concurrent to any particular content of the speech or action that co-implicates creator and creature.

Yet, Sacks reminds his readers that the Sabbath is not initiated by human effort. Sacks refers us again to Judah Halevi, the eleventh-century poet and philosopher, who said that on Shabbat, "It is as if God had personally invited us to be dinner guests at His

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[317] Heschel, *The Sabbath*, 99. Heschel even seems to contradict himself, "the relation of existence to time is more intimate and unique than its relation to space…Time is the only property the self really *owns*. Temporality, therefore, is an essential feature of existence." Heschel, *Man Is Not Alone*, 200. Read through the lenses of Sacks there is time that gathers inward (weekly) versus time that shares outward (Sabbath).

[318] Sacks*, A Letter in the Scroll*, 139.

[319] http://rabbisacks.org/the-economics-of-liberty-behar-5775.

[320] Abraham Joshua Heschel, *The Prophets Vol 1* (Haper & Row, 1969)*,* 25-26. this recalls Heschel's notion of pathos as the situation of God 'turning' towards humanity. Hence the Hebrew Bible's own language of '*panim el panim'* 'face to face' between God and Moses (Deut. 34:10). *Panim* whose verb refers *pan* or *pennimah* meaning face or turning. *Panim* is suggestive for a turning face in pluralized form. I suggest *panim* is a gesture to the relationality between interiority and exteriority.

table. [Judah Halevi, *The Kuzari,* II:50.] The Shabbat…[321] does not look back to the birth of the universe or forwards to the future redemption. It celebrates the present moment as our private time with God. It represents the power of now.[322]

Sacks can then juxtapose the Divine name with stillness as the tempo for opening up. In fact, Sacks understands the Hebrew Bible as inscribed with an 'end without an ending' when he states, "Biblical narrative lacks what Frank Kermode called "the sense of an ending." Jewish time is open time – open to a denouement not yet realized, a destination not yet reached.[323] Sacks appeals to the configuration of temporal episodes only when its plasticity of form is transfigured through human action. Sacks asserts:

> The future is not like the past. Nor can it be predicted, foreseen, the way the end of any myth can be foreseen. Jacob, at the end of his life, told his children, "Gather round, and I will tell you what will happen to you at the end of days" (Gen. 49:1). Rashi, quoting the Talmud, says: "Jacob sought to reveal the end, *but the Divine Presence departed from him*." We cannot foretell the future, because *it depends on us* – how we act, how we choose, how we respond. The future cannot be predicted, because we have free will.[324]

Narrative in this sense both organizes and disrupts any unitary sense of time. The sense of an ending in the Hebrew Bible thereby belongs to the question of its beginnings.

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[321] Sacks writes:

> Shabbat is the only day of the year in which the evening, morning, and afternoon prayers are different from one another. In the Friday night *Amidah*, we refer to the Shabbat of creation: "You sanctified the seventh day for Your name's sake as the culmination of the creation of heaven and earth." On Shabbat morning we speak about the supreme moment of revelation: "Moses rejoiced at the gift of his portion…. He brought down in his hands two tablets of stone on which was engraved the observance of the Sabbath." On Shabbat afternoon we look forwards to the ultimate redemption, when all humanity will acknowledge that "You are One, your name is One, and who is like Your people Israel, a nation one on earth."

https://rabbisacks.org/three-versions-of-shabbat-emor-5779.

[322] Ibid.

[323] https://rabbisacks.org/end-without-an-ending.

[324] Ibid. See further Sacks' comments on free will in *The Great Partnership*, 123-125.

Sacks refers to Harold Fisch's comments on the poem 'The Pool' by C.N. Bialik. The metaphor of the pool in Bialik's poem reflects the stilled mirror of romantic self-consciousness reverted onto the failure of the Biblical episode of the Garden of Eden in Genesis. According to Fisch, the pool stood for a "mood of stillness" in the midst of a storm.[325] Bialik writes:

And suddenly shattering the silence

Echoes the voice of "the hidden God"

"Where art thou?" [326]

Fisch comments that this question *Ayeka* 'Where art thou' was posed by God in Genesis 3:9. This occurs as a response to Adam hiding from God. The question according to Fisch broke the "tranquil self-absorption" of Adam and according to Sacks thrusted Humankind onto the call for responsibility.[327] That is why faith according to Sacks "…is born not in the answer but in the question, not in harmony but in dissonance…the discord between the world that is and the world as it ought to be."[328]

Sacks concludes, "The responsible life is a life that responds. The Hebrew for responsibility, *achrayut*, comes from the word *acher*, meaning "other." Our great Other is God Himself, calling us to use the freedom He gave us, to make the world that is more like the world that ought to be." [329] Sacks finds reason to sense the ending already in the beginning. The glimpse at the Garden in the beginning of Genesis serves, "the

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[325] See Harold Fisch, *Remembered Future*: *A Study in Literary Mythology* (Bloomington: Indiana University Press, 1984), 16. Fisch notes that Bialik refers the storm to the "six hundred thousand gust of wind" the same number of Israelites passing through the wilderness. Ibid., 17.

[326] Ibid., 18, 149-150.

[327] Ibid. For a similar response given by Sacks refer to: https://rabbisacks.org/bereishit-5774-taking-responsibility.

[328] Sacks, *Radical Then, Radical Now*, 54-55.

[329] https://rabbisacks.org/bereishit-5781.

unappeased memory of a future still to be fulfilled." This memory perpetuates the power of now. Inferring the narrative midpoint that conjoins with its distant end by disjoining from its beginning anatheistically repeating forward the past by the open future.[330] Hence, its beginning always belongs to its beginning again.

