

# Faith and Philosophy: Journal of the Society of Christian Philosophers

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Volume 31 | Issue 3

Article 6

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7-1-2014

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### Recommended Citation

Goltzberg, Stefan (2014) "Is the Bible Fiction?," *Faith and Philosophy: Journal of the Society of Christian Philosophers*: Vol. 31 : Iss. 3 , Article 6.

DOI: 10.5840/faithphil201482216

Available at: <https://place.asburyseminary.edu/faithandphilosophy/vol31/iss3/6>

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# IS THE BIBLE FICTION?<sup>1</sup>

Stefan Goltzberg

The aim of this paper is to show that the supposed close connection between fiction and false discourse is in fact not strong at all. In wondering whether the Bible is fiction, people quite often tend to think that if you say it is fiction, you imply it is false. In order to argue for our conclusion, Freud's notion of illusion is analyzed, as well as work by Spinoza and Searle. From the latter, the pragmatic perspective of fiction is borrowed: contrary to the semantic perspective, the pragmatic perspective is independent of the semantic notions of truth and falsity. With the aid of this perspective, the connection between being fiction and falsity is called into question.

This essay addresses the question "Is the Bible fiction?" Its purpose is not to offer a new answer to this famous problem, but rather to cast light on the implications of this question and on its meaning.<sup>2</sup> The qualification of a text as fictional sounds like saying that the text in question is, in one sense or another, false: "The word 'fiction' appears to be not infrequently used in such a way as at least to imply falsehood."<sup>3</sup> And yet, it is our claim that the question of whether the Bible is fiction is not, in itself, linked to the question of whether the Bible is true or false. Our purpose is to detach the notion of fiction from that of truth or falsity.

A disclaimer and a remark are called for here. First, the disclaimer. The Bible is to be understood here in a legal sense; it is as a legal text that Jews consider the Bible. It is also as a legal text that Muslims consider the Quran. Christians, however, do not approach the Bible as a legal text. Of course, in ancient legal systems, the legal material and the non-legal material cohabit and therefore there is nothing special about the fact that the Bible, even from a Jewish angle, is full of non-legal material too. Thus, "Bible" could, for the sake of the argument, be replaced by any legally binding text. The question is: could a sacred text be fiction? More precisely: could a text

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<sup>1</sup>Editor's note: This essay was the winner of the initial Essay Prize offered by the Association for the Philosophy of Judaism. *Faith and Philosophy* agreed to publish the winner of the prize, subject to the approval of the journal's referees and editor.

<sup>2</sup>I am grateful to the Wiener-Anspach Foundation, which enabled me to conduct my research at the University of Cambridge. I am also grateful to the Association for the Philosophy of Judaism for the Essay Prize they organized, especially to Sam Lebens and Dani Rabinowitz. I also want to thank Jerrold Levinson, Jennifer Nigri, Eliana Rahmani, Reuven Shirazi, and the anonymous reviewers who substantially contributed to improve this text.

<sup>3</sup>James O. Urmson, "Fiction," *American Philosophical Quarterly* 13:2 (1976), 153.



that is still considered sacred be seen as fiction? It is indeed less urgent to wonder whether formerly sacred texts of the Egyptians, the Incas and the like are today fictional, as it would not affect many people to say they are.

Now for my inaugural remark. Fiction can, at face value, be analyzed from two perspectives: that of the author and that of the reader.<sup>4</sup> You can emit, write, or promulgate a text *as* fiction, and you can receive, read, or understand a text *as* fiction. Ideally, it seems, a piece of fiction is a text conceived of as fictional both by its author and by its readers. What concerns us is the question of the Bible being or not being fiction. Obviously it is impractical to ask the author of the Bible what his—or her, or their—intention was. Whether one takes the religious or the historical approach, one does not have access to the author's intention, even indirectly—unless, of course, one is a prophet or a clairvoyant, which I certainly do not claim to be. The philosopher John R. Searle holds that the status of fiction is determined by the author's intention. But it is also possible to wonder to what extent a text might be *taken as* fiction, independently of the author's intention; or better—in ignorance of his intention. Our question, therefore, will be this: Is the Bible to be taken as fiction? What are the consequences regarding the truth-value of the text when taken as fiction?

