Democracy: a Moral Imperative in Judaism

Rabbi David Rosen

The Alexandrian Jewish philosopher, Philo Judaeus, described the polity of Judaism as a "democracy".[1] Philo of course does not use the term in the modern sense of a government elected by the whole populace, but rather defines democracy as a system that "honors equality and law and has justice for its rulers." This, he declares, to be "the most law-abiding and best of constitutions".

However the body politic, the community at large, has a central role in Jewish history and religious life. The revelation at Mount Sinai is described as a communal experience taking the form of a covenant between a people and the sovereign of the world.[2] (The collective nature of the experience is even seen by some Jewish philosophers, notably Yehudah Halevi,[3] as serving as proof of its authenticity). A pledge of loyalty is tendered both on behalf of the whole group and on behalf of every individual towards the group. The well being of the people therefore depends upon the participation of all, which is also the basis for the function of policy formulation on the part of the congregation or its representatives, the Elders.

In fact, in Jewish thought this idea goes so far as to include the sinner, so that the community of the covenant can never be conceived as an aristocratic, elitist structure. The notion that the pious depends on the sinner as much as vice versa, expresses the democratic principle even in the spiritual sphere.[4]

While the biblical model of governance is monarchical, the people as a whole play a key role in his election and authority. Moreover, in being subject to the law, the king is bound by a social contract that makes demands of him in relation to the people as well as to God, ensuring that no illusion of superhuman status gains sway, that would undermine this democratic spirit.[5] Government is clearly not an end in itself, but has the purpose of serving the public. A special ceremony every seven years precisely to affirm the rule of law emphasized the status of the king as representative of the people.[6] Similarly, the priesthood, albeit a position dependent upon tribal affiliation by birth, derived its mandate from the idea of representation, as the priest is viewed as an agent of the people.[7] Accordingly, a democratic concept was superimposed upon the otherwise hierarchical structure of the Temple service.

The democratic process is evidenced above all in the primary biblical text regarding the appointment of leadership, Exodus 18.21, where Jethro, Moses' father-in-law, advises him not to carry the whole burden of leadership himself but to delegate authority. The criteria for fulfilling the role are essentially meritocratic: "You should seek out from all the people, men of ability who fear God, men of truth, hating unjust profit." In Moses' own account of the incident, this preliminary exposition of the qualities needed by an aspirant for leadership is embellished by further details including the crucial question of who should make the appointment: "Bring from among yourselves men of wisdom and understanding, well known to your tribes, and I will appoint them as your leaders."[8] It seems clear from this description that the actual choice was made by the people, Moses' aim being to guide them in their search for suitable candidates.

On the basis of this text, Maimonides categorizes the seven qualities which characterize an ideal leader accordingly: (i) ability and standing; (ii) fear of God; (iii) humility; (iv) truth and honesty; (v) freedom from monetary ambitions and from susceptibility to corruption; (vi) wide knowledge and understanding (i.e. the ability to adapt existing knowledge to deal with new and unparalleled situations); (vii) enjoyment of public confidence.[9] Clearly there may be no candidates available possessing all these qualities, and the Biblical text appears to indicate that those actually appointed by Moses fell short of the ideal. But the yardstick by which to assess different aspirants for leadership is nevertheless made clear.

The importance of consultation with the public before appointments are made, is affirmed in the Talmud.[10]

Rabbi Isaac said one must not appoint a public leader without first consulting the community; for it is said, "Moses said to the children of Israel, see the Lord has nominated Bezalel," (Exodus 35.30). The Almighty said to Moses, "Moses, do you think Bezalel is suitable?" Moses replied, "Master of the universe if You think he is suitable, I certainly think so." The Almighty said to him, "Nevertheless, go and ask the children of Israel." Moses went and asked the children of Israel, "Do you think Bezalel is suitable?" They replied, "If both the Almighty and you think he is suitable, we certainly think so.

The reason for seeking public approval is explained by Rabbi Hayim Zundel, author of the Etz Yossef commentary on the collation of the Aggadic sections of the Talmud, in reference to the above text, as follows:

In the selection of the court of three judges to deal with a monetary quarrel, each side nominates one judge and the third judge is chosen jointly; we do this so as to ensure that the judgment will be acceptable. Likewise in the choice of a leader, we wish to ensure that his policies will be accepted and we therefore arrange that he should be chosen by the public.

