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Isaac Breuer's Antiliberal Neo-Kantianism and the Politicization of Jewish Ultra-Orthodoxy

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This article centers on the early writings of Isaac Breuer (1910–17), arguing that Breuer's radicalization of neo-Kantianism anchors his revolutionary call to politicize Jewish Orthodoxy. Moreover, it contends that neo-Kantianism, which is normally associated with liberal or social-democratic politics, was given a thoroughly antiliberal reading by Breuer that led to an antiliberal Orthodox politics. While the rise of non-Zionist political Orthodoxy is often regarded as an obsolete traditionalism unattuned to the nature of mass politics, Breuer's politicization of Orthodoxy reveals a coherent antiliberal political theory that addresses the aporias of the democratic age. Breuer uses neo-Kantianism to develop an anti-Weberian "science of politics" which attempts to overcome the modern plurality of values by positing Judaism as coercive public morality. Reading Breuer's Jewish writings through the lens of his quarrels with Weber, Stammler, and Cohen, this article explores Breuer's attempt to overcome the association of Kantian morality with liberalism, by legitimizing coercion politically, philosophically, and theologically. This enabled Breuer to criticize apolitical forms of Jewish Orthodoxy, Zionist programs to politicize Judaism, and democratic politics more generally.

Introduction

The antiliberal orientation of Jewish Ultra-Orthodoxy in recent years, in both Israel and the United States, has surprised many observers. For decades, Ultra-Orthodoxy employed what seemed to be pragmatist politics, seeking to withdraw from the public sphere in order to protect its enclaved community from foreign influences. Recently, however, Ultra-Orthodoxy has become an activist, right-wing, and populist political camp.¹ Several scholars have formulated this turn as the "Haredi moment" in Jewish politics ("Haredi" denotes non-Zionist Ultra-Orthodoxy)—whereby Ultra-Orthodoxy posits itself not as separate from, but rather as fundamentally challenging, the foundations of liberal politics; instead of being a separatist "Noah's ark," Ultra-Orthodoxy exhibits clear tendencies to render the public sphere

¹On Haredism's clear right-wing tendencies in Israel politics see Tamar Hermann *et al.*, *The Israeli Democracy Index 2021* (Jerusalem, 2021). In the US see the overwhelmingly support of Orthodox Jews for Donald Trump's presidency in a recent Pew report: "Jewish Americans in 2020," Pew Research Center, 11 May 2021, 160 ff.

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itself Haredi.² What is noteworthy here is not just the novelty of this political orientation; it is, rather, the fact that this antiliberal posture contradicts the common scholarly wisdom regarding Ultra-Orthodoxy.

We may organize this common wisdom as revolving around two presuppositions. The first holds that the phenomenon of Orthodox antiliberal politics is essentially anti-Haredi. Scholars have identified Orthodox antiliberalism with Zionist messianism, and thus with religious Zionism—the rival of the non-Zionist Ultra-Orthodoxy. Religious Zionism aspires to use the state as a vehicle for a Godly redemptive plan, and has indeed become, since the 1970s, an antiliberal, arch-right-wing group.³ Ultra-Orthodoxy, on the other hand, is famous for resisting ascribing any religious meaning to the state, and for years oscillated between an active and passive negation of Zionism. It largely understands itself as part of the theological-political state of Exile, namely precisely the state of affairs that messianic religious Zionism aspires to end. Given the avowed Haredi commitment to Exile, scholars have largely associated Ultra-Orthodoxy with pragmatist forms of diasporic politics, which generally leads to constructive and nonideological cooperation with the government of the day.⁴ The question then is how we can make sense of the Haredi antiliberalism, given the exilic negation of Zionism on the part of Ultra-Orthodoxy.

The second scholarly presupposition is that Haredi politics is largely traditional and nonideological. Since its inception as a unified political movement around World War I, Ultra-Orthodoxy has presented a “politics of tradition” (to use Gershon Bacon’s apt formulation), which harshly rejected the political revival experienced in other Jewish circles (most notably in the Zionist movement) and associated it with secularism.⁵ Lingering on its traditionalist worldview, Agudath Israel (the main Ultra-Orthodox political movement from the interwar period, which still leads Ultra-Orthodox politics today) merely utilized the new forms of mass politics in order to preserve its community by modern means, but never developed a coherent relation to the political as such. Ultra-Orthodoxy, in other words, did not have (and arguably cannot have) any coherent political theory or vision beyond the practical aspiration to secure Orthodox needs. Important accounts of modern Jewish politics have affirmed this reading. Ezra Mendelsohn reads non-Zionist Orthodox politics as “quiet, and passive,” while David Vital similarly asserts that, in Orthodox politics, “the rule was quietism.”⁶

This article seeks to challenge these entrenched assumptions regarding the pragmatist nature of Ultra-Orthodox politics, explaining thereby the recent Haredi

²See the online forum “The Haredi Moment,” published in three installments in the *Jewish Quarterly Review Blog* during April 2021, at <https://katz.sas.upenn.edu/resources/blog>.

³See, for example, Avi Sagi and Dov Schwartz, *Religious Zionism and the Six Day War: From Realism to Messianism* (Milton, 2018).

⁴This reading is promoted in the classical study of Aviezer Ravitzky, *Messianism, Zionism, and Jewish Religious Radicalism*, trans. Michael Swirsky and Jonathan Chipman (Chicago, 1993), where “radicalism” is defined as religious-Zionist.

⁵See especially the classic study of Gershon C. Bacon, *The Politics of Tradition: Agudat Yisrael in Poland, 1916–1939* (Jerusalem, 1996).

⁶See Ezra Mendelsohn, *On Modern Jewish Politics* (New York and Oxford, 1993), 27. See also the account in Ch. 11 of David Vital, *A People Apart: The Jews in Europe, 1789–1939* (Oxford, 1999).

antiliberalism as having profound foundations in Haredi thought. While not trying to deny that Agudath Israel often employed a “politics of tradition,” I point out the existence of a robust theological–political discourse of political theory within Agudath Israel. Ultra-Orthodoxy’s present antiliberal politics seems less surprising if we are able to detect in Agudath Israel a strand calling for a theological and philosophical rejection of liberalism. Focusing on the earliest writings of one of the leading ideologues of Agudath Israel, Isaac Breuer (1883–1946), the article demonstrates that Breuer laid out a coherent Ultra-Orthodox political theory which, far from being pragmatic and traditionalist, was deeply ideological and thoroughly antiliberal.⁷ I draw on Breuer’s pre-World War I philosophical–theological writings, in which he quarreled with the leading social and legal philosophers of his time, most notably Max Weber, Rudolf Stammler, and Hermann Cohen. Elaborating on the context of these writings, the article demonstrates that Breuer’s hitherto unacknowledged involvement in the debates dividing early social theory in Germany concerning the perils and opportunities of mass politics informed his attempt to politicize Ultra-Orthodox theology. The article presents three arguments.

First, Breuer offers a coherent political theory for Agudath Israel. In his vision, Agudath Israel should not be merely a “politics of tradition” attempting to secure Orthodox needs. Instead, Breuer develops a systematic conceptual toolbox to think about modern Orthodox politics which addresses, theologically and philosophically, the novel conditions of mass politics and the process of democratization. In so doing, Breuer goes beyond a mere recognition of the practical need to politicize Orthodoxy, and instead offers a thorough politicization of Orthodox theology itself, demanding that it overcome its religious–individualist character and become instead a political–public order. Moreover, Breuer does not merely promote an Orthodox variant of ideological politics in the same manner that Zionism, for example, promoted a Jewish version of modern nationalism. Rather, Breuer accounts for, and aspires to alter, the foundations of modern politics as such, attempting to principally overcome their liberal inclinations. Breuer thus presents an Orthodox theory of the political.

The second argument is that Breuer’s vision for Agudath Israel is best understood in light of his early neo-Kantian writings on non-Jewish topics. While some scholars have devoted attention to Breuer’s neo-Kantian writings, to date there has been neither a political reading of this corpus nor an investigation of its ideational context.⁸ Exploring Breuer’s involvement in the *Werturteilsstreit* (value-judgment controversy) and his quarrels with Marburg neo-Kantianism, this article suggests that Breuer’s neo-Kantian corpus, which prima facie does not concern Judaism, systematically roots his Jewish political theology. This corpus seeks to overcome the individualism of Kantian morality, contends that morality is

⁷For Breuer’s relations with Agudah see Isaac Breuer, *Mein Weg* (Jerusalem and Zurich, 1988), Chs. 8–9.

⁸A notable exception is the excellent chapter of Alan Mittleman, *Between Kant and Kabbalah: An Introduction to Isaac Breuer’s Philosophy of Judaism* (Albany, 1990), 124–73. Other meritorious readings, aiming at systematization of Breuer, do not analyze the uniqueness of Breuer’s earliest writings. See Walter S. Wurzbarger, “Breuer and Kant,” *Tradition: A Journal of Orthodox Jewish Thought* 26/2 (1992), 71–6; George Y. Kohler, “Is There a God an Sich? Isaac Breuer on Kant’s Noumena,” *AJS Review* 36/1 (2012), 121–39.

best realized as a public order and not as purity of convictions, and legitimizes external coercion. These elements stand at the heart of Breuer's attempt to reread *Halakha* politically as the ultimate law of society, and to oppose both apolitical forms of Orthodoxy and liberal politics more generally.

The third argument concerns the antiliberal nature of Breuer's neo-Kantianism, and as such has broader implications for the history of political thought in modern Germany. It is generally accepted to regard neo-Kantianism, especially of the type associated with the Marburg school, as leading either to liberal or to social-democratic commitments.⁹ Indeed, later critiques of neo-Kantianism, from Weber to Schmitt, often took neo-Kantianism to task for being overly normative and failing to account for politics as an independent sphere of values.¹⁰ For these reasons, the turn of social theory to "the political" at the expense of normativity is often understood as a negation of neo-Kantianism, and is associated with the aftermath of World War I, which put an end to a neo-Kantian naive moralism.¹¹ Breuer's writings, however, clearly challenge this narrative. As I will show, Breuer attempted to carve from within the neo-Kantian tradition a call for antiliberal politicization.

