

WHAT'S GOD GOT TO DO WITH IT? ATHEISM AND RELIGIOUS PRACTICE

David Benatar

Introduction

An old Jewish joke tells of the young questioner who wanted to be apprenticed to the great *apikoros*¹ (heretic) of Minsk. He makes the journey to Minsk and meets the great man, but is soon disappointed. He notices that the *apikoros* keeps his head covered, is punctilious about the dietary laws, observance of the Sabbath and the rest of the Torah. No longer able to contain himself, he asks the older man: 'How did you get the reputation of being such a great *apikoros* when I see that you observe all the commandments?' 'Ah, an *apikoros* I am', replied the master, 'but a *goy* (gentile) I am not'².

In insisting that there is nothing incongruous about a heretic's practising traditional Judaism, the punch line itself sounds incongruous. It is my aim to show that there is indeed nothing incongruous in this insistence – that there is nothing incoherent about a heretic, even of atheistic proportions, practising traditional Judaism. Although the notion of the 'orthodox heretic' is incoherent (where the term is not an ironic criticism of unreflective heresy), the idea of the 'heretical practitioner of Judaism' is not. Among those who recognise that it is not incoherent, many will think that it is nonetheless odd. Why, it will be asked, would a non-believer practise a religion? I shall answer that question too. I focus on Judaism primarily because, for reasons I shall outline

¹ The etymology of this Hebrew (and derivatively Yiddish) word for heretic is 'Epicurean'.

² A colleague of mine, Jeremy Wanderer, used a version of this joke at the beginning of his paper 'The Future of Jewish Practice' in Nicholas de Lange & Miri Freud-Kandel, eds., *Modern Judaism: An Oxford Guide* (Oxford: Oxford University Press, 2005), pp. 254–264. As I told him the joke and suggested that he use it there, my use of it here should not be construed as plagiarism. It should go without saying, however, that I am obviously not the source of the joke. As with so many jokes, the source is unknown (to me) and thus, regrettably, cannot be acknowledged.

later, it lends itself to the possibility of separating belief and practice. There may well be other religions of which this is also true, but I do not have the same familiarity with them.

Heresy obviously can take many forms. The greater the number of beliefs, the greater the number of ways to be heretical. Similarly, the more rigid the orthodoxy the more mild a deviation is thought (by the orthodox) to count as heresy. My concern here is not simply with any deviation from orthodoxy or even with simply any form of unbelief. I shall focus on what is arguably the most basic of religious beliefs, belief in God, the rejection of which is commonly thought to have bearing on religious observance. And I shall focus on a particular kind of rejection of this belief – not agnosticism, but rather atheism. I focus on this more difficult case, noting that what I say applies *a fortiori* to agnosticism.

The common view and its errors

It is commonly thought that belief in God, coupled with a belief in the divine authorship of the Bible (or other sacred text) entails orthopraxy – adherence to the full range of normative religious practice. One observes because this is what God's timeless commandments require one to do. The corollary, it is thought, is that atheism entails something quite different. Many people assume that it entails the opposite – namely complete abandonment of all (non-moral) religious practices. Not all have this view, however. At least since the Enlightenment and the emergence (during the *Haskala*, or Jewish Enlightenment) of non-Orthodox³ versions of Judaism, very many Jews have seen alternatives to comprehensive religious observance, namely a more selective observance, that they maintain in spite of their atheism or other departure from Jewish orthodoxy.⁴ In other words, atheism is commonly thought to entail one of two conclusions – either no religious observance or a reformed religious observance.⁵ Those who assume the first

³ I use 'Orthodox' with a capital 'O' to denote the Jewish denomination and 'orthodox' with the small 'o' to denote traditional doxastic conformity. Part of what I shall be arguing in this paper is that orthodoxy does not entail Orthodoxy.

⁴ Not all non-Orthodox Jews are atheists, which is why I also refer here to *other* departures from Jewish orthodoxy.

⁵ The dominant non-Orthodox denominations in Judaism are Reform Judaism (sometimes called 'Progressive Judaism', by its adherents, of course) and Conservative Judaism (with a capital 'C'). The latter, which gets its name relative to Reform not Orthodox

entailment will be puzzled even by the suggestion that reformed religious practice is an alternative entailment. Much of what I shall say about atheists who adhere to full traditional practice, will apply also to those non-believers who reform or selectively adopt religious practice. In this way, I shall make both the atheistic reformer of religious practice and the atheistic adherent of orthopraxy intelligible to those who assume that atheism entails the abandonment of all religious practice. However, it is because religious reform is so common a response to atheism, at least within Judaism, that I present it here as part of the common view about what atheism entails for religious practice.

