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Authority and Autonomy: An Ethical Perspective

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The question of authority and autonomy has emerged as a key line of demarcation between those who identify as liberal Orthodox and those who identify as more traditional. The question of rabbinic authority is central to discussions about independent *minyanim* and ritual innovation, new roles for women in Orthodoxy, and other, similar issues. A common strategy for engaging this question is to explore the halakhic literature regarding authority and that regarding autonomy. The place of autonomy in halakhah raises such questions as: What is the role of the individual in establishing halakhah? Under what circumstances are we permitted to rely on a minority opinion? Is a *talmid hakham* permitted to disagree with someone who came before him? How does halakhah change—or does halakhah change at all? In regard to authority, we explore such questions as: Does the power of an authority derive from the breadth of his knowledge, from the official appointment to a position of authority, or from charisma? Do we believe in *daas Torah*? Is it possible for an authority to err, or does his

position give credence to the opinion rendered regardless of the fact that it seems to be incorrect?

These explorations are crucial to deepening our understanding of these ideas. Much has been written in recent years on authority and autonomy, giving us a wide array of analyses and opinions with which we can work.¹ In this paper I would like to explore the issue from a different perspective. Determining the role of autonomy and its relation to authority has an ethical dimension. There are more and less ethical ways to make use of one's authority. There are positive ethical values at work in the desire for autonomy as well. And the same can be said for the interplay between them. While the issue must be considered from within a conceptual and legal-halakhic framework, it also raises important issues regarding self and other, and regarding the dignity—the *z'elem elokim*—of those with whom we interact.

REFRAMING THE DILEMMA

To consider the topic in this way, we must begin by reframing the issue. The title of this session immediately limits and guides the discussion along the lines of a common binary—on the one hand, there is authority, and on the other, autonomy. Hidden beneath the surface of this binary are judgments that immediately give particular shape to the dilemma that it raises and, in turn, impact on the available options for dealing with the problem. As Orthodox Jews, we intuit that one side in this binary is more correct than the other. We are *mezuvvim*—we must understand and accept the idea of commandedness. Expressions of autonomy, by definition, distance one from authority and contain the seeds of rebellion. Autonomy, then, becomes a value to be rejected or, at worst, tolerated in some measure. It is a product of modernity, and it is alien to authentic Jewish living. There is a conceptual and logical rigor to such an orientation that runs as follows: If we are obligated to follow Divine law and there are authorities who interpret the law, then it is also our obligation to follow the authorities who interpret the law. And, to wit, an explicit verse, *lo tasur*, perhaps teaches us that such is the case. Viewing autonomy as a Western intrusion has roots in political philosophy. Torah is based on a sense of obligation and Divine

command. In this way of thinking, community comes first. The notion of autonomy is rooted in a rights-based worldview that derives from a liberal tradition where the individual comes first.

Whether rooted in common or philosophical thinking, this orientation sets the stage for how we respond to “populist” halakhic initiatives. If autonomy is suspect and initiative is rooted in an independent will, then the initiatives themselves become suspect. For example, proposals regarding women and prayer—regardless of the merits of the particular proposal—are invariably greeted with diagnoses as to the motives of the proposers and the followers. If women seek greater involvement in prayer or in leadership capacities, they are doing so in the interest of promoting the feminist agenda. These charges are leveled freely and often without basis or firsthand knowledge of the parties involved. And yet it makes good sense to do so. If autonomy and initiative are, a priori, signs of weakness of commitment, then they become obvious targets of criticism.

And yet, there is something in this analysis that I want to resist. The desire for independent action on the part of an individual is not rooted solely—or even primarily—in a need to reject authority through separation. While some thinkers—the *Hazon Ish*, for example—see the observance of halakhah as rooted in subservience and submissiveness, others, such as Maimonides, see in halakhah the means through which to create a society within which human beings can reach the highest levels of intellectual achievement. While Maimonides would not frame it in terms of self-actualization, his own work is an expression of radically independent thinking. In the modern era, thinkers such as Rav Kook and Rabbi Soloveitchik developed complex understandings of Judaism that center around the unique strengths and the creative spirit of each person. Self-actualization and self-fulfillment are not alien to Jewish thought. Over the past century, they have become concepts of significant religious and ethical import.

