

## **Power and Powerlessness in Judaism**

**By David Rosen**

The Bible reflects a profound awareness of the problem of political power. The dangers of monarchy are eloquently described by Samuel in his efforts to dissuade the people from choosing a king<sup>1</sup>. Notwithstanding, the Pentateuchal model of governance is in fact monarchical<sup>2</sup>. However, the dangers are offset by the fact that the people as a whole play a key role in the monarch's 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<sup>3</sup>. 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<sup>4</sup>.

Indeed, the community at large, has a central role in Jewish historical religious life. The revelation at Mt. Sinai is described as a communal experience taking the form of a Covenant between a people and the Sovereign of the world<sup>5</sup>. (The collective nature of the experience is even seen by some Jewish philosophers, notably Yehudah Halevi<sup>6</sup>, as serving as proof of its authenticity.) In fact, the significance of the concept of the collective in Jewish thought goes so far as to include the sinner as well, so that the community of the Covenant can never be conceived as an aristocratic, elitist structure, even in spiritual terms<sup>7</sup>.

The importance of consultation with the public before appointments are made, is confirmed in the Babylonian Talmud<sup>8</sup> on the basis of the Biblical narrative. "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"<sup>9</sup>. 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 as follows by Rabbi Hayim Zundel<sup>10</sup>, principal commentator on the collation of the Aggadic sections of the Talmud, in reference to the above text. “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<sup>11</sup>. 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<sup>12</sup>. The sages Hillel and Shammai agree to introduce certain legislation, but the public does not accept it<sup>13</sup>. It is only a generation later that it gains public acceptance. These ideas are formally incorporated into the Code of Jewish Law<sup>14</sup> where the authority of communal leaders is discussed, clarifying that their authority derives from their acceptance by the people.

Thus the dangers of the abuse of power are offset by the weight of public authority. Yet the latter itself is rooted in the concept of the value of each and every individual who together make up 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”<sup>15</sup>.

This text serves for a very important discussion between two sages from the second

century of the Common Era on what is the guiding principle, not simply conceptually but practically, in terms of moral conduct. But before addressing this text, I would like to refer to the Mishnah that deals with the formal caution given to witnesses in capital cases, warning them of the dire consequences of false testimony<sup>16</sup>. 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 of course 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, and therefore the Talmud states<sup>17</sup> 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. 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 (i.e., each person is unique – D.R.). Therefore every person is obliged to say, the world was created for me”. (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 fundamental 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. The text appears in two different forms and chronology in Genesis Rabba and in the Sifra<sup>18</sup>. However, the sixteenth century author of the very important Midrashic commentary, the Matnot Kehuna<sup>19</sup>, 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 v. 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. 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 such 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"<sup>20</sup>. Moreover when Akiva wants to impress upon us how serious murder is as the greatest offense 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 - D.R.). For it is written ‘in the Image of God He created him’”<sup>21</sup>. 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 I wish to clarify here what Ben Azzai’s concern is. 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 v. 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 - D. R.), know whom you despise, ‘for in the image of God, He made the human person’”<sup>22</sup>. 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 commitment to this weltanschauung that countervails any tendency to lord it over another and abuse any position of power.

While political power remained a theoretical problem for most of the last two thousand

years of Jewish history, there were a number of medieval philosophers who addressed the question of Judaism's preferred political system. Happily to my mind, there was not uniformity on the question. However, one of the most interesting approaches is that of Rabbi Nissim of Gerondi<sup>23</sup> who envisions the parallel functioning of two frames of authority even in a Jewish polity – a broad civil moral structure and a non-coercive religious framework – arguably laying down one of the earliest philosophical arguments of separation of Religion and State.

The establishment of the State of Israel led to renewed discussion of the matter, but I would imagine that most of us would happily endorse Gerondi's approach if on no other basis than the wisdom of historical hindsight, which seems to conclusively prove that religion is far healthier when it is in creative tension with political authority than when it is bolstering, let alone part of political authority.

However, the primary problem that the Jewish community faced in the course of most of the last two millennia was not the problem of power, but that of the lack of it.

One of the most fascinating discussions that reveals the way the Rabbinic mind coped with this challenge, is the following text in the Babylonian Talmud<sup>24</sup>.

“R. Joshua b. Levi said: Why were they called men of the Great Synod? Because they restored the crown of the divine attributes to its ancient glory. (For) Moses had come and said: “The great God, the mighty, and the awesome”<sup>25</sup>. Then Jeremiah came and said: aliens are destroying His Temple. Where are, then, His awful deeds? Hence he omitted (the attribute) the “awesome”<sup>26</sup>. Daniel came and said: aliens are enslaving his sons. Where are His mighty deeds? Hence he omitted (the attribute) ‘mighty’<sup>27</sup>. But they came and said: on the contrary! therein lies His mighty deeds; that He suppresses His wrath, that He extends long-suffering to the wicked. Therein lies His awesome powers: for but for the fear of Him, how could one (single) nation persist among the (many) nations! But how could the (earlier) teachers abolish something established by Moses? R. Eleazar said: Since they knew that the Holy One, blessed be He, insists on truth, they would not ascribe false (things) to Him.

What we see here is a moralization of the concept of power, in which not only is the latter given a new and spiritually positive interpretation, but the powerless are accorded the moral high ground.

Presenting the vulnerable not only as occupying the moral high ground, but as actually preferred by the Almighty, is powerfully expressed in the Midrashic passage<sup>28</sup> on the phrase in Ecclesiastes<sup>29</sup>.