I reject all of the foregoing claims about entailment. Belief in God and the divine origin of a sacred text, contrary to the common view, need not entail orthopraxy. Nor need atheism entail either the abandonment of all religious practice or reformed religious practice. This is not to deny that orthopraxy is a reasonable response to the belief in God and the divine origin of the Bible. Nor is it to deny that abandoning religious practice entirely, or changing it, are reasonable responses to atheism. My claim is only that theists and atheists are not committed to these outcomes. There are alternatives.

Orthodox heteropraxy

Although the atheist is my main concern in this paper, it is worth considering the theist first, showing why he⁶ is not committed, in virtue of his theism, to orthopraxy. For reasons that will become clear later, this also has relevance for the case of the atheist.

There are obvious cases of theists adopting different religious practices – namely theists of different religions. Christians, for example, although they believe in God and accept the Hebrew Bible as being God's word, do not observe all the ritual laws of what they call the 'Old Testament'. This is because, in addition to their belief in the divine origin of the Hebrew Bible, they also hold other beliefs – most particularly a belief in a second revelation, of the 'New Testament', which they take to supersede the earlier

Judaism, occupies the middle ground between the two. I shall use the adjective 'reform' (with a small 'r') to refer generically to those denominations that are not 'Orthodox' (with a capital 'O').

⁶ For a justification on the use of the male pronoun see my 'Sexist Language: Alternatives to the Alternatives', *Public Affairs Quarterly*, 19(1) (2005), pp. 1–9.

one. Although the most obvious, this is not the most interesting way, as far as my argument is concerned, in which theists can vary in their religious practices. This is because for all the common theological ground between Judaism and Christianity, there is also much theological difference. Jewish orthodoxy and Christian orthodoxy are quite different and it might be thought that each of these entails a different orthopraxy. I need to show, therefore, how Jews who subscribe to Judaism's beliefs could logically avoid Jewish orthopraxy.

They could do so by reforming what they take to be divinely given law. Although many Orthodox Jews deny that Jewish law has changed, this view is manifestly false. There are many practices that were once permitted but now are not – including polygamy and divorcing a wife without her consent.⁷ Whereas these are all cases of the law's becoming more stringent – what is biblically permitted becomes rabbinically prohibited – there are also cases where the biblical law (arguably) became more *lenient* as a result of rabbinic emendations. For instance, the sage Hillel noticed that the biblical provision that debts be cancelled in the sabbatical year was leading to people not making loans to the poor in advance of the sabbatical year because they feared that the loans would not be repaid. Because this imposed further burdens on the poor who were unable to obtain much needed loans, Hillel instituted a legal mechanism whereby the loan could be transferred to the court and collected after the sabbatical year.⁸ The letter of biblical law was subverted via a technicality in order to preserve the spirit of the law – benefiting the poor.

It is a point of some contention whether the Talmudic rabbis acknowledged how different rabbinic practice was from the practice of biblical Judaism. It is unlikely that they were all of one view. There is evidence, however, that (at least) an influential strand of Talmudic thought did indeed recognise the innovative role of the rabbis and thus the difference between Jewish practice in the Talmudic and biblical eras. Some go further and claim that this strand of Talmudic thought is the dominant one.⁹ Whether or not

⁷ These two practices were prohibited by an enactment of Rabbi Gershom in approximately 1000 CE. It only applied to Ashkenazi Jewry, but today's Sephardi Jews do not diverge from Ashkenazic practice in this matter.

⁸ Mishna, *Gittin* 4:3.

⁹ This is the view of Menachem Fisch, *Rational Rabbis: Science and Talmudic Culture* (Bloomington: Indiana University Press, 1997). According to him, those he calls the

this stronger claim is true, it is sufficient for my purposes to show that there is an influential strand of rabbinic thought that sees Jewish practice as fluid and evolving rather than static.

One piece of evidence for this view is an interesting item of rabbinic lore. According to this story,¹⁰ when Moses ascended to heaven to receive the Torah, he noticed that God was adding small ‘crowns’¹¹ to the letters. When he asked as to the purpose of those crowns, God disclosed that many centuries in the future, a sage, Rabbi Akiva, would deduce many laws from these crowns.¹² Moses wanted to see this scholar and God transported him forward in time to the academy of Rabbi Akiva. Moses, the Talmud relates, was unable to follow the discussion and felt despondent. Then, one of the students asked Rabbi Akiva from where he had derived his teaching. Rabbi Akiva responded that it had been handed down from Moses to whom it had been given at Sinai. At this point, we are told, Moses became comforted.