Halakhah/Law

As of now, I have been tracking Sacks' progression under the ethos of Heschel. Yet, an intimation of something more than the perpetually rhythmic is occurring in Sacks' interpretation of *shamor*. I suggest the Sabbath can be characterized as an instance of Deleuzian repetition in reverse. Deleuze contends repetition as a resistance to generality, commodified reproduction and infinite circulation. Deleuze echoes Heschel when stating, "To repeat, is to behave. . .in relation to something unique or singular, which has no equal or equivalent."[331] Repetition, then, in its effort to establish individuality, otherness, and newness.[332] Deleuze further conceives repetition, as "against the law, it is "transgression: It puts law into question, it denounces its nominal or general character in favor of a more profound and more artistic reality."[333]

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[330] Richard Kearney explains:

> [A]natheism is about repetition and return. Not in the sense of a reversion to an anterior state of perfection—as in Plato's anamnesis, where we remember our preexistence with timeless forms. Nor, indeed, in the sense of a return to some prelapsarian state of pure belief before modernity dissolved eternal verities. There is nothing nostalgic at work here. We are, to borrow from Kierkegaard, not concerned with a "recollection" backward but with a "repetition" forward.

Richard Kearney, *Anatheism* (New York: Columbia University Press, 2011), 6-7.

[331] Gilles Deleuze*, Difference and Repetition* (New York, Columbia University Press, 1995), 3.

[332] Biemann, *Inventing New Beginnings*, 69-72.

[333] Ibid., 3.

For Sacks transgression of boundaries both designates and enacts the dignity on the Sabbath. This occurs by retracing those very boundaries (*shamor*) that reenact instances of Divine transgression into the profane world.[334] Performative acts of memory *Zachor,* reenact the future tense to the Sabbath day.[335] This point is constitutive of Sacks' comments that lighting two candles Friday night represents these two dimensions of the Sabbath.

> Normally we make a blessing over a commandment before *performing* it. In the case of Shabbat lights, however, the blessing is made afterword, so the lighting precedes mental acceptance of the day and its prohibitions. The blessing is made while covering one's eyes, so that the blessing follows the act but precedes its benefit. The lighting *shamor* as future tense becomes committed to the blessing that is its past *zachor*.[336]

While the legal legislations of Sabbath *shamor* reenact the Sabbath day to the future tense of God's Name *Ehyeh Asher Ehyeh,* "I will be that I will be" (Ex. 3:14). Sacks further supplements Heschel by juxtaposing *shamor* and *zachor* in one broad voice. Referring to

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[334] For a practical example of how Sacks understood Rabbinic legal codes on the Sabbath with the mystical aura of Divine creative activity see, https://rabbisacks.org/the-practical-implications-of-infinity/. Also see Jonathan Sacks, "Practical implications of infinity," in *To Touch the Divine*, ed. Benzion Rader (Brooklyn: Merkos Linyonei Chinuch), 67-69.

[335] Heschel, *The Sabbath*, 101. This refers Heschel's own pun in the final sentence of *The Sabbath*: "Eternity utters a day." Ibid. Sacks would understand this dimension following Yerushalmi that participants are "existentially drawn" within without initiating the transformation itself. Yosef Yerushalmi, *Zakhor: Jewish History and Jewish Memory* (Washington: University of Washington Press, 1996), 17.

[336] Sacks, *The Koren Siddur*, 306. The lighting *shamor* as "future tense" becomes committed to the blessing that is its past *zachor*. This is the "Sabbath as "last indeed, first in thought." https://rabbisacks.org/covenant-conversation-5768-emor-counting-time.

Sacks is responding to the Rabbinic dictum that calls to prepare for the Sabbath in the beginning of the week. Sacks is quoting more literally from *Lekha Dodi*, composed by the sixteenth-century kabbalist Solomon Alqabets, the Kabbalistic poem read by Jews upon the weekly Sabbath arrival: *sof ma 'aseh be-maḥashavah teḥillah*, "the end of action is first in thought". See Elliot Wolfson, "Not Yet Now: Speaking the End and the End of Speaking", 155. Wolfson quotes Franz Rosenzweig who writes, "That which is future calls for being predicted. The future is experienced only in the waiting. Here the last must be the first in thought." Franz Rosenzweig, *The Star of Redemption*, 235. Sacks comments "we are content to be," Sacks, *The Koren Siddur*, 306. Also see Jonathan Sacks, "Practical implications of infinity," in *To Touch the Divine*, ed. Benzion Rader (Brooklyn: Merkos Linyonei Chinuch), 67-69.

a conversation with Sacks' teacher, Joseph B. Soloveitchik, Sacks writes in the name of Soloveitchik:

> In the past, Jewish philosophy, machashevet Yisrael, and halakhah were two different things. They were disconnected. "In truth," he said, "they are only one thing, and that one thing is halakhah." The only way you can think Jewishly and construct a Jewish philosophy, is out of halakhah. He gave me one example. He said, "You have read Professor A. J. Heschel's book called *The Sabbath*?" I said, "Yes." He said, "It's a beautiful book, isn't it?" I said, "Yes." And he said, "What does he call Shabbat? — a sanctuary in time. This is an idea of a poet; it is a lovely idea. But what is Shabbat? Shabbat", he said, "is lamed-tet melakhot, it is the thirty-nine categories of work and their toladot, and it is out of that halakhah and not of poetry that you have to construct a theory of Shabbat.[337]

Sacks' emphasis of the Sabbatical legal structure serves as a redistribution for the justice that awaits the sovereignty of future pardon. Sacks says, "law translates faith into structures of common life. It turns the Sabbath from a time of private recreation into a public day of rest."[338]

According to Sacks, "*Halakhah* [Jewish law] is, in short the Jewish protest against history."[339] Sacks conceives eternity within a counter historicism emerging through *Halakhah*. Sacks, refers Jewish law as constitutive of its people, not its sequential placement along an abstract timeline. "Therefore, Jewish law was eternal because the Jewish people was eternal." [340] Sacks I suggest understands eternity as a peculiar inversion of time turned against itself. Sacks is responding to Nietzsche who saw how "the Jewish peoples impart a negation of 'nature' and 'history'."[341] Sacks thereby refers

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[337] See Michael Bierman, *Memories of a Giant: Reflections on Rabbi Joseph B. Soloveitchik* (Jerusalem: Urim Publications, 2020), 286-287.

