

SUDEUROPA

Quadrimestrale di civiltà e cultura europea

Seconda serie – Anno di fondazione 1978 | ISSN 2532-0297 | n. 1 gennaio/aprile 2024

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**Centro di documentazione europea
Istituto Superiore Europeo di Studi Politici
Rete dei CDE della Commissione europea**

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SOMMARIO

- 7 EDITORIALE
D.M. CANANZI, *Le sfide giuridiche del potere tecnologico*
- 15 DIRITTI UMANI, OGGI
17 P. DE PERINI, *Un cambio di passo verso la definizione di una Convenzione internazionale sui Crimini contro l'Umanità?*
- 23 ECONOMIE, POLITICHE E SOCIETÀ
25 G. FONTANA, *Per una critica del "diritto del lavoro precario"*
- 47 LO SCACCHIERE DEL MEDITERRANEO NEL MEDIO ORIENTE
49 D.M. CANANZI, *Tre domande sull'Unione europea a Elena Grech*
- 55 DIRITTI, RELIGIONI E CULTURE
57 V. PACILLO, *Law and Religious Authority Between Prevention and Conflict Resolution in Chaim Potok's Novel "My Name is Asher Lev"*
- 81 NORMATIVA, GIURISPRUDENZA E PRASSI INTERNAZIONALE
83 A.I. GONZÁLEZ FERNÁNDEZ, *Desafíos de la automatización de la resolución de con-flictos por medio de los ODR*
- 101 CRITERI EDITORIALI E NORME REDAZIONALI

DIRITTI, RELIGIONI E CULTURE

a cura di
Cattedra di Law and Religion,
Università SAPIENZA

Vincenzo Pacillo propone un'analisi del fenomeno religioso nell'attuale realtà sociale utilizzando gli strumenti dell'analisi di *Law and Humanities*, in particolare muovendo dal romanzo *My Name is Asher Lev* di Chaim Potok. Come rileva Pacillo, la secolarizzazione finisce per incidere notevolmente sulla sfera religiosa in modi che la scienza giuridica non può non rilevare.

Vincenzo Pacillo è professore ordinario di Diritto e Religione presso l'Università di Modena e Reggio Emilia. Ha ricoperto incarichi di insegnamento e ricerca presso l'Università di Berna e la Facoltà di Teologia di Lugano in Svizzera, l'Università di Leicester e De Montfort University nel Regno Unito, e l'Università di Istanbul in Turchia. Dirige ORFECT, Centro di Ricerca sulla Libertà Religiosa nella Giurisprudenza della Corte Europea dei Diritti dell'Uomo.

Tra le sue ultime pubblicazioni: *Per sempre giovane. La laicità nel dibattito culturale francese: scrittori e politica ecclesiastica da Victor Hugo a Annie Ernaux*, Modena, 2024, e *Secularism in French Cultural Discourse: Timeless Laïcité* Cambridge, 2024.

Law and Religious Authority Between Prevention and Conflict Resolution in Chaim Potok's Novel "My Name is Asher Lev"

Vincenzo Pacillo*

1. Introduction. The contrast between individual and community in Chaim Potok's novels

Through his novels, Chaim Potok offers a profound and dramatic vision of the Jewish world: a vision that seems to become increasingly detailed and complex as the writer ideally distances himself from that world, as he "forgets" (or "pretends to forget") his belonging to assume an "other" perspective. This perspective highlights the constant contrast between orthodoxy and secularization that cuts through Jewish communities like a razor blade. It is a recurring theme in the New York novelist's work, where the contrast between tradition and the new challenges of modernity can be interpreted as a moment within a search for authenticity born of a conscious choice and an existential desire¹.

57

In Potok's works, the contrast between orthodoxy and secularization often accompanies the analysis of the tension between the individual and the community following short circuits that arise between the need to respect the precepts of Judaism and the transgressions deriving from the individual's will to follow a life project.

Characters thus try to balance the desire for personal fulfilment with the expectations and traditions of the group, generally seeking to avoid traumatic breaks. In reality, Judaism should not know a problematic tension between orthodoxy and practice: both are integral parts of a single normative structure that governs Jewish life, where theological beliefs and religious practices are inseparable and together constitute the core of the Jewish faith. This integration is what allows Judaism to maintain its identity and cohesion despite numerous historical challenges and transformations.

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¹ J. LANG, *The Three-Pronged Dialectic: Understanding Conflict in Potok's Early Fiction*, in C. POTOK, *Confronting Modernity Through the Lens of Tradition*, edited by Daniel Walden, Penn State University Press, 2013, pp. 20-29.

The Halakhah exemplifies this symbiosis as it contains norms guiding the ethical and social aspects of the faithful's lives: observance of Jewish law is not only a religious obligation but also a means to sanctify daily life and maintain a constant relationship with God². However, in Potok's novels, the tension between orthodoxy and secularization emerges as an inevitable conflict reflecting the challenges individuals face in balancing their religious identity with modern influences. Characters like Asher Lev and Danny Saunders embody this struggle, seeking to find a balance between respecting traditions and asserting their individuality. This conflict can be seen as a reflection of Judaism's ongoing evolution, which, while remaining rooted in its origins, must adapt and respond to contemporary realities³.

The contrast between individual and community becomes, at least in part, a contrast between orthodoxy and secularization; a contrast represented by an intersubjective dialectical tension that the subjects of the narrative must face and resolve. In this context, Potok uses language as a tool to create new understanding and meanings: every word and description in the text contributes to revealing the true essence of these internal tensions, inviting readers to perceive and understand Jewish reality in new and profound ways.

If the contrast between orthodoxy and secularization in Potok assumes the form of an intersubjective tension, how can we interpret the dramatic - relational (God-human but also human-reality) and at the same time vocational - action in a legal perspective with which Potok repeatedly returns to the theme of conflict between religious tradition and secular modernity, particularly evident in his novels featuring Asher Lev? What role do the legal dimension and institutional authority play in managing and resolving this objective and subjective tension? It is evident that we cannot be content with reading Potok's text seeking a "representation" or "description" of the religious and secular relationships of the time: it is not in the intentions of a novelist like Potok to describe the type of rebellious youth, produce an anatomy of family and community conflicts, or perhaps found a sociology of American Judaism in the first half of the twentieth century.

² L. BAECK. *The Essence of Judaism*, New York, 1948, p. 12 ff.; A. FEINSILVER, *Aspects of Jewish Belief*, New York, 1973, p. 6; M.N. KERTZER, *What is a Jew?*, New York, 1965, p. 28.

³ D. WALDEN, *Introduction*, in C. POTOK, *Confronting Modernity Through the Lens of Tradition*, cit., p. XI.

And this, if only because that contrast in which reality is lost also applies to the way Potok critically presses on the issues related to the relationship between faith and modernity⁴.

