

KANT AND SPINOZA ON THE OLD COVENANT¹

– Wojciech Kozyra –

Abstract. Spinoza is often presented as an important source for Kant’s view on Judaism and the Old Testament. This claim is often made on the basis of the alleged affinity between the relevant ideas of the two thinkers. In this article, I agree with scholars who point out that Spinoza’s direct influence on Kant’s view of the Old Covenant can be doubted, and further argue that the substance of their ideas about the Hebrew Bible is fundamentally different. I discuss their views on biblical hermeneutics (here showing some affinity between them), the Mosaic law (its content and divinity), and especially the significance of Judaism for Christianity, where the discrepancy between Kant and Spinoza regarding the Old Covenant becomes particularly evident.

Keywords: Kant, Spinoza, Judaism, Christianity, Old Testament, Old Covenant, Mosaic law

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Introduction

Spinoza is often presented as an important source for Kant’s view on Judaism and the Old Testament.² Despite Johann G. Hamann’s (contested) report that Kant “never studied” Spinoza,³ the presence of Spinoza and “Spinozism” in Kant’s thinking (topics often explicitly mentioned by the philosopher) has recently come under scrutiny.⁴ In line with these developments, the present article attempts to reassess the claim about Kant’s and Spinoza’s attitudes towards the Hebrew Bible.⁵

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² Guttman (1908): 50–51; Cohen (1910): 312; Graupe (1961): 317; Novak (1998): 27; Mack (2003): 23, 34; Munk (2006): 217–218.

³ Heman (1901): 276.

⁴ Franks (2005); Lord (2011); Tillkorn (2012); Brewer and Watkins (2012); Boehm (2014); Tomaszewska (2017, 2022).

⁵ I have chosen to use the established term “Hebrew Bible” for the sake of convenience, even though I acknowledge that its meaning is controversial from a scholarly perspective (see Levine (2006): 193–199).

Historically speaking, it must be acknowledged that both Kant's and Spinoza's views on Judaism and Christianity are to be understood in light of Luther's Reformation theology. This is a point that Christoph Schulte has made, noting that Kant's ideas about Judaism as "political" and "legalistic" – rather than betraying Spinoza's influence – are to be understood as the heritage of Luther,⁶ on which Spinoza also had drawn, as Graeme Hunter comprehensively argued in *Radical Protestantism in Spinoza's Thought*.⁷ Here, I concur that Spinoza's direct influence on Kant's view of the Old Covenant can be doubted, and argue further that the *substance* of their ideas concerning the Hebrew Bible is fundamentally different. I discuss their views on biblical hermeneutics (here a certain "formal" similarity between them emerges), the Mosaic law (its content and divinity), and especially the significance of Judaism for Christianity, where the discrepancy between Kant and Spinoza regarding the Old Covenant becomes particularly clear. This needs emphasis, because claims about the Spinozian origins of Kant's notion of Judaism and its basic document are primarily motivated by the supposed affinity between the relevant ideas expressed by both thinkers. The matter at hand was briefly discussed by Nancy Levene, who notes in one of the footnotes in her *Spinoza's Revelation* that "Spinoza often gets lumped in with Kant... for whom Jewish law is a mere 'legalism'," but this comparison, Levene continues, is "extremely misleading."⁸ I myself touched upon the topic in *The Gospel of the New Principle*, in which I remarked *en passant*, referencing a second century heretic Marcion, who wanted to eliminate the Old Testament from Christianity, that Spinoza's notion of the connection between the Testaments "seems... less radical than Kant's in that it is not Marcionian."⁹ This article can be considered an elaboration on these notes.

Biblical hermeneutics

Comparing the biblical hermeneutics of Kant and Spinoza is a convoluted affair. The problem stems from the discrepancy between Spinoza's overt declarations and his actual hermeneutical practice. Spinoza pledges firm allegiance to the Protestant principle *sola scriptura* ("only scripture").¹⁰ He thinks, accordingly, that nothing can be read into Scripture that Scripture itself does not intend. Scripture, therefore, has to be understood "from Scripture alone."¹¹ However, the application of this principle yields unexpected results as Spinoza's hermeneutic effort concludes with a statement that the Bible intends only to teach us to sincerely love God and our neighbour.¹² This becomes intelligible when we realize what Spinoza really has in mind when he states his principle "that the

⁶ Schulte (2002): 55.

⁷ Hunter (2017).

⁸ Levene (2004): 219.

⁹ Kozyra (2022): 329–330.

¹⁰ See Curley's fifth footnote in Spinoza (2016): 172.

¹¹ Spinoza (2007): 106.

¹² As Moshe Halbertal notes with astonishment: "The conclusion Spinoza draws from his so-called scientific investigation of the Bible – that the Bible teaches us simple piety and love of the neighbour and no more – is... far from a simple reading of the text" (Halbertal (1997): 143).

method of interpreting Scripture does not differ from the [correct] method of interpreting nature.”¹³ As Levene remarks,

[t]his principle of interpretation has often been taken to be about an identification of Scripture and Nature, i.e., a naturalization of Scripture, wherein it is taken as an entity susceptible of scientific analysis. But, as valid as this perspective is, it is only part of what Spinoza means to do here.¹⁴

It is also not the most important part. Contrary to what it may seem, the “naturalistic” treatment of Scripture in Spinoza is by no means exhausted by the analysis of its historic accuracy but concerns itself *primarily* with what is “most universal”¹⁵ in the Bible, i.e., its moral pronouncements.¹⁶

Yet what, for example, are we to do with God’s anger, something which pervades the Old Testament? Does the Bible not teach us that God can become angry, especially in response to the disobedience and unfaithfulness of His elect? Spinoza does not deny that this is the *literal* meaning of Scripture, but he insists that it is not its *normative* meaning, i.e., it is not what the Bible *teaches*. It is only something that it contains because it had to *accommodate* its language to the cognitive and emotional abilities of its recipient in order to secure its deference.¹⁷ How does Spinoza know that the God of the Hebrews (*qua* God) cannot get angry? Not from the Bible, of course, but from the *logos* of the Greeks – from philosophy, from reason. As he explicitly states, “knowledge of [God] has to be drawn from universal notions [i.e., philosophy – W.K.]”¹⁸ Thus, we should not let ourselves be misled by Spinoza’s criticism of the “Greek” or “Maimonidean” reading of the Bible – he does not oppose taking reason to be the judge over the Bible; as Charlie Huenemann succinctly puts it, Spinoza takes “scripture seriously to the extent that its moral advice coincides with what reason also teaches.”¹⁹ What he undermines instead is the thesis that the Bible is *meant* as a philosophical book. Harmony with reason is a criterion Spinoza uses to distinguish what belongs to the “true meaning”²⁰ of Scripture from what is merely an attempt at accommodating to the Jewish masses. In effect, Spinoza does use reason to identify what ultimately matters (for “salvation”) in Scripture. And this brings him in line with the views of Kant.