My plan is three-fold. Firstly, a concept close to fiction is analyzed: illusion, particularly as understood by Freud. Secondly, Searle's definition of fiction is assessed. Thirdly, Spinoza's claim about the Bible's verity is recalled, and hopefully defeated, with the help of Halbertal's account of canonization.

### 1.

Although Freud's notion of illusion is fairly well known, it is still appropriate to analyze it in contrast with the notion of fiction. Admittedly, illusion is not fiction. But the concepts are akin in many ways. One of their commonalities is that these concepts share some antonyms. The antithesis of fiction and illusion is sometimes thought to be truth, facts, or reality. Fiction and illusion are qualifications that can be used to disqualify a position. If I say that your talk is based on fiction, you may feel that I am, at the very least, not sympathetic to your view. It sounds as if I am suggesting that your talk was false, or at least groundless. And if I say that your comprehension of a certain state of affairs stems from an illusion, I suggest that your speech is at best misguided, if not actually misleading. This kinship between fiction and illusion is foregrounded in Freud's text. He states that religious doctrines—thus comprising the Bible—“are called ‘fictions,’ but from a variety of practical motives we are led to behave ‘as if’ we believed in these fictions.”<sup>5</sup> The Bible, according to Freud, is fiction. One

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<sup>4</sup>Jean-Marie Schaeffer, *Pourquoi la fiction?* (Paris: Seuil, 1999); Lorenzo Menoud, *Qu'est-ce que la fiction?* (Paris: Vrin, 2005).

<sup>5</sup>Freud adds: “I think that the claim of the philosophy of ‘As If’ is such as only a philosopher could make.” Sigmund Freud, *The Future of an Illusion*, trans. W. D. Robson-Scott (New York: Doubleday Anchor, 1957), 48–49.

might think this implies Freud's commitment to the falsity of the Bible, i.e., to the idea that belief in the Bible is, in itself, a mistake. However, I do not think that Freud says this. To demonstrate this, I quote a lengthy passage by Freud on this issue:

An illusion is not the same as an error, it is indeed not necessarily an error. Aristotle's belief that vermin are evolved out of dung, to which ignorant people still cling, was an error; so was the belief of a former generation of doctors that *tabes dorsalis* was the result of sexual excess. It would be improper to call these errors illusions. On the other hand, it was an illusion on the part of Columbus that he had discovered a new sea-route to India. The part played by his wish in this error is very clear.<sup>6</sup>

Freud clearly distinguishes here between illusion and error. He holds that although an illusion may very well be an error, like Columbus's belief in the sea-route to India, it does not have to be one. Conversely, an error is not necessarily an illusion: Aristotle was wrong in this particular biological point, but not due to an illusion. Illusion and error may happen to overlap, but they are not interchangeable concepts. The specific trait of an illusion that separates it from an error is the part played by the wishes of the person who entertains an illusory belief. It is not that he lacks evidence; rather, however convincing his evidence, and whether or not he possesses any evidence, he is under an illusion because of a drive or wish. Illusion literally is wishful thinking.

Let us now revert to Freud's explanation:

It is characteristic of the illusion that it is derived from men's wishes; in this respect it approaches the psychiatric delusion, but it is to be distinguished from this, quite apart from the more complicated structure of the latter. In the delusion we emphasize as essential the conflict with reality; the illusion need not be necessarily false, that is to say, unrealizable or incompatible with reality. For instance, a poor girl may have an illusion that a prince will come and fetch her home. It is possible; some such cases have occurred. That the Messiah will come and found a golden age is much less probable; according to one's personal attitude one will classify this belief as an illusion or as analogous to delusion.<sup>7</sup>

Freud introduces here a distinction between illusion, derived from men's wishes, and delusion. The latter is essentially in conflict with reality. Illusion, in contrast to delusion, is not necessarily false. On the other hand, a delusion is false by definition. This poor girl whom Freud uses as an example of entertaining an illusion is not likely to see her dream come true, but this eventuality is not excluded. Interestingly, the following example chosen by Freud is that of the Messiah. One might have thought that Freud would consider it a typical case of delusion. Instead, he makes it clear that the doctrine of the Messiah qualifies as illusion or delusion depending on personal attitude. This means that a single belief may be considered

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<sup>6</sup>Ibid., 52–53.