Certainly, this does not imply that Potok does not centralize the analysis of social, religious, and cultural relationships within the Jewish community, the torments of the transition to secular modernity for all categories of the Jewish people, and the inevitable but progressive transformations from traditional to modern society: one writes only within the context of determined (literary, social, religious, cultural, etc.) conditions predetermined by the author

However, if a certain representation of the contrast between orthodoxy and secularization in a specific historical and social context conditions the course of the text and its readability, the writing will develop by subverting precisely that reality according to a strategy that we will try to illustrate in the following pages, focusing on the Bildungsroman “My Name is Asher Lev” published in 1972 by Knopf.

2. (Existential) genesis and (legal) development of the conflict between individual and community in the novel “My Name is Asher Lev”

59

In the novel “My Name is Asher Lev,” Chaim Potok explores the conflict between individual and community through the personal story of a painter with extraordinary talent who manages to stay true to his artistic vocation despite strong opposition from his father and members of the Hasidic community to which his family belongs.

Asher Lev is born in Brooklyn within a family of Hasidic Jews connected to the Ladover Hasidim, a group spiritually guided by a Rebbe whose authority is unquestioned: the family environment in which Asher grows up is obviously not incidental in the construction of the drama at the heart of the novel.

As known, the supporting structures of Hasidism are characterized by a combination of charismatic leadership, legitimate practical inno-

⁴ D. WALDEN, *Daedalus Redeemed: Asher Lev's Journey from Rebellion to Rapprochement*, in C. POTOK, *Confronting Modernity Through the Lens of Tradition*, cit., p. 57 ff.

vations, and a strong sense of community⁵. The *Tzadik* (the righteous without sin, the saint) offers spiritual guidance and moral leadership: his presence and teachings attract followers and strengthen community cohesion through an interpretative action of the law according to the principle of *devekut* (to which we will return), a hermeneutic tool capable of adapting the rigidity of the rule to the need for human beings to elevate towards God without ever losing the joy that comes from obedience and connection with the community. The *Tzadik* - in this novel represented by the figure of the Rebbe - is therefore certainly an authority but also a man inhabited by God who serves as a bridge between the Most High and

⁵ The Hasidic movement, founded in the 18th century by the Baal Shem Tov (Besht), introduced significant changes to the landscape of Jewish mysticism, developing its own distinct spiritual and theological identity, setting it apart from preceding currents. This movement transformed key ideas from Lurianic Kabbalah and Sabbateanism, adapting them into a more accessible and practical vision for the masses.

Gershom Scholem, one of the foremost scholars of Jewish mysticism, describes Hasidism as the final phase of Jewish mysticism, directly stemming from Lurianic Kabbalah and Sabbateanism. According to Scholem, Hasidism neutralized the messianic element present in these earlier movements, shifting the focus from the concept of *tikkun* (world repair) to *devekut* (communion with God). He argued that Hasidism transformed the active messianism of Lurianic Kabbalah into a form of personal and inner mysticism.

60

We owe to Immanuel Etkes the insight that Hasidism introduced original and significant theological contributions. A fundamental example is the concept of the *Tzadik* (righteous one), who assumes a central role in Hasidism as a spiritual guide and intermediary between God and humanity. This figure not only holds religious authority but also possesses personal charisma and miraculous abilities, making them a unique form of communal leader. Another original contribution is the emphasis on joy and devotion in divine service. In contrast to the strict legal observance and intellectual study predominant in rabbinic Judaism, Hasidism values enthusiasm, fervent prayer, and direct spiritual experience. This innovation rendered mysticism accessible to a broader segment of the Jewish population, fostering a more emotional and immediate religious experience. Hasidism also criticized certain aspects of rabbinic tradition, particularly the *pilpul* method (casuistic Talmudic analysis), which it regarded as dry and disconnected from true spiritual experience. This critique helped define Hasidic identity in opposition to the academic formalism of traditional rabbis, favoring a more intuitive and mystical approach to religion. Unlike Lurianic Kabbalah, which reserved *devekut* for a spiritual elite, Hasidism promoted the idea that every Jew could attain communion with God through daily acts and sincere devotion. This democratization of spirituality represents one of Hasidism's most significant innovations, making mysticism an integral part of everyday Jewish life. See I. ETKES, *The Study of Hasidism: Past Trends and New Directions*, in A. RAPOPORT-ALBERT, *Hasidism Reappraised*, London, 1997, pp. 447-464. On this topic, in Italian, see G. ANELLO, *L'uomo abitato da Dio. Chassidismo e giustizia*, Genova, 2020, pp. 49 ss.

the earthly dimension without ever exacerbating the dramatic moment of the break between the individual and the law but always trying to mend the tear before it becomes irreversible. The community in turn not only supports the Tzadik with devotion and reverence but also commits to observing the law while facing reality, recognizing in it the continuous presence of God and at the same time emphasizing the relationship between obedience and the happiness of the existential dimension.

The relationship between religious practice and social life that characterizes the Hasidic community creates a connective fabric of support and belonging: this element has allowed Hasidism to spread effectively among the masses and maintain a lasting presence in Jewish communities around the world⁶. From a young age, Asher demonstrates an exceptional talent for drawing and painting, a gift that arouses the suspicion and concern of his father Aryeh, a devout worker serving the Rebbe on international missions for the community.

This artistic talent clashes with the expectations of the world in which young Lev grows up: it generates a contrast between Asher's need to express himself freely and the rigid religious norms that guide the community, which - as we will see later - admit the legitimacy of pictorial art only within certain limits and under certain conditions. This contrast is not only a relational conflict between individual and community but also a short circuit between the orthodoxy that permeates the life of the Ladover community and the secularization of some of the community's reference norms: secularization that Asher and later his artistic master will consider necessary for the young Lev to fully realize his pictorial talent.

Asher's mother, Rivkeh, suffers a deep trauma with the death of her brother, entering a severe depression: Asher channels the anguish of his relationship with his sick mother through art, expressing his inner torment and developing a complex relationship with the world around him. This period of suffering brings him closer to drawing, which has become an existential necessity; moreover, he finds comfort in his relationship with Yudel Krinsky, a Russian Jew saved from Siberia by the Rebbe, who fuels his curiosity and creativity. The conflict between the demands of his artistic vocation and the community's expectations intensifies when the family considers moving to Vienna. Asher resists this idea vehemently, expressing his inner drama through compulsive drawings, culminating in a controversial act: drawing a face on his Bible.

⁶ S. STAMPFER, *How and Why Did Hasidism Spread*, in "Jewish History", 2013, vol. 27, n. 2/4, pp. 201-219.

This act scandalizes the community and heightens his sense of alienation. His mother, understanding his need to stay and dedicate himself to art, decides to remain in New York with Asher while his father moves alone to Vienna. During this period, Asher explores Christian art in New York museums, an experience that disturbs but deeply enriches him: his mother tries to balance his artistic growth with school and family demands, purchasing the necessary materials for him to paint. As he prepares for his bar mitzvah, Asher meets the Rebbe *yechidus* (alone): the latter has summoned the meeting after hearing Aryeh's concerns and various community voices scandalized by Asher's drawings. The Rebbe encourages the young artist to cultivate his talent and blesses him:

"A life should be lived for the sake of heaven [the Rebbe tells him]. One man is not better than another because he is a doctor while the other is a shoemaker. One man is not better than another because he is a lawyer while the other is a painter. A life is measured by how it is lived for the sake of heaven. Do you understand me, Asher Lev?"