Kant’s biblical hermeneutics is more transparent than Spinoza’s. Kant explicitly elevates practical (moral) reason to the dignity of the “supreme interpreter”²¹ of Scripture and asserts that where the Scripture contradicts reason, reason must prevail over Scripture – not despite its authority but precisely *because* of it. Still, Yirmiyahu Yovel’s reservation “that Kant... advocates a method [of biblical hermeneutics] that is contrary to

¹³ Spinoza (2007): 98.

¹⁴ Levene (2004): 116.

¹⁵ Spinoza (2007): 102.

¹⁶ Levene (2004): 128–129; Huenemann (2014): 26–28.

¹⁷ Spinoza (2007): 23, 26, 91, 93, 100–101.

¹⁸ *Ibidem*: 61.

¹⁹ Huenemann (2014): 27.

²⁰ Spinoza (2007): 103.

²¹ Kant (1996a): 142.

Spinoza [because] [h]e... has no intention of expounding the authentic intentions of the authors [of biblical books]"²² is generally valid. Indeed, Kant delegates biblical criticism to philologists.²³ But it does not mean he is indifferent to the authorial intention as such. He does care about how particular parts of Scripture are intended. Most importantly for us, he thinks that the Mosaic law – which for Kant is defining for Judaism – is *not* intended morally or religiously (“Judaism – Kant says – was... *meant* [by Moses] to be a purely secular state”²⁴) and a great chunk of the New Testament – e.g., the Sermon on the Mount – *is* so intended by Jesus;²⁵ “Christianity’s true first purpose [*Absicht*] – says Kant – was none other than the introduction of a pure religious faith.”²⁶ It is precisely this asymmetry that explains the “great advantage” of Christianity over Judaism: only Christianity was *intended* by its founder “as a moral religion.”²⁷ I should add here that “higher criticism” is for Kant as well as for Spinoza a relatively unimportant matter. In the case of Spinoza, this may come as a surprise, but it is crucial to realize that through the historization of the Bible, Spinoza wants to *reidentify* the source of its authority. He attempts to derive it “from the Scripture itself” thanks to delineating and illuminating these fragments in the Bible where its author speaks with an intention to instruct morally. This is why he criticizes the standard grounding of Scripture’s authority so heavily. He does it not because he wants to deprive the Bible of its authority altogether,²⁸ but because he wants to place it somewhere else than where it traditionally resided. And his argument is helped by showing how vulnerable to refutation the orthodox notion of the Bible’s authority is. The historicization of the Bible in Spinoza is a step in arguing for an unorthodox notion of the Bible’s authority. Without a doubt, it has destructive consequences for the traditional Christian canon (although it is not designed to separate the Old Testament from the Bible), as Spinoza admits that it is not impossible to “comprehend Scripture’s teaching without hearing of the quarrels of Isaac, the counsels which Achitophel gave to Absalom, the civil war between Judah and Israel, and other such accounts.”²⁹ This is the case for Spinoza because, unlike orthodoxy and “common people” who adore “the books of Scripture,” or “paper and ink” – he adores “the word of God as such,”³⁰ which is abundantly contained within Scripture yet is not coextensive with its canonical bound-

²² Yovel (1973): 205.

²³ Kant (1996b): 286.

²⁴ Kant (1996a): 154.

²⁵ *Ibidem*: 181–184.

²⁶ *Ibidem*: 159.

²⁷ *Ibidem*: 187.

²⁸ Today, it is still popular to claim that “Spinoza’s Bible is unauthoritative through and through” (Levene (2004): 84), but it is an offshoot of a long-standing habituation embodied recently by the Straussian kind of “hermeneutics of suspicion,” which associates Spinoza with sheer subversiveness rather than an interpretation based on a close reading of the text (cf. *ibidem*: 10–15, 84–93). As Levene rightly says after summarizing the basic tenets of this tradition: “but that this is the only reason Spinoza engages with the Bible – that he does so only to undermine it – cannot make sense of a great deal of the TTP, except by regarding it cynically and skeptically” (*ibidem*: 89). Indeed, Spinoza himself states in a clear voice: “I believe that I ascribe as much, if not more, authority to [Scripture], and that I take care, far more cautiously than others do, not to attribute to it certain childish and absurd opinions” (Spinoza (1985): 380).

²⁹ Spinoza (2007): 78.

³⁰ *Ibidem*: 10, 163–164.

aries. Indeed, for Spinoza “it is due to the salutary opinions that follow from them that the narratives of the *Old and New Testaments* are superior to other, *non-sacred* legends [italics – W.K].”³¹ These “salutary” – moral – doctrines are what accounts for the Bible’s divinity: “the divine character of the Bible must needs be established by this one thing alone, that it teaches true virtue.”³² As far as *this* is God’s word, it came to us uncorrupted and therefore Spinoza rejects the orthodox accusations of impiety, which he is sure will come after the publication of the *Tractatus theologico-philosophicus* (henceforth TTP).³³

There is a moment in the *Religion within the Boundaries of Mere Reason* to which every presentation of Kant’s biblical hermeneutics, even a cursory one, must pay attention. I mean his discussion of an orthodox *sola scriptura* position of Johann David Michaelis, who posits that reason – when faced with morally questionable fragments of the Scripture – should accommodate itself to the Bible (“we should not have a holier morality than the Bible,” as Michaelis says) and not the Bible to reason, which is Kant’s position.³⁴ Kant is openly “exogenous” when it comes to biblical hermeneutics. Reason, which is independent from Scripture, constitutes for him an interpretative authority *over* Scripture. This stands in direct contradiction with Spinoza’s “endogenous” hermeneutical declarations. We could not wish for a clearer statement of the problem than its following formulation from the *Conflict of the Faculties*:

