

“Am K’shei Oref”: *Oppositionism in the Jewish Heritage*

SAM LEHMAN-WILZIG

Introduction

IN A SHORT BUT SEMINAL ESSAY OVER SIXTY years ago, the noted Jewish historian, Cecil Roth, advanced a thought-provoking contention. He described the Jew as the “Eternal Protestant,” a personality type

who always refuses to be satisfied with the present condition of affairs, and will never surrender himself entirely to the prevailing current in ideas, in ideals, in political theory. . . . Jews are still protestants — protestants against the modern deification of the State as they were against the deification of the Church four centuries ago, and against the juggernaut of Hellenism before the Christian era began. . . .¹

Intriguing as this argument was, neither he nor anyone else followed up on it in any kind of systematic analysis of the extent and basis of such “Jewish Protestantism.” The following essay will attempt to do just that, albeit using a more comprehensive and all-inclusive term: “oppositionism.” But before we can analyze what it encompasses and how it has been expressed and manifested over time, a few brief points of explanation are in order.

First, no claim is made here to exclusivity. In other words, just because it can be shown that the various elements of “oppositionism” are significant in the Jewish political tradition does not mean that they are not to be found in other peoples’ heritages as well. For our purposes it will be enough to show that sundry elements of “oppositionism” constitute a fundamental aspect of the Jewish socio-political tradition, fairly consistent over time.²

A second point needs to be stated here in as clear and unambiguous

1. Cecil Roth, *Personalities and Events in Jewish History* (Philadelphia: The Jewish Publication Society of America, 1953), p. 77.

2. Some students of the matter, though, maintain that: “Among Jewish teachings is one which is . . . virtually unique among world religions . . . a recognizable stream of Jewish thought . . . not confined to any period or school but is to be found in biblical, talmudic, kabbalistic, hasidic, and modern sources. . . . [t]he idea that God has something to answer for, not only prayer to respond to. . . .” (Abraham Kaplan, “The Jewish Argument With God,” *Commentary*, Vol. 70, #4 (October, 1980): 43-44).

SAM LEHMAN-WILZIG is Senior Lecturer in the department of Political Studies at Bar-Ilan University.

a fashion as possible, as it will not be dealt with in the course of this exposition — if “oppositionism” constitutes a central element of the Jewish political creed, no less so is the idea of “duly constituted authority which must be obeyed” an integral concept in that same tradition. Of course, it must be so if the Jewish polity were not to deteriorate into utter chaos and anarchy.

Thus, while a matching numbers game is almost irrelevant in the context of an exploration into Jewish political culture, one could probably find about as many sources propounding the creed of “obedience” as those that shall be brought forth for “oppositionism.” Suffice it here to quote but a few of the more famous:

Pray for the peace and security of the monarch, for were it not for fear of him, Man would swallow up his neighbor.³

We will do and we will listen.⁴

The law of the land is the law.⁵

In essence, the ultimate point of the argument contained here is that “obedience” and “oppositionism” are both to be found in the Jewish political tradition — not so much as opposing concepts, but, rather, as two complementary sides to the same philosophical and practical coin.

The Elements of Oppositionism

“Oppositionism” can take many forms. For our purposes we shall divide the concept into four different elements: argumentativeness, protest, disobedience, and rebellion.

Argumentativeness is an intellectual quality, a mindset which is, at base, skeptical of received truth, perceiving things not monistically but dialectically. Whatever the conventional coin of wisdom at the moment, an ar-

3. *Pirkei Avot* 3:2; also in *T. B. Avodah Zarah* 4a.

4. *Exodus* 24:7.

5. *T. B. Bavah Kamah* 113a. To be sure, this is not an altogether simple dictum. There are many mitigating aspects as well as outright exceptions to the rule which tend to reinforce Jewish “oppositionism.” For a full treatment see Shmuel Shilo, *Dina D'malkhuta Dina* (Jerusalem: Schocken Press, 1984), p. 65. For some interesting examples of such “oppositionism” within a concept which, on the face of it, demands obedience to authority, see Gerald J. Blidstein, “A Note on the Function of ‘The Law of the Kingdom is Law’ in the Medieval Jewish Community,” *The Jewish Journal of Sociology*, vol. 15, #2 (Dec. 1973): 213-219. Of particular relevance to our topic is the fact that, while the rabbinical authorities in the Diaspora denied the legitimacy of Gentile law on many occasions, such pronouncements were not for practical application at the time but, rather, for educative purposes towards the future when the Jews would once again live within their own legal framework: “Inasmuch as those to whom the rulings were primarily addressed were not in actuality touched by them (a fact of which the rabbis were aware from the outset), the doctrines expounded in definition of the proper and legal operation of governmental authority were neither a response nor an accommodation to the realities of the day. In a sense, we have legislation for a State that does [did] not exist” (pp. 217-218), but for one which, it was hoped, would exist in the future.