Breuer's approach builds on common Marburg neo-Kantian tropes, such as the preference for social ethics in a "mandarin" fashion at the expense of individualist morality, yet radicalizes them significantly.¹² He seeks to entirely overcome the pluralism of modern society by using coercive law, resists democracy in the name of a given a priori moral order, and rejects individualism as a mere malaise of modernity. While it is clear that Breuer's Jewish politics relies on dogmatic elements (adhering to *Halakha* as revealed law) irreconcilable with neo-Kantianism, his general, non-Jewish writings use Stammler and Cohen creatively against each other in order to defend coercive law (Stammler) as the quintessential content of the categorical imperative (Cohen) from within neo-Kantianism. While I intend to explore in this framework only Breuer's antiliberal Jewish politics and not the neo-Kantian tradition more generally, it should be noted that similar tendencies are noticeable in Carl Schmitt's early neo-Kantian writings. The early Schmitt similarly posited a more politicized version of the neo-Kantian legal-moral theory in a manner that is clearly hostile to liberalism.¹³ One may call this phenomenon the birth of the political out of the spirit of neo-Kantianism.

⁹See especially the collection Helmut Holzhey, ed., *Ethischer Sozialismus: Zur politischen Philosophie des Neukantianismus* (Frankfurt am Main, 1994).

¹⁰See especially Weber's attack on Stammler in Max Weber, "R[udolf] Stammler's 'Overcoming' of the Materialist Conception of History," in Weber, *Collected Methodological Writings*, ed. Hans Henrik Bruun and Sam Whimster, trans. Hans Henrik Bruun (London and New York, 2012), 185–226. Schmitt's attack on normativity is best captured in Carl Schmitt, *The Concept of the Political: Expanded Edition*, trans. George Schwab (Chicago, 2007).

¹¹Frederick Beiser, "Weimar Philosophy and the Fate of Neo-Kantianism," in Peter E. Gordon and John P. McCormick, eds., *Weimar Thought: A Contested Legacy* (New Haven, 2013), 115–32. On the transition after World War I see Hermann Lübbe, *Politische Philosophie in Deutschland: Studien zu ihrer Geschichte* (Basel, 1963), Chs. 2, 4.

¹²On the conservative tendencies around this time see the introduction to Arnold Brecht, *Political Theory: The Foundations of Twentieth-Century Political Thought*, 4th edn (Princeton, 1966).

¹³See Schmitt's *Habilitation*: Carl Schmitt, *Der Wert des Staates und die Bedeutung des Einzelnen*, 3rd edn (Berlin, 2015), Ch. 3. There are also important differences, not least because of Schmitt's more "Baden" orientation.

My examination focuses on Breuer's earliest writings, those between 1910 and 1917. These include Breuer's earliest groundbreaking essays on Judaism; his political articles around the first attempt to establish the Orthodox political organization Agudath Israel (1912); his non-Jewish writings, especially his monograph in the prestigious series of the journal *Kant-Studien* and several reviews on contemporary social theorists; his writings during the first years of World War I;¹⁴ and his first Jewish monograph, *Judenproblem*, which was written just before the end of the war. The period after the end of the war (from the book *Messiasspuren* forward) is out of this article's purview, for in this time Breuer took a clear "gnostic" turn which led him to thoroughly reject neo-Kantianism, as I explored elsewhere.¹⁵ Yet even Breuer's late radicalism continues to build significantly on the antiliberalism of his neo-Kantian period, which stands at the center of this article.

The article is divided into three sections. The first analyzes Breuer's understanding of his time as an age of politicization, which put an end to the period of "neutrality." Accordingly he sought to shape this politicization by Jewish means. The second section deals with Breuer's general neo-Kantian political theory. While Weber understood the age of politicization as inevitably entailing plurality and accordingly identified "objectivity" with a demand for neutrality, Breuer demanded that the public sphere overcome its neutrality precisely in the name of objectivity. For Breuer, objectivity demanded not neutrality towards values (as per Weber), but, in a neo-Kantian fashion, an imposition of an absolutist social ethics capable of overcoming the "polytheism of values" of a democratized society. Breuer, however, radicalized neo-Kantianism by giving it an antiliberal direction. Against Stammler and Cohen, he defended coercive public morality as being in line with Kantian ethics and rejected democracy altogether. The third section of this article presents Breuer's program to politicize Jewish Orthodoxy as an outcome of his antiliberal neo-Kantianism. Breuer's politicized Judaism aimed to present an absolute revealed law (*Halakha*) as the moral basis for an otherwise deeply conflictual society. The summary presents the foundations of Breuer's Ultra-Orthodox political theory analytically.

Breuer's Politicization of Jewish Orthodoxy

Let's begin by situating Breuer in his time in the German Empire's final phase. At the beginning of the twentieth century, Jewish emancipation in Germany faced considerable difficulties.¹⁶ The rise of anti-Semitism seemed to signify the futility of earlier attempts to secure formal equality for Jews in the *Rechtsstaat*. The post-emancipatory era—when Jews doubted the chances of emancipation under the conditions of growing mass participation in politics—prompted various

¹⁴See Breuer's militant support—similar to that of many neo-Kantians—of the war: Isaac Breuer, "Der Friedenskrieg," *Jüdische Monatshefte* 1/8 (1914), 345–7.

¹⁵Itamar Ben Ami, "The Total State of the Torah: Isaac Breuer and the Foundations of Orthodox Radical Politics," *Jewish Quarterly Review*, forthcoming.

¹⁶See Steven M. Lowenstein, ed., *Integration and Dispute, 1871–1918*, vol. 3, *German-Jewish History in Modern Times* (New York, 1998), Chs. 6–7.

programs of *Jewish* politics. The politicization of the Jews stood opposed to the political theory of emancipation, which was based on the assertion that religion is merely a private matter and thus *politically* irrelevant.¹⁷ We may call the emancipation's depoliticization "Mendelssohn's strategy."¹⁸ While the privatization of Judaism was necessary for Jews who wished to secure themselves, despite their different religion, the status of equal citizenship, it became obsolete in an era that clearly ascribed political ramifications to religious identity. Accordingly, after the promise of emancipation did not fulfill itself, various Jewish thinkers, Zionist and non-Zionist alike, began to assign Jewishness a political function.

Despite the attention that has been given to the study of modern Jewish politics, few analyses of Orthodox perspectives on the politicization of Judaism have been undertaken.¹⁹ In classical accounts, Ultra-Orthodox politics is frequently understood as simply a reactionary posture, whose refusal to accept the premises of the modern age prompted it to use obsolete forms of traditional politics.²⁰ Alan Mittleman was the first to undermine this narrative, pointing out the existence of a robust discourse on the political nature of Judaism in the German flank of Agudath Israel.²¹ This section provides the conceptual framework for Isaac Breuer's call to politicize Orthodoxy, clarifying both his account of the nature of modern politics and his discontent with its direction. My discussion delineates the ideational context that posited Jewish politicization and politics more generally at the center of Breuer's reflections.

Breuer exhibited a keen awareness of the dramatic changes in politics during the last phase of the German Empire. Breuer presented the need to politicize Orthodoxy as part of what was then being experienced "in the European west," namely "a state of increasing democratization" apparent in the politicization of the masses and the appearance of "mass movements."²² Various social theorists formulated this process as a qualitative change in the relations between state and society, whereby groups that officially possessed only "societal" traits (such as social classes or religious denominations) but not "political" ones were starting to strive for a political power. Breuer took interest in this process of the politicization of identities formerly deemed politically irrelevant, and especially in the Workers' Party SPD (class, like religion, was generally seen in the *Rechtsstaat* as politically

¹⁷Amos Funkenstein, "The Political Theory of Jewish Emancipation," in Funkenstein, *Perceptions of Jewish History* (Berkeley, Los Angeles, and Oxford, 1993), 220–34.

¹⁸See the telling narrative of Leora Batnitzky, *How Judaism Became a Religion: An Introduction to Modern Jewish Thought* (Princeton, 2011), Chs. 1–2.

¹⁹For a notable exception see Daniel Mahla, *Orthodox Judaism and the Politics of Religion: From Prewar Europe to the State of Israel* (Cambridge, 2020). See also Tobias Grill, "The Politicisation of Traditional Polish Jewry: Orthodox German Rabbis and the Founding of Agudas Ho-Ortodoksim and Dos Yidishe Vort in Gouvernement-General Warsaw, 1916–18," *East European Jewish Affairs* 39/2 (2009), 227–47.

²⁰See notes 5–6 above.

²¹See Mittleman's important distinction between Agudah's conservative and modern flanks: Alan Mittleman, *The Politics of Torah: The Jewish Political Tradition and the Founding of Agudat Israel* (Albany, 1996).

²²Isaac Breuer, "Agudaß Jisroel," *Jüdische Monatshefte* 1/8 (1914), 287; Breuer, "Agudaß Jißroel," *Jüdische Monatshefte* 1/1 (1914), 26–36, at 27.

irrelevant).²³ Breuer's interest in processes of democratization and politicization was inherently related to his call to politicize Judaism.²⁴

Breuer went a step further: he did not merely acknowledge the practical need to politicize Orthodoxy, but posited this politicization as the true essence of Judaism. He rebukes his fellow Orthodox Jews for being merely "individually *gesetzestreu* [observing *Halakha*], but they are not socially *gesetzestreu*, since they acknowledge the validity of the law in their private life, but negate the validity of the law for their communal life."²⁵ Breuer, of course, was not the first Orthodox Jew to express distaste for Jewish emancipation; he joined a long line of traditional leaders who feared that emancipation would ruin the traditional Jewish community.²⁶ Breuer, however, was the first Orthodox thinker to ground his disapproval of emancipation in the very untraditional accusation that emancipation suppresses the inherently *political* nature of Judaism.²⁷ Indeed, Breuer perceived himself as neither traditional nor a traditionalist.²⁸ He did not romanticize the world that was passed, but demanded that Orthodoxy adapt itself to a politicized, post-emancipatory world.²⁹ Breuer, accordingly, presents a revolutionary Orthodox stance: against both the Orthodox and the emancipatory depoliticized Judaism, Breuer asserts the need for the "Politisierung des Judentums."³⁰ In so doing, Breuer became the first non-Zionist Orthodox Jew to demand Orthodox politics theologically.