As such, to think this issue through in a nuanced and meaningful manner, we must frame both sides of the dilemma as reflecting religious values that are in tension. On the one side is the responsibility that we carry to serve God and submit our will to His command. Rabbis, as interpreters of the Law, must be revered in turn. On the

other side, we have a responsibility to understand and to act. We are not born complete, and the world has not reached its end. We strive to understand more, to do more, and to shape the world as members of the Jewish people. This requires us to turn inward to better understand ourselves, our families, our community, and our society. These dual responsibilities require us to grow on two fronts simultaneously. Sometimes, the two fronts can be pursued simultaneously without tension. At other times, there is tension and conflict. The question of autonomy and authority presents a challenge to determine how best to balance these two goods when they bump up against each other in the service of God. The rabbi, teacher, or parent must, then, both empower and limit. Looked at from this perspective, the question of autonomy poses an ethical challenge to the authority figure.

The necessity of extracting the positive values of both sides of a dilemma in order to seriously consider the ethical implications involved is beautifully articulated by Charles Taylor.² In *The Ethics of Authenticity*, Taylor positions himself between conservative thinkers who see individualism as the source of a destructive relativism and radical individualists who value choice for its own sake. Taylor suggests that individuality and choice are only meaningful against a “background of intelligibility.” He calls this a horizon. Searching for moral meaning is a noble quest. But it is meaningless if any choice is the correct choice. It is only when there are horizons of significance which determine the background against which the person seeks an understanding of the ethical and the moral, that such choice has meaning. Taylor proposes that we think in terms of an “ethics of authenticity.” This notion accepts that there is much that is true in what has been thought. But he claims that a person has a right—perhaps a duty—to consider what has been thought with a critical eye. Conversely, independence of thought—the desire for authenticity—is a powerful moral idea. But it must take place in dialogue with that which has been thought. Authenticity makes an ethical demand. It requires us to determine how best to balance respect for what has been thought with the right and responsibility to consider for oneself what is morally sound.

The question of authority and autonomy has a similar structure. There are two positive values that often stand in tension. Striking the

balance is a question of ethical import. We risk limiting the creative spirit and the growth of understanding if we err on one side—and of weakening the commitment to halakhah and service of God if we err on the other. We must encourage strong ethical thinking on both sides of this question. In doing so, we can begin to articulate an ethics of autonomy on the one hand and an ethics of authority on the other.

MODERNITY, ADOLESCENCE, AND THE SELF

Peter Berger, in *The Heretical Imperative*, defined modernity as the period where we move “from fate to choice.”³ In the world that we currently inhabit, children from a very young age are exposed to choice and difference. They see that their way of life is not the only way of life. They meet good, honest people who have values and practices that differ from their own. Exposure to difference and choice makes questions of personal identity and “the self” a basic component in adolescent development and beyond. It is fair to say that, barring those who are raised in an enclave, it is common for adolescents to ask themselves: Why do I do what I do? What if I had been raised in a different community? How do I know that what I do is true? These questions are part of growing up in modernity. But it is not only an attribute of youth. It is a common element of the experience of adulthood in modernity. In philosophical terms, we commonly experience what Hegel referred to as the “alienated soul.”

In his *Phenomenology*, Hegel expounds on the changing relationship that the individual has with society. First, the honest soul lives in a harmonious relationship with society. Hegel calls this “the heroism of dumb service.” This is the attribute of nobility. One accepts the life that one lives without reflection and without challenging one’s lot. At this juncture the person experiences identification with the external power of society. However, it is the nature of Spirit to seek “existence on its own account.” The individual becomes conscious of its relationship to the power of society. The person experiences the limitation that is placed on him by the power of the state and of wealth. Despite the dissonance, the person continues on. At this point, he makes a commitment to follow the approved conduct. Commitment

assumes consciousness and choice. If one is making a choice to commit, it is a sign that he has moved beyond identification. From here, the individual proceeds to develop an antagonism to the power of the society. This is the move from nobility to baseness. At this point, the person moves from honest soul to disintegrated consciousness. There is a sense that the self is not his own self. It is a self that has been constructed by society. Even his morality is not his own but is society's morality. The process of alienation is an alienation of the self from itself. This is a painful process, but for Hegel, it is the beginning of the realization of Spirit and autonomy.⁴