"Yes, Rebbe."

"But there are those who do not understand this." (p. 192).

62

The first meeting between young Lev and the Rebbe is therefore a vocational encounter in which the community leader emphasizes that the value of life is not measured by the profession one practices but by the way one looks up to God. Every person can serve God (live "for the sake of heaven") within any existential vocation as long as they do so with sincerity, dedication, and integrity: a person's dignity does not depend on the work they do, the talents they cultivate, or the works they create, but on the love, devotion, and intention with which they relate to God in their professional and creative activities.

The Rebbe recognizes that this principle is not universally accepted within the community because there are people who cannot understand or accept that a life dedicated to art can be as valid as a life dedicated to a more traditional profession: this is a direct reference to Asher's family, particularly his father, who struggles to see painting as a respectable and sacred vocation.

Here, the authority acknowledges the existence of a conflict and also offers the tool to manage and suppress it by explicitly referring to the biblical commandment to honor parents: the tension between Asher's obligation to respect and honor his father and his need to follow his artistic vocation appears to the Rebbe as ultimately manageable, and that is why he offers his blessing to Asher, implicitly recognizing the legit-

imity of his artistic vocation and suggesting that Asher can follow his talent without losing his faith or Jewish identity as long as he has a pious heart and respects the authoritatively imposed limit.

The Rebbe seemingly offers Asher the possibility of reconciling the conflict with his father and the community through a broader and more compassionate vision of life and existential vocation, encouraging the young artist to cultivate art without neglecting his family and religious duties.

It is indeed a matter of imposed limits: to the rigid interpretation of Jewish law on pictorial art, the Rebbe prefers to offer young Lev a complex alternative based on the harmonious fusion of the possibility of pursuing his interest in art with the purity of heart in seeking God's presence in the world and the non-negotiable obligation to respect parental sensitivity. He thus entrusts him to Jacob Kahn, a renowned artist: this decision marks a turning point for Asher, allowing him to fully know and develop his talent thanks to the advice of a Master.

Under Kahn's guidance, Asher studies fundamental works of art and faces his first artistic challenges: he begins painting nudes, in blatant contrast with the dominant interpretation of Jewish law, as Kahn urges him never to betray his artistic integrity, teaching him that an artist's true responsibility is to himself and the truth. Meanwhile, the Rebbe continues to follow him from afar, blessing his artistic vocation. Asher faces his deepest inner conflict when he doubts whether his art is a divine gift or a dark temptation: here, Jacob Kahn guides him to recognize beauty and truth in art, pushing him to pursue the ideal that art should not be judged or appreciated for its usefulness to the community or its adherence to religious values but for its beauty, creativity, and ability to evoke emotions and thoughts independently of external considerations⁷.

Over time, Rivkeh also moves to Vienna to reunite with Aryeh, while Asher decides to stay in New York, finding support in his uncle Yitzchok: thus, the distance between young Lev and his parents grows, unable to understand his need to express himself through an art that contradicts their religious beliefs. However, the Rebbe continues to offer him his blessing, wishing him greatness both in the art world and in his community.

After intense months of study, Asher also moves to Europe: but not to reunite with his parents. He decides to undertake a complete artistic training, immersing himself in the study of the great masters and finding inner resolution in recognizing that his artistic talent is a means to

⁷ D. WALDEN, *Daedalus Redeemed: Asher Lev's Journey from Rebellion to Rapprochement*, in C. POTOK, *Confronting Modernity Through the Lens of Tradition*, cit., p. 61.

transform human pain into beauty, a bridge between the inner and outer world. This period is characterized by intense study and reinterpretation of the works of the great masters, deeply influencing him both technically and emotionally.

In particular, before Michelangelo's "Pietà," Asher intensely perceives the pain and anguish sculpted in the stone, relating them to the torment experienced by his mother, divided between love for him and his father. The confrontation with Michelangelo's work, so imbued with suffering and beauty, leads Asher to reflect on maternal sacrifice and the role of art as a means to express the deepest and most complex emotions.

The "Pietà" crosses him like a cry, making him relive the pain of his mother, always on the edge between two worlds of meaning, supporting both him and his father with her love and sacrifice. Asher understands that his artistic gift, nourished by maternal love and sacrifice, cannot be seen as evil but as a means to express and transcend human pain.

This period of growth and artistic maturation culminates in a fusion of his personal memories with the wrenching pain of the sacrificed Christ represented by the Pietà and the Crucifixions of the Christian tradition.

64

Despite these images being censored by Jewish culture, Asher cannot help but feel their powerful emotional impact: as he draws and studies the sculptures, he reflects on his mother's torment, who for years lived in anguish, torn between love for her son and her husband.

On the day of the inauguration of Asher's first major exhibition in New York, the Lev family agrees to attend the event. They move through the rooms with fear, anticipating the tragedy that unfolds in the last room where two extraordinary works by the young artist are prominently displayed: these are two large crucifixion paintings in which the mother is depicted at the center of the work, Asher with a brush like a spear, and the father with a briefcase at the foot of the cross.

The mother's face is divided in two: one look towards her loved ones, the other towards the sky. Asher ideally dedicates the painting to God, Master of the Universe, showing the love of those who sacrifice themselves for others: but neither the Lev family nor the community can accept such impiety, the result of a manifest and undeniable transgression of Jewish law. His parents, humiliated and pursued by journalists, leave the exhibition.

That day marks Asher's consecration as a great artist but also the break with his world. During the following Sabbath in the synagogue, the community turns its back on him, and immediately the last *yechidus*

meeting between Asher and the Rebbe takes place. Asher had invoked his help shortly before the vernissage, anguished by the predictable consequences that the crucifixion paintings would have on his life. This time, however, not even the saint, not even the man inhabited by God, not even the *devekut* he places at the hermeneutic level can help.

“Asher Lev, you have crossed a boundary. I cannot help you. You are alone now. I give you my blessing.” (p. 367)

The conflict can no longer be resolved because the limit imposed by the Rebbe earlier has been irreversibly violated.

3. Art and law between (presumed) rigidity of the rule and (apparent) flexibility of interpretation

The novel highlights various profound conflicts, both personal and cultural, that Asher Lev is called to face throughout his life. First and foremost, an existential and artistic inner conflict emerges: Asher is tormented by the doubt whether his talent for art is a divine gift or a snare of the realm of darkness.

This dilemma leads him to a deep reflection on the morality of his talent and the legitimacy of creating art without full awareness of its meaning and impact on the viewer. In parallel, a familial conflict develops, manifesting through the complicated relationship with his father Aryeh Lev, a devoted servant of the Rebbe and guardian of religious traditions: Aryeh views his son’s artistic talent with suspicion, seeing it in contrast with their faith’s values. “Aryeh Lev would sacrifice his son’s art and bind him to God’s service.

