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Democracy in Post-Biblical Judaism

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THE Hebrew Bible occupies an assured, a pre-eminent and a recognized place in the history of the democratic idea and ideal. Because of the influence it exerted upon the English-speaking world generally, and particularly upon the founders of the American Republic, the relationship between the Hebrew Bible and democracy in America has frequently been the subject of popular essays or more ambitious scholarly research.

Our interest in exploring the role which Jewish thought and tradition played in molding the American democracy is legitimate and understandable. But we must not permit that interest to give the impression that the Bible exhausts Judaism's comprehension of the concept of democracy. We dare not be misled into the spiritually fatal position of judging the intrinsic value of our religious and cultural tradition solely by the effect that it has had on the non-Jewish world.

Post-Biblical Judaism, for many well-known reasons, did not reach out, to any appreciable extent, beyond the confines of the Jewish Community. It, nevertheless, represents a deepening and broadening of the Biblical heritage. Every significant concept in the Bible is carried over into post-Biblical Jewish thought and is given new vitality and relevance by the manner in which the Rabbis applied it to their own experiences. Many concepts only vaguely implied in the Bible received their mature form and stature in the crucible of Rabbinic thought and their most meaningful concretization in the institutions created in the post-Biblical era. This is particularly true of the group of ethical values usually associated with the concept of Democracy.

This paper will be devoted to a brief exploration of some of the areas of post-Biblical Judaism in which these values of democracy were developed and applied. Such studies of post-Biblical Jewish thought have fortunately been on the increase in recent years, and for very evident reasons. We have a duty to inquire whether there is a spiritual and an intellectual affinity between democracy, as understood in our country and generation, and the democratic ideal in post-Biblical Judaism. But it is equally incumbent upon us to discover and to proclaim any aspect of post-Biblical Judaism which may help to enrich and advance the democratic ideal among men.

1. *The Concept of Man*

The first and probably the most important area in which post-Biblical Judaism contributed to the development of the democratic ideal is to be found in the application of the concept of God's justice to the concept of man. Abraham, the founder of the Jewish religion, at the very beginning of his career confronts God with the question "Shall not the judge of all the earth do justly?" We note that in pleading for the people of Sodom and Gemorrah, he is not pleading for Hebrew, or white men, or kinsmen. He argues merely that if there are at least ten just *men*, a just God cannot destroy the city they inhabit. The emphasis upon justice is so universal in Biblical Judaism, and so well known that we need not here further labor the point.

But the implications of this concept of God as a just God are more amply developed in post-Biblical literature. Justice implies that a man is judged by what he does and not by what he is. The just God cannot punish an individual for the color of his skin, nor for the language he speaks, nor for the tribe into which he is born. And since it is man's most sacred duty to emulate God in every possible way, laws governing the relations between man and man dare not distinguish between one man and another, on the basis of the color, the language or the national origin of any human being. Post-Biblical Jewish legislation is, therefore, remarkably free of discrimination in its civil and criminal code against any individual because of his biological characteristics or historical associations. Numerous Rabbinic homilies impress the truth that before God all men are equal, and that they should be thus in one another's eyes. The insistence of Ben Azzai that the most significant passage in Scripture is not, "And thou shalt love thy neighbor as thyself," but rather the statement, "This is the book of the generations of *man*" is one that we might well ponder. Before we can learn to love our fellow man, we must be ready to acknowledge that regardless of color or station, "A man's a man for all that." This seems to be a very elementary truth, but it is one which no presently existing human society has fully learned. The immigration laws at present in force in our own country do not merely limit the number of people who may enter in any one year, but they clearly distinguish between one group of men and another.

In this connection, it is well also to recall that a Chief Justice of the United States, in 1857, could with deep conviction maintain that the men who wrote "We hold these truths to be self-evident, that all men are created equal," and followed it with "We the people of the United States" referred only to "every person and every class and description of persons, who were at the time of the adoption of the Constitution recognized as citizens in the several states," and that the Union "was formed by them and for them and their posterity, but for no one else". If a Chief Justice of the United States, less than one hundred years ago, could be of the opinion that such simple and unequivocal statements as "all men" and "we, the people" refer only to certain groups or classes of people, what shall we say of what these words may mean to lesser hearts and minds today?