gumentative mind tends to flip it over in order to reflect upon the obverse side and debate its merits.

Protest is more of a moral quality, whereby one's voice is raised against the action, and not merely the thought, of another. Conversely, it may manifest itself in ways other than the purely verbal. It takes place in order to express a sense of injustice (and not just the possibility of "another way"), and demands actual redress, not merely reconsideration. Finally, as in argumentativeness, the element of protest may be directed at one's peers as well as at a higher authority. Rebuke and remonstrance, in the Jewish tradition, is addressed at one's equals and one's "betters" without much discrimination between the two.

Disobedience, on the one hand, is in actuality a stronger expression of opposition to the powers-that-be, yet philosophically presents less of a threat. As opposed to protest, where a stance is taken against the authority's position on a matter but the directive of that authority is not transgressed, with disobedience one crosses into the realm of "illegal" action. From a legal perspective, then, it is a more serious matter than protest, which may or may not be prohibited by the statutory or political system. However, disobedience does not always carry with it a "political" statement, i.e., the perpetrator may know that s/he is going against the will of the authority but may have no intention of sending any sort of "message" regarding the transgressed law. With protest, though, the adversarial position vis-à-vis the leader(ship) is patent from the start, and thus demands more of a reasoned response on the latter's part.

With *rebellion*, we move away from lower-level legal/political matters to the ultimate plane of constitutional oppositionism. Here, it is not a specific policy or law which is under attack, but the very existence or legitimacy of the leader(ship) and/or the type of regime in which the political activity takes place. In modern parlance this is called "revolution," and constitutes a much more profound form of opposition to the status quo.⁶ It almost always involves bloodshed (although this is theoretically not inevitable), literally a form of "life or death" oppositionism for those directly involved.

It should be obvious from the foregoing definitions that there exists a degree of overlap and/or ambiguity within and between these four elements of "oppositionism." But such ambiguity need not concern us, for what is important here is the totality of the Jewish oppositionist experience, both cognitively and experientially. The more discrete division into four elements is but a heuristic device for fleshing out Jewish "oppositionism" in all its variegated manifestations.

6. Strictly speaking, there is a difference between rebellion and revolution. The former involves the unconstitutional overthrow of the leadership within the government; the latter is a matter of changing the very system of government, the constitutional regime itself. There are few, if any, examples of "revolution" in Jewish history; it is, however, replete with "rebellion," as we shall shortly see.

The Origins and Theology of Jewish Oppositionism

One of the fascinating ironies of Jewish history is the extent to which an ostensibly authoritative politico-religious system was punctuated by instances of public argument, protest, disobedience, and outright rebellion against the power(s) that be. This was true on a dual plane — human and Divine. Indeed, of the fifty-plus instances of such behavior described in the Tanakh, the elements of “oppositionism” are to be found about equally divided against the authority of the temporal ruler and against the absolute sovereignty of God.

Nor is such an attitude the exclusive province of any specific period. True, the dominant tone is set early on in the Jewish national experience, as the Bible notes not one but four cases of bitter complaint on the part of the Israelites immediately upon their escape from Egyptian bondage. But the frequency, several centuries later, of outright rebellion against the monarchy relatively soon after its establishment is no less astonishing. And the tradition continues in force at least through the Roman period (e.g. the Bar-Kokhba rebellion, 132 C.E.), despite the terrible price of the Second Temple’s destruction as a result of the Jews’ rebellion a few decades earlier.