In this story, we hear the stunning acknowledgement that the Torah taught by Rabbi Akiva and which, according to traditional Jewish belief, was handed down from Moses, would not be understandable to Moses himself. The most plausible explanation of this, it seems to me and to many others, is that the Torah had undergone a process of legal development over the intervening generations.

This rabbinic view of the difference between the law believed to be given by God and the law of the rabbis is further illustrated by another, arguably more brazen story. The Talmud gives an account¹³ of a debate between Rabbi Eliezer and the rest of the sages regarding a question of ritual purity that was moot at the time of discussion (because the Temple was no longer standing). So confident was Rabbi Eliezer of his position that he kept invoking miracles to bear testimony to the correctness of his view. According to the Talmudic story, each of these miracles occurred, but the rabbis were not swayed. Eventually a heavenly voice called out testifying that Rabbi Eliezer was indeed correct. Unimpressed by even this, Rabbi Joshua rose to his feet and declared of the

‘antitraditionalists’ prevailed over the ‘traditionalists’. The former, on his view, saw the halachic process as innovative and not merely a transmission from earlier generations.

¹⁰ Babylonian Talmud, Tractate *Menachot*, 29b.

¹¹ Some Hebrew letters in Torah scrolls are written with ‘crowns’ on top.

¹² This is but a metaphor. There are numerous ways in which laws are derived, but derivation from crowns on letters is not among them.

¹³ Babylonian Talmud, Tractate *Baba Metzia*, 59b.

Torah, 'It is not in heaven!'¹⁴ – that although it was given at Sinai, heavenly voices have no place in its interpretation, decisions regarding which must be made by the majority of sages.

We see then that even on a – possibly *the* – Talmudic view, Jewish law *does* change. Assuming this, what really differentiates today's Jewish denominations, contrary to the common view about this matter,¹⁵ is not a difference of view about God's existence or about the divine origin of the Torah.¹⁶ Instead, what differentiates them are differing views about how (much) the law may be changed. What characterises Orthodox Judaism is not orthodoxy, as its name suggests, but rather a more conservative view of the acceptable limits of change. Reform Judaism by contrast is characterised by an embracing of radical change. It is quite possible for somebody to believe that the Torah is the word of God and yet to subject it to greater change, perhaps because he holds the view that word of God has to be reinterpreted for each age. Whether that change is true to the earlier principles of change or rather a rupture in the Jewish legal tradition is another matter that I shall not pursue here. All we need recognise is that one can reform a scripture that one believes is authored by God.

Now it may be argued that although theists could reform a law that they believe to have been given by God, they depart from Jewish orthodoxy in another way – namely in their belief about the acceptable mechanisms, principles or limits of legal change or innovation. However, to make this move is to stipulate so broad a definition of 'orthodoxy' that any heteropraxy ceases, by definition, to be orthodox. This definitional move does not engage the relevant sense of orthodoxy that is central to my argument. I am arguing that orthodoxy in the sense of belief in God does not entail orthopraxy. That claim is not affected by noting that there may be some other sense of orthodoxy that *does* entail orthopraxy.

In any event, the broader definition of 'orthodoxy' is unfortunate if one accepts, as many Talmudic rabbis did, the distinction

¹⁴ Here Rabbi Joshua was quoting Deuteronomy 30:12.

¹⁵ One advocate of the common view is Mordecai Kaplan. In speaking about how Orthodoxy differs from non-orthodox denominations, he says that '[o]rthodoxy assumes that religion must be based upon the authentically attested supernatural revelation.' *Judaism as a Civilization* (New York: Schocken Books, 1967), p. 313.

¹⁶ Many people in both the Orthodox and non-Orthodox denominations accept that what differentiates them are different views about the origin of the Torah. Thus, my claim is not one about what Orthodox and non-Orthodox Jews say motivates them. Instead, my claim is about what I take to be the best way of conceiving of the difference.

between heresy – denial of a core principle (an *ikkar*) – and the legal disagreement that pervades rabbinic Judaism. The Talmud, for example, is filled with disagreements between the rabbis about what the law requires. Of such disagreements it is said ‘both these and these are the words of the living God’.¹⁷ In other words, conflicting legal interpretations, by accepted rabbinic authorities, both have legitimacy. Although Orthodox Jews would deny that heteropraxic interpretations are legitimate, this does not mean that they are unorthodox (even if they are un-Orthodox).¹⁸

Heterodox orthopraxy

Just as theists are not logically committed to orthopraxy, so atheists are not logically committed either to the reform or to the abandonment of all (non-moral)¹⁹ religious practice. Atheists can engage, without contradiction, in orthopraxy. For example, an atheist might view the origin of the religious practice as unimportant. It simply might not matter to a particular atheist whether the practice is of divine origin or a human invention.