However, the paternal willingness to metaphorically play the Abrahamic role was not matched by Asher’s filial assumption of the Isaac role.”⁸

His mother Rivkeh, while understanding Asher’s need to express himself through art, is marked by the trauma of her brother’s death and tries to balance support for her son with the rigid religious and family expectations. However, the conflict that most prominently presents itself to the jurist’s reading is the cultural and religious one.

The Hasidic community to which the Lev family belongs is a society with rigorous rules and a deep reluctance towards certain forms of artistic expression, especially those including nudes or Christian themes: this culture, imbued with a profound sense of devotion and conformity, sees

⁸ D. WALDEN, *Daedalus Redeemed: Asher Lev’s Journey from Rebellion to Rapprochement*, in C. POTOK, *Confronting Modernity Through the Lens of Tradition*, cit., p. 64.

art not only as a suspicious activity but also potentially blasphemous, capable of deviating members from the path of spiritual righteousness⁹.

Asher, endowed with an innate and irresistible talent for drawing and painting, finds himself in constant contrast with the norms and expectations of his community: his attraction to art, and especially to Christian art, places him in a delicate and controversial position, as the Ladover Hasidic tradition, with its deep roots in a rigorous interpretation of Jewish law, does not easily comprehend or accept artistic expression that deviates from religious canons and that might even abstractly and potentially violate the commandment of Exodus 20:4-5. The young artist is thus forced to navigate between two worlds: that of his artistic vocation and that of his Jewish faith¹⁰.

3.1. The (apparent) rigidity of the rule...

Exodus, one of the five books of the Torah, contains some of the fundamental precepts of Judaism: among these, those stated in chapter 20, verses 4-5 are particularly significant for Asher's story because they prohibit the creation of carved images and visual representations of anything that exists in the heavens above, on the earth below, or in the waters under the earth.

This commandment not only reinforces the concept of a unique and invisible God but also serves to preserve the purity of monotheistic worship: in a historical context where surrounding nations worshipped multiple deities represented by idols, Israel had to distinguish itself as the people who worshipped a single, transcendent, and infinite God. This prohibition has profound implications for Asher Lev, whose art and talent drive him to create images that can be seen as a direct violation of this fundamental commandment. Exodus 20:4 states in the Hebrew text: “תַּחַתְּמָם מִיִּמָּב הַשָּׁמַיִם וְתַחַתְּמָם עַרְצָב הַשָּׁמַיִם לַעֲמֹמֵם מִיִּמְשֵׁב הַשָּׁמַיִם הַנּוֹמֶת־לָכֶוּ לְסֶפֶד־הַיָּהֳשָׁעֵת אֶל־תַּחַתְּמָם עַרְצָלִים,” which translates as: “You shall not make for yourself a carved image or any likeness of anything that is in heaven above or that is on the earth beneath or that is in the waters under the earth.” Over the centuries, jurists have debated whether the prohibition applied to all forms of graphic or visual art or whether it was specifically limited to images used for idolatrous worship. The Mishnah (Avodah Zarah 3:1) discusses the

⁹ D. WALDEN, *Potok's Asher Lev: Orthodoxy and Art: The Core-to-Core Paradox*, in “Studies in American Jewish Literature”, 2010, n. 29, pp. 148-153.

¹⁰ N.P. DEVIR, *Chaim Potok's Reforming of a Traditional Judaic Narrative in The Gift of Asher Lev*, in “Studies in American Jewish Literature”, 2012, n. 31(2), pp. 166-180.

issue of images and idols, clearly prohibiting the creation of images for idolatrous worship: however, the tractate does not explicitly forbid the creation of images for decorative or educational purposes.

This interpretation is evident in the Talmud, where rabbis discuss the practical implications of the second commandment: the Babylonian Talmud (Avodah Zarah 43b) explicitly states that the creation of images is forbidden only if they are intended for idolatrous worship¹¹. In light of these considerations, the Jewish tradition has allowed various forms of graphic art as long as they are not used for idolatrous purposes. For example, Jewish calligraphic art has a long history of decorating sacred texts such as the Torah and religious manuscripts with intricate decorations and non-figurative illustrations. Moreover, examples of figurative art exist in historical Jewish contexts, such as the mosaics of the ancient synagogues of Beit Alpha and Dura-Europos, which depict biblical scenes and Jewish symbols. These were considered perfectly legitimate because they served educational and cultural, not cultic, purposes¹².

In the context of painting, according to a “progressive” interpretation, Halakhah does not prohibit Jews from painting as long as the painting does not depict idolatrous images: art can be a means to express the beauty of the world created by God, to educate, and to decorate. Indeed, Jewish artists like Marc Chagall have created works of art deeply influenced by their Jewish heritage and culture without violating religious precepts, integrating elements of Jewish tradition with a modern artistic language and demonstrating how art can be a powerful means of cultural and spiritual expression without transgressing religious laws¹³. Another significant example of how Jewish art has navigated between prohibitions and creative expression is provided by the ban on making statues intended for worship, emphasizing that even if the person who creates them does not worship them, the mere fabrication is forbidden to avoid the risk of idolatry. This viewpoint, shared by Maimonides, is counterbalanced by Rabbi Sforno’s opinion, which limits the prohibition to the creation of idols with the intention of worshipping them¹⁴. Maimonides,

¹¹ M. HALBERTAL, & A. MARGALIT, *Idolatry*, Cambridge, 1992, pp. 37-66.

¹² L.I. LEVINE, *Jewish collective memory in late antiquity. Issues in the interpretation of Jewish art.*, in G. GARDNER, K.L. OSTERLOH, *Antiquity in Antiquity*, Tübingen, 2008, p. 232 ff.

¹³ A. KAMPE, *Chagall to Kitaj: Jewish experience in twentieth-century art*, London, 1990, p. 35 ff.

¹⁴ M. RAPHAEL, *Judaism and Visual Art*, in Oxford Research Encyclopedia of Religion, 5 Apr. 2016, <https://oxfordre.com/religion/view/10.1093/acrefore/9780199340378.001.0001/acrefore-9780199340378-e-98>.

in his “Mishneh Torah,” asserts that the commandment prohibits not only the creation of idols for worship but also any representation that could be used for idolatrous purposes, emphasizing the importance of maintaining a conception of God that is absolutely transcendent and not limited by material forms¹⁵.

Rabbi Samson Raphael Hirsch in the 19th century recognized that figurative representations are not inherently negative but emphasized that art must serve as a means to elevate the soul and reflect the beauty of divine creation rather than as an end in itself¹⁶.

Kalman Bland¹⁷ argues that the aniconic vision of Judaism has been amplified and distorted by flawed interpretations of Exodus 20:4-5, which have overlooked the nuances and historical reality of Jewish artistic practices: the Second Commandment specifically prohibits the creation of carved images to which divine power is attributed, not all forms of artistic representation. Bland uses rabbinic texts to argue that the interpretation of this prohibition has historically been more complex than commonly thought, contradicting Margaret Olin’s thesis that “Jewish art” is largely a myth¹⁸. Bland instead proposes a completely opposite theory: Jewish art has been alive and developed since the beginning of Judah’s history, but it has been largely ignored or underestimated by mainstream criticism and historiography.