One clue as to a possible reason for such consistently collective oppositionist behavior may be found in the only significant period when virtually no such activity (at least against temporal authority) is mentioned: the period of the Judges. It is no coincidence that this is also the era of weakest central government in the entire epoch of Jewish self-rule within the confines of the Holy Land. Seemingly, strong central authority is not a situation that the Jewish people can long endure. Particularly instructive is the exception to this rule: when the Israelites demand of Samuel the anointing of a king, he warns of the dire consequences to follow.⁷ Already during the rule of the second king (David, no less!) the Israelites are to be found rebelling.⁸

Why the inchoate antagonism to strong, unitary government? Possibly, the cause may reside in the very beginnings of Jewish history, indeed, in its pre-history. As is noted in Genesis, XI:31, the founder of Judaism, Abram, grew up (and married) in Babylonia. What was the politico-constitutional system in existence at that time? The first verses of the very same Biblical chapter state in clear terms (and the juxtaposition of the two ostensibly totally different stories can hardly be coincidental) that Babylonia had become a polyglot society with fragmented rule.⁹ In short,

7. I Samuel, VIII:4-7.

8. II Samuel, XV-XVIII; XX:1-22.

9. Genesis, XI:7-9. The medieval commentator, Sforno, contends (verse 4) that the whole Tower of Babel project was to establish a unitary World Government (and — inevitably — an oppressively uniform society) under the rule of Nimrod. Thus, such overarching rule is not only distasteful for the Jew, but God, as well, finds it abhorrent, leading to His direct intervention and undermining of the entire enterprise.

Abram's political socialization occurs in an environment where central governmental rule is nowhere to be found and where, instead, all "people" with their own culture (their own "tongue," to use the Biblical term), develop as the spirit moves them.¹⁰

Abram finds quite a similar situation in Canaan (at least nine kings in a relatively small area), but, of necessity, must come into contact with a civilization based on quite a different constitutional system — Pharaonic Egypt. The complications in which Abram gets involved (with the Pharaoh, no less) over his wife Sarah could not but have reinforced his positive feelings for less powerful governmental rule.¹¹ In any case, whether this constitutional antipathy was transferred to his immediate progeny is a moot question, for the Children of Israel undoubtedly (re)learned the lesson in their Egyptian period of extended bondage — this time for all Jewish generations to come.¹² And the Bible subsequently makes crystal clear the fact that, upon entering the Promised Land, the Israelites (although fighting as a unified force) would be living in a very loose confederal tribal arrangement — in essence, picking up where they had left off when last controlling their own lives in their homeland. In short, strong centralized rule was not something indigenous to the Jewish people; on the contrary, their only early experiences with such a system of government left a very bitter taste in their mouths — and would continue to do so in future generations, even under self-rule.

Philosophically, this antipathy to overweening authority finds its source in the Covenant,¹³ the original pact between God and Abram.¹⁴ While not an agreement between absolute equals, it does make the relationship between ruler and ruled a mutual one in the Jewish tradition — no less so vis-à-vis God than a temporal ruler.

Indeed, it is again no coincidence that, in the very next chapter after the Covenant is entered upon, Abraham (the added letter *heh* in his name signifies a higher status, an incorporation of part of the Divine Name and, according to Genesis 17:5, representing Abraham's status as father of a

10. On the face of it this seems to be somewhat belied by the Aggadah (legend) of Abram being thrown into the furnace by King Nimrod for the former's opposition to idol worship. However, a closer reading of this Aggadah, as brought by the noted Bible commentator Rashi (Genesis, XI:28), suggests otherwise. It was only upon the complaint of Terah against his son Abram for having destroyed all of the former's idols that the king forced Abram to walk into the furnace. Thus, the transgression was not theo-political but, rather, more mundanely familial (or perhaps just property-related). Parental disobedience was not countenanced in any ancient society, but this was no reflection on the society's political decentralization or theological pluralism and tolerance.

11. Genesis, XII:10-20. A similar story occurs a bit later (Genesis, XX), this time with the most powerful local ruler — King Avimelech.

12. Avraham Wolfensohn, *Mayha'tenakh Le'tnuat Ha'avodah* (Tel Aviv: Am Oved, 1975), pp. 38-41.

13. Daniel Elazar, ed., *Kinship and Consent: The Jewish Political Tradition and Its Contemporary Uses* (Ramat Gan: Turtledove Publishing, 1981), pp. 21-86.