To appreciate this point about the origin of a religion’s practices, we might consider an analogy with a (non-religious) legal system. Imagine, for example, that it were discovered that some country’s ancient Constitution had not been adopted under the circumstances previously thought. Perhaps it becomes evident that it was not developed at a constitutional assembly of founding fathers and adopted as a whole, but had rather developed piecemeal over decades or centuries. Would that commit citizens to cease obeying the laws? Would it require the rejection of that country’s long history of constitutional law? Would the precedent of constitutional interpretation be voided? A negative answer to these questions is not implausible. It just may not matter whether the mythology of the Constitution’s origin is true or not. All that might matter is that the country has a long and stable legal tradition that has great value to its citizens.

Religious practices similarly can be valuable, even to some atheists. Put another way, there can be non-theistic reasons for observing religious practices. Engaging in religious practices might, for

¹⁷ Tractate Eruvin 13b & Tractate Gittin 6b.

¹⁸ See note 3 above.

¹⁹ I add this condition because those religious practices that have a moral basis are often thought to have value independent of theism.

example,²⁰ have sentimental value, provide a sense of tradition, or be thought either to add another valuable dimension to family life or to be good for the children. Alternatively, or in addition, religious practice can be both an expression of and a means of fostering an (ethnic) identity.

I shall focus on identity as a non-theistic basis for religious practice. I do so not because the other reasons must be subsumed under it – although for many people they are. Instead, I focus on identity because it seems to me to be the most oft-cited non-theistic reason for religious practice. I shall treat it as an exemplar of such reasons rather than as the sole such reason. Much, but not all, of what I shall say about identity also applies to the other reasons.

Many Jews take Jewish practice to be essential to the long-term preservation of the Jewish people. On this (not implausible) view, although individual Jews can continue to be Jews without practising Judaism, the Jewish people cannot survive across generations in the absence of religious observance (by at least some Jews). Those who believe this and who place value on Jewish continuity may engage in Jewish practice in the absence of religious belief.²¹

²⁰ I have heard all the non-theistic reasons I shall now mention from heterodox orthopractic Jews.

²¹ Bryan Magee refers to this basis for heterodox Jewish observance. As an aside, it should be added that he has some odd things to say about Jewish orthodoxy:

Of the religions that I have studied, the one I found least worthy of intellectual respect was Judaism. I have no desire to offend any of my readers, but the truth is that while reading foundational Jewish texts I constantly found myself thinking: 'How can anyone possibly believe this?' When I put that question to Jewish friends they often said that no intelligent Jew did. To quote the precise words of one: 'There's not a single intelligent Jew in the country who believes the religion'. What they do believe, they tell me, is that it is desirable that traditional observances should be kept by at least some Jews because it is these observances more than anything else that give the Jewish people its identity and therefore cohesion, but the doctrinal content or implications of the observances are not expected to be taken with full intellectual seriousness by intelligent people.

[Bryan Magee, *Confessions of a Philosopher* (London: Weidenfeld & Nicolson, 1997) p. 368.]

There are a number of questions that come to mind while reading this passage. First, what are these foundational Jewish texts that he is reading? The Hebrew Bible? That is a poor guide to Jewish doctrine. The Talmud? But the Talmud is not a book of doctrine. Neither, for that matter, is the *Shulchan Aruch* (the Code of Jewish Law). Indeed, I do not know of any foundational Jewish text that provides some standard of Jewish doctrine. (There are a few non-foundational ones, but their views are contested within Judaism.) Second, although I share Professor Magee's response to Jewish doctrines – 'How can anybody possibly believe this?' – I cannot understand why he should think that Jewish doctrines are

The claim that religious observance can be founded on considerations of identity will sound odd to those whose notion of religion has nothing to do with ethnicity. However, if they consider those religions that are also markers of ethnicity, atheistic observance of religious practices for ethnic reasons should not be very surprising. Judaism is one such religion. It is the religion of an ethnic group – the Jews. I shall say more about this later, but for now I note only that there are very many Jews who, although they do not believe either in God or the divine origin of the Torah, nonetheless engage in some observances.

Observance, of course, is a matter of degree. Among those atheistic Jews who do observe at least some religious practices, the degree of observance ranges from very little to everything. Some only circumcise their sons (for reasons of identifying as Jews). Some also fast on the Day of Atonement or hold a special celebratory Passover meal. Others observe much more than this.