Jewish art has primarily developed through non-figurative means such as calligraphy, manuscript decoration, and geometric and floral motifs: moreover, Jewish artists have used calligraphy to decorate sacred texts such as the Torah, the Megillah, and other religious manuscripts, often with intricate decorations and abstract designs. Geometric and floral motifs have also been used in a variety of contexts, from synagogue decoration and ritual objects to the creation of decorative and craft art: these designs not only embellish objects but often contain profound symbolic meanings. This development has not led Judaism towards aniconism but has evidently raised a key issue highlighted by Mettinger: Israelite aniconism is not simply an aversion to figurative imagery but rather a “strategy of substitution” in which some images of the deity are

¹⁵ K. SEESKIN, *No Other Gods: The Modern Struggle Against Idolatry*, West Orange, 1995, p. 17 ff.

¹⁶ L. BATNITZKY, *Idolatry and Representation: The Philosophy of Franz Rosenzweig Reconsidered*, Princeton, 2000, p. 125 ff.

¹⁷ K. BLAND, *The Artless Jew: Medieval and Modern Affirmations and Denials of the Visual*, Princeton, 2000.

¹⁸ M. OLIN, *The Nation without Art: Examining Modern Discourses on Jewish Art*, Lincoln, 2001.

forbidden and/or destroyed in favor of other iconographies¹⁹. Mettinger distinguishes between acceptable and unacceptable representations: a theory based on the distinction between iconic signs (which resemble their referent), indexical signs (which indicate their referent through causal associations), and conventional signs (which signify through a cultural code), clarifying that the only representations prohibited in Israelite religion are iconic signs, i.e., images that seek to resemble the deity in a naturalistic way because it was feared that an iconic sign could be seen as a manifestation of *Yahweh*'s presence, not just as a representation of it, and at the same time, such a sign could lead to a mistaken conception of God by offering an incorrect or inappropriate image of the deity.

Conversely, indexical and conventional signs are permitted²⁰. These considerations connect to the exegesis of Rabbi Joseph Caro in the *Shulchan Aruch*. Caro adheres to the principle of *hiddur mitzvah*, according to which Jews should aesthetically enhance the performance of a mitzvah by using beautiful ritual objects. However, in Chapter 141, "Laws on Images and Forms," Caro reflects the aesthetics of incompleteness present in the interpretations of the 12th-century Rabbi Ephraim of Regensburg.

Ephraim allowed two-dimensional paintings of human figures as long as they did not depict human faces and respected the aesthetics of distortion by using elements such as bird heads or empty faces. Caro asserts that representations of divine, natural, and mythical entities can be made only if the images are incomplete²¹. Images of faces, where God's image is manifested, must be partial, disfigured, or broken to be acceptable, avoiding any form that could lead to idolatry or distract from devotion to God: and it is evident that from this interpretative rigidity arise Aryeh's perplexities, the community's (when they feel "provoked" by Asher's drawing), and young Lev's own questioning of whether the gift he has received is intrinsically "good" or ontologically "perverse." In the context of Hasidic culture, where belonging to the community is demonstrated by living - with strong emotional participation - adherence to Jewish laws and traditions and emphasizing the importance of modesty and spiritual purity, Asher's interest in artistic nudes and Christian artistic themes generates concern and scandal among the community members.

19 T.N.D. METTINGER, *No Graven Image? Israelite Aniconism in its Ancient Eastern Context*, Stockholm, 1995, p. 18 ff.

20 T.N.D. METTINGER, *No Graven Image? Israelite Aniconism in its Ancient Eastern Context*, p. 20 ff.

21 M. RAPHAEL, *The creation of beauty by its destruction: the idoloclastic aesthetic in modern and contemporary Jewish art*, in "Approaching Religion", 2016, n. 6(2), p. 15 ff.

The tension between Asher's need to express himself freely through art and the rigid interpretation of the legal norm accepted by his community creates a profound inner conflict in the artist. On the one hand, young Lev feels an irresistible urge to create, to use his gift to explore and represent the world through drawing and painting. On the other hand, he is aware of the restrictions imposed by his faith and the disapproval his artistic choices provoke among his family and community members.

The confrontation with Christian art adds another layer of complexity to his conflict. Christian artworks, with their powerful and often dramatic representations of suffering and redemption, strike deep chords in Asher's soul. Although these images are censored and often condemned by observant Jewish culture, Asher cannot help but feel their powerful emotional impact: this leads him to question the very nature of his talent and the role of art in his life and Jewish identity.

3.2. ... and the (apparent) flexibility of interpretation

The cultural and religious conflict is further complicated by Asher's relationship with his mentor Jacob Kahn and the Rebbe.

70

Kahn, although a renowned artist, openly challenges religious norms and encourages Asher to do the same, to follow his artistic truth without compromise; the Rebbe represents the community's spiritual and moral authority, and his decision to support Asher despite potential contradictions with religious laws represents an act of great wisdom and openness, deriving from the recognition of Asher's talent as a unique gift that cannot be ignored or repressed without causing great harm to the young artist's soul.

The Rebbe evidently faces the problem of interpreting the religious norm in Asher's case, balancing the rule's rigidity with the peculiarities of the young painter's spiritual path: he decides to stand before Asher's singular and unique reality by interpreting the religious law with *Devekut* and *Bitul ha-Yesh*. These Hasidic concepts of communion with God and negation of the existent influence the way the Rebbe views Asher's artistic talent: personal devotion (*Devekut*) and the ability to see beyond appearances (*Bitul ha-Yesh*) allow the Rebbe to recognize the spiritual potential in Asher's art, seeing it as a means to draw closer to God. Regarding *Devekut* (תוקבד), meaning "attachment" or "clinging," it is one of Hasidism's fundamental concepts. It implies a constant and deep communion with God, where the individual seeks to maintain uninterrupted awareness of the divine presence: in other words, it is not simply a state

of prayer or meditation but a way of daily living, as every action, from the most mundane to the most sacred, is seen as an opportunity to connect with God and infuse daily life with spirituality.

The founder of Hasidism, Baal Shem Tov, emphasized that Devekut requires total devotion and constant awareness of the divine presence, transforming every moment of life into an opportunity for connection with God, emphasizing human sympathy, and translating into a more compassionate and understanding approach to the application of religious norms. One in a state of Devekut perceives the divine image in every person, promoting interpretations that respect the dignity and value of each individual and balance between different states of consciousness and awareness, seeking to maintain fidelity to the faith's fundamental principles without falling into rigid and exclusive interpretations.

The Rebbe recognizes the importance of the law but also the need to adapt it to specific individuals' circumstances, encouraging a non-dualistic view of reality where the divine permeates every aspect of existence: religious norms are thus seen as tools to bring people closer to God and each other, rather than to exclude or separate. Devekut seems to inspire the Rebbe with creativity in applying religious law to artistic reproduction of images: this creativity manifests in adapting existing norms to contemporary contexts and new challenges, keeping the tradition alive while also responding to current needs.