[338] Sacks, *One People?,* 214.

[339] Jonathan Sacks, "Creativity and Innovation in Halakhah," in Sokol, Moshe. *Rabbinic Authority and Personal Autonomy*. Lanham: Jason Aronson, Inc., 1992. 140.

[340] Ibid.

[341] Ibid. Heschel writes,

to eternity as "an attempt to construct an unchanging order within the very flux of time." "There is no shabbat in nature" declares Sacks.[342] *Kenesset Yisrael* "the congregation of Israel" constitutes an identity who dwells within time while turning against the flow of time. Hence, Sacks' verbal usage of 'protest'. The *halakhah* according to Sacks constitutes for the Jewish people what history allows other peoples. "History is what happens to others. Memory is what happened to us".[343] Sacks conceives *halakhah* in the traditional sense of situating rabbinic law within the orbit of the original revelation of Sinai.[344] *Halakhah*, Sacks asserts is uncovered rather than made.[345] Sacks writes, "procedurally, therefore, any new ruling must be rendered consistent with the antecedent sources."[346] Other than circumstances constituting an emergency *Horat Hashah*, alterations are made and only temporary.[347] Therefore Sacks frames Jewish law as an instance of anamnesis, whereby subsequent legal changes were "intended to establish that nothing has changed"[348] Such is the theological underpinnings that lurk within all

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> Judaism is *a religion of history*, *a religion of time*. The God of Israel was not found primarily in the facts of nature. He spoke through events of history" (emphasis in original) and "Judaism does not seek to subordinate philosophy to events, timeless verities to a particular history. It tries to point to a level of reality where the events are the manifestations of divine norms, where history is understood as the fulfillment of truth…. Judaism claims that time is exceedingly relevant. Elusive as it may be, it is pregnant with the seeds of eternity.

Abraham Joshua Heschel, *God in Search of Man* (New York: Farrar, Straus and Giroux, 1955), 200, 204-206.

[342] Ibid., 140-141.

[343] Ibid. For Sacks *Aggadic* [Talmudic philosophic] consciousness derives from halakhic axioms (Soloveitchik's language) implying that Jewish identity is constructed out of Jewish law. It is beyond the scope of this paper to expose the influence of Joseph B. Soloveitchik on Sacks writing in regard to the eternity of the law.

[344] Jonathan Sacks, *Crisis and Cov*enant (Manchester: Manchester University Press, 1992) 156. Sacks refers to Kohelet Rabbah to Ecclesiastes 1; see also Jerusalem Talmud Peah 2:6; Leviticus Rabbah, to Leviticus 22:1; Exodus Rabbah, to Exodus, 47:1.

[345] Ibid.

[346] Sacks, "Creativity and Innovation in Halakhah," 141.

[347] Ibid.

[348] Ibid., 142. In this sense, Sacks evokes Yosef Yerushalmi's study of *Zachor* and avers:

novelty. The Rabbis of the Talmud deemed, "All innovation was apparent and was already revealed at Mount Sinai" (BT. Niddah 30b) [349], Jonathan Sacks comments, "The new is simply a disclosure of the old. If true, it is not new. If new, it is not true."[350]

Sacks asserts, "developments within the halakhic system are thus homeostatic rather than evolutionary. They are undertaken to restore equilibrium rather than reformation… *Halakha* is the application of an unchanging Torah to a changing world. *Halakhah* changes so that the Torah should not change."[351]

Recall this equilibrium situates stillness as 'moving through', already a configuration within reconfiguration. *Halakhah* is the acting out of the end that is already its beginning. In another sense *Halakhah* acts out the Divine transgression that is restored through retrogression. Sacks therefore situates this distinctiveness outside the parameters

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> [A]ll true knowledge is anamnesis, all true learning an effort to recall what has been forgotten." Yerushalmi, *Zachor*, 113. Yerushalmi cites the Talmudic passage 'The fetus in the womb knows the entire Torah ...But at the very moment of birth an angel comes and slaps the infant on the mouth ... whereupon he immediately forgets everything and (alas) must learn the Torah anew," Ibid. Yerushalmi see such a process at the nexus of historical renewal. "Every "renaissance," every "reformation," reaches back into an often-distant past to recover forgotten or neglected elements with which there is a sudden sympathetic vibration, a sense of empathy, of recognition. Inevitably, every such anamnesis also transforms the recovered past into something new; inexorably, it denigrates the immediate past as something that deserves to be forgotten."

See Yosef Hayim Yerushalmi, *Zakhor*: *Jewish History and Jewish Memory* (Washington: University of Washington Press, 1996), 113, 105-116. See also https://www.etzion.org.il/en/shiur-04-purpose-talmud-torah-part-2.

[349] Refer to BT Megillah 2b and BT Pe'ah 2:6. Asher Biemenn notes, "Recollection, in the Platonic sense, cannot produce novelty: It only retrieves knowledge, knowledge that is sameness…recollection, begins the same beginning all over again." Asher Biemann, *Inventing New Beginnings*, 88. For more on this concept of connections to the Platonic see the remarks of David Flatto at http://text.rcarabbis.org/the-angel%E2%80%99s-oath-the-relationship-of-hazal-to-the-platonic-doctrine-of-recollection. It is beyond the scope of this paper to relate a sustained discussion of anamnesis and innovation in Rabbinic tradition. Refer further to Tzvi Sinensky's discussion on the topic here: https://www.etzion.org.il/en/shiur-04-purpose-talmud-torah-part-2.