14. Genesis, XV:18; XVII:1-14.

multitude — *hamon* — of peoples) starts an argument/dialogue with God regarding the issue of collective punishment.¹⁵ And God is “forced” to backtrack in the face of Abraham’s moral onslaught! No clearer message could be given from the beginning of Jewish history regarding the legitimacy of protest, the inalienable right of the Jew to raise his or her voice against perceived injustice from on high.

How much more does this hold true regarding purely temporal political authority. Here one can say that the Covenant holds even greater revolutionary potential, for if the sacred compact is between Jew and God, any action by a mortal ruler which does not fit the provisions (or spirit) of the Covenant could be argued with, protested against, disobeyed, even fought, on the highest constitutional and moral grounds. In a sense, by covenanting with the Children of Israel, the Universal Sovereign transforms the citizenry into a sovereign body as well, on the same equal terms as God’s temporary political executor on Earth. This does not mean that rebellion is justified on purely utilitarian (Lockean) grounds, but that when the government acts unjustly any one of the two original partners to the Covenant (God or the Jewish people) can intervene to right the wrong.

Nor is this the end of the Bible’s justification of oppositionism. It seems that there is an aspect even more profound than political philosophy at work here: human nature and Jewish theology. At least one noted modern student of the subject believes that Judaism contains a theology of “oppositionism” based on the psychology of Man. The very first interactive story in the Bible indicates that not only is it human to disobey, but that disobeying made us human!

Stripped of subsequent interpretation, the narrative reports that Adam and Eve were in a garden, living crudely and mindlessly like the animals surrounding them. “They were naked and not ashamed” — this, from the wisdom narrator’s point of view, was not a blissful, Rousseauesque state but a horrible primitivity. However, there was a tree in the garden with knowledge-giving fruit. Only God forbade the couple to eat of it, and He made sure his prohibition would be heeded by threatening them with immediate death if they disobeyed. . . . [T]he serpent informs them that the threat is empty: the fruit is not death-bringing, not fatal, on the contrary it will open their eyes and make them discerning. So they do eat of it, and indeed God turns out to have been lying. They do not die, and their eyes are opened exactly as the serpent, the Prometheus of the Biblical story, told them. They become discriminating between good and evil . . . the start of human civilization.¹⁶

More suggestively, a leading contemporary Orthodox commentator places religious questioning, skepticism — what he calls “doubt” — within the mainstream of Jewish theology. Such doubt, it is claimed, has a pos-

15. Genesis, XVIII:22-33.

16. David Daube, *Civil Disobedience in Antiquity* (Edinburgh: Edinburgh University Press, 1972), p. 61.

itive function, with a “sufficient halakhic warrant for the thesis that doubt — the state of questioning suspension between faith and denial — can be acknowledged as legitimate within the confines of cognitive faith.”¹⁷ In fact, if one searches for the ultimate source of such a “state of mind” it becomes clear that “doubt” is not a property of Man alone — God, too, doubts!¹⁸ If Man, then, is created in God’s image, doubt (at least in the Jewish conception) does not emerge out of Man’s weakness alone but out of the necessity for (at least) the possibility of doubt in any truly free relationship,¹⁹ a quality learned from his Creator.

Finally, from a Jewish perspective it is highly significant that the source of the very name of the Jewish nation is steeped in oppositionist struggle. The underlying meaning of the specific story in Genesis, XXXII: 25-32, is enigmatic to say the least, but the bare details are simply understood:

And Jacob was left alone; and there wrestled a man with him until the breaking of the day. And when he saw that he prevailed not against him, he touched the hollow of his thigh; and the hollow of Jacob’s thigh was out of joint, as he wrestled with him. And he said, “Let me go, for the day breaketh;” and he said, “I will not let thee go, except thou bless me.” And he said unto him, “What is thy name?” And he said, “Jacob.” And he said, “Thy name shall be called no more Jacob, but Israel: for as a prince hast thou power with God and with men, and hast prevailed.” And Jacob asked him, and said, “Tell me, I pray thee, thy name.” And he said, “Wherefore is it that thou dost ask after my name?” And he blessed him there. And Jacob called the name of the place Peniel: “for I have seen God face to face, and my life is preserved.”

By the very name which they bear, then, the Children of Israel symbolize an unwillingness to submit to accepted authority. The blessing of chosenness which they carry was not something foisted upon them but, rather, was fought for — and it has exacted a price, as the story makes clear. But such was the nature of the Jewish people’s forebears (both Abraham and Jacob), and their timeless willingness still to be called “Israel” is ample testimony to a continuation of that “oppositionist” spirit.