Objection [to Kant’s “rational interpretation of the Bible”]: As revelation, the Bible must be interpreted in its own terms, not by reason; for the source of the knowledge it contains lies elsewhere than in reason. Reply: Precisely because we accept this book as divine revelation, we cannot give a merely theoretical interpretation of it by applying the principles proper to the study of history... we must interpret this book in a practical way, according to rational concepts.³⁵

Now we know how Kant understands the imperative to interpret the Bible “in its own terms” – a practice Spinoza affiliates himself with. He understands it purely as historical interpretation. But although this kind of hermeneutics forms an important part of Spinoza’s argument in TTP, it does not constitute his last word about how the Bible should be read. As I have already said, for the Jewish philosopher historization is only a means for re-grounding the authority of Scripture (Kant, by the way, does not have to engage in historization, partly because it is not his area of competence, and partly because it has already been done by people like Spinoza and Johann Christian Edelmann in Germany³⁶). For Spinoza, historization is not an end in itself. It only clears the way for appreciating the moral substance of Scripture. Ultimately, he – like Kant – elevates moral reason above Scripture and makes it

³¹ Ibidem: 78.

³² Ibidem: 99.

³³ Ibidem: 166.

³⁴ Kant (1996a): 142.

³⁵ Kant (1996b): 270.

³⁶ Kant’s statement that the authenticity of the Hebrew Bible is “far from being established” (Kant (1996a): 186-187) might have been inspired by Edelmann’s *Moses mit aufgedecktem Angesicht*. Kant could have known this work through Martin Knutzen (cf. Lehner (2005): xiii). He also had a book about Edelmann in his private library (Warda (1922): 43).

its “supreme interpreter.” Thanks to this, he is able to tell what belongs to the normative meaning of the Scripture from the part of it written *ad captum vulgi* (miracles belong here too). Because Spinoza *knows* that God cannot get angry or be jealous. This piece of knowledge *contradicts* plain reading of the Scripture and yet it is treated by Spinoza as *normative* for its interpretation. Such extra-scriptural knowledge determines where accommodationism should enter biblical hermeneutics in order to downplay the elements of Scripture which are incompatible with reason. Kant also engages in the accommodationist reading of the Bible, but with respect to the New Testament (because he, unlike Spinoza, has no real interest in “saving” the Old Testament as – however redefined – *scriptura sacra*). He claims that the “Jewishness” of the New Testament – among which he counts Paul’s doctrine of the justification through faith!³⁷ – is to be seen only as a short-term tactic aimed at spreading the message of Jesus among the Jews. As he claims, apostolic reference to the Old Testament was a mere “procedure prudently followed by the first propagators of Christ’s doctrine to procure for it introduction among their people,” which as time went by was erroneously “taken to be a part of religion itself [i.e. the Old Testament was sealed as a Christian holy book], valid for all times and all peoples, so that we ought to believe that every Christian must be a Jew, whose Messiah has come.”³⁸ The references to the Old Testament in the New Testament are thus exposed as *intended* to be a transitory advertisement, while the core binding on Christians’ *intention* of Jesus’s religion was purely moral.

Given all the above, I do not want to suggest that Spinoza only declares that one cannot read into the Bible meanings which are not there, but in fact does it himself. On the whole, he does not,³⁹ and neither does Kant. As Paul Kalweit notes: “The exegesis of the church fathers claims that the deeper meaning they put into the Bible is proper to the Bible itself. Kant does not claim this for his moral interpretation.”⁴⁰ But Kalweit has in mind examples of an allegorical exegesis to be found in Kant. And indeed, Kant claims for instance (against Michaelis) that when God assures the Jews of his help in their attempt to eradicate their enemies, these “enemies” can be taken as a reference to our “evil inclination.”⁴¹ At the same time, Kant is perfectly aware that he is not illuminating

³⁷ Kant (1996b): 286. Kant in fact shares some fairly concrete features with Socinian radicals. Rejection of the justification *sola fide* and respective elevation of the fragments from Matthew where “works righteousness” is preached is one of them. His insistence (see below) that the Old Testament does not mention the afterlife is another case in point. Orthodox reformation – notably Calvin – fought vehemently against this view (see Diestel (1869): 757).

³⁸ Kant (1996a): 186.

³⁹ Yet his is a “bold claim that scripture itself is opposed to using miracles as any evidence for God’s existence.” And in general, Spinoza “is so confident that scripture never intends to say that events have happened contrary to the laws of nature that he believes we can rule out any scriptural claim to the contrary as something inserted later by no-good interpolators” (Huenemann (2014): 22). Spinoza was apparently particularly sensitive about miracles.

⁴⁰ „Die Exegese der Kirchenväter behauptet, dass der tiefere Sinn, den sie in die Bibel hineinlegte, der Bibel selbst sei. Kant behauptet das gerade für seine moralische Auslegung nicht“ (Kalweit (1904): 19). All translations from German are my own.

⁴¹ Even though in discussion with Michaelis Kant engages in the moral and allegorical interpretation of the *Old Testament*, he does it in response to Michaelis’ example and in no way indicates that such hermeneutics could be applied to the Hebrew Bible in order to preserve it as Christianity’s holy scripture. Moreover, in *The Conflict of the Faculties* (Kant (1996b): 270) and notes to it included in the *Akademie Ausgabe* (henceforth quoted as AA by volume and pages) as *Vorarbeiten zum Streit der Fakultäten* (AA 23: 421–464) his attitude toward allegorical interpretation becomes clearly negative.

the real intention of the biblical author through this hermeneutical strategy. However, as noted, when he discusses the New Testament, he *does* appreciate its authentically moral content, which he claims is absolutely incompatible with Judaism. He insists that Christianity is *meant* morally, while Judaism (reduced to the Mosaic law) is *meant* “amorally” at best (i.e., “merely legally”) and immorally at worst (see the next section). And so, when he writes that in Christianity, as in “late [i.e., Hellenised] Judaism,” sometimes occur “highly forced” (moral) interpretations,⁴² he means the Christian-allegorical exegesis of the Old Testament, not his own interpretation of the New Covenant. Also, in the case of the afterlife, Kant says that its absence in Judaism proves that the true *intention* of Moses was *not* to build a moral (and hence religious) community. We read that

it must have come about *intentionally* that the lawgiver of this people, though portrayed as God himself, did not *wish* to show the least consideration for the future life – an indication that his intention was to found only a political and not an ethical community.⁴³

On the other hand, the assumption of the moral intention of the New Testament allows Kant to determine occasions for using accommodationism to downplay the Old Testament (“inauthentic”) elements in Jesus’s gospel.