[350] Sacks, "Creativity and Innovation in Halakhah," 146. Elliot Wolfson says it this way: "what is old is old because it is new, and what is new is new because it is old." Elliot Wolfson, *Heidegger and Kabbalah,* 43.

[351] Sacks, *Crisis and Covenant*, 156-157. See also Ibid., 215.

of positivist conceptions of the law.[352] Sacks insists to see law within a broader theological framework. Concretely to the narrative structure of the Hebrew Bible. Sacks understands time as a series of deviations from a more essential moral order the dynamic equilibrium already alluded in Genesis's Garden of Eden. With regards to the Garden of Eden, Sacks writes, "The end of history is already implicit in its beginning."[353] Implying the way responsibility transfigures the relationship between the pursuit of equality and equity. I demonstrated in an earlier section that the forgiveness that has already been given constitutes its future promise of givenness. Similarly, the givenness of the law constitutes its future promise to forgive deviations from the law. The changelessness of the law within rabbinic jurisprudence facilitates the mode upon which such deviations move Israel into the future. The Halakhic (legal) framework oscillates between the obedience that presupposes sin and the sin that in turn preempts *T'shuva* return. "All time becomes a simultaneous present. There is no concept of anachronism: there is no "before" and "after" in Torah. The patriarchs inhabit the world of the sages. Moses hears legal expositions from Rabbi Akiva and learns it is a law given to 'Moses at Siani'."[354] This progression is neither cyclical nor linear. This is time turning against itself, 'the

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[352] Sacks is concerned about *halakhah* being "cut adrift from its theological moorings" and becomes either a "personal enrichment" an "embellishment of ethnicity," "an instrument of survival," or a "cultural phenomenon." Ibid., 71.

[353] Ibid., 156-157.

[354] Ibid., 222. Sacks may be referring to Joseph B. Soloveitchik who wrote:

> [T]here is a past that persists in its existence, that does not vanish and disappear, but remains firm in its place…The Jewish Peoples all-embracing collective consciousness of time – the sages of the tradition, the second temple era, the age of classical prophecy, the exodus from Egypt, the lives of the patriarchs , the creation itself – is an integral part of the "I" awareness of halakhic man…The consciousness of halakhic man, that master of the received tradition, embraces the entire company of the sages of the *masorah*. He lives in their midst, discusses and argues questions of *halakhah* with them, delves into and analyses fundamental principles in their company. All of them merge into one time experience.

Joseph B. Soloveitchik, *Halachic Man* (Philadelphia: Jewish Publication Society, 1984), 117-120.

midpoint that disjoins and conjoins'. This situates the interplay between all "divine providence and human free will."[355] Sacks refers to Franz Rosenzweig who wrote, "While the peoples of the world live in a cycle of revolutions in which their law sheds its old skin over and over, here the law is supreme, a law that can be forsaken but never changed."[356] This further confirms the insight of Elliot Wolfson that:

> the future is not gauged by the imperishability of our perishability, but by the power of regeneration, which is epitomized in the proclivity of repentance – the halakhic foundation for the mystical ideal of restitutio – to break the karmic chain of causality so that the fate of an individual is not irrevocably determined by past events.[357]

Sacks conservative stance against legal alterations needs to be understood as an extension of the entire regenerative Jewish theological framework . *Halakhah* is not a mere social contract, neither technical indices nor a procedural manual for conduct. *Halakhah* for Sacks is the theological 'constitution of the covenant.'[358]

Sacks concludes this why the Sabbath is a day of collective rest "enjoined on everyone,"[359] 'the common property of all.'[360] This infers for Sacks the historical continuity joining each Jew as sharing out the Sabbath intimacy through *halakhic* [legal] observance. In other words, Jewish law *halakhah* facilitates the means where Sabbath private time becomes shared space and private space becomes public time.

In one broad stroke Sacks exposes the universal partaking of the Sabbath from its particularistic legal framework for the Jewish People. Recall, in Sacks' overture, the

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[355] Ibid., 210.
[356] Rosenzweig, *The Star of Redemption*, 303-304.
[357] Wolfson, "Tsimtsum, Lichtung, and the leap of Bestowing Refusal," 182.
[358] Sacks, *Crisis and Covenant*, 170. There, Sacks also is responding to the Jewish secularists who claim Judaism is what Jews do and not what they ought to do.
[359] Ibid., 171.
[360] Ibid.

particular is what makes the universal possible. Sacks remarks in his landmark work *The Dignity of Difference*,

> we are particular and universal, the same and different, human beings as such, but also members of this family, that community, this history, that heritage. Our particularity is our window onto universality, just as our language is the only way we have an understanding of the world we share with speakers of other languages. Just as a loving parent is pained by sibling rivalry, so God asks us, his children, not to fight or seek to dominate one another. God, author of diversity, is the unifying presence within diversity.[361]

Sacks is asserting that *halachic* observance belongs to "the question of whose memory" which "belongs to the particular as a fabric of the universal and therefore the Jewish people reminds humanity of universalism."[362] According to Sacks, the Jewish people allow humanity to recollect a particularism of their own as a fabric of the universalism they sought to forget in the revolutionary consciousness of Babel.[363]

> "The failure of Babel was the politics of power in absorbing the diversity of language. Abraham though is not the replacement, nor superseding and or supplement for universalism. Rather Abraham designates a counter argument, the modality through which the people of Babel may recollect their very languages when coming together."[364]

Sacks is saying that Abraham is the particular component of society through which the rest of humanity may recollect their own particular dignity. This infers the

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[361] Sacks, *The Dignity of Difference,* 56.