It is obviously a minority of atheist Jews who observe all, or almost all, Jewish religious practices. They are a minority for two related reasons. First, the full set of observances is obviously more onerous than a subset. Although there is no logical bar to full observance for an atheist, there can be psychological difficulties. Keeping up that level of observance in the absence of religious belief may be difficult for many (but not all). Second, most Jewish atheists for whom Jewish identity is important feel that observing a more limited set of Jewish practices is sufficient to satisfy their sense of identity. They thus derive the benefits of identity-motivated religious observance without having to bear the costs that they would bear if their religious observance were more extensive. However, some Jewish atheists are neither satisfied with the lesser observance nor burdened by the greater observance, and thus there are some who, in their practice, are indistinguishable from practising orthodox Jews. Just as atheism is not incompatible with minimalist observance, so it is also not incompatible with maximalist observance.

harder to believe than those of other religions. Indeed, Jewish doctrine is economical relative to the other Abrahamic faiths. That is to say, Christianity and Islam accept the core beliefs of Judaism and then add some – the virgin birth, the divinity of Jesus, or the status of Mohamed as the supreme prophet. I would have thought that, at least to the sceptical mind, adding these beliefs to those of Judaism only makes the doctrinal soup of Christianity and Islam harder to swallow.

When is a religion more conducive to atheistic observance?

I have shown, so far, that the link between theism and religious practice can be much weaker than it is often thought to be. Estrangement, and even divorce, of the two, is possible. Whether or not this is true of all religions, it is certainly true of a religion such as Judaism. I turn now to consider those features of Judaism that facilitate the possibility of atheistic orthopraxy.

Ethnic religion

The first of these features, to which I have already referred in passing, is the ethnic nature of Judaism. Judaism is the religion of an ethnic group – the Jews – and the Jews are an ethnic group that is defined in some way by a religion – Judaism.²² Judaism does not purport to be a universal religion – a religion for everybody. It does not view itself as the sole means to ‘salvation’, and thus does not proselytise²³ – indeed it usually actively discourages prospective converts. Instead Judaism views itself as an ethnic-specific, or, in earlier parlance, a tribal religion. This explains why Judaism does not impose a doxastic condition for inclusion in the Jewish people. A Jew, according to Judaism, is not somebody who holds certain beliefs – or even a person who performs certain practices. Instead a Jew is somebody born of a Jewish mother²⁴ – or somebody who converts to Judaism. Even in the case of converts, acceptance of beliefs is not technically required, although acceptance of the commandments is required.²⁵ Most Jews, however, are Jews by birth. If they never come to hold any of the beliefs associated with Judaism, they do not cease to be Jews, according to Judaism. Moreover, they might want, despite their heterodoxy, to identify

²² Some go so far as to deny that Judaism is indeed a religion (in the usual sense, at least). One alternative is that it is a civilisation. See M. Kaplan, *Judaism as a Civilization*.

²³ This is not true of all of Jewish history. There were periods when some proselytism did take place and there are even rare instances of forced conversions (such as the Idumeans, from whom Herod was descended). However, these are aberrations from the norm.

²⁴ In contrast to the principle of matrilineal descent, characteristic of most of Jewish history, Biblical Judaism accepted patrilineal descent. In our times, Reform Judaism does not restrict itself to (either patrilineal or) matrilineal descent.

²⁵ A convert’s failure to observe after conversion, however, does not invalidate the conversion retroactively.

as Jews. The most obvious ways of doing that are via Jewish religious practices.²⁶

The priority of practice over belief

The second feature of Judaism that enhances the possibility of atheistic orthopraxy is the priority that Judaism gives to practice over belief. Although a Jew who neither believes nor practices does not cease to be a Jew, all Jews are nonetheless obligated, according to Judaism, to act in accordance with Jewish precepts. Although there is some disagreement within Judaism about whether Jews are also required to believe certain things, the overwhelmingly dominant view is that they are not.²⁷ More specifically, belief, on most views, is not among the precepts that have to be obeyed.²⁸ Thus, according to Judaism, Jews are required to do some things and refrain from doing others, but they are not obligated to believe anything. This is not to deny that belief is viewed widely within Judaism as being important. It is only to say that on most views belief is neither an obligation nor as important as practice.

This is conducive to the Jewish atheist who wishes to identify as a Jew via Jewish practice. Judaism's lesser emphasis on what one believes means that one is not, in the ordinary course of religious life, called upon to state one's beliefs.²⁹ There is rather little interest in what one believes and much more interest in what one

²⁶ In our time, two dominant alternative routes to self-identifying as a Jew are via Holocaust remembrance and Zionism. Each of these, however, has its difficulties. Many Jews are critical of expressing one's identity only by responding to anti-semitism. Zionism may not do as good a job of bypassing Judaism as some of its secular adherents would like. Can Jews be identified in any enduring way in the absence of Judaism?