This philosophical description captures the experience of many as they attempt to sort out for themselves who they are and who they want to be. It is true that many might never experience the dissonance and the challenges of the ensuing reflection. But many do. This experience is so pervasive, so impossible to defend against, and possibly a starting point for significant growth. It also explains a root experience in developing the drive for autonomy. The desire for autonomy is not rooted in rebellion. It begins early in our modern life and it is rooted in the desire for self-definition; the desire to know oneself. This is important, as the same behavior can be interpreted as an expression of the desire to separate, or it can be seen as an expression of an internal dialogue that takes place between the internal self and the socially constructed self. The former is a threat. The latter is seeking assistance and guidance—a partner in dialogue.

With this image, we see the essentially dialogical nature of human existence—particularly in modernity. At some point, a person recognizes that his “self” has been socially constructed. It has been shaped by society, community, and family. The internal self begins to confront its socially constructed self. And they begin to interact and talk with each other. The internal self begins to explore and evaluate who he is and to experiment with other possibilities. This internal dialogue is difficult. The person seeks to expand the participants in dialogue. This moment demands careful ethical consideration: As an authority, how do I respond to such questioning?

THE ETHICS OF AUTHORITY

Authority figures are educators. As rabbis, teachers, or youth leaders, they are always teaching, mentoring, and guiding others. The project of education can be understood in two ways. Pierre Bourdieu and Jean-Claude Passeron describe education as an act of social and cultural reproduction.⁵ In this description, they are referring to education in its broadest sense, going beyond the classroom down to the most basic values and orientations of everyday life. For them, social reproduction is rooted in power. The values and ideas of those in power are instilled into the everyday routines of a culture or society. The force of social reproduction penetrates down to the basic details and orientations of one's life. It can shape how one understands the idea of the good life, how many children one should have, why one works, or the responsibility one has to one's parents as they age. The force that they describe is not the conscious force of an individual action but one that is always present in ways of which we are not aware. This understanding of education can also be a deliberate, explicitly stated goal of education: The purpose of education is to reproduce in the next generation the values, disposition, practice, and knowledge that embody our community. It is easy to think of yeshivot or secular educational institutions that define their missions along such lines. This understanding of the goal of education fosters a more aggressive approach in interacting with students. There is a particular goal or end-point that we identify. We then have an array of strategies to help students internalize the particular values and practices.

This understanding of education stands in stark contrast to that which we would conventionally refer to as a liberal education. Michael Oakshott describes the goal of liberal education as follows: "What distinguishes a human being is not merely his having to think, but his thoughts, his beliefs, doubts, understandings, his awareness of his own ignorance, his wants, preferences, choice, sentiments, emotions, purposes and his expression of them in utterances or actions which have meanings; and the necessary condition of all of this is that he must have *learned* it."⁶ Note the emphasis on "his." A liberal education centers on "adventures in human self-understanding."⁷ It is liberal in

that it is liberated from the need to pursue particular contingent wants or the expectations of those around us. For Oakeshott, education is the opportunity for a person to achieve self-understanding. Learning is essential in that it allows us to become ourselves. A liberal education gives us the opportunity to “respond to the invitations of the great intellectual adventures in which human beings have come to display their various understandings of the world and of themselves.”⁸ A liberal education is rooted in the spirit of autonomy.

The question that confronts the Jewish educator runs as follows: Is Jewish education an exercise in social reproduction, where success is measured by specific practices and dispositions, or is the Jewish educator attempting to provide a liberal Jewish education in the sense that it helps the student better understand who he or she is; what her strengths and weaknesses are; to find what he or she truly finds to be beautiful in God’s world? There is a profound ethical dimension here in that we decide to what degree we value or consider important the very local emotions and understandings of each individual; the tension between the internal self and the socially constructed self.