[362] http://rabbisacks.org/covenant-conversation-5768-ekev-the-politics-of-memory/.

[363] Sacks, *A Letter in the Scroll*, 93-94. Sacks explains the story of Babel as it has usually been misunderstood.

The conventional reading is that it is an etiological tale explaining how humankind, which originally had 'one language and a common speech', came to be divided into many languages. This reading is plausible but wrong. The reason is that the previous chapter, Genesis 10, has *already* described the division of humanity into seventy nations, 'each with its own language' (Gen. 10:5). The only way the conventional reading makes sense is if Genesis 10 and 11 are not in the correct chronological sequence. There is, though, no reason to suppose this at all. Sacks, *Not in God's Name*, 192.

[364] See *A Letter in the Scroll,* 93-94.

singularity of the Jewish people as paradoxically belonging to its future passing on through its loyalty to its shared fate and lineage passed over.

Therefore, Sacks will claim the Hebrew Bible begins with the universal Noachide covenant and not the particularized Abrahamic covenant. Yet, Noah and Abraham co-constitute one another in a past lineage and open future. The past is an *Am* community of fate and the future is a *Edah* community of faith.[365] The givenness that is the Jewish people's particularity derives its *novum* in the power of now, a community of beginnings passing on. Yet Sacks asserts the community of faith is also a community of fate of passing over. This induces the Jewish people within the historicized sense of memory shared by all peoples.[366] The failure of Babel reverses itself with the Abrahamic covenant that recollects itself through the Noachide covenant.

This is the dynamic equilibrium of Genesis's Garden of Eden reconfiguring through the narrative of Babel. Arendt would refer this as the "prehistoric innocence of the beginning,"[367] serving as the "leitmotiv of all revolutionary consciousness."[368] Thus Babel is the "art of foundation," for Arendt, and lies in the overcoming of the "perplexities inherent in every beginning."[369] Sacks is locating this overcoming in the Sabbath of creation juxtaposed alongside the performative memory of the Jewish

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[365] Sacks, *A Letter in a Scroll*, 116. Sacks substantiates this distinction afforded to Joseph B. Soloveitchik. "An *am*, is a community of fate, not yet a community of faith. For this latter the Torah uses the word *edah*." Sacks, *Exodus: The Book of Redemption: Covenant & Conversation*, (Jerusalem: Maggid Press), 292. See Joseph B. Soloveitchik, *Kol Dodi Dofek*, trans. David Z. Gordon (New York: Yeshiva University Publication, 2006), 69-71. Sacks also points to the language of "mixed multitude" (Exodus 12:38) that made up the people of the Exodus so that to detract ethnocentric readings of the Hebrew Bible.

[366] Sacks, *Exodus: The Book of Redemption: Covenant & Conversation,* 293. Sacks writes,

On the word *Vayak-hel* (from the verb *kaha*l or *kehilla* 'assembly') that Moses commands the people to construct the Tabernacle – and this is the stroke of genius. It is as if God had said to Moses: if you want to create a group with a sense of collective identity, get them to build something together. It is not what happens to us, but what we do, that gives us identity and responsibility.

[367] Hannah Arendt, *The Life of the Mind, Vol. 2* (New York: Harcourt Brace Jovanovich), 210.

[368] Hannah Arendt, *The Life of the Mind, Vol. 1* (New York: Harcourt Brace Jovanovich), 205.

[369] Ibid.

people's Exodus.[370] Such juxtaposition is not merely the dissolution[371] of an event that happened once and whose origin may be passed over. Rather, it is the event whose happening belongs to it passing on. Hence, the Sabbath for Sacks is a "unisom"[372] for beginnings again—*bayom echad*. Sacks concludes this is why the Sabbath is a day of collective rest "enjoined on everyone,"[373] "the common property of all."[374] Sacks further asserts, "That is why the Sabbath is not an idea, a value or a principle but a halakhic institution governed by an intricate and ever-ramifying network of laws."[375] This sense characterizes a Jewish people that solidifies the particularity of Sabbath partly by memory *zachor* enacted audibly in prayer and song.[376] This by virtue of a Sabbatical that designates itself visibly in the thirty-nine legislated acts of prohibition,[377] thereby allowing *Shamor* to index more broadly the concrete passing over of tradition, Torah and progeny. The passing on does not belong to Arendt's anxious spirit of the future passing

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[370] Marc Brettler sees the roots of this performative form of memory in the Hebrew Bible, in the use of zkr, the root of the word denoting remembrance. He notes that the word is used in the Hebrew Bible not as an expression of purely abstract, cognitive memory but in relation to ritual performance. In the Biblical context, as well as in rabbinic literature, memory is not a free-standing idea but is embodied in action. Marc Brettler, "Memory in Ancient Israel," in *Memory and History in Christianity and Judaism*, ed. Michael A. Signer (Notre Dame, IN: University of Notre Dame Press, 2001), 5.

[371] Edmond Husserl, *On the Phenomenology of the Consciousness of Internal Time*, (New York: Springer, 1991), 23, 106. Husserl refers to this as the "awake consciousness," writing that "the awake life is a living – toward, a living from this now to the new now." Ibid., 109. The "awake consciousness," in other words, is the consciousness conscious of its transition in time. Yet such conscious memory for Arendt and Husserl is always as Gadamer has it, in 'dissolution'. See Hans-Georg Gadamer, "*Concerning Empty and ful-filled Time*," trans. R. Phillips O' Hara in *Southern Journal of Philosophy*, 8 (4), (1970): 341-353. According to Gadamer 'dissolution' affirms the past as dissolving altogether when passing forward.

[372] I borrow this word from Heschel's lexicon to relate the apophasis of 'beginnings' for the temporal asymmetry of novelty. Heschel, *The Sabbath*, 101.

[373] Ibid, 171.

[374] Walzer, *Spheres of Justice*, 184-96.