It would take more space than we have at present at our disposal to explore fully this one aspect of the democratic concept as it developed in post-Biblical Jewish literature.* We shall, therefore, limit ourselves to only a few more brief observations.

God created only *one* man and *one* woman, the Rabbis explain, so that "no man should be able to say to his fellow "my ancestor was greater than yours".

It is the concept of God's justice which has prevented the Biblical concept of Israel as an "Am Segulah," a "treasured people," from deteriorating into a blatant and destructive chauvinism. Israel as a "treasured people" can no more trespass the laws of justice than any other people. The Bible itself is sufficiently explicit on this subject. Post-Biblical Jewish historic experience could but add its own tragic corroborations of this basic religious truth.

Since justice is not a matter of numbers, a whole people has no right to act unjustly against one individual. A million lying witnesses cannot condemn one innocent man. Indeed, in the realm of the spirit as in the realm of the mathematical infinite, a part is equal to the whole, and one human soul has as much right to its own dignity and existence as have all the other souls added together. Hence, the Rabbis did not hesitate to declare, "For this reason, a single man only was created, to teach you that if one destroys a single person, the Scripture imputes it to him as though he destroyed the whole population of the world, and if he saved the life of a single person, the Scripture imputes it to him as though he had saved the whole world." The extent to which God's impartiality became an integral part of Jewish thought is evidenced perhaps most strikingly in such matter-of-fact comments as those made by the medieval Biblical commentators, David Kimchi and Abraham Ibn Ezra. On the verse in the 145th Psalm, "The Lord is nigh unto all who call upon Him, to all who call upon Him in truth," Kimchi comments, "That refers to any human being of any people or family upon the earth." While Abraham Ibn Ezra, quoting Judah Halevi, explains the rather obscure last verse of Psalm 81 as meaning that "God is the portion or the defender of the wronged of all peoples, lands and nations".

The concept of God's justice as being absolutely and unwaveringly impartial as between the many and the one, the strong and the weak, the white and the colored, the one nation and the other, is indispensable to the democratic ideal as it seeks its own embodiments in the political, the economic, the religious or the educational phases of human society. The distance — spiritual and cultural — we have to travel before even American democracy will achieve this first goal, is all too evident even to the most casual observer. In that realm, post-Biblical Jewish literature undoubtedly has its humble contribution to make to our thinking on democracy.

2. The Concept of Man's Intrinsic Nature

Democracy, by assuming that "vox populi" is "vox dei" must have, of necessity, an optimistic opinion of the essential moral and spiritual quality of man. If man is by nature evil, beastly, and corrupt, then he cannot be trusted to govern himself. All tyranny, whenever it attempted to justify itself, had recourse to the proposition that by and large man is ignorant and wicked. Hence, it is better that he be governed by the few elite or chosen spirits. Nowhere in post-Biblical Jewish literature is there the assumption that man by nature is necessarily good and that, regardless of outer circumstances, he will do that which is proper. But neither is there found anywhere in post-Biblical Jewish literature the idea that man by nature is necessarily evil. Post-Biblical Jewish literature is realistic. It assumes neither a Pollyanna optimism nor a cynical pessimism regarding man's essential nature. It tends rather to maintain the position that "all things being equal, man's essential nature will incline toward