<sup>7</sup>Ibid., 53.

as either illusion or delusion depending on one's personal, philosophical, and religious worldview. When it comes to religious doctrines, including those in the Bible, Freud's position is unequivocal: such doctrines are illusions, meaning that we lack evidence for them, but it is neither excluded nor entirely improbable that they are true.<sup>8</sup>

Thus we can call a belief an illusion when wish-fulfilment is a prominent factor in its motivation, while disregarding its relations to reality, just as the illusion itself does.<sup>9</sup>

Freud's definition of an illusion, which includes religious doctrines, thus makes illusoriness independent of the question of the truth-value of the illusory belief.

## 2.

From Freud's rather surprising view of illusion we turn to the shift effected by Searle in recent theories of fiction. Until Searle, most conceptions of fiction defined it as a type of false discourse. This accounts for the bad connotation of the notion of fiction: that is, when it is said that someone's utterance is mere fiction it is meant (and, to a large extent, still means) that it is false, or at least seriously lacks evidence. Searle's definition of fiction shifts the attention from the semantic to the pragmatic point of view. Whereas a semantic definition implies the falsity of the fiction, a pragmatic approach does not, focusing instead on what is done with a text that qualifies as fiction (rather than on the text's propositional content).

According to Searle, fictional discourse is to be distinguished from non-literal and indirect speech acts. A nonliteral speech act is metaphorical and the opposite of a direct speech act is an indirect one. A nonliteral statement is, for example, *Richard is a lion*, assuming you mean that Richard is courageous and happens not to be a lion—otherwise it would scarcely be a metaphorical statement. An example of an indirect speech act is when I ask you if you could reach the salt, and thereby I indirectly ask you to pass me the salt. I do not actually need to know if you have the capacity of so doing—which I presume you have—but I only tell you (indirectly and thus presumably kindly) to pass me the salt. The real speech act is not a question about a state of affairs but rather a directive speech act, i.e., based on a direction of fit that is world-to-word: I ask from you that you modify the world so that it fits the words of the proposition "I have the salt."

Therefore, it is clear that fiction is neither necessarily nonliteral nor indirect. Indeed, a fictional discourse could very well be literal or direct, as indeed most fictions are. In addition, although literal is the opposite of metaphorical and indirect is the opposite of direct, the word "fiction" has

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<sup>8</sup>Religious doctrines, says Freud, "are all illusions, they do not admit of proof, and no one can be compelled to consider them as true or to believe them. Some of them are so improbable . . . that we may compare them . . . to delusions" (ibid., 54). The distinction between illusion and delusion is thus one of degree, not of nature.

<sup>9</sup>Ibid., 54.

no contrary. This is why bookshops, libraries and publishers, in labeling the sorts of books in philosophy, history, psychology and the like, resort to the category of "nonfiction"! A text may be fictional without being metaphorical or indirect, in the same way that a metaphorical or indirect speech act may be nonfictional. In order not to use the clumsy expression "nonfictional," Searle calls the opposite of fiction a *serious* text. The latter expression is to be understood here only as a technical term to refer to the opposite of fiction, whether or not the nonfictional text under analysis is actually serious in the ordinary sense of "serious."

Fictional discourse is explained by Searle in terms of *pretense*. But there are at least two sorts of pretense,<sup>10</sup> depending on whether the interlocutor is aware of the speaker's pretending. If the interlocutor is not aware of the speaker's pretending to describe facts, the pretense is deceptive. It is close to lying, misleading or deceiving, depending on whether the speaker is *aware* that his interlocutor is *not aware* of the speaker's pretense. Searle states that "fiction is much more sophisticated than lying."<sup>11</sup> Indeed, fiction comes into the picture when the pretense is overt, manifest: both the speaker and the interlocutor are aware that fiction is being performed, and each knows that the other one is aware of this.

Who decides that fiction is taking place? From the outset, it seems that both the speaker and the listener need to agree on the fact that the first will pretend to describe facts and the second will pretend to believe the first.<sup>12</sup> This notwithstanding, Searle contends that the discourse qualifies as fiction depending on the intention of the speaker alone. Searle writes that "*pretend* is an intentional verb . . . the identifying criterion for whether or not a text is a work of fiction must of necessity lie in the illocutionary intention of the author."<sup>13</sup> According to this approach, a discourse qualifies as fiction if and only if the producer of the discourse intends it to be a fiction. Indeed, according to Searle, and to Urmson,<sup>14</sup> there is no linguistic trait that enables the reader to know the text is a fiction.