Breuer refers to Germany's process of democratization as the end of "neutrality." It seems that, for him, the end of neutrality signifies the politicization of matters that hitherto did not belong to the political sphere.³¹ Breuer's hostility towards "neutrality," as will be demonstrated below, was central to his rejection of Weber's social theory. However, Breuer's rejection of "neutrality" was not modeled on a Schmittian-styled existential decisionism, which related in its essence to the later Weimar period. Instead, Breuer exhibited a clear imperial aspiration to find an objective moral order, which would overcome the value-plurality and give society clear guidance. Breuer, then, was torn between two opposing tendencies: while positive on the politicization of society, he was afraid of the arbitrariness of this politicization, which threatened to exacerbate politics' moral anarchy. As we will

²³Breuer took a great interest in the rise of SPD. See Isaac Breuer, "Die Neuorientierung des deutschen Judentums" (1917), in Breuer, *Schriften zum Zionismus und Agudismus: Werkausgabe Band 2*, ed. Matthias Morgenstern and Meir Hildesheimer (Münster and Berlin, 2018), 5; Breuer, "Die Mobilmachung des Judentums" (1917–18), in *ibid.*, 41–54, at 41–3.

²⁴See Breuer, "Die Neuorientierung," 12, 25, 35. See also Isaac Breuer, "Judenproblem" (1918), in Breuer, *Frühe religionsphilosophische Schriften: Werkausgabe Band 1*, ed. Matthias Morgenstern and Meir Hildesheimer (Münster and Berlin, 2017) (henceforth *FRS*), 228. See also 221–2, 225, 256.

²⁵Breuer, "Agudaß Jisroel," 291.

²⁶For an analysis from a political perspective see David Biale, *Power and Powerlessness in Jewish History* (New York, 1986), Ch. 4.

²⁷Breuer, "Judenproblem," 313–14.

²⁸See Breuer's attack on those longing for a *Gemeinschaft* in Isaac Breuer, "Der Rechtsbegriff auf Grundlage der Stammerschen Sozialphilosophie," *Kant-Studien: Philosophische Zeitschrift der Kant-Gesellschaft* 27 (1912), 1–99, at 19.

²⁹Breuer, "Die Mobilmachung," 49.

³⁰*Ibid.*, 43.

³¹Isaac Breuer, "Judenproblem," 228–30. See also Breuer's attack on the "neutral" communities in Breuer, "Die Neuorientierung," 35.

see, Breuer's version of neo-Kantianism attempted to square this circle by positioning politics as a realization of a given a priori moral imperative. This moralization of politics and politicization of morality is the main message of Breuer's early thought.

Breuer, accordingly, engages in a double confrontation, on the Jewish and the non-Jewish fronts alike. On the Jewish side, Breuer's call for the politicization of Jewish Orthodoxy contradicted both "Mendelsohn's strategy" of depoliticizing Judaism and other prevalent forms of Jewish Orthodoxy, including the type of Orthodoxy with which Breuer himself was identified, *Austrittsorthodoxie* (which tended to model itself on a liberal understanding of religion as a private matter).³² Both options represented for him a denial of the inherent political nature of Jewishness, and were anyway not relevant anymore in a politicized society which rejects neutrality.

Breuer's second confrontation relates to the meaning of the end of neutrality for politics. Breuer feared that the end of "neutrality" may signify (as Weber and the later Schmitt confirmed) a deeper neutrality, namely that politics would soon deteriorate into a general conflict, where private interests collide with each other—thus demanding a deeper neutralization of the public sphere. In order to counter this trend, Breuer aspired to give the politicization process a moral guidance. He formulated this as follows: "The ancient saying that the human is a *Zoon politikon* ... was probably thought of only in a purely physical, at best psychological sense. To us it attests to be a word of a deep ethical insight."³³ While neutrality represents a general inclination to think of politics in terms of interests and compromises, a true politicization demands overcoming neutrality and rendering politics moral. Accordingly, the politicization of Orthodoxy becomes paradigmatic for a general change needed in the logic of politics itself—from neutrality into a fully moral political order.

To sum up, Breuer announced the politicization of Orthodoxy as a polemic against both Jewish neutrality and political neutrality. His Orthodox politicization represented an awareness of the novel political condition of the post-emancipatory era, and simultaneously entailed an ethical call to end the moral indeterminacy of neutrality by making politics more *Jewish*. Breuer's Jewish politics thus inevitably led him to a confrontation with liberal politics and its tendency to neutralization. In the third section of this article, I will argue that Breuer's position presents a double break within the Jewish tradition. First, Breuer opposes depoliticized versions of Judaism (first and foremost those promoted by his grandfather, Samson Raphael Hirsch). Second, Breuer did not merely assert the political nature of Judaism in a Spinozist manner as mere legality, but instead transformed Judaism into an ethical call, aspiring to change the nature of politics itself. In order to understand how he did so, we should turn our attention to Breuer's antiliberal neo-Kantianism.

³²See important remarks regarding the shared ground of "religion" between Orthodoxy and Reform Judaism in Leora Batnitzky, "From Politics to Law: Modern Jewish Thought and the Invention of Jewish Law," *Dine Israel* 26–7 (2010), 7–44.

³³Breuer, "Der Rechtsbegriff," 67.

Breuer's radicalization of neo-Kantianism

As mentioned, Breuer feared that the politicization of the masses would merely replace the *Rechtsstaat's* neutrality with a deeper neutrality—a total neutralization of the public sphere in a liberal manner. What he needed was a new theory of politicized society, which would manage to overcome the plurality of society by positing absolute moral standards for politics relevant to all. Such a program would be antiliberal, as it would aspire to implement these standards regardless of the will of those expected to hold them. In order to understand Breuer's antiliberal theory of politics, we should turn attention to Breuer's non-Jewish, early neo-Kantian writings. My contention here is that Breuer's methodological discussions regarding the essence of society, politics, and morality provide the ideational context for understanding his unparalleled call to theologically politicize Orthodoxy. Breuer goes beyond a recognition of the mere practical need to politicize Judaism; he structured this politicization on an antiliberal theory of sociality, which, in his opinion, would be equipped to answer the challenges of a morally neutral and thus deeply confused age.

As presented below, Breuer developed his political theory through polemics with leading figures of early twentieth-century social theory. He opposed Max Weber's liberal assertion regarding the inevitability of the plurality of values in modern society and the inability of science to deliver political guidance.³⁴ Breuer's resistance to Weber's value-neutrality represents a typical Marburg neo-Kantian insistence on the ability of morality to guide politics. However, I want to argue that Breuer's neo-Kantianism parts ways with the general social-democratic and liberal tendencies of this tradition.³⁵ Breuer combines Hermann Cohen's unification of politics and morality with Rudolf Stammler's legitimization of coercion by external means, in order to formulate an antidemocratic politics whose principles are a priori dictated and not given to the individual's free choice.

My discussion is divided into three subsections. The first presents Breuer's involvement in the *Werturteilsstreit* (value-judgment controversy) which divided the study of society in the *Kaiserreich*.³⁶ Breuer opposed Weber's value-free social science due to the latter's commitment to neutrality, and asserted at its expense the evaluative role of science in providing society with objective values of "truth" capable of overcoming the "polytheistic" fight between particularistic worldviews. The second and the third subsections are devoted to Breuer's critical engagement with other neo-Kantians who opposed Weber. The second subsection engages with Breuer's radicalization of Stammler's defense of coercion by external means as compatible with ethics: while Stammler kept the Kantian separation between individualist morality and social ethics, Breuer united both. The third subsection

³⁴For a genealogy of the ideal of value-neutrality see Robert N. Proctor, *Value-Free Science? Purity and Power in Modern Knowledge* (Cambridge, MA, 1991).

³⁵For an elegant, contemporary study of Marburg's political theory see Will Levine, "A Forgotten Idealism: Kantian Socialism, the Marburg School, and the Infinite Task of Emancipation" (forthcoming).

³⁶For a general introduction see Albert Gert, "Der Werturteilsstreit," in Georg Kneer and Stephan Moebius, eds., *Soziologische Kontroversen: Beiträge zu einer anderen Geschichte der Wissenschaft vom Sozialen* (Berlin, 2010), 14–45.

elaborates on Breuer's radicalization of Hermann Cohen's social ethics. Breuer developed the latter into an anti-individualist and antidemocratic stance, which posits an a priori given law as the ultimate expression of morality.