[375] Heschel, *The Sabbath*, 171.

[376] Yerushalmi, *Zakhor: Jewish History and Jewish Memory*, 17. Yerushalmi also comments,

For whatever memories were unleashed by the commemorative rituals and liturgies were surely not a matter of intellection, but of evocation and identification. There are sufficient clues to indicate that what was suddenly drawn up from the past was not a series of facts to be contemplated at a distance, but a series of situations into which one could somehow be existentially drawn. Ibid.

[377] On the Rabbinic antecedents to the thirty-nine categories of work *Melachot* refer to BT *Sabbath*, 10b, 70a, 49b.

over.[378] Rather, passing over belongs to a characterization of memory *zachor* passed on.

On the Sabbath, law reenacts Divine transgression into the world by retrogression i.e., prohibition *melacha*. The weekday shares out the dimension of time endorsing a collective characterization of memory as historical enjoyed by both nations and the Jewish people. The weekday designates "the politics of free societies [that] depends on the handing on of memory."[379] Yet, for Sacks it is the Sabbath where instances of memory speak a counter-voice for the historicized memory passed over. This is the counter voice that makes Jews "born into obligations…a Jew by virtue of birth."[380]

In this way, Sabbath as a practice of *shamor*—observing and *zachor*—remembering, produces the participant's sovereignty over the reality that informs and constructs the present realities of debt. Heschel substantiates this point when commenting,

> The Sabbath is no time for personal anxiety or care, for any activity that might dampen the spirit of joy. The Sabbath is no time to remember sins, to confess, to repent or even to pray for relief or anything we might need. It is a day for praise, not a day for petitions. Fasting, mourning, demonstrations of grief are forbidden.[381]

The Sabbath arrives as an instance of passage within time directed against the flow of time. For Sacks, the Deluzeian effort for transgression operates in reverse.

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[378] Beimann points out that Arendt is responding to Marx who states, "The revolutionary "between" of renaissance reflects the "between" of human anxiety: "Man lives in this in-between," writes Arendt, "and what he calls the present is a life-long fight against the dead weight of the past, driving him forward with hope, and the fear of a future (whose only certainty is death), driving him backward toward 'the quiet of the past' with nostalgia for and remembrance of the only reality he can be sure of." See, Biemann, *Inventing New Beginnings*, 15. Arendt, *The Life of the Mind*, *Vol. 1,* 205. This insight also applies to Arendt's interpretation of the American Revolution as a "restoration" and rearticulation of "new freedom in terms of ancient liberties." Arendt, *On Revolution*, 43, 155.

[379] http://rabbisacks.org/the-politics-of-memory-eikev-5779.

[380] Sacks, *One People?*, 156.

[381] Heschel, *The Sabbath*, 30.

Following Robert Cover, Sacks associates law with the narrative structure of faith. Cover writes:

> Law…is a bridge in normative space connecting the 'world-that-is'…with our projections of alternative 'worlds-that-might-be'…In this theory, law is neither to be wholly identified with the understanding of the present state of affairs nor with the imagined alternatives. It is a bridge-the committed social behavior which constitutes that way a group of people will attempt to get from here to there.[382]

The Sabbatical prohibitions plot a narrative transgression whereby every sabbatical ending is the emplotment of weekly beginnings. This legalized retrogression from moving the narrative to the supposed ending both conjoins and disjoins the narrative midpoint with its beginning turning towards its distant end. Ricoeur adds, "If, in fact human action can be narrated, it is because it is always already articulated by signs, rules, and norms. It is already symbolically mediated".[383] The dynamic equilibrium Sacks understood in *Halakha*, was already mediated symbolically in the Garden of Eden. The law would not have been comprehensible, "if it did not give a configuration to what was already a figure in human action."[384]

In this sense, Sacks' narrative theology further reflects the Midrashic literary devices of *Mashal* plot and the *nimshal* emplotment. In other words, halakhic observance serves as a hermeneutical bridge that both plot its actors to the narrative (mashal) and becomes the emplotments of its agents that shapes the narrative (nimshal). Upon reflecting how *nimshal* became both a continuation and extension of the narrative, David Stern commented:

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[382] Sacks' discussion of Cover can be found here: https://rabbisacks.org/mishpatim-5774-vision-details. Also see, Robert Cover, *Narrative, Violence, and the law*: *The Essays of Robert Cover* (Ann Arbor: University of Michigan Press, 1995), 176.

[383] Ricoeur, *Time and Narrative*, *vol. 1*, 53.

[384] Ibid, 64.

> Yet while the overall rhetorical strategy of the *mashal* …is to give the impression that the *nimshal* is dependent upon the *mashal*-proper for its narrative, the opposite is the truth. The *nimshal* has priority, chronologically as well as ontologically, over the *mashal*-proper. Before the *Mashal*, there is always a *nimshal*, and even before the *nimshal* there already exits an exegesis which, in turn, is largely motivated by a preconceived rhetorical function or desire.[385]

Sacks explicates this notion in terms of law:

> Law informs the narrative, and the narrative explains the law…we understand the meaning of the word…*chok*, usually translated as "statute" or "decree." In actual fact, *chok* is a word that brings together two concepts of law. There are scientific laws, which explain the "isness" of the world, and there are moral laws which prescribe the "oughtness" of the world. The singular meaning of chok is that it brings both concepts together. There are laws we ought to keep because they honor the structure of reality.[386]

From this purview, Ricoeur complements Sacks when stating all, "innovation remains a form of behavior governed by rules."[387] Therefore, the narrativization of the law as a hermeneutical bridge facilitates the narrative midpoint that acts as a reparative "refiguration."[388] The fulfilment of the end then serves as the narrative transgression necessary to incur the fullness of time for the beginning to begin again. In other words, the "configuration" of a dynamic equilibrium in the Garden of Eden shapes the "prefiguration" for the moral responsibility implicit in our lives.[389] Thus, celebrating

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[385] David Stern, *Parables in Midrash: Narrative and Exegesis in Rabbinic Literature* (Cambridge: Harvard University Press, 1994), 69.