The general point to be made now is that Kant looks at the New Testament in the way in which Spinoza looks at the whole Bible. This is because, as will become clearer later on, the truly religious significance of the Bible – for Kant, unlike for Spinoza – is limited to the New Testament;⁴⁴ as Bernard M.G. Reardon remarks: “As ‘scripture’ the Old Testament [in Kant] falls out of the picture, the Bible being virtually equated with the New Testament.”⁴⁵

The biblical hermeneutics of Kant and Spinoza may differ in ways which I did not touch upon. However, formally speaking, both authors secure the autonomy of biblical historical science and yet they think it is not historical analysis that is the key to revealing what really matters in Scripture. Especially in Spinoza, it can be observed how historical science debunks a misconception concerning the source of Scripture’s authority and at the same time clears the way for the appreciation of its true value. In other words, the question of who really wrote the Pentateuch or the Acts, or the issue of the exact number of canonical books, has no bearing on the authority of Scripture, which resides in the “moral gospel” contained within it – not in the decision of the “council of the Pharisees”⁴⁶ subsequently recognized by the Church.

The content of the Mosaic law

At first glance, Kant and Spinoza seem to have a very similar view on the content of the Mosaic law. Spinoza:

⁴² Kant (1996a): 143.

⁴³ Ibidem: 155.

⁴⁴ Cf. Kant (1996a): 179.

⁴⁵ Reardon (1988): 138.

⁴⁶ Spinoza (2007): 153.

In the Five Books which are commonly called the books of Moses, nothing is promised... other than this worldly well-being which is honour or fame, victory, wealth, pleasure and health. Although these Five Books contain much about morality as well as ceremonies, morality is not to be found there as moral teachings universal to all men, but only as instructions uniquely adjusted to the understanding and character of the Hebrew nation, and therefore relevant to the prosperity of their state alone.⁴⁷

Elsewhere⁴⁸ Spinoza defines the moral shortcomings of the Pentateuch not in terms of its particularism but through its neglect of the inner disposition with which the law should be performed in order to count as truly moral. Kant famously calls this inner disposition *sittliche Gesinnung*, while Spinoza dubs it *consensus animi* (translated “fixed conviction of the mind” by Silverthorne and Israel, and “constant decision of the heart” by Curley). Kant concurs:

in [the Mosaic “Jewish theocracy”] the subjects remained attuned in their minds to no other incentive except the goods of this world and only wished, therefore, to be ruled through rewards and punishments in this life – nor were they in this respect capable of other laws except such as were in part imposed by burdensome ceremonies and observances, in part indeed ethical but only inasmuch as they gave rise to external compulsion, hence were only civil, and the inferiority of the moral disposition was in no way at issue.⁴⁹

Here, we have this “worldly” and “legal” (in the Kantian sense) character of the Mosaic law asserted. Its seeming morality is explained away in the same fashion as in Spinoza. It was mostly this affinity that inclined me in my previous work concerned with the topic to agree with those pointing out the unity of Kant and Spinoza with respect to their views on the Jewish religion.⁵⁰ But as a close (re)reading of TTP made clear to me, this claim is flawed. As I realized, from this very point on, Kant and Spinoza part ways entirely. Kant becomes increasingly critical about Mosaic law and Judaism as a whole, while Spinoza comes to their defence. Spinoza seems to attempt to alleviate the consequences of Luther’s famous statement that Mosaic law is “Jewish Saxon Mirror,”⁵¹ while Kant radicalizes it. Kant’s insistence that it is incoherent to render the Jewish law political and relevant only to the Jews and yet treat the Old Testament as a record of universal revelation goes against Luther, who was still willing to admit that the law of Moses is only “partially worldly” – at the same time remaining (as divine and Christ-anticipating) “partially spiritual.”⁵² At this point, as I shall show, Spinoza is faithful to what Kant would call

⁴⁷ Ibidem: 69.

⁴⁸ Ibidem: 53.

⁴⁹ Kant (1996a): 119.

⁵⁰ Kozyra (2020).

⁵¹ Cf. Luther (1983): 214.

⁵² Luther (1983): 211. Luther used his “political” understanding of Jewish law to pacify radical reformers who recognized no authority beyond the authority of Scripture; “und wie das Volk Moses – he writes – verpflichtet ist, seiner Ordnung zu gehorchen, weil Gott es ihm befohlen hat, so ist auch jedes Land und Haus dazu verpflichtet, die Ordnung seines Fürsten und Hausherrn zu halten. Denn auch dies sind Gottes Befehle...” (Luther (2019): 98–99). So we see that for Luther, not only is the Law a “Jewish Saxon mirror,” but the law of the sovereigns in the German states is “German Mosaic law.” The politicization of Jewish law amounts to a spiritualization of state law.

Luther's "syncretism."⁵³ Kant instead denies all "spirituality" to Judaism on account of its alleged moral bankruptcy. He accuses Mosaic law not only of mere "legality," but also of standing in direct contradiction with the categorical imperative. A small remark about Kant's terminology is in place here: if an action is "legal" when it is "merely in accordance with the law," I posit that, within the Kantian framework, an action can be called "illegal" if it is *not* in accordance with the law, that is when it contradicts the *letter* of the categorical imperative. Such understood "illegality," according to Kant, is also characteristic of Judaism. Apart from God commanding Abraham to kill his son,⁵⁴ Kant also enumerates as "illegal" in the above sense elements of the Mosaic law like trans-generational culpability commanded by Moses.⁵⁵ Accordingly, he talks about the Jews as allied with the "evil principle" aiming to subvert the moral task of the Church.⁵⁶ Hence, the Jewish law comes out as *amoral* (lacking reference to the inner disposition) as well as *immoral* (openly committed to the moral injury). There is also a third sense in which Judaism is morally wanting for Kant. Namely, it does not mention the afterlife (which for Kant is a moral postulate), without which "no religion can be conceived."⁵⁷ Since for Kant "morality leads inevitably to religion,"⁵⁸ which includes afterlife, Judaism, as lacking afterlife, also lacks morality. Hence the absence of afterlife, according to Kant, can be also seen a *symptom* of the missing moral concern in Judaism. Given all these various ways in which Judaism fails to satisfy moral demands, it turns out to be "not a religion at all"⁵⁹ and as such – just as the Old Testament – is considered by Kant an undesired and detrimental element within Christianity. For example, in the *Religion* Kant accuses Christian Churches of "burying themselves" under the "antiquity" of Judaism, which does not allow for the moral "ministerium" to take precedence in Christianity over the drive to the political "imperium."⁶⁰ In this context, Kendall Soulen points out that Kant "views the preservation of Jewish thought in Christianity as the original sin of Christian