the good". The Rabbinic approach is perhaps best reflected in Maimonides' explanation of the Rabbinic law which orders that the recalcitrant husband who refuses to give his wife a divorce, even though she deserves it, should be beaten until he says, "I am willing to grant it." "Every man," says Maimonides, "by nature wants to do the right thing. The refusal of this particular individual to do justice by his wife is due not to his innermost essential character, but to the crust of evil that has been gathered around his soul. The beating merely removes these foreign inimical accretions and permits the pristine goodness to come forth." In our morning prayer we say, "O Lord, the soul when Thou gavest it to me was pure." Man starts out on his path in the world with no "strikes" against him. On that there is unanimity of opinion. For when a child is born, says a long homily in the Midrash, the Almighty decrees whether he shall be male or female, strong or weak, rich or poor, short or tall, beautiful or ugly, but not whether he shall be righteous or wicked. This is left completely in his power. Nay, more, the embryo is given every encouragement to choose the right path when he enters into the world of man, for an angel leads the unborn child into the Garden of Eden and shows him the righteous sitting with the crowns of glory upon their heads. "These," the angel explains, "are the men who were created before thee and who went forth and observed the Torah and the Commandments. Hence, they merited this reward. Therefore, when thou goest out into the world mayest thou also serve the Torah and merit being in their company." Then he shows the unborn soul the wicked and their suffering saying to him, "These are the souls that failed to observe the Torah and the Commandments when they went out into the world. This is their punishment."

Without a firm faith that the good in man has at least as favorable a chance as the evil in him to dominate the life of the individual, without the conviction that given even half a chance the good in man will hold sway, democracy lacks an indispensable foundation stone for its structure.

3. *Education and Democracy*

But let us bear in mind that the Rabbis had no blind faith in the ultimate triumph of the good in the individual over the evil in him, regardless of what the individual did. They said merely that the good in him has every chance of triumphing if it is properly nurtured, encouraged and guided. Hence, the unprecedented significance which education assumed in post-Biblical Judaism. The study and teaching of the Torah became the most sacred of tasks. The Bible, to be sure, had from the beginning commanded, "Thou shalt teach them diligently unto thy children," but the full implications of that commandment were not developed until many years after the Biblical era had come to a close. It can be said without fear of contradiction that the ideal of universal education, at least for all the Jewish males, was first formulated among the Jews of the Second Jewish Commonwealth and that among them the first serious attempt was made to implement this ideal.

This education was not to be for the noble or the rich, nor was there to be one kind of education for one group and another type of education for another group. All males were to receive the same opportunity to study Torah and to cultivate their souls so that they may follow the law of goodness and righteousness in life. The twin concepts of studying and teaching Torah were very elaborately developed

very early in post-Biblical Jewish thought. Throughout the centuries they have remained among the essential pillars supporting the structure of Judaism.

The Talmud gives us a very brief but a most interesting account of the development of general education among the Jews. In *Baba Bathra*, the following incident is recorded. "The High Priest Joshua ben Gemala (held office in the year 63-65 C. E.) is to be remembered for good. Had it not been for him, the Torah might have been forgotten in Israel. For in the beginning he who had a father, the father would teach him Torah. But he who had no father would not study Torah (for there was no one who would teach him). Then it was decreed that public teachers should be provided in Jerusalem for all the children. The result was that a father (who could not teach his son himself) would bring his son to Jerusalem to be taught. But a child that had no father would still remain without instruction for there was no one to bring him to Jerusalem. They then decreed that there should be publicly paid teachers in every city, and boys and girls of 16 and 17 were to be taught by them. But these boys were too old and would not subject themselves to discipline. Then Joshua ben Gamala decreed that there should be publicly supported teachers in every city and every town, and that children should start their schooling at the age of six or seven."

The spiritual affinity between this idea of universal and free education for all, and the American public school system is too obvious to need elaborate comment. But there is one aspect of post-Biblical Jewish thought on the problem of education which we, in this country, are only now beginning to appreciate fully and to treat with some vision and effectiveness. In the great struggle which preceded the organization of the American public school system, the argument was presented over and over again that the future of the country is in the hands of the youth of the country. The youth, therefore, must be educated. But the public school system has been with us sufficiently long now for us to realize that neither a public school education nor a high school education, nor even an education which stops with a B. A. degree is adequate for the preservation of democracy in our midst and for its further growth and development. We are beginning to understand more fully than ever before that education is a life-long process and that the future will not be built necessarily by the young. The older men and women in every generation play at least as great a part in determining the course of the next generation as do the young men and women living at any one time. The need, therefore, for universal education and for life-long education, is summed up by Maimonides in the following words: "The study of Torah is incumbent upon every man in Israel, whether he be poor or rich, young or very old. Even one who begs alms from door to door, or one heavily burdened with family responsibilities must set aside two periods a day, one during the day, and one at night, for the study of Torah, for the Bible commands, 'And thou shalt meditate therein day and night.' Among the greatest of the sages of Israel were men, some of whom were hewers of wood, others water carriers, and some were blind, yet they busied themselves with the study of Torah day and night, and were part of the chain of tradition transmitting the Torah from generation to generation, starting with Moses."