It is for this reason that I consider it to be of vital importance to frame authority and autonomy as two values that are in tension rather than as one (autonomy) that threatens the other (authority). When we do so, we heighten our sensitivity to the deep thoughts and feelings of each individual while recognizing our responsibility of teaching Torah and mitzvot to our students. It encourages us to keep both values in front of us and carefully strike a balance between them. I work in an environment that is proud of the idea of providing a liberal education—an environment where students can think and ask and discover for themselves. It is a beautiful thing. One could say that it is also, in certain ways, not a Jewish thing. We measure the success of a liberal education by the ability of a student to think for himself. We measure the success of a traditional Jewish education by the degree of social reproduction that we achieve. Some will argue that these are not mutually exclusive. I would agree that they do not, by definition, contradict. But it is nearly impossible to assume that we will teach our students to think for themselves in a way that they will all independently arrive at the conclusion that we would like them to

find on their own. It sounds silly. But in many ways, that is what we are hoping for.

Because of the difficulty of the challenge, many have chosen to forgo significant parts of the liberal education. We still go to college and earn degrees. But we can accomplish that without pursuing a liberal education (a college education is an economic, not an intellectual, pursuit in many if not most cases). For myself, I strongly believe that it is our responsibility to do our best to achieve both. As *mezuvvim*, we are responsible for teaching commitment, observance, and service of God through Torah and mitzvot. But recognizing the significance of every individual—the *zelem elokim* in each person—demands that we provide adequate space for students to ask, think, doubt, and confront.

And here I return again to the dialogical nature of human existence. An authority that recognizes the dual responsibility to authority and to autonomy—to the task of social reproduction and that of a liberal education—must also recognize the importance of dialogue. Dialogue in this sense is far from such terms as “influence,” “impact,” or “guide.” The role of the authority becomes almost therapeutic. The rabbi or teacher has the responsibility to help the individual “work through” the issues that he or she confronts in order to best understand who he or she is—to understand one’s internal self. The authority is an authority who empowers.

There is no doubt that there is a reactive autobiographical element to this description. I was a good boy as a student. I attended right-wing schools and camps for many years. I spent time in summer *kollel*. Those were very valuable experiences—invaluable, I would say. But there were so many questions—emotional, philosophical, and values-oriented questions—that I did not—could not—raise. As an educator, I find myself so interested in what a student is really thinking about something that he has learned or has been taught to do. The “ethics of authority” demands that one attempt to open a safe space for dialogue and exploration in the context of Torah.⁹

THE ETHICS OF AUTONOMY

It is the nature of the individual to seek “existence of its own account.” It is particularly so in modernity. The individualistic tendency poses a threat to religious observance and commitment. To this, there is no doubt. One natural impulse to preserve the integrity of the community is to reject autonomy on principle. This sometimes takes the form of separating off into an enclave-type existence. There is a second strategy that has taken shape. A growing strand of Modern Orthodoxy is built in a way that engages the modern world but rejects the element of liberal education. This strand embraces Torah, economics, *hesed*, and sports. It is willing to engage the culture in those arenas. Finance, medicine, and law are reasonable professions. Torah study is a requirement. But the grand conversation between Torah and the world through big ideas is not a part of that culture. That strategy is working for many; but not for all. There are many passionately engaged Jews who seek the messier balance between autonomy and authority; between social reproduction and liberal education; between submission to the will of God and the adventure of discovering oneself.

But as a community, we have not yet figured out how to support such an approach. And what so often happens is a pull in opposite directions. The authority worries and prohibits the autonomous approach. The liberal-minded Jew demands his or her rights as an individual and rejects the authority. And the gap remains.

The individual needs to develop an ethics of autonomy—and the rabbis need to teach it. The greatest challenge to the integrity of halakhic observance in the liberal-minded Orthodox community is choice. This community sees choice as the most basic right of the person. To relinquish choice is to give up on self-definition. But this is wrong. As an independent-minded Jew, I may not pick and choose the parts of Judaism that work for me. If I seek self-definition and self-exploration, I must do so against the background of my obligations as an observant Jew. As Taylor said, if all choices are correct, then no choices are meaningful. When women expressed a desire to learn Talmud, a dialogue took place. One side of the dialogue was the personal need of so many women who sought to enter the world of

Torah. On the other was a tradition, texts, decisions that limited this possibility. An exploration of and dialogue between sources, societal needs, and possibilities ensued. The result has been a remarkable growth of Torah study for so many women. It has changed the face of the Modern Orthodox community.