Against Weber: Breuer's critique of neutrality and value-pluralism

Both Breuer's understanding of his time as representing the end of the state's neutrality and his critique of the idea of value-neutrality demanded a theory of society that accounted for the de facto plurality of worldviews fighting with one another in an age of democratization. This new democratic ethos posited "society" at the center of scientific reflection, and the nascent field of social study quarreled regarding the means appropriate for studying it, discussions better known as the *Methodenstreit* (the dispute over methods).³⁷ Breuer took great interest in this dispute. As a matter of fact, the first paragraph of Breuer's first theological essay (1910) dealt precisely with the methodological difficulty of studying social-historical realities: "Does it consist in a mere application of the law of causality to social phenomena, so that it is therefore *methodologically* inseparable from scientific knowledge? Or is it no knowledge at all in the rigorous sense of science ...?"³⁸ Breuer continued this line of inquiry when, in 1911, he was reviewing a major contemporary work of social science, Werner Sombart's *Die Juden und das Wirtschaftsleben*. Breuer took offense not at what was widely regarded as the book's hostile attitude toward Judaism, but instead at its methodological shortcomings and especially its application of "neutral" social science.³⁹

Why were these methodological discussions important for Breuer? As will be demonstrated, both the value-neutrality of science and the value-pluralism of a democratized society represented for Breuer the main deficiency of modernity as a time marked by severe moral perplexity. And the lack of standards to measure, evaluate, and authoritatively decide between a plurality of values and worldviews stands at the core of the dispute regarding the "neutrality" of social science.⁴⁰ One of the central voices in this debate, Max Weber, thought that the only way to achieve "objectivity" in the study of society is through neutrality—a neutral positioning vis-à-vis the anarchy of opposing value systems. While Breuer reacted to Weber only indirectly,⁴¹ he strongly and expressly opposed the position promoted by Weber during these years—to "neutralize" social science—and attempted instead to produce a "science of politics" that authoritatively posits a clear moral order, and not the individual's free choice, as the only legitimate public order. In order to overcome Weber's liberal social science, which asserted the inevitable plurality of

³⁷See a systematic depiction in Wolfgang Schluchter, "Polytheismus der Werte: Überlegungen im Anschluß an Max Weber," in Schluchter, *Grundlinien der Vernunftkritik* (Berlin, 1997), 307–39.

³⁸Isaac Breuer, "Lehre, Gesetz und Nation: eine historisch-kritische Untersuchung über das Wesen des Judentums" (1910), in *FRS*, 1–54, at 4, original emphasis.

³⁹Isaac Breuer, "Sombart und die Juden" (1911), in *FRS*, 98–101.

⁴⁰For an excellent summary see Hans Henrik Bruun, *Science, Values and Politics in Max Weber's Methodology*, new expanded edn (Aldershot, 2007).

⁴¹Breuer's more direct polemics are with figures such as Simmel and Sombart. Yet it is clear that he read Weber, as apparent in Isaac Breuer, *Der Neue Kusari: Ein Weg Zum Judentum* (Frankfurt am Main, 1934), 319–21, which clearly discusses Weber's philosophy of religion.

human values and limited the study of society to neutral observations, Breuer developed a theory of society that aimed to find absolute standards for public morality through an overcoming of the inherent plurality (and polarization) associated with modern society.

Breuer did not share Max Weber's interpretation of the meaning of "objectivity" in social science. Weber identified objectivity with neutrality. For Weber, "objectivity in social science" is a paradoxical position, whereby social sciences must aim at objectivity—it "must be accepted as correct even by the Chinese"⁴²—yet the values it explores are particular to a given worldview, and their "significance presupposes the relations of cultural phenomena to *value ideas*."⁴³ Eventually, Weber concluded that "*there is no* absolutely 'objective' scientific analysis of cultural life."⁴⁴ In practical terms, the demand for objectivity is only expressed through the avowed neutrality of social sciences, which can only analyze the present, existing societal values and worldviews. Weber thus demands that social sciences remain *wertfrei* (value-free); although social realities consist of values, social sciences cannot offer any evaluation beyond the neutral study of empirical values in their conflictual appearance in a given society.⁴⁵

Weber's program has been widely regarded as "liberal" since it takes the plurality of modern, democratic society as a given and warns against the fantasies that science or morality can overcome this plurality.⁴⁶ Breuer's early writings, however, are devoted to an attack on the idea of neutral, value-free social science. Against Weber, Breuer unequivocally asserts that "social science is an evaluative science [*wertende Wissenschaft*]."⁴⁷ In particular, he rejects Weber's interpretation of "objectivity" as neutrality. Breuer's resistance is twofold: the first point concerns the very idea of science, and shall be mentioned only briefly. Breuer contested that scientific "objectivity" could be nonevaluative. Relying on Weber's interlocutor, Heinrich Rickert, Breuer asserts that every acquisition of knowledge—even in the natural sciences—is evaluative by nature, as it demands an act of applying a valid judgment.⁴⁸ The second point, however, is more directly connected to Breuer's rejection of liberalism as encapsulated in Weber's neutrality.

Breuer disagreed with Weber that the study of society is a neutral study of the existing, prevalent values in a given society.⁴⁹ A quick comparison between Breuer and Weber should suffice here. For Weber, social science is *wertfrei* as it

⁴²Max Weber, "The 'Objectivity' of Knowledge in Social Science and Social Policy," in Weber, *Collected Methodological Writings*, ed. Hans Henrik Bruun and Sam Whimster, trans. Hans Henrik Bruun (London and New York, 2012) (henceforth *CMW*), 100–38, at 105.

⁴³*Ibid.*, 116, original emphasis.

⁴⁴*Ibid.*, 113, original emphasis.

⁴⁵See especially Max Weber, "The Meaning of 'Value-Freedom' in the Sociological and Economic Sciences," in *CMW*, 304–34.

⁴⁶See, for example, Joshua L. Cherniss, *Liberalism in Dark Times: The Liberal Ethos in the Twentieth Century* (Princeton and Oxford, 2021), Ch. 2.

⁴⁷Breuer, "Der Rechtsbegriff," 29.

⁴⁸See Heinrich Rickert, *Der Gegenstand der Erkenntnis: Ein Beitrag zum Problem der philosophischen Transzendenz* (Freiburg, 1892), 62–66. See Breuer's praise of Rickert's position in Breuer, "Der Rechtsbegriff," 3.

⁴⁹Breuer, "Der Rechtsbegriff," 29.

cannot provide the “the only ethically correct” position.⁵⁰ Society, then, is thought of as chaotic; the age of democratization is, inevitably, an era of “absolute polytheism,”⁵¹ where “values are, in fact, in the last resort, everywhere and always, not just alternatives; [they are] engaged in an irreconcilable struggle to the death [with each other]—as it were, between ‘God’ and the ‘Devil’. Between those [positions], no relativization or compromise is possible.”⁵² In light of this challenge, Weber recognized the inevitable “tragedy” of the social sciences as a study crafted to satisfy humans’ deep interest in values and yet unable to provide them with any evaluative guidance.⁵³

Breuer, against Weber, did not understand values as inevitably plural; he aimed to restore society’s ultimate moral order despite modernity’s empirical plurality. Breuer asserts that society should be perceived as an objective order of values, the foundation of which should be sought in absolute ethics—and not in various groups’ or individuals’ arbitrary worldviews.⁵⁴ Breuer accordingly rejects Weber’s *wertfrei* program, and aspires instead to design a science that would allow society to discover its objectively correct moral order, thereby ending its “anarchism of values.”⁵⁵ As will be analyzed below, other neo-Kantian thinkers shared Breuer’s rejection of Weber; they preferred instead what Fritz Ringer famously called a “mandarin” position aspiring to circumscribe the allegedly destructive consequences of the masses’ participation in politics by offering a clear moral order for the public sphere.⁵⁶ Breuer, however, went a step further; he rejected democracy altogether, as elaborated below.

Breuer did so by arguing with Weber regarding the relations between morality, politics, and truth, and presenting an antiliberal view that politics should be thought of in terms of deducible absolute truth—and not be given to decisions of parties and societal groups. A contrast with Weber once again illuminates Breuer’s antiliberal stance. Weber famously separated not only science from politics (quoting Tolstoy’s statement: “Science is meaningless because it has no answer to the only questions that matter to us: ‘What should we do? How shall we live?’”),⁵⁷ but also politics from morality. He asserted that “in politics, the decisive means is the use of force,” and believed that the Kantian “pure ethics of conviction” would lead politics to disastrous outcomes.⁵⁸

Breuer thought that Weber’s position relied on an entirely debunked concept of morality. Precisely because it mistakenly identifies morality with the actor’s convictions, it concludes that political ethics (where convictions are irrelevant) is

⁵⁰Max Weber, “The Meaning of ‘Value-Freedom,’” 306.

⁵¹Ibid., 314. See also Max Weber, “Science as a Vocation,” in Weber, *The Vocation Lectures*, ed. David Owen and Tracy B. Strong, trans. Rodney Livingstone (Indianapolis, 2004) (henceforth *TVL*), 22.

⁵²Weber, “The Meaning of ‘Value-Freedom,’” 314.

⁵³Weber, “Science as a Vocation,” 27. See also Max Weber, “Politics as a Vocation,” in *TVL*, 32–94, at 78.

⁵⁴This is the essence of part three of Breuer’s dissertation. See also Breuer, “Der Rechtsbegriff,” 83.

⁵⁵See Breuer, “Der Rechtsbegriff,” 29–30. For the term “anarchism of values” see Ernst Troeltsch, *Der Historismus und seine Überwindung: Fünf Vorträge* (Berlin, 1924), 47.

⁵⁶Fritz K. Ringer, *The Decline of the German Mandarins: The German Academic Community, 1890–1933* (Cambridge, MA, 1969), Ch. 4.

⁵⁷Weber, “Science as a Vocation,” 17.

⁵⁸Weber, “Politics as a Vocation,” 84.

impossible, drifting thereby to Machiavellianism. While Breuer's arguments regarding the social and anti-individualistic nature of morality will be explored in the next two subsections, we shall focus here on the necessary relations that Breuer posits, against Weber, between science, politics, and morality. For Breuer, the study of politics aims to reveal the absolute *truth*, a standard sublating social conflicts altogether and making the very plurality of society redundant:

Similar to the natural scientist who establishes his law [*Gesetz*] with the claim to have found more than a subjective position ... in the same way, the social scientist is able ... to postulate a rule [*Regel*] which he has established as teleologically necessary, and to denounce a prevailing rule as scientifically untrue, or better: incorrect. The quarrel between political parties about the rules that should be made and the order of the community, is not a quarrel that can be eventually traced back to the purely subjective, contingent temperament of the disputants, to the accidental peculiarity of their living conditions, to the education they enjoyed, to the family they grew up in. Their quarrel is rather a scientific quarrel, the quarrel about a scientific truth, which is verifiable like any other truth. "Politics as science [*Politik als Wissenschaft*]" is possible and necessary.⁵⁹

Against Weber, Breuer insists on the possibility of a valid and verifiable evaluative science of politics, which gives the right moral policy for any issue of public interest. It is a social science that discovers the "truth" in politics, and enables a decision between opposing political parties.⁶⁰ Social life is not imagined in a liberal way: it is not a neutral space open to a political struggle between autonomous individuals and various worldviews; it turns instead into a matter of absolute ethics aiming at discovering the truth. The next subsection elaborates on where Breuer thought to find this absolute social truth.