²⁷ See, for example, Menachem Kellner, *Dogma in Medieval Jewish Thought* (Oxford: Oxford University Press, 1986).

²⁸ In my 'Against Commanding to Believe', *Shofar: An Interdisciplinary Journal of Jewish Studies*, 19(2) (2001), pp. 87–104, I argue, on philosophical grounds, against a commandment to believe. I then show how this conclusion is compatible with traditional Jewish thinking (or at least influential strands of such thinking).

²⁹ Judaism's view towards practising Jewish atheists bears some resemblance to the US military's policy regarding gays in its midst – a 'don't ask, don't tell' policy. The only difference is that, in Judaism, if you *do* tell about your atheism, you do not cease to be Jewish (although it was once possible – and may still be possible in very closed ultra-orthodox communities – to be excommunicated).

does. Judaism does include, of course, direct and indirect statements of faith. They occur, most obviously, in prayer. However, given that the fixed prayers are standardized for the entire community and are required even of those who do not believe, the mere utterances of the statements cannot and are not assumed to be individual declarations of faith.

Legalistic religion

A third reason why Judaism enhances the possibility of atheistic orthopraxy is that it is a legalistic religion. This feature connects with the previous one. Law is a better regulator of practice than it is of belief. Thus the legalistic nature of Judaism partly explains its greater emphasis on practice than on belief. But the influence can work in the other direction too. A religion with greater emphasis on practice lends itself to legalism more than one that is primarily concerned with belief.

When I say that Judaism is a legalistic religion I do not mean merely that it has a legal system. I mean also that law plays a much greater role than does theology or any other area of religious thought. In Judaism the paradigmatic scholar is not the theologian and certainly not the mystic, but rather the Talmudist and *halachist* – or scholar of *halacha*, Jewish law. Moreover, as we saw earlier, law acquires a life of its own in Judaism, at least on the view I am defending. When Rabbi Joshua overrides a heavenly voice and asserts that the Torah (Law) is not in heaven, he asserts if not its primacy, then certainly its independence from its origin. We have here a kind of separation of powers. If legislation is believed to have taken place at Sinai, then ongoing judicial interpretation is the domain of the rabbis (Jewish legal scholars) and not God. The rabbis did not give the Torah and God does not interpret it.

We can see immediately how a religion characterized by this kind of legalism is, at least to the extent that any religion could be, relatively friendly to atheists. If religion is more about law than about God – or even if it merely can be viewed that way – then atheistic religious observance is a real possibility. Consider again the analogy I provided earlier of the ancient Constitution that is discovered not to have originated in the way that it had previously been thought to have arisen. Insofar as the subsequent tradition of law has taken on a life of its own, its legitimacy is not dependent on its origin. Similarly, Judaism's mythology about the origin of

the Torah may be irrelevant, in the eyes of those motivated by other considerations, to the ongoing value of law.³⁰

Considering objections to heterodox orthopraxy

I have argued that heterodox orthopraxy is a coherent possibility. There may well be those who nonetheless will view it with suspicion. I turn now to consider their concerns. Although the responses are implicit in the arguments I have already advanced, I shall render them explicit here.

Inauthenticity

The first objection is that there is something inauthentic or dishonest about an atheist observing religious practices. To perform religious practices without accepting religious beliefs is not authentic *religious* practice. Religious practice, on this view, must have its source in religious belief. Religious practice in the absence of belief is mendacious – it falsely suggests that the practitioner has certain beliefs.

Now the problem with this objection is that it presupposes the very view of the relationship between belief and practice that I have rejected. That is, it assumes that religious practice makes no sense in the absence of belief. That assumption, however, is insufficient to rebut an argument to the contrary. Those who think that religious observance makes no sense in the absence of religious