[What] makes fiction possible, I suggest, is a set of extralinguistic, nonsemantic conventions that break the connection between words and the world.<sup>15</sup>

Some philosophers have called into question Searle's decision to exclude the possibility of identifying linguistic and semantic features that determine

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<sup>10</sup>Austin and Walton distinguish pretend and make believe. See John L. Austin, *Philosophical Papers* (Oxford and New York: Oxford University Press, 1961), chap. 11, and Kendall L. Walton, *Mimesis as Make-Believe: On the Foundations of the Representational Arts* (Cambridge, MA: Harvard University Press, 1993).

<sup>11</sup>John R. Searle, *Expression and Meaning* (Cambridge MA: Cambridge University Press, 1979), 67.

<sup>12</sup>Currie rejects this approach. See Gregory Currie, "What is Fiction?," *Journal of Aesthetics and Art Criticism* 43:4 (1985), 385–392.

<sup>13</sup>Searle, *Expression and Meaning*, 65.

<sup>14</sup>Urmson, "Fiction," 157.

<sup>15</sup>Searle, *Expression and Meaning*, 66.

whether a discourse is fiction.<sup>16</sup> But according to Searle, it is the speaker, not the interlocutor—or the writer, not the reader—that makes the discourse a piece of fiction:

[W]hether or not a work is literature is for the readers to decide, whether or not it is fiction is for the author to decide.<sup>17</sup>

Returning to the question of whether the Bible is fiction, and whether it is to be taken as fiction, it is clear that we do not know what the intention of its author(s) was; indeed, how could we know? To be sure, it is already difficult when it comes to the intention of a modern writer. How could we possibly know about the Bible's author(s)? It is impossible, although much scholarly research is devoted on this question. From a strictly Searlean point of view, we cannot know whether it was meant to be read as fiction or not. Yet the second perspective, the reader's perspective, is interesting in its own right: is the Bible to be taken *as if* its author had the intention of transmitting a fiction? I think the following two points in Searle's text are independent of one another: (1) a text qualifies as fiction depending on the author's intention; (2) fiction is taken to be non-deceptive and mutually manifest pretense.<sup>18</sup> The latter point holds even if the first point is called into question. In fact, I do not call the first one into question so much as I contend that in some circumstances, namely when the intention of the author is unknown, it is reasonable to ascertain how the reader perceives the text in order to classify it as fiction or not. In any event, its readers may treat the Bible as fiction. What then is its truth-value? Is it false in virtue of being fiction? A semantic definition would give an affirmative answer, whereas the Searlean stance, the pragmatic definition of fiction (fiction is a mutual pretense, independent of the truth-value), says no, or more precisely, not necessarily.

Again, defined pragmatically, fiction is disconnected from the question of truth or falsity. A speech will be a fiction depending on whether its author intends it to be a fiction. According to us, in cases where the author is not reachable by e-mail or otherwise, the text may qualify as fictional depending on the readers' attitude towards it. In either case, fiction is independent of truth-value.

### 3.

My third concern is Spinoza's view of the Bible. He explicitly states that the text is not to be taken as true by its readers from the outset but they should rather inquire and check whether the Bible is true or not. In fact, says Spinoza, its readers tend to beg the question and suppose that it is true come what may.

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<sup>16</sup>G rard Genette, *Fiction et diction* (Paris: Seuil, 2004).

<sup>17</sup>Searle, *Expression and Meaning*, 59.

<sup>18</sup>The addition of "taken to be" makes it possible to speak about the reader's behaving *as if* the text was itself written by a writer willing it to be *taken to be* a fiction. Otherwise, as an anonymous referee mentioned, the two points would be contradictory.

