This carefully selected and wonderfully organized collection of previously published articles provides an excellent representation of David Novak’s thought and work since 2001. The variety of topics range from specific contemporary legal and political concerns—including capital punishment, torture, property, marriage, and Israel (chapters 1–6)—to broader issues of ethics, religion, and political thought. The volume includes essays on justice, universalism versus particularism, human rights, and the social contract (chapters 7–10). The final three chapters are connected through the theme of dialogue: Chapter 11 tackles the ramifications of Jewish thought for public life in America; chapter 12 proposes a Jewish perspective on three Christian ethicists and theologians (Stanley Hauerwas, Reinhold Niebuhr, and Karl Barth); and chapter 13 broadly addresses the possibility of dialogue between Jews and Christians, using the affirmation of natural law as a point of departure.

Novak’s qualities as a profound and coherent thinker whose scholarship is deeply committed to his values and tradition are evident in every page. Equally present are the limits he imposes, to my mind, on his work by employing a definition of Judaism that is at times too confining, and at others constricted. He laments, for example, the choice of all too many scholars to adopt a “relativistic attitude,” thinking that this “will enable us to continue to be tolerated by the Academy” (243). He fails to consider that such pluralistic attitudes (not all of which are relativistic) are not always a cynic’s tactic of survival, and can be a genuine endeavor of inclusiveness and respect for competing worldviews. In fact, his own reception in academia shows the benefits in store for such so-called relativistic approaches, as his conservative views are far from shunned but rather respected by liberals who are open to hear arguments from a perspective other than their own.

The opening and concluding chapters of the book serve as an arch, in which a major tension at the heart of Novak’s enterprise is evident. Generally, the book’s structure proceeds from concrete political issues to more abstract topics, including an interfaith dialogue between Jews and Christians. Chapter 1 deals with the issue of capital punishment according to the Jewish tradition. The title (“Can Capital Punishment Ever Be Justified in the Jewish Tradition?”) is somewhat misleading: justified or not, it is mandated in both the biblical and rabbinic literature. Hence, if one accepts these texts as authoritative, the practice is already beyond doubt. In fact, Novak not only accepts these texts as authoritative for his Jewish persuasion, but warns against severing “the morality of the West from its roots in the Hebrew Bible” (29). If this is the case, the question of the justification of capital punishment becomes redundant. Novak’s conclusion in favor of capital punishment is hence unsurprising, but it is hard to avoid a suspicion that this was not so much a conclusion as a premise, based on his own statements.

Novak delves into the issue of the capital punishment in the wake of the 9/11 attacks, and particularly in relation to such a possible punishment on Osama Bin Laden. The article was originally published in 2004, but its reprint is irksome, because whether one condones or condemns capital punishment, there can be no debate over the fact that Bin Laden did not receive due process. This issue aside, however, the focus on Bin Laden as a primary example for the question of the justice of capital punishment in Jewish thought is problematic because surely Novak does not expect the United States to be governed by Jewish law. Jewish law (or any religious law for that matter) and American law (or any legal system of a liberal democracy) are incommensurable in their source.
of authority, the communities they constitute, and the punishments they can impose. This weakens the contribution of Jewish law to this discussion. The Jewish tradition can either substantiate or disavow a contemporary legal practice, but in any case, an argument made from this vantage point cannot be expected to be part of the deliberations of legislators and policymakers in a liberal democracy. By framing the debate this way, Novak makes the concerns of the first chapter more parochial than he would like Judaism to be. It might be interesting for politically conservative Jews to see how their political views align with their religious values, and it might be intellectually stimulating for lawmakers to see what a religious tradition has to say about their work, but these are purely theoretical benefits that cannot be put into effect. Novak, on the other hand, is steadfastly intent on making his theoretical work bear practical implications (41).