³⁰ Although Yeshayahu Leibowitz would reject the explicitly pragmatic foundation for religious observance just mentioned, he shares the view that the mythology about the origin of the Torah is irrelevant to Jewish religious praxis. He declares that his ‘approach to the subject of the Mitzvot [commandments], and to Jewish religious praxis . . . is not that of history or theology’. [‘Religious Praxis: The Meaning of Halakhah’ in Yeshayahu Leibowitz, *Judaism, Human Values and the Jewish State*, Eliezer Goldman, ed. (Cambridge MA: Harvard University Press, 1992), p. 3. His concern is not historical but contemporary. Of Jewish law he says that ‘[c]ontroversy and diversity of opinion abound within its framework, yet the opposed views are all regarded as ‘the word of the living God’ [Ibid.] ‘What characterizes Judaism as a religion of Mitzvot’, he says, ‘is not the set of laws and commandments that was given out at the start, but rather the recognition of a system of precepts as binding, even if their specifics were often determined only with time’ [Ibid., pp. 3–4.] See also Avi Sagi, ‘Yeshayahu Leibowitz – A Breakthrough in Jewish Philosophy: Religion Without Metaphysics’, *Religious Studies*, 33(2), pp. 203–216. Nevertheless, it is unclear whether Professor Leibowitz is a theist or an atheist. He is (often obstinately) vague about this. See Joshua O. Haberman, *The God I Believe In* (New York: The Free Press, 1992), pp. 127–152.

belief would have to say why they think that is so. At the very least they would need to undermine my argument that some atheists could have non-theistic reasons for religious observance. A claim of inauthenticity is not sufficient, because if I am correct there can be more than one authentic basis for religious observance. Moreover, if there can be non-theistic reasons for religious observance, then the atheist's religious practice does not mendaciously imply that he is a theist.

The foregoing is not to deny there seems to be something odd about atheists offering prayers and doing 'God-talk'. But this is only so if one takes prayer literally to be communication with God. Matters are different if one views it more metaphorically or merely as another ritual. Those atheists distanced from religious practice might not see any value in such rituals, but that does not mean that those atheists close to the religious practices must follow suit. I might wonder how you (or anybody) could love your spouse, but that does not matter. What matters is that *you* love her. Nor need I take literally the sweet nothings that you mutter to her. You call her 'pumpkin' or 'baby'. You do not mean that she is these things; nor need I take you to be saying that she is. Your uttering these words in this context is intended to and does function differently from somebody's uttering the same words in a different context – such as while pointing at a pumpkin or a baby. Something similar may be said about atheists talking about and 'to' God. The word 'God' in their mouths is (in some respects) like the word 'pumpkin' in yours.

Atheistic practitioners might note that they would much rather that their ethnic identity were not so intricately bound up with religious practices including, most significantly, prayer. However, given that their ethnic identity *is* bound up with such practices and is important to them, performing these practices and uttering these ancestral formulations is valuable. It may not have the same kind of significance that it has for theists, but that does not mean that it lacks significance of another kind.

Religious practice requires appropriate intention

A second and related objection is that a practice cannot be a (true) religious practice unless it is motivated in the right kind of way – unless, that is, it is done with the right intention. Atheists, according to this objection, lack the requisite intention and thus

although they may be going through certain motions that resemble religious observance, they cannot be said to be engaging in religious practices.

One can stipulate that religious practice requires theistic intentions or beliefs, in which case the objection holds. However, the interesting question is whether one *must* accept the view that religious practice requires theistic intentions. In support of such a requirement, at least within Judaism, it might be noted that there is a Talmudic principle that *mitzvot tzrichot kavana* – (the performance of) commandments requires (appropriate) intention.³¹ However, this is a principle in dispute. Even if the principle is accepted, there are various possible readings of what kind of intention it requires. We can distinguish at least three kinds of intention, only one of which is sufficiently strong to support the objection. The first kind of intention is what we might call ‘mere intention’ – the intention to perform the required action (or to refrain from performing a prohibited action). Requiring mere intention invalidates unintentional, or accidental performance of a religious practice. The second kind of intention is what we might call ‘*mitzva*-intention’ – which is the intention to perform the action because it is a *mitzva* (commandment or precept). Finally, there is what we might designate as ‘God-intention’ – the intention to perform the practice because it is an obligation *from God*.³² I have shown elsewhere that, with one possible exception, the principle need not be understood as requiring anything more than *mitzva*-intention.³³ The one possible exception is the obligation to read the *sh’ma*.³⁴ However, because requiring God-intention raises some logical problems, as I show, it would be preferable if, in all cases, the principle of *mitzvot tzrichot kavana* were interpreted to require no more than *mitzva*-intention. If that is so, then we can reject the view that a practice is a religious practice only if it is motivated by theism. Even if this cannot be extended to the *mitzva* of reading the *sh’ma*, Judaism would still require atheists to read the *sh’ma* without God-intention. In other words, even if theistic belief is essential for the complete fulfil-

³¹ See Tractate *Berachot* 13a–13b and Tractate *Rosh Hashana* 28a–28b.

³² Contrary to what some might think, there *is* a difference between the second and third kinds of intention. See my ‘Against Commanding to Believe’, p. 101.