Against Stammler: Breuer's radicalization of neo-Kantian legal philosophy

Breuer's resistance to Weber's neutrality in the name of morality is not a surprising position for a neo-Kantian. Central figures in both major schools of neo-Kantianism, Marburg and Baden, offered several varieties for evaluative, non-neutral social science.⁶¹ This subsection seeks to clarify the uniqueness of Breuer's position within neo-Kantianism. My argument is that Breuer builds on a certain radical potentiality encapsulated within Marburg neo-Kantianism, whose political orientation was generally social democratic and liberal, in order to offer an antiliberal, antidemocratic form of politics. Breuer took from Rudolf Stammler the idea that external coercion and ethics are not mutually exclusive, and from Hermann Cohen the attempt to overcome the methodological individualism identified with

⁵⁹Breuer, "Der Rechtsbegriff," 29–30. See also Breuer, "Sombart," 93–4, 98–101.

⁶⁰See strong statements in "Der Rechtsbegriff," 30–31; cf. *ibid.*, 5.

⁶¹Apart from Stammler, who will be explored in this section, one can mention especially Heinrich Rickert in Baden. See Guy Oakes, *Weber and Rickert: Concept Formation in the Cultural Sciences* (Cambridge, MA, 1988). More generally see Klaus Christian Köhnke, "Das Konkurrenzverhältnis zwischen philosophischer Ethik und Soziologie um die Jahrhundertwende," in *Neukantianismus: Perspektiven und Probleme*, ed. Ernst Wolfgang Orth and Helmut Holzhey (Würzburg, 1994), 234–49.

Kantian ethics. Using Stammler and Cohen against each other, Breuer formulates a coercive, anti-individualist social ethics. This antiliberal view anchors Breuer's vision of Jewish politics, as elaborated in the third section of this article. My discussion begins with Breuer's engagement with Stammler, and the next subsection presents Breuer's complex relations with Cohen.

Breuer formulated his proposal for an anti-Weberian social science through a critical engagement with a relatively forgotten neo-Kantian thinker, Rudolf Stammler (1856–1938).⁶² Breuer wrote his dissertation on Stammler, and published it in one of the most renowned journals in Germany at the time, *Kant-Studien*, where influential thinkers such as Cassirer, Cohen, Dilthey, Simmel, Natorp, Windelband, and Troeltsch published as well.⁶³ Stammler was known for attempting to bridge the gap between jurisprudence and Kantian ethics.⁶⁴ From a Kantian perspective, the main difficulty with jurisprudence is the issue of coercion. Morality deals with the individual's pure will, which in Kantian terms is thought of in reference to autonomy. Law, on the other hand, demands that the individual unconditionally obey given norms, in the spirit of heteronomy.⁶⁵ As a result, in Germany towards the end of the nineteenth century, legal thought was gradually studied through a positivist perspective, namely an independent value sphere, strictly distinct from morality.

While the neo-Kantianism of Baden represented a general openness to the study of different fields of activity in their own unique methodological terms, Marburg's neo-Kantianism aspired to study law in terms of ethics.⁶⁶ To accept the separateness between law and morality amounts, per Marburg, to succumbing to the Weberian insight that social life, in contrast to the individual's inner life, constitutes a different sphere, defined not by freedom and autonomy but instead by external factors from the Weberian repertoire—such as power, legitimacy, and coercion.⁶⁷

⁶²In this section I discuss the two books mentioned by Breuer: Rudolf Stammler, *Wirtschaft und Recht nach der materialistischen Geschichtsauffassung: Eine sozialphilosophische Untersuchung*, 2nd edn (Leipzig, 1906); and Stammler, *Die Lehre von dem Richtigen Rechte* (Halle, 1926). I will refer to the English translation of the second book, Stammler, *The Theory of Justice*, trans. Isaak Husik (New York, 1925). Breuer overwhelmingly relied on the first book, likely because it combines law and ethics more organically in comparison to the second book. See the introduction of Claudius Müller, *Die Rechtsphilosophie des Marburger Neukantianismus* (Tübingen, 1994), 1–30, 64–79, 97–111; Eggert Winter, *Ethik und Rechtswissenschaft: Eine historisch-systematische Untersuchung zur Ethik-Konzeption des Marburger Neukantianismus im Werke Hermann Cohens* (Berlin, 1980), 20–24. See also the important discussion of Dana Hollander, *Ethics Out of Law: Hermann Cohen and the "Neighbor"* (Toronto, 2021), Ch. 5.

⁶³Breuer experienced difficulties getting the dissertation approved in Marburg and eventually had to submit an alternative one. See Breuer, "Der Rechtsbegriff," 1. Breuer, *Mein Weg*, 85, connects this experience to anti-Semitism. I would suggest however, that the dissertation was not accepted due to its clear radicalization of the Marburg school's general stance.

⁶⁴See a general introduction to Stammler's attempt to offer a formal Kantian natural law in George Sabine, "Rudolf Stammler's Critical Philosophy of Law," *Cornell Law Review* 18/3 (1933), 321–50.

⁶⁵Generally, in *The Metaphysics of Morals* Kant distinguished between inner freedom and outer freedom. Ethics deals with inner freedom, *Recht* with outer freedom. See Immanuel Kant, *The Metaphysics of Morals* (1797), ed. and trans. Mary Gregor (Cambridge, 1996), 187.

⁶⁶For a general introduction see Lask's essay, to which Breuer also refers: Emil Lask, "Legal Philosophy," in Kurt Wilk, trans., *The Legal Philosophies of Lask, Radbruch, and Dabin* (Cambridge, MA, 1950), 1–42.

⁶⁷See the important remarks of Gillian Rose, *Judaism and Modernity: Philosophical Essays* (London and New York, 2017), 55.

Comprehending law in terms of morality demanded a different, anti-empirical account of the nature of social life.

Stammler's solution was complex, and arguably varied between the two main books that were available to the young Breuer.⁶⁸ Generally speaking, Stammler asserted that law and morality are deeply connected, and at the same time insisted that they are not merely one and the same. Morality refers to the individual's pure will, while law refers to the just regulation of society.⁶⁹ For this reason, Stammler recognized that social science constitutes a third field of inquiry—separated from both the natural sciences (a science of causality) and morality (a science of the individual's freedom).⁷⁰ However, unlike Weber's acknowledgment of social science as an independent field, Stammler insists that social science is not an empirical endeavor studying society's prevalent, conflicting norms, but a normative endeavor aiming to discover the a priori forms of social morality.

Briefly, Stammler claims that the very concept of society entails a normative dimension. Society, according to him, is not simply an empirical phenomenon, namely a collection of humans living together, similar to herds of animals.⁷¹ Instead, society signifies a unique human endeavor to achieve collective goals—and, as such, must be thought of in teleological terms.⁷² The element of teleology inherent to society forces us, according to Stammler, to accept two conclusions: first, social science ought to focus on the desirability of the posited societal goals, namely to explore the “right will” or “just will” behind them; social science is thus an evaluative endeavor.⁷³ Second, since society is an orchestrated effort to achieve specific purposes, it entails ipso facto the concept of regulation.⁷⁴ We could imagine societies organized according to widely different regulations, but there could be no human project worthy of the name “society” without regulation. And regulation inevitably entails coercion.⁷⁵ Tying these two conclusions together, Stammler finds in the very concept of society the notion of *Recht*, namely a coercive law that in its essence is just.⁷⁶

Stammler's position enables us to grasp society in normative terms, rejecting thereby value-neutrality and positivism. While Breuer endorsed Stammler's anti-Weberian conclusion that “social science is indeed part of ethics,”⁷⁷ he thought that Stammler's justification is entirely wrong. Stammler derived the justification for coercive law not from the concept of morality, but from the concept of society, which he continued to understand as separated from morality.⁷⁸ This separation posits morality as a sphere of the individual's freedom opposed to society. Thus, even if one accepts Stammler's assertion that the very concept of society analytically

⁶⁸See note 62.

⁶⁹This is the general argument of Stammler, *The Theory of Justice*, Ch. 2.

⁷⁰Stammler called this study *Sozialphilosophie*. See Stammler, *Wirtschaft und Recht*, 15.

⁷¹*Ibid.*, 77–81.

⁷²*Ibid.*, 349–50.

⁷³*Ibid.*, 436. See also 209–10, 349–50; see also the helpful chart at 577.

⁷⁴*Ibid.*, 97; see also 111 for a concise summary.

⁷⁵See *ibid.*, 477, 484, 525.

⁷⁶*Ibid.*, 158, 177, 212–14, also 476.

⁷⁷Breuer, “Der Rechtsbegriff,” 28, also 52.

⁷⁸Stammler, *The Theory of Justice*, 56, 60–64.

entails just, coercive regulation, it does not follow that coercion stands in line with the demands of morality. As long as Stammler does not solve the tension between *morality* and coercion, he fails to answer how society can be moral at all.⁷⁹ In order to organically defend coercion, Breuer insisted that one cannot merely draw on the concept of society, but must return to morality instead, and solve the Kantian predicament that posits coercion in opposition to morality.⁸⁰

In other words, Breuer deemed dangerous Stammler's separation of societal order as a different type of ethics distinct from inner morality.⁸¹ In order to rescue society from Weberian value-neutrality, one must develop a political reading of Kantian morality that would support an imposition of coercive law.⁸² Breuer is interested in defending coercive law from within the concept of morality in order to render society fully moral. Nevertheless, Stammler avoided collapsing law and morality entirely into each other for a good reason. Kantian morality, which celebrates the self-legislation of the individual's practical reason, appears to oppose the heteronomous elements of externally coerced law. To claim that coercion is a realization of autonomous morality, Breuer needed a new interpretation of Kantian morality, which does not look askance on external coercion. This will be the topic of the next subsection.