The very vehemence of their admiration for the mysteries plainly attests, that their belief in the Bible is a formal assent rather than a living faith: and the fact is made still more apparent by their laying down beforehand, as a foundation for the study and true interpretation of Scripture, the principle that it is in every passage true and divine. Such a doctrine should be reached only after strict scrutiny and thorough comprehension of the Sacred Books (which would teach it much better, for they stand in need of no human fictions), and not be set up on the threshold, as it were, of inquiry.<sup>19</sup>

Spinoza does not in this very excerpt say that the Bible is false. He rather denounces the hermeneutical approach that presupposes that the text is true, which should rather be the conclusion of a thorough analysis. One needs here to distinguish two things that are not clearly separated in Spinoza's text: to *presume* and to *presuppose*. It is normal to presume that a text is true, until proof to the contrary is given. It is called the principle of charity. Now what happens if the text turns out to be false? The presumption is defeated, or rebutted, as a lawyer might put it. Indeed, legal presumptions are either rebuttable or irrebuttable. In the latter case you *presuppose* (and not only *suppose*) that the text is true and the proof to the contrary is not admissible: the proof is said to be illegal. A presupposition is no presumption. It is an implicit message that cannot possibly be denied. For example, if I say "I don't smoke anymore," I say that I do not smoke and I presuppose that I did smoke in the past. It is irrational—or humoristic—to utter this sentence if I never smoked. Spinoza criticizes some readers of the Bible because they presuppose the truth of the text, rather than merely presume it using a rebuttable presumption. One could also put it differently: they make an irrebuttable presumption that the Bible is true, so a proof to the contrary will never arise, or if it does, will simply be disregarded.

Is Spinoza's critique relevant? It would be the case if the reader took the Bible as an assertion or a set of assertions. Then, the discourse would be either true or false, and since "no statement is immune to revision," as Quine puts it,<sup>20</sup> the Bible could possibly be disproved. But the claim that the Bible asserts anything at all is debatable, from at least two points of view.

First, if you accept that the Bible *is* fiction, as Spinoza seems to suggest, then it is not made up of assertions. According to Searle, the statements contained in a fiction are *like* assertions, but are not assertions as such. Nor are these another speech act. Fictional statements are rather pretended assertions. Spinoza's claim could perhaps be relevant if the Bible was considered as nonfictional, i.e., (in Searle's terminology) as serious. Now if Genette is right, it makes Spinoza's claim even less relevant. Indeed, Genette summarizes Searle's view in the following claims: (1) fiction is

<sup>19</sup>Joseph Ratner, *The Philosophy of Spinoza* (El Paso, TX: El Paso Norte Press, 2010), 41.

<sup>20</sup>Willard Van Orman Quine, *From a Logical Point of View* (Cambridge & London: Harvard University Press, [1953] 1980), 43.



a pretended assertion and (2) fiction is not another speech act. Genette wants to untie those claims.<sup>21</sup> He accepts the first one, because otherwise, there would be no distinction between serious and fictional discourse. But he calls into question the second claim. Moreover, he denies that (1) implies (2): it is not the case that, because fictional discourse is a pretended assertion, it cannot at the same time be another speech act.<sup>22</sup> He moves on to the idea that fictional discourse is an indirect directive speech act. For example, when I say: "It is cold" (let us say I already got the salt and I'm still willing to socialize), I am uttering such an indirect directive speech act. I apparently describe a state of affairs, which is an assertion, but in fact my point is that I would like you to close the window. I would like you to understand that my assertion aims not at describing the world—who cares if it is cold?—but, in this case, at making you act in a certain fashion, namely by closing the window. Of course, you can understand my indirect speech act only against a common background and many shared presuppositions. In the case of fiction, Genette characterizes it as an invitation to enter the fictional world: it is therefore a directive speech act.<sup>23</sup>

Secondly, there is another reason why Spinoza's critique does not hold. This reason is to be explained from a jurisprudential point of view, i.e., from the standpoint of legal philosophy. There indeed exists another way of engaging with the Bible; other than as a descriptive text that may be true or false and, above all, that may be confirmed or disconfirmed by appeal to facts. One needs to distinguish an approach to the Bible based on *faith* from one that is based on *law*. Roughly speaking, Leo Strauss distinguishes Christianity—being based on faith—from Islam and Judaism, both based on law.<sup>24</sup> It does not mean that there is no faith in Judaism and Islam or no law in Christianity, but that the structural foundation of Judaism and Islam is a legal system, however pluralist, while the foundation of Christianity is faith in God, even if at times Christianity may de facto be shaped by law. Let us for the sake of the argument put Islam aside, as the Bible is not as such part of their Scriptures, although what we say here about Judaism should apply *mutatis mutandis* to Islam. Judaism and Christianity differ in that the latter does not take the Bible as a source of law but rather as

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<sup>21</sup>Genette, *Fiction et diction*, 124.

<sup>22</sup>This point was also made by Currie.