In sum, historically, allegorically, philosophically, and theologically, the various elements and explanations which comprise and justify “oppositionism” in the Jewish heritage are legion and profound. Once again, one should not exaggerate this aspect to the point of raising it above other central components of Jewish belief and practice. But as we turn now to a more detailed (albeit hardly exhaustive) historical and halakhic survey of each of the four elements of “oppositionism” in the Jewish tradition,

17. Norman Lamm, *Faith and Doubt: Studies in Traditional Jewish Thought* (New York: KTAV Publishing, 1986; 2d edition), p. 18.

18. In the past God has doubted: whether He erred in creating Mankind; in making the Children of Israel the “Chosen People”; etc.

19. Lamm, *Op. cit.*, pp. 32-34.

it will become clear that the general idea and approach have become an integral part of the Jewish political (and intellectual) heritage.

Argumentativeness

Somewhat surprisingly, of the fifty-plus documented cases of “oppositionism” in the Tanakh, only four can be categorized as entailing argumentativeness. Why surprising? First, as the simplest and least threatening of oppositionist elements, one would expect to find it highlighted more than the other more politically corrosive types. Second, given the heavy emphasis placed on argumentativeness in the post-Biblical (Diaspora) era, one is somewhat taken aback at the relative dearth of Biblical antecedents.

On second thought, however, the matter is not altogether surprising, since the Bible tends to highlight the more important events and types of human interaction. Furthermore, since the “higher” elements of “oppositionism” by definition already contain the argumentative qualities of skepticism, doubt, questioning, and voice, there is less reason to focus on simple argumentativeness for its own sake in any effort to show it as a positive quality.

Beyond this lies a more interesting matter: virtually all of the Biblical examples of argumentativeness are found within a context of a fluid relationship between the protagonists. In other words, where there is a lack of established hierarchical authority (or where it has only recently been established and at least one of the participants has not fully internalized the new relationship), the mode of oppositionist expression is argumentativeness. In such a situation the “arguing” side may feel the equal of the other or may be testing the limits of the permissible within the new authority/subject relationship. Thus, Cain, Abraham (immediately following the Covenant), and the Israelites with Samuel (over the issue of anointing a king for the first time) — all were argumentative in a situation of “authority flux.” Indeed, it is the very outcome of the specific arguments which determined the ultimate authority framework, and not the original directives by the authority.²⁰ In a sense, then, argumentativeness can be seen as serving a necessary, at times even positive, purpose.

This would also explain the relative dearth of purely argumentative examples in the Bible, for in most cases the authority pattern (be it Divine or temporal) was well established. Put another way, argumentativeness and protest in the Bible are basically the same thing; what differs is the institutional context within which the respective element is expressed. When in an “open” relational context, the mode is argument; when in a

20. For example, God prohibiting any eating from the Tree of Knowledge; and God’s Biblical commandment for setting up the monarchy. Both were non-determinative in the final analysis. Rather, Adam and Eve’s punishment, and God’s directive to Samuel to anoint a king, determined the final pattern.

“closed” or established context, the mode tends to be protest (or something even stronger). Argumentativeness flourishes mostly in circumstances of (quasi-)equality.

And such was the situation after the destruction of the Second Temple and the loss of political sovereignty. To be sure, almost everywhere that the Jews settled they established communal political entities with distinct authority patterns. But these took some time to concretize and, in any case, could never be of the same stature as the more firmly (theologically) grounded authority patterns of the Biblical era. In such an environment of political and theological novelty, of dynamic authority relationships, argumentativeness came to the fore as a central mode of political and, especially, neo-theological (i.e. halakhic) expression.