³³ ‘Against Commanding to Believe’, pp. 98–104.

³⁴ Deuteronomy 6: 4–9.

ment of that *mitzva*, its absence is not sufficient to exempt anybody from the *mitzva*.

Explanations and imperatives

A third objection is that whereas some atheists want to and do observe religious practices, there is no reason why they *must* do so. Theists by contrast, it might be argued, have reason for thinking that they are obligated to observe. In other words, we can only offer a psychological explanation of an atheist's religious practice, but we cannot say why the atheist *must* observe the practices that he does observe. By analogy, we can offer a psychological explanation of why somebody who, as a child, was bitten by a dog now fears dogs, but this explanation does not tell us that the person has a reason for thinking that he *should* fear dogs. Psychological explanations are not imperatives. They have no normative force.

In response, I readily acknowledge that there are some atheists who engage in religious practice and who have no reason for thinking that they should do so. They do so merely for convenience, or on a whim, for example. By the same token, however, there are also theists who, for the reasons I outlined earlier, have no reason for thinking that they must perform particular religious practices. (Theism, I argued earlier, does not entail orthopraxy.) And just as there are other theists who do have reasons for thinking that religious practice is something they must do, so there are some atheists who have reasons for thinking that they must perform religious practices. Theistic and atheistic imperatives for religious practice have different sources. For atheists, unlike theists, God is not the source of the imperative. Instead, the source is some commitment coupled with a (non-religious) belief that religious practice is essential to that commitment. Thus an atheist might be committed to his ethnic identity and take religious practice to be essential to (the preservation of) that identity.

Precariousness

I turn finally to a fourth and related concern. The worry here is that religious practice grounded on some atheistic imperative is more precarious than religious practice grounded in theism. Absent either the underlying commitment or the belief that religious practice is essential to that commitment, the atheist has no

grounds for taking religious practice to be obligatory. The atheist's religious practice is precarious because its foundation could evaporate.

There are two possible interpretations of this concern. Under one interpretation, the claim is that atheistic religious practice is *logically* more precarious than theistic religious practice. On this interpretation, the objection fails. This is because we can make a parallel claim about theistic religious practice: Absent religious belief, the theist who observes (merely) for theistic reasons has no grounds for taking religious practice to be obligatory. In other words, remove the belief and this erstwhile theist – now an atheist – has no reason to continue practising.

An alternative reading of the concern has it that atheistic religious practice is *psychologically* more precarious than theistic religious practice. The idea here is that it is psychologically easier for an atheist to drift away from religious practice than it is for a theist to do so.³⁵ This is obviously an empirical claim and thus cannot be answered *a priori*. If the claim is false then the second reading of the precariousness objection also fails. But what if the claim is true? It is still not clear what the objection is meant to achieve. The objection must come from those who value religious practice, for otherwise there could be no concern about the precariousness of religious practice. However, if that is the case, then we might ask what difference it makes whether religious practice that is grounded in atheism is more precarious. An atheist has no *other* foundation for religious practice. The theistic foundation has already failed him. It is either this or nothing.³⁶

Conclusion

I have argued that although there are strong psychological connections between theism and religious practice, and between

³⁵ I assume that the objection does not have in mind those atheists who never engage in religious practice – because we cannot speak of their religious practice being precariously grounded. It is probably true that most religious practitioners – and certainly the overwhelming majority of orthopractic ones – are theists. Thus I'm happy to grant that theism is psychologically a greater inducement to religious practice than are any of the atheistic grounds.

³⁶ Some theists might recommend a programme of indoctrination, but there are serious questions about the ethics of belief that arise here. For more on this, see my 'Against Commanding to Believe'.

atheism and the absence of religious practice, theism does not entail religious practice and atheism does not entail its abandonment. I showed how a theist could have reasons to depart from orthopraxy and how an atheist could have reasons to observe religious practices, either minimally or maximally. It does not follow from this that the answer to the question posed in the title of this paper – What’s God got to do with it? – is always ‘nothing’. For those theists who perform religious practices only because of their theism and those atheists who do not practice but would do so were they theists, God has everything to do with their practice or non-practice. For others, however, theism or its denial makes no difference to religious practice. This is true of the theist who does not practice and of the atheist who does. It is also true, however, of those theists who have both theistic and non-theistic reasons (of decisive weight) for religious practice. Their commitment to religious practice is over-determined. Although they happen to believe, it would make no difference, so far as their religious practice is concerned, if they did not.³⁷

³⁷ I am grateful to Jeremy Wanderer and David Goldenberg, who share my interest in this topic, for their helpful comments, as well as to an anonymous reviewer for *Ratio*.