In other words, religious norms are not seen as static and immutable but as alive and evolving, capable of responding to social and cultural transformations. As for *Bitul ha-Yesh* (שיה לויטיב), translated as “annulment of existence,” it is another key concept of Hasidism, implying the recognition that the individual self, with its desires and ambitions, must be overcome to allow the divine reality to emerge.

The process of *Bitul ha-Yesh* involves the negation of self-importance and pride, fostering humility and submission to the divine will. “*Bitul ha-Yesh*” means total self-negation: the ego, in all its forms, must be annulled as it has no place in the awareness of divine omnipresence. Certainly, those within the community who hold leadership positions enjoy prestige and dignity that must be preserved: but this must always happen in the context of service to God, as it is written: “His heart was exalted in the ways of the Lord” (II Chronicles 17:6). It is not a prestige aimed at self-glorification but at respecting God's will. The Rebbe seems to use the concept of *Bitul ha-Yesh* to overcome a strict and literal approach to religious law that might be influenced by egoism or personal

attachment to norms: by annulling his ego and personal inclinations, the Rebbe avoids falling into the trap of interpreting the law in a rigidly literal or egoistic way²². In reality, as we will argue later, if it is true that *Bitul ha-Yesh* allows the Rebbe to see beyond the superficial appearances of Asher's artistic talent, recognizing its spiritual potential and the way art can be a means to draw closer to God, it is equally true that authority exercises its power within the context of a moral freedom always conditioned by the rigid respect for an imposed normativity and not dialogically constructed, aimed at limiting artistic expression: the problem is not hermeneutic rigor but the openness to Asher's freedom, which is never dialogic but always authoritatively determined²³. For this reason, the Rebbe cannot avoid tragedy²⁴.

The union of *Deveikut* and *Bitul ha-Yesh* fails to avert an act of perceived impiety that the young artist commits not to transgress the law but to fully realize his creative dimension: at the same time, Asher's pure heart is not enough to save the situation because the act is perceived as impious beyond any tolerable threshold, rendering any benign interpretation of the rule useless due to the ontological and structural impossibility of the latter to adapt to the concrete case while preserving the relationship between individual and community. We face a beyond that makes the mediating intervention of the man inhabited by God fail.

4. Re-reading the failure of conflict resolution from the perspective of ethical constructivism

The failure of the conflict resolution strategy devised by the Rebbe is due to several concomitant causes: we can call into question Asher's

²² A.L. GLAZER, *Touching God: Vertigo, Exactitude, and Degrees of Deveikut in the Contemporary Nondual Jewish Mysticism of R. Yitzhaq Maier Morgenstern*, in "The Journal of Jewish Thought and Philosophy", 2011, n. 2, spec. p. 185 ff.

²³ J. BAUMGARTEN, *Vilna, entre ultraorthodoxie et modernité (XVIIIe-XIXe siècle)*, in "Revue germanique internationale", 2010, n. 11, p. 70 ff, (<http://rgi.revues.org/297>; DOI: 10.4000/rgi.297).

²⁴ Pinsker emphasizes how the Rebbe recognizes Asher's talent but fears its potentially destructive nature. The Rebbe's guidance is thus ambivalent: on one hand, he encourages Asher to develop his talent, while on the other, he warns him of the dangers of deviating from Jewish traditions. This dual message creates additional tension for Asher, who must navigate between his desire for artistic expression and his need to remain faithful to his religious roots. S. PINSKER, *The Crucifixion of Chaim Potok/The Excommunication of Asher Lev: Art and the Hasidic World*, in "Studies in American Jewish Literature", 1985, n. 4, pp. 39-51, (<http://www.jstor.org/stable/41205617>).

stubbornness in insisting on representations that scandalize his parents or the community but also Aryeh's and the entire community's rigidity in the face of an artistic expression deriving from the desire to use a classic theme of Western art to represent a completely different reality.

To imagine a different way of facing the severe contrast between Asher and the rules of Hasidism, it may be useful to use the perspective of ethical constructivism: a perspective that can reveal rich insights, as this theory argues that normative and moral truths do not exist independently of our reasoning capacity but emerge as the result of a rational deliberation process.

In other words, moral truths are created through the correct use of reason rather than being discovered as independent facts. Constructivism is a method of rational justification that explains the objectivity and normativity of reasons as properties that emerge from 'construction' activities. This means that the reasons we consider something right or wrong, true or false, cannot be justified merely authoritatively but are the result of a logical and discursive process in which various agents actively participate.

During this construction activity, the agents involved use certain methods and starting materials to arrive at conclusions that have normative value: in other words, it is through interaction, negotiation, and the application of shared rules that the norms guiding our behavior and thinking are formed. Now, Potok's novel clearly stands on a meta-normative plane, offering a profound reflection on border conflicts that simultaneously represent personal crises and crises of normative objectivity.

This perspective can open new avenues of understanding ethical constructivism and the meaning of norms in community formation. If we try to apply ethical constructivism to Asher Lev's story, it is easy to notice how, in this case, the construction agents include God as the supreme legislator, rabbis and jurists as interpreters of religious laws, and the Rebbe, the spiritual guide of the community, tasked with applying the interpretation within the social fabric to prevent and resolve conflicts.

The construction method is that of authoritative compromise: the Rebbe balances Asher's artistic vocation with the community's and family's expectations, seeking to ensure that the young artist continues to cultivate his talents - allowing the community recognition of Lev's art and enabling him to perfect his exploration of personal identity through artistic expression - through a non-dialogical ethical construction based on the obligatory respect of certain norms.

The fact that the construction is non-dialogical and expressed authoritatively seems entirely consistent with the peculiarities of Jewish law, which bases its normativity on the given of revealed divine law, within a community like the Hasidim, which sees the norm as a tool aimed at achieving holiness. However, some considerations are necessary on this point. First of all, ethical constructivism does not deny the importance of traditions and religious norms but proposes that these be justified through a reasoning process that can be understood and accepted by community members.

This means that even within a context strongly oriented towards the primacy of divine law like the Hasidic one, there can be room for rational dialogue that takes individual needs into account without compromising the integrity of religious norms. Moreover, ethical constructivism emphasizes mutual recognition and respect for different perspectives. This involves a decisive test of authority's adherence to rationality principles, as it assumes that legitimate power exercise cannot exist where a reasoning verification of the proposed conflict resolution is absent.

74

If this verification is missing, the conflict is not resolved authoritatively according to reason principles but authoritatively according to an imposed truth. As Carla Bagnoli emphasizes²⁵, ethical constructivism seeks to provide an objective basis for moral obligations by rooting them in human rationality rather than cultural conventions or intuitions. Moral objectivity is seen as a practical task involving rational deliberation and achieving consensus among rational agents obtained through the respect of formal reasoning rules, such as the Kantian universality principle, which requires that reasons be acceptable to all rational agents.