In keeping with the above, the theme of public consultation recurs throughout the Bible and Talmud. Saul is selected by Samuel with the guidance of the Almighty, and is then brought to the people of Israel for their approval. David is selected and anointed in a similar manner, but it takes seven years of his reign to secure the approval of all the tribes of Israel. The sages Hillel and Shammai agree to introduce certain legislation, but the public does not accept it.[11] It is only a generation later that it gains public acceptance. These ideas are formally incorporated into the Code of Jewish Law, where the authority of communal leaders is discussed, clarifying that their authority derives from their acceptance by the people.[12] Moreover, the presidents of the academies of learning established after the destruction of the Second Temple could be removed from office by popular vote.[13]

Certainly the functioning of religious judicial authority as well as the study process of Jewish law is based on democratic ideas. Problems are open to public discussion and decisions are made by majority rule.[14] Moreover, not only did rabbinic enactments need public support, but also rabbinic appointments depended upon popular or representative vote.[15] Finally, in line with the democratic idea is the recognition accorded by Jewish law to custom (sometimes even against the law itself) with the underlying assumption that the divine spirit rests upon the community.[16]

As central as the idea of public authority is to Judaism's democratic character, the latter is above all rooted in its teaching concerning the value of each and every individual who together constitute the body politic. The idea of the sacrosanct nature of the life and dignity of every person is enshrined at the very beginning of the Hebrew Scriptures in the story of the Creation of the human person; as it is stated:

this is the book of the generations of Adam, in the likeness of God He created him. Male and female He created them and blessed them and called their name Adam on the day He created them.[17]

This text is part of the seminal discussion between two sages from the second century of the Common Era on what is the guiding principle, not simply conceptually but practically, for moral conduct.

But before dealing with the discussion, let us note the Mishnah that deals with the formal caution given to witnesses in capital cases, warning them of the dire consequences of false testimony.[18] The admonition continues:

Therefore the first human was being created singly, to teach you that he who destroys one life, it is as if he destroyed the whole world. And he who preserves one life, it is as if he has preserved the whole world.

The very question as to why the first human being was created singly arises from the fact that in the biblical story of creation, all creatures are created in couples and ultimately Adam is separated into both male and female. If Adam is going to be separated into male and female anyway, then why didn't God save himself the whole business and create them to begin with as separate individuals, just as he did with all other creatures? Accordingly, the sages conclude that the reason for the creation of one human person singly is to convey a moral message. There is of course an essential moral message in the text itself in the very union of male and female together, establishing the fullness of Adam. Therefore the Talmud states that he who does not have a spouse is not a complete human being, emphasizing the Jewish perspective of marriage as the ideal state for human fulfillment.[19]

But the Mishnah does not focus on that particular message. It focuses upon what it sees to be the most basic moral message of the idea of the creation of the single human person, namely, the supreme sanctity of human life, to the extent that each person is seen as a whole world. But the moral message goes further. The text of the Mishnah continues:

And (also) a single human being was first created for the sake of peace amongst mankind, so that no person can say to another, my father was greater than yours.

In other words, the purpose is also to emphasize our common humanity. The text continues:

And (another reason why) a single person was created first (was in order) to proclaim the greatness of the Holy One, Blessed Be He. For when a human being (mints coins, he) uses one mould (and) all the coins are identical. But the King of Kings coined every man out of the mould of the first human being and not one is like the other. Therefore every person is obliged to say, the world was created for me.[20]

Of course, the Talmud goes on to say we should keep our sense of proportion and remember that the mosquito was created before the human and that moreover a person should always acknowledge that in addition to the fact that he or she is a world in himself or herself, we are but dust and ashes. In other words, there has to be a creative tension between avoiding arrogance and at the same time appreciating one's worth and value as a human being created in the Image of God. Thus the Mishnah not only seeks to impress upon us the supreme value of human life and dignity, but also to direct our moral conduct accordingly.

This democratic moral imperative is further explicated in the famous Midrashic text to which I have already alluded, namely the discussion between Rabbi Akiva and his contemporary Ben Azzai, on what is the principle moral rule of the Torah, of Judaism.[21] The text appears in different forms and chronology in Genesis Rabba and in the Sifra. However, the seventeenth century author of the very important Midrashic commentary, the Matnot Kehuna,[22] explains how these two fragmentary texts need to be put together as originally intended, in order to understand the fullness of the discussion between these two sages and the deeper implication of the text. In the Sifra, it simply appears to be a discussion without any explanation. Rabbi Akiva declares that the central guiding principle for moral conduct is the commandment in Leviticus 19.18 to love one's neighbor as oneself; whereas his contemporary, Ben Azzai, says that the guiding principle is that every human being is created in the image of God.