[386] https://rabbisacks.org/covenant-conversation-5768-chukat-law-and-narrative.

[387] Ricoeur, *Time and Narrative Vol 1*, 69.

[388] Steven Kepnes explains:

> For Ricoeur, the "refiguring of time" culminates in an "intersection" between the world of the text and the world of the reader, a "fusion of horizons," in Gadamer's terms. This fusion means that the reader sees him- or herself in terms of the narrative plot. There is an intersection or "interpolation" between the narrative of the reader's life and the narrative read. When this happens, the reader finds his/her own being-in-the-world reorganized and enlarged.

Kepnes, *The Text as Thou*, 102-103. Also see Ricoeur, *Time and Narrative vol 1*, 80.

[389] On Ricoeur's use of the term's configuration and prefiguration. See Ricoeur, *Time and Narrative Vol 1*, 63-71.

Divine sovereignty without debt is to direct the transgression of law onto the law's very fulfillment.[390]

[390] On the antinomian within the law see Elliot Wolfson, *Open Secret*: *Postmessianic Messianism and the Mystical Revision of Menachem Mendel Schneerson* (New York: Columbia University Press, 2012), 173-175.

Conclusion

Throughout this dissertation I have attempted to demonstrate Sacks' unhinging from political and market indebtedness. Instead, I sought to present Sacks' covenantal vision pivoted around Judaic institutions for redistributive justice. I have adapted Sacks appeal to the narrative articulation of time as the framework for - re-thinking Sacks' own proclivity to interweave a variety of Biblical, Rabbinic, and Western sources. I began with Sacks seeking a dignity that opposes the reification of 'my' difference, because 'we' are created in the sameness of God's difference. In doing so I have exposed a conception of sovereignty that attends neither to the completeness of Divine power nor a relinquishing of Divine ownership. Rather I followed through explicating Sacks' principle that power is conferred only when directed against the principle of anteriority that constitutes power. I have further demonstrated the way Sacks' narrative theology charts his political theology. This interweaving is evident in the act of *T'shuva* inferred the redeeming of the debt of the future by returning its credit to the now.[391] While the

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[391] Elliot Wolfson, "Not Yet Now: Speaking the End and the End of Speaking," in *Elliot Wolfson: Poetic Thinking*. Hava Tirosh-Samuelson and Aaron W. Hughes (Lieden: Brill, 2015), 148-153. Along similar lines, Wolfson comments that for Agamben, "Paul's technical term for the messianic event is *ho nyn kairos*, the time of the now, which is not the end of time that will happen in the future but the time of the end that is experienced as the interminable waiting in the present." Wolfson, "*Not Yet Now: Speaking the End and the End of Speaking*," 152. Agamben explains:

> Messianic time is thus defined as "*the time that time takes to come to an end*, or, more precisely, the time we take to bring to an end, to achieve our representation of time. This is not the line of chronological time . . . nor the instant of its end . . . nor is it a segment cut from chronological time; rather, it is operational time pressing within the chronological time, working and transforming it from within; it is the time we need to make time end: *the time that is left us*.

Agamben, *The Time That Remains*, 61–62, 67–68. For Sacks the time that is left has already found itself returned to the Sabbath day. There is no remainder for Sacks, nor is waiting the framework for the time that collides in time itself. According to Sacks, narrative time passes on and is not projected onto its passing over. The Sabbath irrelatively already arrives from the point of time 'passed on' turning towards [facing] its 'passing over' during the week. Sacks can be said to be following Wolfson by revealing

Sabbath designates beginning again by harboring only the debt of the day passing on. The past, in other words, is always given back to the future of each occurrence for Divine inception. The Sabbath as well does not take the place of labor, rather it is a function for the effective dignity of labor. In this sense, the end of the weekly creation cycle accumulating in the Sabbath is already the gift-giving beginning again *yom ehad*.

This Sabbath aesthetic is a unique place of occurrence. Implying a space where protocols and procedures are enacted while also being an occurrence of its own taking place; referring to the sanctity of the day bestowed by the Divine fiat. The Sabbath *novum* thereby always belongs to the grammar of creation beginning again.[392] Yet, the grammar of turning also belongs to its weekly accumulation, circulation and exchange, designating abstract destinations of monetary value. This belongs to the grammar of sovereign debt; whose territory enacts the permanency of debt itself.[393]

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narrative as a complex interplay between anticipation and expectation, recollection and fulfilment. Wolfson's own approach can be further compared to the discussion of the *parousia* in Jean- Yves Lacoste, "The Phenomenality of Anticipation," *Phenomenology and Eschatology: Not Yet in the Now*, eds. John Panteleimon Manoussakis and Neal DeRoo (London: Routledge, 2009), 15-33.

[392] It is not a coincidence that Sacks refers *asret yemie t'shuva* the ten days of repentance prior to the *Yom Kippur*. Sacks calls this temporal frame the now time of returning to God. *T'shuva* seeks its dignity at the celebration of the new year. The ten days are the stretched 'Now' that begin in the end by virtue of ending in the beginning. See Sacks, *Tradition in An Untraditional Age*, 203-204. See Elliot Wolfson, "Eternal Duration and Temporal Compresence: The Influence of Habad on Joseph B. Soloveitchik," in *The Value of the Particular: Lessons from Judaism and the Modern Jewish Experience*, ed. Michael Zank and Ingrid Anderson. (Lieden: Brill, 2015), 229. Wolfson comments:

> Eternity, for Soloveitchik, is neither the eradication nor the elongation of time; it is neither the end of time nor endless time, but rather the simultaneity of the three tenses in the moment that undercuts the sequentially of the timeline and proffers in its place a time so replete that it is empty of time. Through repentance one can reclaim this moment – at once restorative and innovative - and thereby attain the infinitely expansive mindfulness that grounds and surpasses the boundaries and parameters of the law.