Against Cohen: Breuer's coercive morality

We have established that Breuer sought, against Stammler, to completely unite coercive law and morality. However, it was precisely the tension between the coercive dimension and morality that caused Stammler to assert that despite their conceptual relation, law and morality are not identical. Breuer's radical move was to legitimize coercive law as the most essential part of morality—and for that he had to come to terms with Kant's moral theory, which seems to entirely negate this position. Breuer found assistance in Hermann Cohen's 1904 magnum opus *Ethik des reinen Willens*. The relationship between Cohen and Breuer is of particular importance given that both were public figures of two opposing views of Judaism—liberal and Orthodox respectively. Thus illuminating their differences can assist the illumination of the specific *Ultra-Orthodox* politicization of Judaism.

In his late autobiography *Mein Weg* (My Journey), Breuer proudly asserts that “Hermann Cohen did not influence me even a slight bit.”⁸³ While it is understandable why an old Breuer, a leading Ultra-Orthodox ideologue, would like to distance himself from the liberal Cohen, his late memories are not accurate. Breuer's neo-Kantian writings build significantly on Cohen's ethics, as numerous references

⁷⁹Breuer, “Der Rechtsbegriff,” 40–44.

⁸⁰Stammler presents a formal argument in defense of coercion: if norms alone, without coercion, were sufficient to anchor society, society would have become contingent, since norms demand an external factor—consent. Only coercion makes society possible in a truly a priori manner. Stammler, *Wirtschaft und Recht*, 525–34. As mentioned, Breuer argues that this does not solve the problem, because one may argue that coercive societies indeed exist, but morally they should not. Hence one cannot avoid dealing with the concept of morality.

⁸¹Breuer, “Der Rechtsbegriff,” 49.

⁸²Ibid., 26, 32–3.

⁸³Breuer, *Mein Weg*, 58.

in his dissertation suggest.⁸⁴ Moreover, although the young Breuer asserts (concerning Cohen's *Jewish* writings) that the Cohenian "half-truth" is more dangerous than a simple lie,⁸⁵ he adopted, as will be shown, this half-truth in order to turn it into a full truth (in his eyes): a coercive theory of social ethics as the very realization of morality. Cohen scholar Andrea Poma has indeed noted that one could theoretically develop Cohen's ethics (against Cohen's intentions) into "terrifying political totalitarianism."⁸⁶ It is my argument that Breuer did precisely that. Whereas Cohen's theory was democratic and defended the idea of coercion only theoretically but never suggested using actual force, Breuer's attempt to thoroughly politicize morality becomes radically antidemocratic.⁸⁷

Breuer's primary strategy was to render law the essence of morality by reinterpreting the categorical imperative as having an essentially social, not individualistic, message: "We do not transfer the ethics of the individual to society, but we assert that the individual ethics is social ethics in its innermost essence."⁸⁸ This move enabled Breuer to render coercion—which in the individualistic version of the categorical imperative relates to the individual's obligation to bend its own weak will—into societal, external coercion, whereby society is forced to become free. However, a societal categorical imperative seems at first glance very odd. How can ethics leap from the individual to society?⁸⁹ After all, there is no conspicuous societal agent that could bend its will.

The task of legitimizing external coercion as being in line with morality was essential for Breuer for another reason: he deemed Kant's distaste for coercive law to be standing at the heart of his fierce criticism of Judaism.⁹⁰ As will be elaborated in the next section, Breuer aspired to rescue the moral status of coercive law in order to rehabilitate Judaism, which, as an Orthodox Jew, he overwhelmingly perceived in terms of laws (*Halakha*). Accordingly, Breuer saw a connection between Kant's individualistic design of the categorical imperative and his inability to justify coercive law. The Kantian individualistic approach to morality posits that "the human as such is the highest, absolute end," and that inevitably leads to "the parting [*Trennung*] of ethics and *Recht*."⁹¹ Kant's individualistic bias provides every member of society with their own autonomous private sphere; as a result, the public sphere becomes simply the aggregated sum of colliding private spheres:

We have already pointed out the intimate connection, linking the autonomy of ethics with the profanation [*Entheiligung*] of *Recht*. We have seen that ethics which simply bases everything on the inner state of will of the rational being, is incapable of establishing certain rules for actions as mass phenomena; and, as

⁸⁴See, for example, Breuer, "Der Rechtsbegriff," 83.

⁸⁵Isaac Breuer, "Was läßt Hermann Cohen vom Judentum übrig?", in *FRS*, 55–86, at 72.

⁸⁶Andrea Poma, *Yearning for Form and Other Essays on Hermann Cohen's Thought* (Dordrecht, 2006), 266.

⁸⁷On Cohen's "enchanted" and religiously informed liberalism see Paul E. Nahme, *Hermann Cohen and the Crisis of Liberalism: The Enchantment of the Public Sphere* (Bloomington, 2019).

⁸⁸Breuer, "Der Rechtsbegriff," 94.

⁸⁹*Ibid.*, 41.

⁹⁰On this point see Hollander, *Ethics Out of Law*, Ch. 2.

⁹¹Isaac Breuer, "Frauenrecht, Sklavenrecht und Fremdenrecht" (1910), in *FRS*, 131–84, at 159–60.

a result of the ethics' failure, the propositions of modern Recht can perform nothing but the unholy [*unheilig*] balance of interests, standardizing themselves according to considerations of cunningness [*Klugheitsrücksichten*]. However, since autonomous ethics has retreated to the individual, and accordingly an exclusive struggle of interests prevails in social life, Recht itself must attempt to suppress the excesses of this struggle through its own peculiar coercion, in order to make up in return for what ethics must necessarily omit, since it has become autonomous. Thus, the autonomy of ethics corresponds to an oppressive heteronomy of Recht.⁹²

Breuer's argument, which explains Kant's distaste for coercive law through the methodological individualism of his moral theory, corresponds in significant ways to a general trope in neo-Kantianism, which resisted the reduction of morality to the autonomous individual.⁹³ On that note, Hermann Cohen's *Ethik*, which tried "to politicize practical philosophy,"⁹⁴ appears to have significantly influenced Breuer's attempt to overcome Kant's overly individualistic approach. One can indeed find in Breuer's dissertation several Cohenian themes: the rejection of methodological individualism,⁹⁵ the scorn for the sole focus on the individual's pure intentions (*Gesinnung*),⁹⁶ the attempt to anchor the primacy of social morality at the expense of individualist morality,⁹⁷ and the rejection of Stammler's ultimate separation of law from morality.⁹⁸ Breuer builds on all these elements, yet radicalizes them significantly, in a manner that deconstructs Cohen's social-democratic politics.

In order to fully identify morality and law despite the latter's reliance on external coercion, Breuer, like Cohen, disparages the focus on the individual and attacks individualism.⁹⁹ In the place of individualism, Breuer posits that "social ethics has primacy over individual ethics."¹⁰⁰ This is the essence of Breuer's social categorical imperative:

Act in such a way that you can want that all act. The inner will of these all is not even part of the discussion. The rule is a rule of external behavior. But the idea of this generally exercised external behavior ought to become the motive [*Motiv*] of my action. Thus my inner reason [*Vernünfft*] is practical for me and for the others simultaneously. It gives me a motive and at the same time authorizes me to demand the same action from the others who are in my situation.¹⁰¹

⁹²Ibid., 169, original emphasis.

⁹³Lask, "Legal Philosophy," 12–15.

⁹⁴Manfred Pascher, *Einführung in den Neukantianismus: Kontext—Grundpositionen—praktische Philosophie* (Munich, 1997), 104.

⁹⁵Hermann Cohen, *Ethik des reinen Willens*, 6th edn (Hildesheim, Zurich, and New York, 2002), 8–12.

⁹⁶Ibid., 117–120.

⁹⁷Ibid., 225 ff.

⁹⁸See the editorial notes of Peter A. Schmid in *ibid.*, 31–3, see also Hollander, *Ethics Out of Law*, Ch. 5.

⁹⁹Compare Breuer, "Lehre, Gesetz und Nation," 10.

¹⁰⁰Breuer, "Der Rechtsbegriff," 64.

¹⁰¹Ibid., 63.

Yet Breuer's attempt to fully socialize the categorical imperative is incomplete as long as it does not touch the fundamental problem that troubled both Kant and Weber, namely that, since society is marked by coercion, it must be fundamentally separated from autonomous morality. The moral individual who coerces another fellow human to accept their own conclusions regarding the categorical imperative may themselves act autonomously, but creates a heteronomous society. While the role of coercion for Cohen is rather theoretical (reason is compelled to obey the command of the categorical imperative) and was never developed into a theory of coercion by external means,¹⁰² Breuer, who understands himself as refining Stammler's theory (which fully theorizes external coercion and yet distinguishes it from morality), deems external coercion part of morality's essence.

Breuer's argument is emphatically Rousseauvian (Rousseau appears several times in the dissertation) but admittedly beyond Kantianism.¹⁰³ Breuer argues that the lawgiver who generalizes from their own categorical imperative regarding fellow humans' obligations simply forces society to become free. Society may be based on coercion, but that coercion aids in the realization of the ideal of autonomy. After all, if every individual is demanded to force his own arbitrary will in order to give way to a pure will, then the lawgiver similarly forces the entire society to become autonomous by renouncing their arbitrary will:

The legislator alone aspires to determine not only his own action, but the action of all who are subject to the rule. He shall will for others, shall dictate to others the behavior to be observed by them ... There is only one standard for human behavior: it is the standard of good and evil. What is good and evil, however, depends, as ethics teaches, only on the actor's will, which can neither be enforced nor even recognized with certainty. There is nothing left but to proceed as generally done when judging external actions. Since a foreign will cannot be recognized with certainty, one's own will must be lent to the foreign actions ... The will of the legislator—in the ethical sense—is to be supposed for every legal act of those subject to regulation, and in such a way the act is then to be judged ethically.¹⁰⁴

Breuer's Rousseauvian logic defends the notion of coercive law as a realization of autonomy. Against Kant's separation between legality and morality, Breuer insists that it is coercive law alone which fully realizes morality. The coercive side of law provides the actors with the missing component of the good will—which the legislator generously “lends” to them. After all, must not every individual coerce itself to become free?¹⁰⁵ Nevertheless, Breuer's solution is admittedly beyond neo-Kantianism. For Rousseau, the coercion of society is not necessarily seen as an ethical obligation but as a political move—an expression of the general will. Breuer combines the Kantian insight regarding the generality of morality with a

¹⁰²Cohen, *Ethik des reinen Willens*, 268 ff.