⁵³ This kind of syncretism was replicated by Johann S. Semler, who claimed that the Mosaic law was "a mixture of politics and moral religion" (Semler (1771): 57–58). Semler also defended the famous edict of Wöllner under which Kant suffered. Most probably, Kant has Semler in mind when he talks in *The Conflict* about "false pacemakers" and "syncretists" "who are basically indifferent to religion in general and take the attitude that, if the people must have dogma, one is as good as another so long as it lends itself readily to the government's aims" (Kant (1996b): 274). For a longer (although still inexhaustive) discussion concerning Kant and Semler, see Kozyra (2022): 338–339.

⁵⁴ Kant (1996b): 283.

⁵⁵ Kant (1966a): 155. Similarly, in his early lectures Kant mentions the Talmud as allowing the Jews to act deceptively toward non-Jews (AA 27: 75).

⁵⁶ Kant (1996a): 134. Cf. Mack (2003): 31–41.

⁵⁷ Kant (1996a): 155.

⁵⁸ *Ibidem*: 60. As Anna Tomaszewska pointed out to me, Kant's view on the moral importance of the afterlife expressed in the *Religion* is in tension with his theory of moral autonomy. I agree; the problem is closely connected to the issue of how autonomy relates to the notion of the highest good Kant introduces at the end of the *Critique of Practical Reason*. Already Schopenhauer noticed that Kant's idea of *summum bonum* seems to compromise the concept of autonomy as Kant presents it in the earlier parts of the second Critique (see Klemme (2003): lxii). I cannot resolve this issue here. In general, however, I think that *Religion* poses many problems for the so-called secularist readings of the highest good (most importantly, see Kant (1996a): 58–60; see also *ibidem*: 165).

⁵⁹ *Ibidem*: 154.

⁶⁰ *Ibidem*: 186.

history.”⁶¹ At the same time, Kant takes care to emphasise that when he denies Judaism morality and (hence) religiosity, he means Judaism “as such,” because he is aware that Judaism is susceptible to external moralization, as historical cases of allegorical exegesis and influence of Greek philosophy have shown.⁶² And so, after asserting the irreligiosity of Judaism, he says that “whatever moral additions were *appended* to it, whether originally or only later, do not in any way belong to Judaism as such.”⁶³ Judaism “as such,” or “in its purity,”⁶⁴ as Kant says elsewhere, is thus defined through immorality,⁶⁵ while Christianity gets *a contrario* characterized through its authentic moral content. Indeed, Kant says that Christianity is the only religion⁶⁶ which “placed a chief work” in morality⁶⁷ and as such constitutes a polar opposition to the openly unethical Judaism.⁶⁸

We do not find corresponding assertions about the Jewish law in Spinoza. On the contrary, Spinoza states that its political nature (which he, unlike Kant and along with Luther, does not find incompatible with its religious quality) is “no wonder” and should not be turned against Judaism, because “the aim of all society and every state... is [for men] to live securely and satisfyingly, and a state cannot survive except by means of laws that bind every individual.”⁶⁹ Besides, we see in Spinoza many praises of Moses, whose great merit was to motivate his people to obedience through “hope” and “devotion” and not through fear and threat (a distinction Kant ignores). Spinoza:

On the basis of this divine virtue, which was the source of his power, he [Moses] made [*constituit*] laws and prescribed them to the people. But in all this he took great care to ensure that the people would do its duty willingly and not through fear.⁷⁰

He explains further:

Moses, with his virtue and by divine command, introduced religion into the commonwealth, so that the people would do its duty more from devotion than from fear. Then he bound them to him with benefits, and by divine inspiration made many promises to them for the future.

Spinoza ends this fragment with a thesis that the Mosaic laws were not “too severe, as anyone who has studied them will readily concede.”⁷¹ This is an invitation to a compar-

⁶¹ Soulen (1996): 66.

⁶² Ibidem: 156.

⁶³ Kant (1996a): 154.

⁶⁴ Ibidem: 155.

⁶⁵ It is problematic to claim, as Allen Wood did recently, that „Kant holds that the statutory, legalistic phase of Judaism was left behind when Judaism becomes a moral religion” (Wood (2020): 186). The main difficulty with this thesis is not even that Kant states explicitly that Christianity is the only “moral religion” in existence (Kant (1996a): 95), but that it seems to take what Kant considers to be an external moralizing influence on the Jewish religion to be an outcome of its organic development.

⁶⁶ Ibidem: 95.

⁶⁷ Ibidem: 155.

⁶⁸ Cf.: Kozyra (2020): 43.

⁶⁹ Spinoza (2007): 47.

⁷⁰ Ibidem: 74.

⁷¹ Ibidem.

ative historical study of the Mosaic law, which should show its relative benignity and wisdom. This “research project” was realized by no other than the already mentioned Michaelis, who in his monumental Europe-wide known work *Mosaisches Recht* published in 1785 attempted “a defence of the divinity and wisdom of Mosaic law”⁷² through its in-depth historical analysis.

Although Spinoza claims that the Jewish theocracy as a whole is not to be blindly copied by Christian rulers, which is a polemical point against Calvinist orthodoxy, he – unlike Kant (and, again in line with Luther) – identifies particular virtues of the Jewish state. He says that it “has numerous features that are... worth noticing, and which it would... be very wise to imitate.”⁷³ The way in which Moses motivated the Jews to obedience is one example worthy of imitation. The same holds for the separation between juridical (the Levities) and executive (the King) power the Jewish state included and the legal duty binding on the Jewish subjects to mutually perform charity and in this way sustain the cohesiveness of the social tissue.

It is not only Michaelis’ ideas that are anticipated in Spinoza. Spinoza’s comments on the Jewish law were inspiring also for another main representative of the German enlightenment – Gotthold Ephraim Lessing. This is where what I consider to be the most significant disagreement between Kant and Spinoza with respect to Judaism comes to the fore. But as it is directly connected with the issue of the meaning of the Old Testament for Christianity, I shall discuss it in a separate section at the end of the paper. Now, I turn to our penultimate concern about divine inspiration of the Mosaic law in Kant and Spinoza.