The other end of the volume’s arch is the final chapter (“Is Natural Law a Border Concept between Judaism and Christianity?”). In it, Novak directly examines the very issues of relevance addressed above, and the possibility of dialogue. It places natural law at “the center of our joint ethical work” (244), speaking to an audience of Jewish ethicists (241) but expecting to relate to Christians and Muslims, as well (elsewhere Novak is more hesitant about joining hands with Muslims, 146). In the opening chapter Novak seeks to show that Jewish concepts of justice can substantiate a present-day policy, but does so in a way that undermines his own claim. In the final chapter, he laments that theists have not been able to engage with militant secularists on ethical issues (256), but at least part of the reason for this can be found in this book, even in this chapter alone: Novak criticizes ethicists who are descriptive in their writing rather than prescriptive, for they abandon the purpose of their work (243). But when discussing Judaism, his prescriptive comments are so demanding that they do not even meet the basic level of a descriptive assessment of Judaism. He claims that “religious Jews are living according to ... some sort of halakhah” (246). This, of course, ignores a multitude of deeply religious Jews who do not consider themselves bound by any kind of halakhah, or Jewish law. Even those aspects of halakhah that they do observe (such as circumcision or Hanukkah) are not necessarily conceived as law, but as ritual or folklore. If there is no agreement on the ethical content of Judaism among Jews, it is difficult to imagine how natural law could serve as a meeting ground between Judaism and Christianity.

Not only does Novak conceive of religious Jews as solely those Jews who observe some sort of Jewish law, he states that “Liberal Judaism (in all its forms) needs to develop its own halakhah” (246). He thus denies validity to explicit antinomian strands in Judaism, as expressed by both Reform and Zionist figures, among others. This is disturbing because Novak is keenly aware of the multiple manifestations of Judaism. In chapter 8 (“The Universality of Jewish Ethics”), he criticizes those who champion “the Jewish point of view” (143) as if a singular, unified stance of Judaism can even exist. It would have been helpful to keep this pluralism in mind in regards to Jewish law as well. While some figures of liberal Judaism have attempted to develop their own halakhah (most notable of which are probably Rabbi Solomon Freehof and Rabbi Walter Jacob), truly accepting the diversity of Judaism in the modern era is also to acknowledge its antinomian and folkloristic versions, rather than to require them to follow the legalistic pattern of antiquity.

The opening chapter, with its repeated concrete example of Bin Laden as a gauge for the entire debate over capital punishment, is hardly characteristic of the book. The chapters on property and marriage do not allude to specific cases that made headlines, and not for the lack of them. Rather, Novak discusses his approach to possessions in an accentuated personal tone, situating business ethics within his belief of natural law, which is, to his mind, “the most philosophically astute kind of ethics” (45). Rather than mention renowned examples of the breach of trust he abhors, he divulges a personal anecdote of an invitation to a party his wife prompted them to decline, so as not to sanction the misdoings of a former friend who was convicted of fraud and was now
released (52). This is an unusual trajectory for a study of business ethics. On the one hand, if communities were to exercise more of this kind of moral judgment on financial mishandlings, it may have discouraged more people from following their greed. At the same time, the anecdote raises a host of other moral dilemmas which are more closely related to conflicting duties of friendship and values than actual dilemmas concerning property and conduct in business. Novak concludes this essay with a series of impassioned statements about the self and mortality as they affect his approach to property: “I am a ‘me’ who is addressed by another before I am an ‘I’ who addresses others . . . Because of our mortality, we can only hold some possessions temporarily” (54). The sentiment is most welcome, but unlike some of his political stances, readers are left with a very broad and abstract guideline rather than being offered a concrete standard to uphold.

Chapter 6 serves as a highly useful introduction to (orthodox) Jewish marriage. Novak describes the stages involved, showcasing his breadth of knowledge of Jewish law, easily weaving together texts from the Hebrew Bible, rabbinic literature, and such medieval masters as Radak and Maimonides. Being a traditional Jew, as Novak identifies himself (247), he does not treat these sources in any historical or evolutionarily discriminating manner, but presents them as a unified tradition. In light of his comments on the need for a liberal halakhah, there was room to engage here with such endeavors either to modernize concepts of marriage by greater inclusion—of same-sex couples and intermarriages—or to modernize the ceremony itself, through an egalitarian version of the ketubbah (the marriage deed) and the ceremony. I do not expect Novak to endorse any of these developments, but a full account of a Jewish marriage, when not presented as solely orthodox, should include other versions of it, and definitely merits engagement with the work of authors such as Judith Plaskow, Laura Levitt, Rachel Adler, and Jill Jacobs (see more on the citation of women, below). While I believe there is also room to embrace the antinomian strands of Judaism, surely one cannot both require liberal Judaism to develop its own halakhah and to ignore instances when it does.