(this is a change in paragraphing.)A cursory view of this discussion would suggest perhaps, that it is a debate between a more particularist worldview and a more universalist weltanschauung. According to this interpretation, Ben Azzai is saying to Akiva, that while the commandment to love your neighbor as yourself is most important, people might nevertheless become selective in their

interpretation of who is their neighbor. Therefore we should emphasize that every human being is created in the image of God, so that the universal moral responsibility that God demands of us, is clear to each and every person. As important as this message is (resonating with the teaching of Jesus of Nazareth), it is a questionable interpretation of this debate. To begin with, there is no Mishnaic sage who uses the phrase that the human being is created in the image of God, more than Rabbi Akiva himself. It is Akiva who says: "Beloved is the human being that is created in the image of God."[23] Moreover, when Akiva wants to impress upon us how serious murder is as the greatest offence of all, he says: "He who sheds blood diminishes the Divine Image [i.e. it is as if he destroys a piece of God himself]. For it is written, 'in the image of God he created him'".[24] The principle that all persons are created in the Divine Image is clearly central to Akiva's moral value system. So the issue here is not that Rabbi Akiva is somehow more particularist or insular than Ben Azzai. Exactly why Akiva prefers the golden rule here, is a subject for further deliberation.

But what I wish to clarify here is the concern of Ben Azzai. Why does he think that the golden rule is inadequate? With the benefit of the elucidation of the Matnot Kehuna, who explains that the subsequent phrase that appears in Genesis Rabbah belongs to Ben Azzai, we can understand exactly what is his fear. "So that you do not say 'in as much as I have been despised, so let my fellow be despised with me, in as much as I have been cursed let my fellow be cursed with me.'" Ben Azzai is warning against the danger of making one's subjective experiences the basis for one's moral conduct, with the possibility that one might interpret Leviticus 19.18 to mean love your neighbor as you have been loved. He is not only concerned with the immorality of tit-for-tat, as well as the danger that an individual's lack of self-respect will mean lack of respect for others' dignity; Ben Azzai is above all warning against the danger of relativizing one's moral responsibilities to all other human beings. For regardless of how one may be treated, and no matter how badly others may have dealt with one or one's people, we are all still obliged to behave toward others with respect for their lives and dignity, simply by virtue of the fact that each and every person is a human being – created in the Divine Image. And here comes the punch line of the Midrashic text: "Said Rabbi Tanhuma, 'if you do so [i.e. if you say because I have been despised let my fellow be despised], know whom you despise, 'for in the image of God, He made the human person'".[25] In other words, any act of disrespect to another human person, is an act of disrespect towards God Himself and it is not possible to be truly God fearing unless one behaves with respect towards all human beings.

It is accordingly this view of the individual that is key to the effective functioning of the democratic ideal in Judaism, an ideal which emphasizes not only the importance of public authority, but above all of the obligation of the system to provide for the greatest protection and enhancement of human life and dignity of all.

Notes

[1] F. H. Colson, Philo, VII, Appendix, 437-38, Loeb Classical Library; E. R. Goodenough, The Politics of Philo Judaeus, p. 86-90.
[2] Exodus 19.5-6.
[3] The Kuzari, Sect. 1.
[4] See S. Schechter, Studies in Judaism, Philadelphia, J. P.S. 1915, XVII-XXIII.
[5] Deuteronomy, 17.14-20.
[6] Mishnah, Sotah, 7:8 (cf. Deuteronomy 31.11-12).
[7] Mishnah, Yoma 1:5; Babylonian Talmud, Yoma, 19 a-b.
[8] Deuteronomy 1.13.
[9] Yad, Sanhedrin, 2:4.
[10] Babylonian Talmud, Berachot, 55a.
[11] Babylonian Talmud, Shabbat, 17a.
[12] Shulchan Aruch, Choshen Mishpat, Chapter 2.

[13] See Gedaliah Alon, <u>Jews, Judaism and the Classical World</u>, translated by I. Abrahams, Magnus, Jerusalem, 1977, 374, ff.

[14] Based on Exodus, 23.2.

[15] Jerusalem Talmud, Bava Bathra, 60 b; Maimonides, Yad, Mamrim, 2:7.

[16] Tosefta, Pesahim 4:12.

[17] Genesis 5.1-2.

[18] Sanhedrin, 4:5.

[19] Babylonian Talmud, Yebamot, 62a.

[20] Sanhedrin 4:5

[21] Sifra, Kedoshim, Leviticus 19.18, 4:12. Genesis Rabba, 1:24.

[22] Rabbi Yissachar Ber Katz, a.k.a. Berman Ashkenazy.

[23] Mishnah, Avot, 3:14.

[24] Tosefta, Yebamot, 8.

[25] Genesis Rabba, 1:24.