“And God shall make requirement for the persecuted (lit. pursued).” Rabbi Yehuda, the son of Rabbi Simon, said in the name of Rabbi Yehuda, the son of Rabbi Nehorai: “The Holy One blessed be He demands the blood of the persecuted from the persecutors. Know that it is so, for Abel was persecuted by Cain, and the Holy One blessed be He chose Abel<sup>30</sup>. Noah was persecuted by his generation and the Holy One blessed be He only chose Noah<sup>31</sup>. Abraham was persecuted by Nimrod and the Holy One blessed be He chose Abraham<sup>32</sup>. Isaac was persecuted by the Philistines and the Holy One blessed by He chose Isaac<sup>33</sup>. Jacob was persecuted by Esau and the Holy One blessed by He chose Jacob<sup>34</sup>. Joseph was persecuted by his brothers and the Holy One blessed be He chose Joseph<sup>35</sup>. Moses was persecuted by Pharaoh and the Holy One blessed be He chose Moses<sup>36</sup>. David was persecuted by Saul and the Holy blessed be He chose David<sup>37</sup>. Saul was persecuted by the Philistines and the Holy One blessed by he chose Saul<sup>38</sup>. The people of Israel is persecuted by the nations of the world and the Holy One blessed be He has chosen the people of Israel as it is said: The Lord has chosen you to be his specially treasured people.”<sup>39</sup>

The implications of this moralization of power are further expressively articulated in the Midrash<sup>40</sup> on the verse.

“Let the Lord arise and scatter His enemies and may those who hate Him flee from before Him.”<sup>41</sup> Says the Midrash: “(in the book of Psalms we find that) on five occasions (King) David calls on God to ‘arise and scatter His enemies’ and yet there is no mention (in Psalms) that God arises (in response). When do we find (mention of) God arising? “For the oppression of the poor and the cry of the needy, then will I arise, saith the

Lord”<sup>42</sup>.

This midrash brings to mind the comment attributed to Abraham Lincoln when asked on the eve of battle whether God was on their side. “The question is”, Lincoln is reported to have replied, “whether we are on God’s side”!

What the midrash is saying in effect is that even if you are God’s anointed himself, even if you are King David, you may not assume that God is on your side. When is God on your side? When you are on His. And what is His side? It is above all, the side of the needy and vulnerable; and the extent to which a nation addresses itself to these, is the extent to which it is godly.

Accordingly, while Judaism seeks to countervail the possible abuse of power by emphasizing the value of every individual and necessitating public legitimization of authority; the problem of powerlessness was addressed by presenting the vulnerable not just as the litmus test of moral conduct, but as the authentic representatives of Divine authority itself.



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- <sup>1</sup> I Samuel, ch. 8 v. 11-18  
<sup>2</sup> Deuteronomy, ch. 17 v. 15  
<sup>3</sup> loc. cit. v. 20  
<sup>4</sup> Mishnah Sotah 7:8 (cf. Deuteronomy, ch. 31 v. 11-12)  
<sup>5</sup> Exodus, ch. 19 v. 5 & 6  
<sup>6</sup> The Kuzari, Sect. 1  
<sup>7</sup> See S. Schechter, Studies in Judaism, Philadelphia JPS 1915, 18-23  
<sup>8</sup> Berachot, 55a  
<sup>9</sup> Exodus, ch. 35 v. 30  
<sup>10</sup> Etz Yossef on Ein Yaacov, Berachot  
<sup>11</sup> I Samuel, ch. 8 v. 22  
<sup>12</sup> II Samuel, ch. 21 v. 11  
<sup>13</sup> Babylonian Talmud, Shabbat, 17a  
<sup>14</sup> Shulchan Aruch, Choshen Mishpat, ch. 2  
<sup>15</sup> Genesis, ch. 5 v 1 & 2  
<sup>16</sup> Sanhedrin, 4:5  
<sup>17</sup> Yebamot, 62a  
<sup>18</sup> Sifra Kedoshim (Leviticus ch. 19 v. 18), 4:12 Genesis Rabba, 1:24  
<sup>19</sup> Rabbi Yissachar Ber Katz a.k.a. Berman Ashkenazy  
<sup>20</sup> Mishnah, Avot, 3:14  
<sup>21</sup> Tosefta, Yebamot, 8  
<sup>22</sup> Genesis Rabba 1:24  
<sup>23</sup> Drashot HaRan, Feldman edition, Jerusalem 1974, pages 189-192  
<sup>24</sup> Yoma, 69b  
<sup>25</sup> Deuteronomy, ch. 10 v. 17  
<sup>26</sup> Jeremiah, ch. 32 v. 18  
<sup>27</sup> Daniel, ch. 9 v. 4  
<sup>28</sup> Leviticus Rabbah, ch. 27  
<sup>29</sup> Ecclesiastes, ch. 3 v. 15  
<sup>30</sup> Genesis, ch. 4 v. 4  
<sup>31</sup> Genesis, ch. 7 v. 1  
<sup>32</sup> Nehemiah, ch. 9  
<sup>33</sup> Genesis, ch. 26 v. 3  
<sup>34</sup> Psalm 135 v. 4  
<sup>35</sup> Psalm 81 v. 6  
<sup>36</sup> Psalm 106 v. 23  
<sup>37</sup> Psalm 78 v. 70  
<sup>38</sup> I Samuel, ch.12 v. 13  
<sup>39</sup> Deuteronomy, ch. 14 v. 2  
<sup>40</sup> Shochar Tov  
<sup>41</sup> Psalm 62 v. 1  
<sup>42</sup> Psalm 12 v. 6