Ibid.

[393] Heschel, *The Sabbath*, 91. Heschel comments on the Sabbath's own resistance to the capital market:

> It seeks to displace the coveting of things in space for coveting the things in time, teaching man to covet the seventh day all days of the week. God himself coveted that day, He called it *Hemdat*

The Sabbath is the scenario for the accountability of sovereign debt to recall its own accumulation. In other words, its accumulating sense of debt turned against its own sense of future value for indebtedness. The Sabbath's redistributive powers, therefore, turns future oriented debt and indebtedness against itself by recollecting universality as the source of its own negation. This universalism Sacks characterizes as the particularism juxtaposing the Jewish peoples *Exodus* as counter-voicing the universalism of *creation*. Hence, Sacks' particularism is the situation of the 'universal' turned against itself rather than without itself, as paradoxically the most proper way to be for itself. In other words, Sacks' vision of particularity is the situation of the universal directed against the uniform principle of universality. Sacks, in essence is universalizing particularism by particularizing the principle of universality.[394]

In this paper, I have distinguished between the redistributive justice of the Sabbatical against the proclivity of Schmitt to critique a false sense of legal norms as circumscribed to a conception of sovereignty. Schmitt recall asserts that within deism, "the general validity of legal norms becomes identified with the lawfulness of nature which functions without exception."[395] In the same manner, "the sovereign—who in the deistic worldview, though extra-worldly, had remained the engineer of the great machine—is radically pushed aside. The machine now runs by itself."[396] In contrast the sabbatical rhythm is both created and self-sustaining, sovereign and lawful, preexisting

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Yamim, a day to be coveted. It is as if the command: Do not covet things of space, were correlated with the unspoken word: Do covet things of time." Hence Sacks critique of Babel mimes Heschel's comment "Time- the Messianic end of days—that will give back to man what a thing in space", Sacks infers the Tower of Babel, had taken away.

Ibid.

[394] See, Sacks, *Jonathan Sacks: Universalizing Particularity*, 123.
[395] Schmitt, *Political Theology,* 36–37.
[396] Ibid.

while always coming into existence. The Sabbatical rhythm sustains the pardon whose sovereign decision is both continuous and discontinuous with its intervention. Every 'beginning again' allows its recipients to continue to expose the Divine sovereignty of indebtedness to its future promise of pardon.[397]

While Sacks never worked out a mythical cosmopolitics for humanity, he lays the groundworks for others to do so by exposing the future tense of pardon to the transformative indebtedness of the now. Sacks is also ambiguous as to what sort of transference takes place in a covenant that is both obligatory and mutual within the Western trusteeship. At times Sacks' overture lacks any concrete manner to enact the level of responsibility recommended. Sacks' vision for a Western covenantal society further poses questions to individuals and communities not continuous with Sacks' own vision. Yet, what Sacks convincingly demonstrates is that society begins with the "primacy of the particular".[398]

According to Sacks, the promise of redistributive justice is the hermeneutical fulcrum upon which civil society depends. Calling forth the marginalized to the sabbatical institution may accommodate the social spaces that necessitate hybrid identities. Recall, the Sabbatical designates transitional space not permanent space. It is exactly this liminality of transitory space that may hold seemingly contradictory identities in a world of globalization.[399] This is necessary because simply establishing symbolic boundaries of covenant does not prevent what Pierre Bourdieu refers to as "symbolic

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[397] Already given in the beginning.

[398] Here I'm borrowing the language of R.B.J. Walker, *Inside/ Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press), 61-62.

[399] Sack is invoking Victor turner's notion of liminality. See https://rabbisacks.org/covenant-conversation-5771-bamidbar-the-space-between/.

violence"[400]. This reflects the unjust practices that go unnoticed in a society enabling dominating practices to normalize one group at the expense of another. In other words, the normalization of a Symbolic covenant is always threatened with the possibility of marginalization and discrimination.[401] This symbolic violence may appear transparent, unnoticed, nor acknowledged by the subtle complex interactions of daily routine. Sacks admits these contentions exist when stating, "That we in Britain should still be talking about antisemitism, Islamophobia, or racism at all, is deeply shocking. But it reminds us of the distance between public utterances of politicians and the reality, and it's been like that for a very long time.[402]

The modes of redistributive justice discussed therein serves as the liminal transition that complicates the permanent social and symbolic boundaries forged by covenant, state and market. Thus, making the Sabbatical institution a living snapshot of sovereignty without debt. The Divine power that reverses weekly debt is the very power sought through the sovereignty of debt. This does not imply an escape from the market nor the polity. Rather, the Sabbath seeks their moral fulfilment. To acknowledge the Sabbath every week is to create an abidingness that embraces the universal while reversing the relational forces through whom those forces seemingly assert themselves: power, sovereignty, and capital.

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[400] See Pierre Bourdieu, *Distinction: A Social Critique of the Judgment of Taste*, trans. Richard Nice (Cambridge: Harvard University Press, 1984), 471-481.

[401] See also Pierre Bourdieu and Jean-Claude Passeron, *Reproduction in Education, Society, and Culture*, trans. Richard Nice (Beverly Hills: Sage, 1977); Cynthia Fuchs Epstein, *Deceptive Distinctions: Sex, Gender, and Social Order* (New Haven: Yale University Press, 1988).

[402] https://rabbisacks.org/choose-not-to-be-a-bystander-but-to-confront-racism-head-on-thought-for-the-day.

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