The social peculiarities of communities like the Hasidim, governed by authoritatively interpreted religious norms, are central to understanding how moral reasons are inescapable. Ethical constructivism recognizes that moral and rational standards can vary depending on historical and social circumstances: however, Bagnoli argues that despite this contingency, there is a common core of moral principles that can be universally recognized through rational deliberation. This means that even in highly normative contexts like the Hasidim, where religious norms are authoritatively interpreted, it is possible to identify shared moral principles. These principles emerge from agents' ability to reason and deliberate morally, regardless of specific traditions or local interpretations.

²⁵ C. BAGNOLI, *Ethical Constructivism*, Cambridge, 2022; ID., *Practical Knowledge, Equal Standing, and Proper Reliance on Others*, in "Theoria", 2020, n. 6, p. 821 ff.

Ethical constructivism thus emphasizes the importance of social practices of rational deliberation as a means to construct and justify normative truths: practical reason requires social interaction and mutual recognition, structured through dialogue, critical confrontation, and shared decision-making processes that help build consensus on shared moral principles. In ethical constructivism, mutual recognition and equal standing are fundamental to the rational deliberation process: agents must be treated with equal respect and consideration, and their reasons must be listened to and evaluated fairly.

This mutual recognition is essential to build legitimate and justified moral authority, as moral authority in ethical constructivism is not imposed unilaterally but is constructed through a rational deliberation process involving all agents as equal participants. This implies that authority must be justified through reasons that can be understood and accepted by all: for Bagnoli, the authority of moral obligations is intrinsic to rationality, meaning that norms do not depend on external or contingent factors but are constitutive of rational agency itself.

In other words, moral authority does not derive from adherence to external norms but from the very structure of practical rationality: this Kantian conception of authority avoids arbitrariness because moral norms are justified through a reasoning process that is accessible and binding for all rational agents. Now, if we apply the constructivist model to Asher Lev's case, it is evident that the failure is not explained by the inability of the compromise found by the Rebbe to withstand the reality of Asher's artistic vocation or - reversing the discourse - by the ontological impossibility of compromising that animates the young artist's talent: the problem is the Rebbe himself, who is an integral and constitutive part of an extremist religious group and thus, as such, tends to perceive an excessive renegotiation of the relationship between art and Halakhah as an attack on the structure and fundamental values of Judaism.

According to Bagnoli, religious extremism is characterized by the coercion of normative truth, where religious authority feels entitled to impose its beliefs on others, believing it has access to a higher truth. In Asher's case, the Rebbe and the Hasidic community act as if they have privileged access to religious truth, imposing severe restrictions on Asher's artistic expression.

This way of conceiving conflict resolution is structurally opposed to ethical constructivism, which emphasizes the importance of rational deliberation as a means to construct and justify normative truths through

a process in which all parties involved should have the opportunity to express and justify their reasons in an open and respectful dialogue.

Applied to Asher Lev's case, this suggests that not only the Rebbe but also the community should engage in dialogue with Asher to understand his artistic motivations and seek a compromise that respects both religious norms and artistic autonomy: but this aspect does not interest the Rebbe, who sees it as a tool to prejudice the structure and fundamental values of the Ladover community.

There is, however, another issue to consider: Bagnoli argues that the coercion of normative truth by religious extremists can be seen as a form of violence, even if not necessarily physical. In the novel, the Rebbe does not exert physical violence on Asher, but the constant pressure to conform to religious norms and the limitation of his artistic expression can be interpreted as a form of psychological and moral coercion. Conversely, ethical constructivism emphasizes the importance of individual autonomy and responsibility, implying that Asher should have the opportunity to explore and justify his artistic choices autonomously without being subject to authoritarian coercion. Similarly, the Rebbe should recognize Asher's autonomy and seek to understand his motivations rather than rigidly imposing limits and boundaries that, despite an apparent atmosphere of acceptance and interpretative benevolence, effectively nullify the process of rational and participatory construction of authoritative power exercise.

Cynthia Ozick²⁶ asserts that truly valuable and enduring works of art are those that maintain a strong Jewish identity. According to Ozick, Jewish artists who seek to adapt to Gentile cultural traditions often fail both in the Jewish context and in the Gentile context. This perspective highlights the difficulty Asher Lev faces in balancing his Jewish identity with his desire to explore universal artistic themes and techniques. Pinsky, on the other hand, analyzes the intrinsic paradox of being a Jewish artist like Asher Lev²⁷. While Western art celebrates individual freedom and personal expression, Hasidic Judaism places a strong emphasis on community and adherence to divine laws.

Therefore, Asher Lev must confront the contradiction between his need to create art that reflects his inner truth and the expectations of his community, which views his art as a form of rebellion and potential her-

²⁶ C. OZICK, *Toward a New Yiddish*, in "Art and Ardor: Essays", New York, 1983, p. 171 ff.

²⁷ S. PINSKY, *The Crucifixion of Chaim Potok/The Excommunication of Asher Lev: Art and the Hasidic World*, in "Studies in American Jewish Literature", cit.

esy. For Asher, art becomes a mission, a way to explore and understand the world and himself. Pinsker underscores how Asher perceives art as simultaneously divine and demonic, capable of bringing both pleasure and pain.

This duality lies at the heart of his internal struggle and his interactions with his family and community. His decision to paint the “Brooklyn Crucifixion” represents the culmination of this struggle, an artwork that embodies his conflict between religious duty and the necessity to express his artistic vision. Pinsker concludes that Asher Lev’s art, while it may seem an act of rebellion, is actually a journey of personal discovery and affirmation of his identity. The suffering and conflict evident in his works reflect his inner battles and life experiences. Pinsker suggests that despite the criticisms and misunderstandings, Asher Lev’s art represents an authentic and powerful form of Jewish expression that both challenges and enriches the traditions from which it originates.

5. Conclusions: ethical constructivism and religious rights

To try to re-read the dynamics of the conflict between Asher Lev, his family, and the community of which the artist is a part, we must start from the consideration that the relationship between law and religion is complex and multidimensional.

Religious norms often derive from an idea of eternal salvation or worldly self-realization linked to a formal and institutional morality and are not based solely on authority but find a dimension of normativity also in a free and conscious believer’s assent to a command that satisfies the deepest desires of their heart.

This means that the traditional interpretative tools used by jurists and the conceptual categories of secular legal systems can be applied to religious norms only in part: an approach open to the meta-legal data underlying this institutionalized morality and representing a logical and indispensable presupposition is necessary. In any religious experience, regardless of its structure in a legally perfect society, there is a mystery and a graphic sign that identifies its presence in the human journey.

Normativity is no longer an attribute linked to the perfection of the legal dimension but becomes a coincidence between the sign and the Mystery: the word (understood here as a graphic sign) governs the act (sacred or profane) connected to the dimension of otherness. The relational normative experience becomes comparable, but only if re-evaluated or even structured in its theological/vocational reality capable of

tracing the path towards the encounter with human destiny. Based on this logic, even the Shingon Buddhist experience - notoriously favoring enlightenment over coercion - becomes a guiding principle of normativity understood as a sign of the Mystery's revelation and morality that becomes affection.