<sup>23</sup>Genette, *Fiction et diction*, 127.

<sup>24</sup>"One has to start from the difference between Judaism and Islam on the one hand and Christianity on the other. For the Jew and the Moslem, religion is primarily not, as it is for the Christian, a faith formulated in dogmas, but a law, a code of divine origin. Accordingly, the religious science, the *sacra doctrina*, is not dogmatic theology, *theologia revelata*, but the science of the law, *halaka* or *fiqh*. The science of the law thus understood has much less in common with philosophy than has dogmatic theology." Leo Strauss, "How to Begin to Study Medieval Philosophy," in *The Rebirth of Classical Political Rationalism: Essays and Lectures by Leo Strauss*, selected and introduced by Thomas L. Pangle (Chicago, IL: University of Chicago Press, 1989), 221. This quotation is from a lecture Strauss delivered in 1944.

a source of ethics. Judaism, on the other hand, conceives of the Bible—at least of the Pentateuch—as primarily a source of law.

This approach is legal and not merely ethical. What is required is to understand what is demanded from Jews and human beings in general, in terms of laws *and* ethics, and not only in terms of ethics. Let us examine this question first not from a Jewish perspective but from a general legal perspective. Law is to be conceived of as a game with several rules that are constitutive in the sense that if you break them you are not playing the game anymore. In this sense, the constitutive rules are necessary conditions for you to play the game. One of these rules is the axiom that the text of the law is right, complete, and consistent. Of course, this rule may be applied differently depending on how many sources of law you rely upon. But if one of the sources is considered as virtually sacred, so to speak, like the *code civil* in France or like the *Torah* for the Jews, then the rule fully applies: the main source of law—whether religious or secular—cannot be declared false, unjust, incomplete or contradictory, lest you break the constitutive law and dismiss the very legal system itself. You would then have renounced playing the game. The judge, typically, is responsible for obeying the rule. He does not have the right to appeal to lacunae, contradictions, or insufficiencies of the law. Again, it is not that the law—here the *Torah*—*is* complete, which would be an assertion that can turn out to be true or false, but the judge is asked *not to* appeal to its incompleteness to justify a judicial decision. He does not have the right to appeal to such shortcomings.

This rule—that the law is true, just, complete, and coherent—can be explained in various ways. The rule is explicitly expressed in the article 4 of the French *code civil*:

A judge who refuses to give judgment on the pretext of legislation being silent, obscure or insufficient, may be prosecuted for being guilty of a denial of justice.

In other words, it is forbidden for the judge to refuse to give judgment just because the law is, or seems to be, incomplete. I mentioned earlier that it was a constitutive rule. You could also call it a general principle, a legal fiction, or a presumption. This rule, being constitutive, is stronger than a principle, since by definition principles, as opposed to rules, can be overturned. So I prefer not to keep the label “principle” to describe a rule that admits of no overturning. This leaves us with fiction or presumption. It can in fact be defined either as fiction, as an irrebuttable presumption, or as a rule. If it is a rule, it means that this rule prevents the judge from appealing to the shortcomings of the law. It could also be defined as an irrebuttable presumption which, by definition, cannot be rebutted. It could, finally, be taken as a fiction. The distinction between fiction and irrebuttable presumption is not easy to pin down. Perelman, the major philosopher of the Brussels School of Jurisprudence, says that the difference is that a legal fiction contradicts the legal reality, whereas an irrebuttable

presumption may happen to be true.<sup>25</sup> The problem here is that Perelman defines the fiction in semantic terms—it contradicts the legal reality, i.e., it is false—whereas irrebuttable presumptions may happen to be true. In other words, Perelman’s definition of fiction is not sustainable because it is still semantic. So for us, that rule can still be described as either irrebuttable presumption or fiction (defined pragmatically, *pace* Perelman). Let us now come back to Spinoza.