¹⁰³Indeed, Breuer mentioned Rousseau several times in the course of the dissertation, including a long quotation at 39.

¹⁰⁴Breuer, “Der Rechtsbegriff,” 54–5.

¹⁰⁵See strong statement in *ibid.*, 70.

Rousseauvian demand to force the latter into the public sphere, in order to present coercive social morality.

To sum up, Breuer's antiliberal neo-Kantianism combines Stammler and Cohen to defend coercive law as an absolute morality. From Stammler, Breuer took the idea that social ethics are coercive, yet, unlike Stammler, Breuer insisted that law and morality are one and the same. This view relies on Cohen's notion of *Recht*, although, unlike Cohen, Breuer developed a theory of coercive morality that is clearly antidemocratic.¹⁰⁶ With help from Rousseau, Breuer fully politicized the categorical imperative into coercive morality. Breuer's insistence that social ethics provides "absolute standards" that can decide between conflicting political worldviews opposes liberalism's separation between politics, science, and morality, and resists any subsequent neutralization of the public sphere (which Weber envisioned). All these elements will be essential for Breuer's politicization of Orthodox Judaism, to which we now turn our attention.

Breuer's political rendition of *Halakha* as the community of *Recht*

The first section of this article presented Breuer's post-emancipatory call to politicize Judaism as a consequence of the process of democratization and the end of "neutrality" in politics. The second section elaborated on Breuer's antiliberal neo-Kantianism, which aspired to entirely unite morality and politics by means of coercive law. This last section combines the former two discussions by showing how Breuer's antiliberal neo-Kantianism provides a framework for his politicization of Orthodoxy. My argument is that Breuer's understanding of coercive law as the essence of morality anchors his attempt to turn Orthodoxy from quietist, pragmatic community into deeply moralistic, ideological and public law, capable of overcoming liberal value-pluralism and democracy. Moreover, Breuer argued that only Judaism is capable of rescuing the morality of politics, asserting that all other forms of coercive law fail to be *Recht* and thus remain heteronomous. Put in simple words, Breuer's vision of antiliberal Orthodox Jewish politics is inextricably entwined with his radicalization of neo-Kantian philosophy. I organize this argument around three points.

First, Breuer's insistence on the need to politicize Orthodoxy is an outcome of the primacy he gave to the collective over the individual in formulating morality. This could be especially noticed in Breuer's first Jewish essay "Lehre, Gesetz, und Nation," written more or less parallel to his dissertation, and arguably presents the dissertation's argument in Jewish terms. In this essay Breuer attacks other forms of Orthodoxy that perceive *Halakha* as an individualistic obligation, and deems this emphasis on "subjective conviction" a modern fall which is the "worst enemy [*Feind*] of traditional Judaism."¹⁰⁷ As noted above, the resistance to the individualization of morality stood at the heart of Breuer's negation of Kant and Stammler in his dissertation. In place of an individualistic focus, Breuer posits Judaism as an absolute law that demands "obedience" (*Gehorsam*)

¹⁰⁶For Cohen's democratic stance see Winter, *Ethik und Rechtswissenschaft*, 331–2.

¹⁰⁷Breuer, "Lehre, Gesetz und Nation," 13–14.

unconditionally.¹⁰⁸ And Breuer does not hesitate to declare clearly, “Similar to every state law, the Jewish law as well secured obedience for itself by means of statist coercion.”¹⁰⁹

What is staggering in this essay is Breuer’s readiness to attack not only the rejection of Jewish law by secular Jews, but also other forms of Orthodoxy. For Breuer, it was not enough to observe *Halakha* privately. Breuer did not hesitate to criticize even his grandfather, Samson Raphael Hirsch, the leader of the German separatist Orthodoxy, for advocating for an overly individualistic version of Judaism. It is common to regard Breuer as an heir of Hirsch, partly thanks to Breuer’s effort to present himself as Hirschian;¹¹⁰ yet my research suggests the opposite. It is clear that Breuer referred to Hirsch when speaking about great Jewish educators who managed to defend Jewish law’s enduring relevance in times of unrestrained individualism, yet he emphasized that they remained, like Mendelsohn, entirely antipolitical and individualistic in their understanding of *Halakha* and rendered Judaism as a “religion, a private matter.”¹¹¹ Unlike Breuer, Hirsch gave a kosher stamp to emancipation (albeit hesitantly), and showed a clear reluctance towards an independent Jewish politics.¹¹² Breuer read Hirsch’s pedagogic effort as merely repeating the Kantian mistake, reducing the observance of Judaism to the realm of individual responsibility. Against Hirsch, Breuer promotes a thorough politicization of Judaism:¹¹³ “The law, however, does not try at all to conceptually recommend itself to the individual ... The law confronts the individual with all the superiority inherent in the collectivity [*Gesamtheit*] and its appointed institutions of power expression, and demands obedience from the individual: ‘For I am great and you are small.’”¹¹⁴

Second, Breuer’s rendition of Judaism as a coercive moral law represents a reverse adoption of Kant’s critique of the coercive nature of Judaism.¹¹⁵ Kant, according to Breuer, rejected Judaism precisely because he wrongly identified law with heteronomy. As a result of this, Kant was unable to account for politics altogether. For Breuer, however, coercive law is the ultimate ethical means to orient society. External coercion does not endanger but instead enables the moral character of *Recht*. In that regard, Breuer’s politicized version of *Halakha* represents an anti-positivist legal philosophy. If law fails to fully represent morality it becomes illegitimate, a mere arbitrary means to which all the Kantian critique is

¹⁰⁸See especially *ibid.*, 43.

¹⁰⁹*Ibid.*, 25.

¹¹⁰See the discussion in Matthias Morgenstern, *From Frankfurt to Jerusalem: Isaac Breuer and the History of the Secession Dispute in Modern Jewish Orthodoxy* (Leiden, Boston, and Cologne, 2002), 212–13.

¹¹¹See especially Breuer, “Judenproblem,” 323–5; Breuer, “Lehre, Gesetz und Nation,” 13–14, 36, 42.

¹¹²For Hirsch’s support of emancipation see Samson Raphael Hirsch, *The Nineteen Letters about Judaism*, ed. Joseph Elias, trans. Karin Paritzky (Jerusalem and New York, 1995), 222–7.

¹¹³Compare Breuer, “Die Neuorientierung,” 38, also 9, 14, for another important, implicit critique. See also Breuer, “Judenproblem,” 323.

¹¹⁴Breuer, “Lehre, Gesetz und Nation,” 16–17.

¹¹⁵This is another point in which Breuer resembles Cohen. However, as Hollander argues, Cohen does not depict *Halakha* as *Recht*, but only as *Gesetz*. See Hollander, *Ethics Out of Law*, Chs. 1–2. For Kant’s critique see Immanuel Kant, “Religion within the Boundaries of Mere Reason” (1793), in Kant, *Religion within the Boundaries of Mere Reason and Other Writings*, ed. and trans. Allen Wood and George Di Giovanni (Cambridge, 1998), 31–192, at 130–31, also 109–10.

due.¹¹⁶ And Breuer believes, for admittedly dogmatic reasons, that *Halakha* is morally desirable (see below).

Breuer's ethical–political rendition of Judaism also explains his thorough rejection of Zionism. Breuer did not merely blame Zionism for repeating the original sin of Reform Judaism, namely illegitimately abandoning Jewish law. As a matter of fact, Breuer takes Zionism quite seriously precisely because it acknowledges the political dimension of Judaism (and to an extent it is even superior to nonpolitical forms of Orthodoxy).¹¹⁷ Breuer's rejection of Zionism is, therefore, directed specifically to his arguments regarding the nature of politics. For Breuer, Zionism bases Jewish politicization on interests and needs. In doing so, it repeats the Kantian mistake of understanding politics as inherently belonging to the realm of necessity and heteronomy—elements that belong to the realm of nature, but not to morality. Zionism is wrong because it reduces Jewish collectivity to a mere fact (for example, by pointing out the national feelings of many Jews), while it leaves aside the ethical nature of any collective life:

Every person born to a Jewish mother is and remains a Jew: that is the unity of being [*Einheit des Seins*]. Every human being born to a Jewish mother is and remains bound to obey the Jewish law: that is the unity of ought [*Einheit des Sollens*]. The unity of being is a fact. But the unity of ought is a task, and specifically dual: it is an individual task and it is a civic [*bürgerschaftliche*] task. Not only am I myself subject to the law, but I, on my part, must not concede that any other member of the Jewish unity of being evades the unity of ought; I must not concede that there is any Jew on earth, who is entitled to denounce the obedience to the law or to seek refuge from the yoke of law under the lovely rose-chains [*Rosenketten*] of nationalism obliged to nothing.¹¹⁸

Zionist politics represent for Breuer the *empirical* collectivity of Judaism (*Sein*) but not its ethical collectivity (*Sollen*).¹¹⁹ Being collectively Jewish is not a matter of fact but a matter of will, a moral obligation to posit *Recht*—*Halakha*—publicly. Hence Breuer understands the Orthodox politicization not as a practical attempt to organize Orthodox powers (as surely other leaders of Agudath Israel hoped), but rather as an absolute moral obligation to make society ethical and truly free. Accordingly, he defines Judaism as a community of *Recht*,¹²⁰ a “nation of the law”: “Not race and not culture, not hatred and not history, the will alone, the will of the collective [*Gesamtheitswille*], as expressed in *Recht*, in Law [*Gesetz*], constitutes the community, sustains the nation.”¹²¹

The third point is directly related to the second: Breuer aspires to depict *Halakha* as the ultimate *Recht*. This is simultaneously the most essential and the weakest point of Breuer's argument. On the one hand, the evidence against *Halakha* as realizing the neo-Kantian expectations from *Recht* is abundant. Orthodox *Halakha* is

¹¹⁶For Breuer's rejection of positivism see Breuer, *Mein Weg*, 77–8.