Perhaps the most fascinating chapter of this book is Novak’s exploration of the problem of universality for Jewish ethics. Novak masterfully dissects the problem of a particularist ethos for a universal message, concluding rightfully that any universal ethic is bound to be expressed in a particular setting. He does so by defining three levels of moral duties: a reciprocal level, a charitable and hence nonreciprocal level, and a nonhuman level, in which “nonhuman objects therein are also to receive the respect and care of their human guardians, but they may be used by these human guardians” (161). The final comment poses a great problem for those concerned with animal welfare and sound environmental policies. Novak, however, does not hide his disdain, at least for the latter, mocking “Earth Day” as a “newly invented event” intended to ritualize simplistic views (160). Such digressions into hotly debated topics unfortunately distract from Novak’s analysis, which is informed equally by verses of the Hebrew Bible, Maimonides, and Immanuel Kant. In addition to outlining this helpful tripartite circle of duties, he also suggests that “concerning the source of this universal ethics, Judaism clearly affirms the absolute particularity and the ultimate singularity of God” (156). In this, Novak presents a brilliantly original and counterintuitive solution to the problem: by rendering God as the embodiment of the particular rather than the universal, he justifies the particularist nature of Judaism while never relinquishing its claim to the universal. For Novak, God is universal through his creation of the universe, but particularist since he is a God of a singular ethnic group.

However innovative his intervention, Novak’s intricate description of the problem does not resolve the challenge particularism poses for Jewish ethics. It is true that Jews care for their immediate community before others and that this is a principle of Jewish law (Sifre Deuteronomy Re’eb 116; Babylonian Talmud Bava Metzi’a 71a). It is also true that a Jew is no different than any other
person who has a deeper level of commitment to his community than to all other humans in the
universe. These two principles of moral action may indeed be said to justify a particularist ethic.
But the problem of particularism begins earlier, with Judaism’s claims about the divine rather
than its claims about human action. If there is a universal moral order governed by the providence
of God, it is unclear why God would not include all of humanity—indeed, all of His creatures—
within this same order, obliged by the same rules. The discrimination embedded in the myth of
the chosen people is what causes the problem of particularism, not the more general problem of
inevitable favoritism of humans to those they know over others. Novak provides a sound account
for the latter problem by justifying levels of commitment and duty, but the former one becomes
even more problematic through his solution of a particularist God.

Discrimination and election become an issue also for the bibliography, which segregates
“Modern Judaic Texts” and “Modern General Texts.” This is not a discrimination of people,
but of ideas. Hermann Cohen is found in both categories (293, 297), with Ethisk des reinen
Willens, deemed un-Jewish. Hannah Arendt and Isaiah Berlin are relegated to the “Modern
General” category (296–97), their Jewishness notwithstanding. Arendt is one of only two
women cited in “Modern General Texts,” along with Esther Reed. Unfortunately, no women are
cited in “Modern Judaic Texts.”

Besides the inconvenience of having to determine whether a book is Jewish in order to find it in
the bibliography, this method of organization reveals a persistent trait in Novak’s thought. This
classification creates marked (and unnecessary) boundaries between the realms of Judaism and
the rest of the world, raising once more the two questions that envelope this volume: the possibility
of a dialogue, considered in the concluding chapter, and the relevance of this dialogue which opens
the volume. Unwittingly, the bibliography undermines the very dialogue for which Novak advo-
cates in his writings.

In conclusion, this book articulates a Jewish vision of ethics, law, and politics that is grounded in
Jewish sources while in dialogue with current trends in conservative thought. As such, it presents an
interesting dialectic between adherence to tradition and updating that very tradition to contempo-
rary concerns. Readers will find clear stances on abortion, marriage, human rights, relations of
church and state, and other debated topics. A close and careful reading of it reveals that the dia-
logue it seeks, whether among believers or with nonbelievers, is better served and indeed enabled
by the persistence of values it rejects.

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