The divinity of the Mosaic Law

My aim in this section is very limited. I attempt only to show that Spinoza, *according to his own understanding*, asserts that the Mosaic law was divinely revealed and that the Jews were God’s chosen people. At the same time, I set aside issues connected with the naturalistic framework of Spinoza’s philosophy. I take myself to be authorized to do so because my aim here is to point out general differences between Kant’s and Spinoza’s views on the Old Covenant rather than to explain how exactly TTP is to be reconciled with the *Ethics*.⁷⁴ Neither do I want to decide here whether Leibniz was correct in saying that Spinoza was an atheist because he rejected the theistic notion of God’s providence or agree with Maimon, who claimed that Spinoza was anything *but* an atheist, because he *negated* the existence of the world and *asserted* the existence of God (while atheists do the exact opposite), i.e., he was an “acosmist.” With respect to these and similar issues, I take a neutral position and give Spinoza the benefit of the doubt; like Claire Carlisle, I adopt rather a “hermeneutic of credulity” than “hermeneutics of suspicion” with respect to Spinoza.⁷⁵ Accordingly, in what follows I take Spinoza to provide a sincere statement of Israel’s chosenness and divine character of the Mosaic law.

⁷² “die Verteidigung der Göttlichkeit und der Weisheit des Mosaischen Rechts” (Löwenbrück (1988): 164).

⁷³ Spinoza (2007): 230.

⁷⁴ See a discussion of this issue in Hunter (2013): 141–181.

⁷⁵ Carlisle (2021): 13.

It is obvious that if Spinoza were asked whether he accepts these crucial elements of the Hebrew tradition, he would firmly give a positive answer. The text of TTP testifies to this abundantly. At the very beginning of the book, Spinoza sets out to “show directly” that “it was with a real voice that God revealed to Moses the Laws which he wished to be given to the Hebrews.”⁷⁶ Drawing upon his accommodationist hermeneutics, he asserts that the content of the law was adjusted to the condition of the Hebrew nation. But still, although “the Hebrews knew almost nothing of God,” he did reveal himself to them.⁷⁷ At the same time, Hebrew ignorance is not to be seen as guilt, because “it is hardly likely that people accustomed to Egyptian superstition, who were primitive and reduced to the most abject slavery, should have any sound conception of God.”⁷⁸ After making it clear that God revealed himself to the Jews, Spinoza expresses his support for another traditional Judeochristian idea: the chosenness of Israel. He says:

Even so, though we say that Moses in the passages [in] the Pentateuch spoke according to the understanding of the Hebrews, we do not mean to deny that God prescribed the laws of the Pentateuch to them alone or that he spoke only to them or that the Hebrews saw wonders that occurred to no other nation.⁷⁹

We read further:

I would add merely that the laws of the Old Testament too were revealed and prescribed only to the Jews; for since God chose them alone to form a particular commonwealth and state, they had necessarily to have unique laws as well. In my opinion, it is not entirely clear whether God also gave specific laws to other nations and revealed himself to their legislators in a prophetic manner.⁸⁰

Spinoza states that God chose Israel so it could serve as a transitory model of social integrity.⁸¹ Spinoza’s opinion as to whether God revealed himself to other nations like he did to the Jews vacillates between “no” and “it is not entirely clear.” As to the “how” of revelation, he admits: “I confess that I do not know by what natural laws prophetic [i.e., revelatory] insight occurred.”⁸² Under “revelation or prophecy” Spinoza understands “certain knowledge about something revealed to men by God.”⁸³ Revelation is “filtered” by (or “accommodates” itself to) prophetic imagination. It works like a Spinozian affect, which tells us more about the subject affected (e.g., Moses) than about its source (God).⁸⁴ Nevertheless, its origin is divine. It arises *per imaginem* – not *ex imagine*. That is, it is *mediated* by the imagination of the prophet and not *created* by it. At this point, some

⁷⁶ Spinoza (2007): 15. Cf. Levene (2004): 124–125.

⁷⁷ Spinoza (2007): 38.

⁷⁸ Ibidem.

⁷⁹ Ibidem: 114.

⁸⁰ Ibidem.

⁸¹ For Levene, the Jews in Spinoza “inaugurate democracy” (Levene (2014): 6).

⁸² Spinoza (2007): 25. See a commentary in Huenemnan (2014): 16–19.

⁸³ Spinoza (2007): 13.

⁸⁴ Cf. the proof of proposition XIV from the third book of *Ethics*.

interpretations of Spinoza fail, because they read him as if he were claiming that the prophetic imagination *produces* revelation, while in fact it only *channels* it. In effect, they state that Spinoza reduces “prophecy to the imaginative expression of prejudice and superstition”⁸⁵ of the Hebrews. But this is not the case. Imagination, to use terminology known from Kant, serves in Spinoza as the *ratio cognoscendi* of revelation – not its *ratio essendi*. God, in Spinoza, did reveal himself to the Jews *through* the imagination of Moses and afterwards he did the same *through* the imagination of other prophets, who were “God’s confidential Counsellors and trusty Messengers.”⁸⁶ However naturalistically one would like to read such claims of Spinoza, their letter is nothing like Kant. Kant makes clear suggestions to the effect that the arbitrary and cruel God of the Jews insensitive to the inner disposition “cannot truly be that moral being whose concept we find necessary for a religion.”⁸⁷ He often talks in a derogatory manner about the “Jewish Jehovah” (Soulén notes that Kant’s choice of “Jehovah” is intended to mark a difference between the Jewish and Christian deities⁸⁸), indicates that Moses referred to God only to render his legislation acceptable to the Jews,⁸⁹ downplays the value of Jewish monotheism,⁹⁰ and annuls the chosenness of the Jews by claiming that their religion cannot be seen as the harbinger of the Christian Church.⁹¹ His direct mention of the chosenness of Israel makes it clear that the particularistic character of the Jewish religion renders it incapable of carrying the revelation later realized in Christianity:

far from establishing an age suited to the achievement of the *church universal*... Judaism rather excluded the whole human race from its communion, a people especially chosen by Jehovah for himself, hostile to all other peoples and hence treated with hostility by all of them.⁹²

In line with this, as touched upon before, Kant claims that consistency would demand the thorough secularisation of the Old Testament in the Christian context:

it is not... coherent to say that a Christian is not really bound by any law of Judaism... [as Luther said – W.K.] yet must accept the entire holy book of this people on faith as divine revelation given to all human beings [as Luther said too – W.K.].⁹³

All this chimes with Kant’s attempt to sever Judaism from Christianity that Spinoza did not envisage and which I shall turn to now.