¹¹⁷Breuer, “Judenproblem,” 287–92.

¹¹⁸Breuer, “Die Mobilmachung,” 53–4.

¹¹⁹*Ibid.*, 52.

¹²⁰For the term *Rechtsgemeinschaft* see Breuer, “Der Rechtsbegriff,” 71.

¹²¹Breuer, “Lehre, Gesetz und Nation,” 28.

not based on the categorical imperative but on a revealed law. While revelation does have a moral contribution for the Kantian “religion of reason” (and Cohen elaborates on this point significantly), this contribution remains rather formal and not content-related. Moreover, *Halakha* does not aspire to posit itself as the ultimate law for humanity, but only as the law of the Jews (and if Breuer had a different opinion on that matter, he never addressed it). This limitation does not make much sense from a Kantian perspective.

Although Breuer addresses the relations between *Halakha* and morality, his argument remains deeply dogmatic. Breuer contends that only *Halakha* can be *Recht* because, as revealed law, it has not been contaminated by human beings. Whereas human-based law inevitably reflects the partial interests of various opposing groups promoting their particularistic worldviews, only revealed law can manifest the moral nature of law properly. As he writes, “As the autonomy of modern ethics corresponds to the heteronomy of modern *Recht*, so the heteronomy of Jewish ethics corresponds to the autonomy of Jewish *Recht*.”¹²² While one can hardly deny the dogmatic side of this argument, Breuer’s aspiration to depict *Halakha*, in the spirit of his antiliberal neo-Kantianism, as uniting morality, politics, and law is essential for understanding the unique politicization he envisioned for Ultra-Orthodoxy. Breuer presents *Halakha* as a concrete realization of the Kantian Kingdom of Ends.¹²³ While the latter remained for Kant and Cohen an endless ideal task, Breuer depicts *Halakha* as the place where the world of nature (i.e. necessity) finally manages to become an order of freedom.

Breuer develops this idea in his 1912 essay “Frauenrecht, Sklavenrecht und Fremdenrecht” (Laws of Women, Laws of Slaves, and Laws of Gentiles), defending the *Halakhist’s* hierarchical order which distinguishes between genders, and between Jews and non-Jews. Whereas, for neo-Kantianism, morality aspires to overcome the inequality associated with nature, Breuer perceives Jewish law as being a sort of perfect *Recht* which manages to bridge the gap between nature and morality by allocating different roles and assignments to different beings: “The Creator of nature is the Creator of Mosaic *Recht*; should it be surprising that, as in nature the principium individuationis prevails everywhere, so also in *Recht* the distribution of duties is graded according to age and gender, according to rank and nation?”¹²⁴ Breuer rejects the formal equality of modern law precisely because it represents the inability of human law to be anything other than heteronomy—an order of external coercion used to comprise opposing claims. Jewish law, on the contrary, allocates different moral duties to different individuals, according to their true “nature,” in the spirit of the Kingdom of Ends.¹²⁵ Breuer’s desire to defend the hierarchical inequality of *Halakha*—rather than apologetically denying it—represents once again his deep antiliberalism. It also directly influenced the politics he recommended for Agudath Israel. Breuer vehemently opposed the suggestions to make the latter a democratic movement; instead of *Demokratismus*, he

¹²²Breuer, “Frauenrecht, Sklavenrecht und Fremdenrecht,” 170. See also Breuer, “Die Mobilmachung,” 42–4; Breuer, “Der Rechtsbegriff,” 74.

¹²³Isaac Breuer, “Was läßt Hermann Cohen vom Judentum übrig?,” 73.

¹²⁴Breuer, “Frauenrecht,” 164.

¹²⁵Ibid.

demanded *Rabbinismus*.¹²⁶ Democracy for Breuer is merely an attempt to minimize the devastating consequences of heteronomous law. A proper moral order, in contrast, can do without equality and democracy.

To sum up, Breuer draws on his antiliberal neo-Kantianism to construct an antiliberal Orthodox politicization. Jewish politics becomes a public order of *Halakha*, understood as a perfect *Recht*. While modern law fails to posit society as an order of freedom and, at best, renders it through democracy as the least worst of all worlds, Breuer's anti-individualist Jewish *Recht* aspires to posit society as perfectly moral. Breuer's Orthodoxy realizes the "Kingdom of Ends" by uniting morality, politics, religion, science, and law. The connection between Breuer's neo-Kantianism and Jewish philosophy is reciprocal. On the one hand, Breuer's neo-Kantianism, which gives primacy to coercive social ethics over individualistic morality, demands the politicization of Orthodoxy. On the other hand, only the revealed Jewish *Recht* rescues law from its polytheistic, conflictual nature and transforms it from heteronomy into ethics.

Summary: Ultra-Orthodox political theory

Isaac Breuer's earliest writings present a thorough politicization of Ultra-Orthodoxy in the post-emancipatory era. Far from being an obsolete traditionalism, Breuer's politics attempts to solve the crisis of the legitimacy of the modern plural state. Breuer's Jewish law aims to overcome the excess of individualism, which drove society into "polytheism of values." Political Ultra-Orthodoxy is thus required politically, philosophically, and theologically: politically, as it solves the Weberian "tragedy" of endless liberal struggles between opposing worldviews; philosophically, as it realizes the true essence of morality by presenting true *Recht*—an antiliberal coercive societal order based on "truth"; and theologically, because Judaism is neither a private religious obligation in the sense of Hirschian Orthodoxy, nor a Zionist aspiration to secure nonethical Jewish interests, but instead public morality manifested in *Halakha*.

Breuer's call to politicize Judaism presents a revolution within Orthodoxy, as it opposes both apolitical forms and more liberal variations of Orthodoxy. At the same time, Breuer's political rendition of *Halakha* is not exhausted by the idea of legality, in the sense of Spinoza or Kant's reproach that Judaism is simply the law of the ancient Jewish polity. Instead, Breuer posited *Halakha* as the ultimate version of morality—capable of rendering society into the Kingdom of Ends. In that regard, Breuer's anti-positivist perception of Jewish law goes beyond popular Orthodox defenses (since Mendelsohn) of the ongoing relevance of *Halakha*, which often read the latter in positivistic terms as an independent "value sphere" distinct from politics and morality.¹²⁷ Breuer defended *Halakha* only to the extent that it makes politics moral. In so doing, he envisioned a Jewish *Rechtsstaat* based on Orthodoxy that understands itself as having a clear ethical vocation.

¹²⁶Breuer, "Agudaß Jisroel," 287.

¹²⁷Batnitzky named this constellation "the separation of religion from politics." See Batnitzky, *How Judaism Became a Religion*, Ch. 3.

Breuer offered an Ultra-Orthodox political theory for an era of mass politics, whose traces can arguably still be found in present-day manifestations of Ultra-Orthodox antiliberalism. Three uniquely *Haredi* elements of Breuer's program can be emphasized. First, Breuer bases his politics on an exclusive commitment to the idea of *Halakha* (perceived as *Recht*). It differs from other versions of Orthodox politics, which ground their politicization in extra-*Halakhic* commitments. For example, religious Zionism bases its politics on nationalism, whereas Rabbi Abraham Isaac Kook anchors his theological endorsement of a Jewish state in a redemptive philosophy of history. Rejecting these external elements explicitly, Haredi politics aspires to anchor its politicization in an exclusive commitment to *Halakha*. Jews, according to Breuer, need Jewish politics because they are politically, and not privately, obliged to *Halakha*.

Second, Breuer's Haredism understands *Halakha* as providing clear guidance in political disputes. It thereby rejects the perception of politics as "the art of the possible" mitigating opposing worldviews. Against this perspective, Breuer presents "politics as science,"¹²⁸ whereby *Recht/Halakha* provides the "truth" and validly decides between colliding parties. This is the most antiliberal part of Breuer's politics, especially given his readiness to employ coercive means to implement his Jewish public-moral truth. Many political thinkers, liberals and non-liberals alike—from Weber and Schmitt to Arendt and Habermas—strongly recommended the separation of politics from the discourse of truth. Breuer's Haredi politics rejects this separation explicitly, presenting Judaism as restoring the formerly empty place of truth in modern political discourse.

Third, Breuer's political Haredism is antiliberal not because of any redemptive aspirations (often associated with religious Zionism)—namely it does not share the messianic characteristic often depicted as responsible for Orthodox radicalism. Breuer claims that Agudath Israel is "in fact nothing but the entirety of Israel organized in exile [*Goluf*]." ¹²⁹ Breuer's political Haredism is exilic and yet antiliberal. Moreover, Breuer introduces a revolutionary idea into Jewish theology: the view that modern Jewish politics aiming at self-determination is in line with Exile. This position would later legitimize different Haredi attempts to assume statist roles without conceding that these represent a break with Exile.

Breuer's political theory would be altered dramatically after World War I. The crisis following the German defeat would lead him to abandon his anti-Weberian, neo-Kantian affirmation that society can become an ethical essence. Instead, he would come to affirm in a distinctively Weberian manner the inability to bridge the gap between morality and modern society in its arbitrariness. This then would lead Breuer to turn towards the politics of "totality," marked by a radical conservative-revolutionary stance. Nevertheless, some antiliberal elements of Breuer's Jewish politics were forged in his antiliberal rendition of neo-Kantianism.

¹²⁸Breuer, "Der Rechtsbegriff," 30.

¹²⁹Breuer, "Agudaf Jisroel," 26, also 29.