The paragon of this argumentative spirit, of course, is the Talmud — a huge compendium of Jewish “law” (in the very widest sense of the term) which is dominated by an air of skepticism, questioning, cross-examination, and doubt. It is safe to say that no other civilization in human history has so revered (and studied with so great intensity) such an authoritative — yet decidedly non-authoritarian — body of work.²¹

The governing principle of the Talmud, especially with regard to its applicability to succeeding generations, is the famous dictum: “*ellu ve’ellu divrei Elohim hayyim*” [both opinions are the words of the living God].²² It is important to understand a number of points about this aphorism. First, it not only entered Jewish usage as a legalistic way of viewing things, but, also, became a coin of expression applied to virtually all walks of Jewish life where differences of opinion exist. Second, above and beyond the inculcation of tolerance for another’s intellectual position, it actually created a Jewish mindset that was willing to accept the legitimacy of two opposing positions existing at one and the same time. Third, and most important from a practical standpoint, Jewish law went even further than philosophically legitimating such duality. Opposing halakhic decisions were rendered by different rabbinical decisors, sometimes during the same historical period, based on the original conflict of opinions.²³ Thus,

21. David Dishon, *Tarbut Ha’mahloket B’Yisrael* (Jerusalem: Schocken Press, 1984).

22. T.B. *Eruvin* 13b. The full passage is: “For three years the House of Shammai and the House of Hillel disagreed, the one saying the law is as we see it and the other saying the law is as we see it. There issued forth a voice from heaven saying: *ellu ve’ellu divrei Elohim hayyim*, but the law is as the House of Hillel says. . . .” Here we see an important distinction between accepting the legitimacy of differing opinions and the need for unified behavior. In other words, the Jewish political tradition is much more tolerant (even encouraging) of verbal oppositionism or argumentativeness, and much less accepting of physical oppositionism or disobedience.

23. Joel Roth, *The Halakhic Process: A Systemic Analysis* (New York: The Jewish Theological Seminary of America, 1986), chapter 4. The author, a contemporary rabbinical decisor for the Conservative movement, adds a few more elements to the argumentative pot. As he argues and illustrates throughout the book, the halakhah is a “system that recognizes the legitimacy of *mahloket* [difference of opinion], even to the point of permitting dispute about the *de-oraita* [Biblical origin] or *derabbanan* [rabbinical origin] status of a given *mizvah*

the Jew actually *lived* the concept of opposition and duality. After a while, argument was not even second nature; it had become first.

Inarguably, the quintessence of the Talmud's whole approach to argumentativeness is to be found in the famous story of Rabbi Eliezer, who stood fast in an halakhic dispute against all the rest of his colleagues. In order to prove that his minority opinion was the correct one, he called for a number of miracles to take place, of which the final "conclusive" proof was a heavenly voice (presumably of God) proclaiming Rabbi Eliezer's correct approach to the point in dispute. The response of the rabbis?

Rabbi Joshua stood up and said: "[as is stated in the Bible] the law is not to be found in Heaven." To which Rabbi Yirmiyah added, "because the Torah has already been given at Mount Sinai, we do not follow voices from Heaven since you [God] already wrote at Sinai: 'Do as the majority decides'."²⁴

Such a brazen "putting in place" of the Ultimate Sovereign is probably unique in the annals of those human civilizations which based themselves on a supernatural authority. In simple terms, the rabbis were expounding the principle that, once the rules of the game had been laid down by God and accepted by the Children of Israel, neither side could unilaterally abrogate them. God, too, was subject to his own Law. Any "transgression," even by Him, was open to argument, even criticism. How much more open to argument were the opinions of the temporal and/or religious leaders!

The above story suggests that the principle of majority rule overrides all other considerations in Jewish law. In the final analysis this is correct, but only if certain stipulations are met.²⁵ One such requirement further reinforces the importance of argumentation within the Jewish tradition:

The majority will is never decisive unless the entire community is present at the meeting, and the majority votes against the minority in its presence. However, if the minority was not present at this meeting, the largest majority possible cannot decide anything.²⁶

[commandment], that permits a broad range of divergent behaviors, that postulates *ein lo dayyan ella mah she-einav ro'ot* [a decisor must rule on the basis of his view of the facts before him] as the central systemic principle, that affirms the idea that *ellu ve-ellu divrei Elohim hayyim...*" (p. 150). One may add to this another Talmudic suggestion — one which actually goes further than the above postulates because it brings the phenomenon down to the masses and in a sense institutionalizes the Jewish dialectical way of seeing things: "All who learn Torah from only one Rabbi will not see the correct path of the world" (T.B. *Avodah Zarah* 19a).

24. T.B. *Bava Mezi'ah* 59b.

25. Beyond the one quoted here, the most important requirement is that such decision not override a *grundnorm* of the Jewish faith, or a clear Biblical prohibition. See Roth, *The Halakhic Process*, chapter 7.