"Until what period of life does a Jew have to continue to study the Torah? Until the day of his death, for it is written in the Torah, 'Only take heed to thyself

and keep thy soul diligently lest thou forget the things which thine eyes saw (at Sinai) and lest they depart from thy heart *all the day of thy life*'. And when one does not study, he not only adds nothing new to his knowledge but even forgets what he previously knew."

Nor did this attitude of post-Biblical Judaism toward education as a life-long process remain limited to mere literary formulations. It was embodied in the communities throughout the diaspora in various institutions, such as the Chevrah Shaas, Chevrah Mishnayos, and other groups of adults who daily devoted a period of time for study. Study became an integral part of religious worship whether communal or private, hence the prominent part played in our synagogue services by readings from the Pentateuch and the Prophets.

This insistence that education be a birth to death process, and not merely the obligation of children and adolescents must become an essential ingredient in all of our thinking about democracy and its future in human society. It is for educators to develop the techniques whereby effectively to implement this indispensable weapon of democracy.

4. *The Democratization of Institutional Religion*

Religion in antiquity suffered from many shortcomings of an ideological and institutional nature. The shortcoming, which is of particular interest to us as having some bearing on our immediate subject, was the existence of the religious caste, the priesthood, which was hereditary in nature. Judaism started with such a hereditary priesthood. Aaron and his sons and their descendants were designated as those who were to "keep the Law," to teach it to the rest of the people, and to interpret and apply it for them. One of the greatest and most difficult of revolutions was accomplished, therefore, in the post-Biblical period when, without eliminating the priesthood completely, Judaism nevertheless succeeded in limiting the religious authority of the priest to the very minimum and democratizing the religion, as a whole, to the maximum. The revolution was started by the scribe, Ezra. It was he who, upon his return from Babylonia to Jerusalem, made the written word the final authority of Jewish religious life. It was thus that the process was started which ultimately transferred religious authority in Judaism from the priest to the scholar, from the hereditary caste to the democratic society of the learned.

The most dramatic illustration of the complete victory of the scholar over the priest was annually re-enacted during the week preceding the Day of Atonement. The High Priest became the pupil of the Rabbis. They examined him in the law regarding the services he was to conduct on Yom Kippur, and he had to follow their instructions meticulously. The High Priest thus became little more than the messenger of the people to carry out the will and the directions of the scholars of the Torah. Since education was the privilege of all and certainly the responsibility of all, the avenue was opened wide for a Jew starting in any station in life to reach the point of highest authority. The positions held in Jewish life by men of such humble origins as Hillel and Akiba amply demonstrate that this revolution was no mere empty gesture.

Thus even before the Temple was destroyed, Judaism succeeded in freeing itself from the tyranny of a hereditary religious caste. Two things made this amazing

bloodless revolution possible, a written constitution—the Bible,—and free universal and even compulsory education, free and open access to a knowledge of this written constitution. It is well for those interested in democracy always to bear in mind that only where there is a written constitution and where there is access to knowledge for all members of a people that democracy has an opportunity to function and the development of special castes and classes is at least greatly impeded.