This starting point is obviously debatable, especially considering the more recent experiences within Western societies that self-qualify as religious: however, we believe this is a minimum essential common denominator if we want to establish a comparative study of religious laws. Is it possible to imagine a form of prevention and resolution of conflicts of a constructivist type within religious ordinances? We have seen that moral constructivism argues that values and norms are not objective or immutable but are constructed through individuals' social and cultural practices. According to Bagnoli, normativity is a dynamic and interactive process in which norms emerge and transform through dialogue and interaction between individuals and their communities: this approach highlights the importance of the social and cultural context in the formation of moral and legal norms.

78

This perspective, applied to religious rights, reveals their complex nature: religious norms, as a coincidence between sign and Mystery, are not static or immutable in the form rigidly imposed by religious authority but represent the result of a continuous process of negotiation and reinterpretation between believers and their communities to understand exactly through which sign (graphic or hermeneutic) the revelation of the Mystery in individual experience can be fully revealed. Secularization has led to a significant transformation in the nature of religious norms, highlighting their mutability and the continuous negotiation between believers and their communities: this secularization process involves a profound transformation in how confessional provisions are perceived and applied, as the resulting greater personal freedom allows individuals to explore norm interpretations that resonate more with their experiences and contemporary circumstances, leading to growing diversity within the group. Russell Sandberg has well emphasized²⁸ how secularization encourages a continuous negotiation process of the concrete content of religious norms: this process is influenced by various factors, including social, cultural, and economic changes, and requires religious groups to adapt their legal rules to ensure their effective observance. For

²⁸ R. SANDBERG, *A sociological perspective on the internal laws of religion*, in "Ancilla Iuris", 2022, p. 85 ff.

example, both the provisions regarding gender and power relationships and the norms on sexual orientation are being renegotiated in many religious communities in light of equality movements.

Moreover, secularization promotes a pluralistic context in which religious norms must coexist with secular laws and the norms of other religions: this requires continuous adaptation and negotiation of confessional provisions to avoid conflicts and ensure social cohesion. In summary, Sandberg's analysis shows that secularization has made religious norms more fluid and adaptable, highlighting their dynamic nature and the continuous adaptation process to the assumptions of ethical constructivism.

This dialogue creates a normativity that is both personal and collective, rooted in the mystery and the graphic sign that characterize the religious experience: religious norms are therefore not simply passively accepted by believers but are actively constructed and reconstructed through their daily experiences and practices. In the context of the secularization of religious norms, Sandberg has also highlighted the reaction of more traditionalist religious groups - groups that we might define with Carla Bagnoli as "extremists"²⁹ - who often perceive this process as a direct threat to their identity and community cohesion. Secularization, with its tendency to diminish the influence of central religious institutions and promote greater personal freedom, is seen by these groups as an attack on the structure and fundamental values of their faith.

In response, the authorities of extremist groups seek to reaffirm their identity more strongly through an emphasis on non-negotiable interpretations, the promotion of a literal interpretation of sacred texts, the attribution of highly (if not totally) discretionary powers to the authority that decides conflicts, and greater rigidity in the application of religious norms. A significant aspect of extremist reactions is the tendency to create more closed and isolated communities where norms and values can be maintained without external interference.

This isolation can be physical, as in the case of communities living in separate settlements, or cultural, through educational and media practices that limit the influence of secularizing ideas. However, the reaffirmation of norms from an extremist perspective does not occur without contrasts: within religious communities, tensions arise between more rigid members and those more open to reinterpretations and adaptations. Here, the action of religious authority is decisive, as it can take a

²⁹ C. BAGNOLI, *The Extremist Appeal to Coercive Truth*, in R. PEELS, N. KLOOSTERBOER, C. RANALLI, *Responsibility for Extreme Beliefs*, Oxford University Press, under contract (paper under review).

dialogic attitude or a total closure and rejection towards any attempt at adaptation. When religious authority chooses the path of open dialogue, it facilitates an environment where norms can evolve and adapt through a process of confrontation and interaction with contemporary realities. This approach allows the community to remain faithful to its fundamental principles while adapting to the inevitable changes of society.

On the contrary, an attitude of closure and refusal prevents this evolution, creating a static and potentially conflictual environment where norms risk losing relevance and meaning for community members, or at least for some of them, generating - as in Asher Lev - alienation and maladaptation. This is evidently a form of alienation at least partially different from that proposed by Marxist theory: but we will return to this in a future essay.

Abstract

L'articolo offre un'analisi - entro il cono prospettico degli studi di diritto e letteratura - del romanzo "My Name is Asher Lev" di Chaim Potok, esplorando il conflitto esistenziale e normativo tra l'individuo e la comunità attraverso la dimensione giuridico-religiosa. Partendo dall'analisi della Halakhah e dal ruolo centrale dell'autorità interpretativa incarnata dal Rebbe, il contributo approfondisce le dinamiche che regolano la tensione tra l'espressione artistica personale e l'obbedienza alle norme religiose della comunità hasidica. Attraverso il prisma del costruttivismo etico, si indaga come la normatività religiosa possa essere riformulata tramite un processo dialogico e razionale, capace di armonizzare tradizione e autonomia individuale. In conclusione, l'articolo riflette su come la secolarizzazione modifichi profondamente la natura delle norme religiose, promuovendo una negoziazione continua che arricchisce e trasforma le identità collettive e personali.

Parole chiave: Religione, secolarizzazione, Chaim Potok, costruttivismo.

Abstract

The article offers an analysis—within the perspective of law and literature studies—of Chaim Potok's novel "My Name is Asher Lev", exploring the existential and normative conflict between the individual and the community through a legal-religious lens. Starting from an examination of Halakhah and the central role of interpretative authority embodied by the Rebbe, the contribution delves into the dynamics governing the tension between personal artistic expression and obedience to the religious norms of the Hasidic community. Through the prism of ethical constructivism, the article investigates how religious normativity can be reformulated through a dialogic and rational process capable of harmonizing tradition with individual autonomy. In conclusion, the article reflects on how secularization profoundly transforms the nature of religious norms, fostering a continuous negotiation that enriches and reshapes both collective and personal identities.

Keywords: Religion, Secularisation, Chaim Potok, Constructivism.

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Questo fascicolo

Il primo fascicolo del 2024 è particolarmente segnato dall'analisi della società odierna così profondamente intaccata dalle nuove tecnologie; ad aprirlo, il consueto editoriale che inquadra alcune sfide che l'età della tecnica pone al giurista e alla sua scienza.

La Rubrica "Il punto sui diritti umani, oggi" presenta una riflessione sul possibile avvio dell'iter per l'adozione di una Convenzione internazionale sui crimini contro l'umanità; per "Economie, politiche e società" è la

frammentazione del precariato sociale ad essere analizzata.

Il format delle 'tre domande sull'Unione europea' viene ripresentato nella Rubrica "Lo scacchiere del Mediterraneo nel Medio Oriente".

Con "Diritti, religioni e culture" si discute invece dell'"impatto della secolarizzazione sulle religioni mentre per "Normativa, giurisprudenza e prassi internazionale" si discute della possibile applicazione dell'IA alle professioni legali.

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