Spinoza criticized the readers of the Bible for begging the question. To be sure, circular reasoning is prohibited and should in no way be accepted. But is this approach circular? I think not. It would be circular if I wanted (1) to show that the text is true while (2) presupposing that it is true. You can replace “true” by “complete,” “consistent,” “just,” or any other adjective. The approach we are thinking about, the legal approach, is not circular. It does indeed presuppose that the text—here the Bible—is just, true, complete, and consistent, but it does not demonstrate it. It rather reads the text bearing in mind that the text is perfect, whatever is written in it. The purpose of the reader is not to demonstrate its truth. If the reader—from the legal perspective—pauses for a moment and wonders whether the text he has been scrutinizing is indeed perfect, he has, so to speak, left the game. He is daydreaming at best; playing another game at worst. It looks as if Spinoza criticizes the reader—for the sake of the exercise, let us focus on the legal Jewish point of view, even though Spinoza was disparaging other people—for being circular rather than playing the descriptive game. But the Jewish legal point of view is neither circular nor descriptive; it is dependent upon a rule that forbids raising the questions of truth, justice, completeness, and consistency, all of which are presupposed. Not only does Spinoza’s critique miss the point but it would be a mistake for the reader—from the legal Jewish perspective—to follow Spinoza’s recommendation and call into question the perfection of the text.

Halbertal has shown that when a text is being canonized, this is what happens: the text that passes the test of the controversies regarding its being perfect and divinely inspired is simply declared perfect. It is not retained in the canon because it is perfect; on the contrary, it is considered perfect because it has been canonized. This of course does not mean that the canonization was arbitrary or lacking in good reasons.<sup>26</sup>

We have shown that the question “Is the Bible fiction?” is not a question about the truth of the Bible. There are four possible combinations regarding the truth and the fictional status of the Bible:

- (1) The Bible is true and is not fiction;
- (2) The Bible is false and is not fiction;

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<sup>25</sup>See Chaim Perelman, *Logique juridique. Nouvelle rhétorique* (Paris: Dalloz, [1976] 1979), and Stefan Goltzberg, *Perelman. Argumentation juridique* (Paris: Michalon, 2013), 78–80.

<sup>26</sup>Moshe Halbertal, *The People of the Book: Canon, Meaning, and Authority* (Cambridge & London: Harvard University Press, 1997).

- (3) The Bible is true and is fiction;
- (4) The Bible is false and is fiction.

This presentation is rather bizarre because usually when you speak about fiction, you don't really leave the question of truth open; instead you close it without raising it, and therefore without answering it. The answer does not go without saying; rather, the question goes without being raised. What is the utility of this question? Is it of importance? Urmson said: "I am not sure importance is important" — which leads one to wonder what might be more important than importance—but then goes on to say: "Truth is." True enough! However, in the case of the Bible, truth may be of importance, but not within the legal (including the Jewish) approach. Not only is it not important, but it is inadmissible to ask, in the middle of a discussion about the *meaning* of a verse, whether the Bible is true or false. It would be like asking, in the middle of a game of chess, whether it is in fact true that White moves first. You cannot possibly raise that question, although you may answer it. The fact that mid-game you may answer the question of the truth of a primordial rule of chess does not mean that it is an admissible question. The proof is that if you don't answer, you are not wrong, as a chess player. As a teacher, when you pretend to play, you may explain the rules, but during the game of chess, there is no such move as "telling the ultimate truth about the rules of chess," since you may play chess and keep silent.

The Bible is in this respect comparable to the game of chess. Before you start the game, you may say many things and it does not really matter what exactly is said. You may think, for instance, that Black should move first. Still, when you start playing, you allow White to start. You may, from a legal Jewish point of view, call the Bible into question (the equivalent of calling the rules of chess into question)—purely academically and only temporarily—in order to discover the meaning of a particular passage; by the end of the argument, however, you must have resolved the problem. Perhaps the chess problem is a better metaphor for the study of the Bible. In the latter case there is no controversy about the law but only about which verse is the source of the law. Finding the right verse is like finding the solution of a chess problem. Of course, when you disagree on the law, you have a more complicated situation: you simultaneously disagree on the law and on the interpretation of the verses—since from a legal (*halakhic*) point of view, each law should be explained by one element of the text and this element is not supposed to explain more than one law. What matters here is that, however complicated the problem is, the interlocutors do presuppose that the text of law, the Torah, is true, just, complete, and consistent. In this sense, whether the Bible is fiction or not is not a good question; it is even an inappropriate question, since it prevents you from resolving the real problem.

The question that was raised is thus not interesting. However, it has been discussed here because it has long vexed commentators. The solution

that I offer is not as such an answer to the question, but rather an explanation of the impropriety of the question. I can only hope that the explanation was not as uninteresting as the question.

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