Coinciding with the rise of the authority of the scholar came also the development of the most democratic of the religious institutions of Judaism, namely the synagogue. Any ten Jewish males above the age of thirteen may form a congregation, having the right to practice their faith in every aspect of it. All that is required to lead a service in a synagogue is to know how to do it, and to have the consent of the congregation. No special ordination is needed. Moreover, there is no ceremony of a religious nature (with the exception of the redemption of the first-born), whether it be the performance of a wedding or of a burial or of a circumcision or the slaughtering of animals for food, which cannot be performed by any Jew who has the prerequisite knowledge. The Rabbi is distinguished from the rest of the community in only one way. He is supposed to have more knowledge than the other members of the community about Jewish law and custom and practice. As a matter of fact, even that was not always true and certainly not today. Throughout eastern Europe there were many communities having many laymen who knew more about Jewish law than the official Rabbi of the community. They refrained from differing with the decisions of the Rabbi only as a gesture of respect to him. Nor did the Rabbi hesitate to discuss legal matters with any layman who had the requisite knowledge. Hence, since the destruction of the Temple, Judaism has been a religion with the maximum of democratic organization. The authority of the man of knowledge, the scholar of the Law, was supreme throughout all the centuries, and the study of the Law was not only open to all, but was vigorously urged upon all.

The essential democracy of the Jewish religion, as it developed after the destruction of the Temple, was reflected also in the doctrine that every human being can himself approach God, without the need of any intermediary. The Psalmist's statement, "The Lord is nigh unto all them that call upon Him in truth" was the guiding principle of the faith.

The Chassidic movement which arose in the 18th century varied somewhat from this doctrine. For this it was vehemently denounced by the rest of the leaders of Judaism. They did not succeed in stemming its development. For various historical and sociological reasons, the Chassidic movement made tremendous progress among the masses of the people, but the overwhelming opinion of the authoritative teachers of Judaism remains unchanged. Every human being is a child of God, and can and should approach his Father with faith in his Father's love and justice, and with conviction that the sincere prayer of the most untutored or of the wickedest but repentant sinner is as effective and as welcome as the prayer of the holiest of saints.

5. The Individual's Responsibility

Finally, there is in post-Biblical Jewish literature a recognition of the fact that the significance attached by Judaism to the individual places grave responsibilities

upon him. Basing themselves upon the fact that God created only one man, the Rabbis draw the lesson that each human being must feel that the whole world was created for his sake. Hence, whether the creation of the world was worthwhile or not depends upon how he lives and acts. If his life is corrupt and his deeds evil, all of God's labors are in vain. If he is upright and lives righteously, his life justifies all of God's creation. That sense of personal obligation for justifying the existence of the whole world is further intensified by the Rabbinic teaching that each man must view the world as if it were constantly very delicately balanced between its merits and its demerits. Each one, therefore, must act in such a manner as to feel that his very next act will determine the fate of the whole universe. For if he sins, then the scale of demerits will outweigh the scale of merits, and the world will be destroyed. While if he performs a mitzvah, the scale of merits will outweigh the demerits, and the world will be saved.

If democracy is ever to function at its highest and noblest, every citizen will have to develop within himself that great sense of responsibility — the feeling that the whole of human society was created for his sake and that he has to live in such a manner as to justify the great cultural heritage transmitted to him from the past. He also must develop a much deeper and profounder sense of responsibility for all of his actions, so that he never feels that he is merely one in a vast mass, only an insignificant drop in an infinite ocean, having no influence to determine the future direction of the mass or the character of the ocean.

These are but a few of the many attitudes, opinions, and doctrines found in abundance in post-Biblical Jewish literature that have bearing on the problem of democracy. The teachers of Judaism in the post-Biblical era were men who had a high regard for the individual human soul, as well as a firm faith in the justice of God and a deep belief in the brotherhood of man. They had many things to say which have a direct bearing upon a profounder understanding of the concept of democracy. We will all be the richer if we permit their thinking to make its contribution to our own thinking, as we strive to make the democratic ideal an increasingly powerful factor in molding the life of mankind.

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NOTE: *This paper represents the substance of the address delivered at the opening series of lectures, at the Boston Institute of Religious Studies, in February, 1945.*

* *The theme of the concept of man, as developed in post-Biblical literature, is treated more fully in a paper by the author, which appeared in "The Proceedings of the Second Conference of Science, Religion and Philosophy."*