When there is a process of dialogue, the growth is inspiring. When dialogue is not possible, the autonomous individual pulls away. The issue is politicized and the commitment to halakhah diminishes. The authority separates and rejects autonomy as a threat. When the authority recognizes and values the exploration of the individuals as a search for growth, and the autonomous individuals recognize that growth happens against the background of halakhic interpretation, then a mutuality can develop that will strengthen the community overall.

THE CURRENT STATE OF AFFAIRS

Choice as a defining feature of modernity has placed the authority-autonomy debate at the center of religious self-definition. Perhaps in response to the growing threat of autonomy and choice, there has been communal pulling in opposite directions. The power of the authority has been strengthened. *Daas Torah* has extended the reach of rabbinic authority. In a most subtle way, an environment of suspicion and distrust—and an increasing polarization—has developed between a segment of the Modern Orthodox community that seeks opportunities for self-definition and authorities who are determined to maintain the integrity of halakhah and the community's commitment to it. This does not mean that the community is shrinking—quite the contrary. A growing number of Orthodox Jews accept the supposed obligation to relinquish their right to autonomy as they accept the rule of the authority.

Our community requires an alternative. Authority as currently conceived is overly paternalistic. It denies the dramatic responsibility of every *zelem elokim*. Autonomy as currently practiced in the liberal community is bereft of obligation—of the idea of being *mezuvveh*. It is rooted in choice. The dialogical relationship creates pedagogical moments where the authority and the layperson can support each

other in strengthening the community through guided personal empowerment and self-discovery.¹⁰ I believe this to be true on philosophical grounds. But it is also necessary pragmatically. Many liberal Orthodox Jews would welcome the possibilities that such an orientation could bring. Without it, the gap grows wider, and we will lose the opportunity of helping each committed, dedicated, and thoughtful Jew find his or her own “self” in the Orthodox community.

NOTES

1. See, for example, Avi Sagi and Zeev Safrai, eds., *Between Authority and Autonomy in Jewish Tradition* (Hebrew) (Tel Aviv: Hakibbutz Hameuchad, 1997).
2. Charles Taylor, *The Ethics of Authenticity* (Cambridge, MA: Harvard University Press, 1991), pp. 13–41.
3. Peter L. Berger, *The Heretical Imperative* (Garden City, NY: Anchor Books, 1980), pp. 10–23.
4. G.F.W. Hegel, *Phenomenology of Mind*, trans. A.V. Miller (Delhi, India: Motilal Banarsidass, 1998), pp. 294–327. See Lionel Trilling, *Sincerity and Authenticity* (Cambridge, MA: Harvard University Press, 1971), pp. 33–47.
5. Pierre Bourdieu and Jean-Claude Passeron, *Reproduction in Education, Society and Culture* (London: Sage Publications, 1977), pp. 5–31.
6. Michael Oakeshott, *The Voice of Liberal Learning* (Indianapolis: Liberty Fund, 2001), p. 5.
7. *Ibid.*, p. 15.
8. *Ibid.*, p. 22.
9. Two assumptions must be acknowledged in this approach. First, in the debate surrounding halakhah and multiple-truth theory, this approach assumes the possibility of multiple truths in halakhah. See Avi Sagi, *The Open Canon* (New York and London: Continuum Books, 2008). Without that, the dialogical space is much too narrow. In addition, the argument is pragmatic in nature. An idealist would expect a clear definition of and parameters for the terms “autonomy” and “authority.”
10. The contemporary authority should be modeled less in the image of the charismatic leader who inspires an unreflective following or the brilliant leader who is the source of all knowledge but the organizational leader who has a strong vision and is further empowered as he empowers all stakeholders. The stakeholders to be empowered include professionals in their respective areas whom rabbis must enfranchise and work closely with. They also include laypeople—members of communities who strive to grow as Jews by understanding themselves with the guidance of their rabbis.