26. Yaakov Meshulem Ginzberg, *Mishpatim Le'Yisrael* (Jerusalem: Harry Fischel Institute, 1957), pp. 60b-61a (my translation). It should be noted as well that the court could not convict a defendant of a capital crime if there was no dissent, presumably because the opinion to convict had not been adequately tested (T.B. *Sanhedrin*, 17a).

This was not so for any formalistic or technically legalistic reason (although the Jewish tradition does make a fetish of proper due process), but, rather, because it was felt that no correct decision could be taken by the majority (despite, or perhaps because of, its large size) if the opinions of the minority were not heard and taken into account by the majority.²⁷ Here we see a point which will recur in some of the other oppositionist categories: oppositionism is of critical importance to those in power, and not just to those bereft of it.

In sum, the Jewish mindset from almost the start was argumentative. This trait only became stronger as time went on and the Jewish people were left to their own devices after God "withdrew" (in an active sense) from Jewish history in the post-Temple period. The modern stereotype of the "argumentative" Jew is not only a truism (as a generalization) but is perceived by the Jews themselves as a most positive personality characteristic. While it may not have made life easier for the Jew (and certainly not for the leadership), it definitely served the constructive function of constant legal, theological, and political reassessment in a distinctly hostile and ever-changing world.

Protest

From the very start of the story of the Jews as a sort of nation-in-formation, we find that protest constitutes the central mode of oppositionist political expression.²⁸ As noted above, in the first Torah portion of the week covering the post-Exodus happenings (Genesis, XIV-XVII), we find not one but four instances of public protest! And this after the ten plagues visited upon Egypt and the Children of Israel's long-awaited freedom! Vocal complaining was obviously something that came naturally to the Jews, despite the fact that for 210 years they had had little opportunity to practice the art.²⁹

27. There is another side to this coin, too. A number of rabbinical authorities contended that an edict/law promulgated by the majority could still be nullified by the community's rabbi/scholar/wise man; some even claimed that in order to be valid it needed such an individual's imprimatur. While such opinions undercut the principle of majority rule, indirectly it was another way of carrying the principle of "argumentativeness" one step farther. At the least, it set up a legislative system of checks and balances, systemic "oppositionism" of the most efficient sort. See Hilda Shatzberger, *Meri U'masoret* (Ramat Gan: Bar-Ilan University Press, 1986), pp. 17-18; 120 (fn. 39 and 40). Indeed, the Talmud goes so far as actually to institutionalize (and not merely legitimize) the idea of "minority opinion." The *zaken mamre* (rebellious elder) is a wise man whose halakhic opinion has already been overridden by the *Sanhedrin* (Israel's supreme halakhic-legislative body). Nevertheless, he is permitted to return to his native town and continue to argue for the correctness of his own opinion! (T.B. *Sanhedrin* 11b). Once again, however, he is enjoined from acting on his opinion.

28. Strictly speaking, this is not entirely correct as there are a few more cases of disobedience than of protest. However, a large majority of the former involve disobedience on matters that are religious in nature. Protest over political behavior is to be found in far greater numbers than disobedience to strictly political edicts.

The Bible's early perspective on the protest phenomenon is, however, more complex. On the one hand, in many cases it is clear that such protest is not looked upon kindly; on the other hand, there are few instances where the protesters are actually punished for their verbal oppositionism. In those cases where punishment is meted out, the protest has come perilously close to rebellion or non-acceptance of the authority's power and/or sovereignty. Such was the situation after the twelve spies returned from the Promised Land and ten gave a negative report (Numbers, XIV:1-4), for example.

Interestingly enough, once a strong central government is established in the form of the monarchy, the Biblical approach to public protest changes to a more positive vein. Again, we have already seen why this should be so, given the Jews' innate antipathy to powerful rule. Indeed, it is no coincidence that the rise of the prophet commences around the time of the establishment of the monarchy, and that the former (albeit grudgingly in the form of Samuel, the first prophet) set up the latter — as if to place the cure (public protest) before the illness.

We need not discuss at length what is, by all accounts, one of the more important and unusual quasi-political institutions in the Jewish tradition — the prophet. In the most eloquent and forceful language, a very long line of brave souls took it upon themselves to be society's conscience — not only railing against the transgressions of the masses, but rebuking those on high as well for their overweening and arbitrary use of power.