⁸⁵ Frankel (2001): 314.

⁸⁶ Spinoza (1985): 381. Hunter makes this reservation as well: “... it is the prophets’ vivid imaginations – he says – that fit them for their task, according to Spinoza. But that does not imply that their prophecies are merely imaginary. Prophets really articulate the mind of God, Spinoza says, even though they do it subjectively and imperfectly” (Hunter (2013): 181).

⁸⁷ Kant (1996a): 156.

⁸⁸ Soulén (1996): 64.

⁸⁹ Ibidem: 155.

⁹⁰ Ibidem.

⁹¹ Ibidem: 156.

⁹² Ibidem: 155.

⁹³ Ibidem: 186.

The meaning of the Old Testament for Christianity

In this section, the difference between Kant's and Spinoza's notions of the Hebrew Bible becomes the most pronounced. Spinoza is absolutely clear about the uniformly moral message of *both Testaments*. He repeatedly says that the "principle of charity" (i.e., the Golden Rule) "in both testaments is everywhere what is commended the most."⁹⁴ He thus firmly insists on the "essential connection" between Judaism and Christianity – something that Kant rejects. Certainly, he weakens the orthodox notion of the connection between these religions, but he does not abandon it. He "moralizes" it instead. He often talks about Judaism as if it were the first ("child-like") step in the moral growth of mankind. Mosaic law is for him "a pedagogy directed toward the dissemination of wisdom"⁹⁵ – a claim later adopted by Lessing in *The Education of the Human Race*.⁹⁶ Because of this "germ" of Lessing in Spinoza, Michael Graetz remarks that „already the book of Spinoza [contains] the essence of a 'rehabilitation' of the Mosaic law."⁹⁷ When Kant in the *Religionsschrift* rejects Lessing's moral-pedagogical reinterpretation of the history of salvation with Judaism as its first stage,⁹⁸ by the same token he rejects Spinoza's placement of Judaism *vis-à-vis* Christianity.

What is really crucial, however, is that Spinoza implies a positive reference to Matthew 5:17 ("Do not think that I have come to abolish the Law or the Prophets; I have not come to abolish them but to fulfill them"⁹⁹) when he says that "Jesus freed them [the Jews] from servitude to the law *and yet in this way also confirmed and stabilized the law, inscribing it deeply in their hearts* [italics – W.K.]."¹⁰⁰ This is in exact opposition to Kant, who thinks that in case of passages like Matthew 5:17, "*sola ratio*" has to take over, because this rendition of Christianity as true/fulfilled Judaism is allegedly not to be harmonized with the incommensurable natures of these faiths.¹⁰¹ Moreover, Spinoza claims that Jesus's inscription of law "in hearts" was *prophesized* in the Old Testament by Jeremiah and Moses; he says that "Moses... and Jeremiah... proclaimed to them [the Jews] that a time would come when God would inscribe his law in their hearts."¹⁰² In this way, Spinoza retains the moral component of the traditionally orthodox-prophetic practice of linking the Testaments. Apart from that, he praises the "natural light" of other Old Testament figures, primarily that of Salomon.¹⁰³ Kant, instead, entirely politicizes the prophets¹⁰⁴

⁹⁴ Spinoza (2007): 171.

⁹⁵ Levene (2004): 15.

⁹⁶ This perspective is itself biblically rooted in Galatians 3:23–24 which in Luther's translation reads as follows: "Ehe aber der Glaube kam, waren wir unter dem Gesetz verwahrt und eingeschlossen, bis der Glaube offenbart werden sollte. So ist das Gesetz unser Zuchtmeister gewesen auf Jesus hin, damit wir durch den Glauben gerecht würden".

⁹⁷ "schon die Schrift Spinozas [bringt] den Kern einer ‚Rehabilitierung‘ des mosaischen Gesetzes" (Graetz (1977): 278).

⁹⁸ Cf. Kupś (2008): 307, 312. For a comprehensive exposition of the tensions between Kant and Lessing see Langtähler (2020).

⁹⁹ I quote the Bible according to NIV (New International Version).

¹⁰⁰ Spinoza (2007): 64. Spinoza's direct reference here, however, is to Paul.

¹⁰¹ Cf. Kant (1996a): 182.

¹⁰² Ibidem: 163.

¹⁰³ Spinoza writes that "[n]o one in the Old Testament is regarded as speaking about God more rationally than Solomon, who surpassed all the men of his age in natural light" (ibidem: 39).

¹⁰⁴ See, e.g., Kant (1996b): 297.

and does not mention the moral or Christological content of the prophetic writings. After stating that Moses subverts the moral imperative by making the sons guilty of the faults of their fathers, he does not even mention Ezekiel (or Jeremiah), who, like Kant himself, rejects this part of Mosaic law on account of its dubious morality.

The issue of the division between the Testaments is directly addressed by Spinoza:

We may... see why the Bible is divided into the books of the Old and the New Testament. It is because before Christ's coming the prophets were accustomed to proclaim religion *as* the law of the country based upon the covenant entered into at the time of Moses; whereas after Christ's coming the Apostles preached religion to all people everywhere, *as* the universal law, based solely upon Christ's passion. It is not because the books of the Testaments differ in doctrine... nor... because the universal religion, which is supremely natural, was anything new...¹⁰⁵ [italics – W.K.]

Spinoza says here that the break between the Old and New Testament is not due to the difference in essential content between Judaism and Christianity. What is different, and what accounts for there being two Testaments, is the *mode* in which God's message is conveyed in them. The prophets proclaimed it to a particular people in view of the Sinai Covenant, and the Apostles spread it universally in the wake of Christ's passion. But they *made* universal something that in its idea *was* already universal. For Spinoza makes it clear that the "supremely natural" religion was not a novelty introduced by Christ, but is an idea proper to the Old Covenant as well. Kant instead insists that Christianity is based on the "entirely new"¹⁰⁶ (good) principle, which opens a moral abyss between it and Judaism. Spinoza rejects that. For him, it is the difference in "modes" and not in "substance" or "attributes" (to use the conceptual apparatus from the *Ethics*) that divides the Testaments. He argues for a robust notion of Judeochristianity, where the moral and even theological-prophetic unity of the Bible (the latter to a limited extent, of course) is preserved. This is unheard of in Kant, who thinks that between Judaism and Christianity, neither obtains a moral nor a theological link. This is what he means by saying that the "Jewish faith stands in absolutely no essential connection, i.e. in no unity of concepts, with the ecclesiastical faith."¹⁰⁷ The former is for him rather an internal hindrance on the way to the latter's moral self-purification. Kant confidently proclaims that if Judaism were subtracted from Christianity, "nothing would... be left over, except pure moral religion unencumbered by statutes."¹⁰⁸ Contrary to this, in Spinoza, Judaism and Christianity, Moses and Christ, stand in harmonious relation to each other. We read in TTP that "God revealed himself to the Apostles through the mind of Christ, as he did, formerly, to Moses by means of a heavenly voice";¹⁰⁹ and that "if Moses spoke with God face to face as a man with his

¹⁰⁵ Spinoza (2007): 168.

¹⁰⁶ Kant (1996a): 156.

¹⁰⁷ Ibidem: 154.

¹⁰⁸ Ibidem: 187. Cf. also Kant (1996b): 276. In Kozyra (2022: 322–331) I argue that the "moral religion of reason" is identical for Kant to true Christianity.

¹⁰⁹ Spinoza (2007): 19.

friend... Christ communicated with God from mind to mind."¹¹⁰ In a basic accord with the standard Christian idea of the connection between the Testaments, Spinoza elevates Christ above Moses,¹¹¹ but at the same time recognizes the Jews as the historical bearers of revelation. For Kant, Christianity signifies instead a "total abandonment" of Judaism and should be considered the *beginning* of "the universal history of the Church,"¹¹² not its continuation, as the apostolic and traditional Christian self-understanding proclaims. As Graetz sums up, "Judaism was... not recognized [by Kant] as a 'stage' in the world-historical process of salvation and therefore did not have the slightest share in the coming into being of the rational-universal harmony of the future."¹¹³

Luther posed the question: "How should Christians embrace Moses?" (*wie die Christen sich in Mose sollen schicken?*). His answer was twofold. For one, Moses does not lay down the law for Christians; when God says to the Jews "I am the LORD your God, who brought you out of Egypt, out of the land of slavery" (Exodus 20:2), he is not addressing the people of the New Covenant.¹¹⁴ Hence, Moses is not a Christian lawgiver, and his law, although of divine origin, is merely a "Jewish Saxon Mirror." But Moses and his nation were God's elect and they do point to Christ. Moses is therefore a Christian prophet (perhaps *the* Christian prophet) and partaker in sacred history. Spinoza's answer is really a moral variation on this Lutheran (and for the most part traditionally Christian¹¹⁵) theme. A Christian should see in Moses and in the entire Old Testament God's moral Gospel (even if underdeveloped due to historical circumstances), while the law (ceremonial part of it) was given only for the sake of Jewish polity and lost validity after the destruction of the Temple (Spinoza justifies this claim by referencing Jeremiah¹¹⁶). Kant, in turn, answers this question with a loud and clear "not at all," because for him there is no "unity of concepts," no "essential connection" between Judaism and Christianity; and even more, Christians, rather than thinking how they should go about embracing Moses, ought to set themselves *against* Moses and the entire Judeochristian heritage for the sake of what Kant conceives to be the moral renewal of Christianity.¹¹⁷

¹¹⁰ Ibidem.

¹¹¹ David Nierenberg aptly notes at this point that "the distinction Spinoza drew between Moses... and Christ... is one example of Spinoza's adaptation of Christian idioms of supersession" (Nierenberg (2013): 334).

¹¹² Kant: "We cannot... begin the universal history of the Church... anywhere but from the origin of Christianity, which, as a total abandonment of the Judaism in which it originated, grounded on an entirely new principle, effected a total revolution in doctrines of faith" (Kant (1996a): 156). Needless to say, by "universal history of the Church" Kant does not mean an exercise in biblical criticism, but something along the lines of what Lessing called an "education of the human race," that is, a process of humanity coming to moral maturity or, as Kant repeatedly says in the *Religion*, to "true enlightenment" (see Kant (1996a): 156, 197).

¹¹³ "das Judentum wurde... nicht als ‚Stufe‘ im welthistorischen Heilprozess anerkannt und hatte deshalb nicht den geringsten Anteil am Zustandekommen der rational-universalen Zukunftsharmonie" (Graetz (1977): 279).

¹¹⁴ Luther (1983): 212.

¹¹⁵ *Ein Unterricht, wie die Christen sich in Mose sollen schicken* was written by Luther not against the Catholic Church but as a critique of the radical reformers.

¹¹⁶ Spinoza (2007): 71.

¹¹⁷ To be sure, for Kant Christians should also assume a critical stance toward institutional Church. But this means precisely trying to remove Jewish elements from the inherently morality-oriented Christian liturgy based on the de-judaized New Testament. It is a common mistake to view Kant's notions of historical Christianity and Judaism on the same plane. I argue for this thesis in Kozyra (2022): 322–331.

Even though Kant admits that there was a “physical”¹¹⁸ (historical) link between Judaism and Christianity, he sees the substance of Jesus’s faith as being anticipated by “Greek wisdom”¹¹⁹ – not by Jewish religion. He does not give a full-blown explanation of how something as “corrupted” as Judaism could produce something as “moral” as Christianity, but he clearly suggests that it was the “Greek sages’ moral doctrines on freedom” which struck the Jewish “slavish mind”¹²⁰ and made Jesus’s “revolution”¹²¹ in religion possible. “Spiritually” speaking, then, Christianity is indebted not to Judaism, but to Greek philosophy. These thoughts, again, are foreign to Spinoza.¹²²

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¹¹⁸ Kant (1996a): 154.

¹¹⁹ Ibidem: 156.

¹²⁰ Ibidem: 119.

¹²¹ Ibidem: 156.

¹²² This is not, of course, to deny that Spinoza’s overall perspective on religion is philosophical in nature, nor that the notion of Jesus as “divine intellect” is a legacy of Greek thought (cf. Fraenkel (2012): 213–275). The point is that Kant, unlike Spinoza, apparently sees Greek philosophy as a positive historical magnitude, opposed to the Jewish religion, that gave rise (in terms of spiritual substance) to Christianity.

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