And therein lies an important point, for there seems to be no distinction made between protest against one's peers and one's superiors. In the face of Divine law, all are equal and all are equally open to public criticism. Conversely, there is also no difference in the standing and ability to protest between men of God or individuals with no formal religious (e.g., priests) or quasi-religious (e.g., prophets) status. In short:

The common denominator of the two types of opposition in the Bible is precisely the "technical" one, that the prophetic and the secular oppositionist arguments were inscribed as one in the sacred writings of the Jewish people, and constituted an educational example and source for the belief that the institution of opposition was a legitimate part of the accepted political system, and of the political culture of ancient Israel.³⁰

29. In this context, it is worthwhile relating a famous Israeli joke dealing with the "naturalness" of Jewish political protest: A Russian Jewish dissident, let out of the Soviet Union to emigrate to Israel in the pre-Glasnost era, was conversing with his new Israeli neighbor. "Tell me," asks the native Israeli, "I hear that the housing situation in Russia is abominable." Comes the laconic reply from the Russian immigrant, "Can't complain." Befuddled, the Israeli continues: "Well, what about the long lines to buy food?" Once again the terse answer, "Can't complain." By now perplexed, the Israeli tries one last time: "How about the lack of modern appliances?" A third time, "Can't complain." Explodes the Israeli: "Why the hell did you move here, then?" Comes the immediate retort: "Here, I can complain!"

30. Avraham Wolfensohn, *Ha'tanakh Ha-politi: Opposiziah Ba'mikrah* (Haifa: Halevanon, 1974), p. 86. Translation from the Hebrew is mine.

The Jewish political tradition, then, does not discriminate between social or political categories with regard to protest — whether the matter is a question of addressee or addressor. This becomes quite clear in what is arguably the Bible's strangest protest (and disobedience) story of all — as one of the protagonists is not even human. By using such an unusual medium, the Bible was indicating the importance of the message (Numbers, XXIII-XXIV).

Despite repeated beatings, Balaam's donkey protests to his master and refuses to continue on his way in the face of an angel blocking the road (which Balaam — a visionary, no less! — cannot see). Even the lowliest of creatures (how much more so when they are human) can see the dangers which lie in the path of those high and mighty who continue recklessly in their ways. And the Bible makes it clear that Balaam got the message, for that sort of warning to his master (King Balak) is delivered by Balaam in the story's continuation, as he refuses to curse the Children of Israel (thereby warning Balak not to attack them, "advice" which the latter reluctantly accepts).

Once again it is worth noting the ultimate beneficiary of protest as the Bible sees it in stories such as these. When public protest is legitimately called for, it usually succeeds not only because the protester is right but even more significantly because it is to the benefit of the protest addressee.

A good example of this — and the lengths to which the Jewish political tradition tolerated public protest — can be seen in one of the more unusual (probably unique in world annals) protest devices developed by the medieval Jewish community. It was customary in the High Middle Ages to permit any Jew to halt the prayer services in the synagogue (weekday, Sabbath, or holiday) and proclaim his grievance in front of the entire community. As an historian of medieval Judaism describes it:

This institution was known as the "stopping of the services." Whenever a person felt that he was wronged by a member of the community he would appear before the congregation assembled for prayer, "interrupt the prayers," "force the congregation to sit down," and not let the services resume until he was promised by the leaders of the community that legal action would be initiated on his behalf. . . . Sometimes, no doubt, the complaints of an individual were directed against the community itself, against its tax policy, its tax assessors, or its other officers. . . . [T]he custom to "stop the services" was resorted to with great frequency.³¹

Even "toleration" of public protest is not a strong enough term. When it came time to think through more thoroughly its attitude to the matter, the Jewish tradition prescribed a more forceful and positive ap-

31. Irving A. Agus, *The Heroic Age of Franco-German Jewry* (New York: Yeshiva University Press, 1969), p. 205. See also Louis Finkelstein, *Jewish Self-Government in the Middle Ages* (Westport, Conn.: Greenwood Press, 1972; reprint of the 1924 edition), pp. 118-119, for the original halakhic source of this custom.

proach. Just a few of the Talmud's sayings should suffice to illustrate how strongly the "protest" norm had become:

Anyone who had the opportunity to protest to members of his family and didn't is caught on their account [Rashi explains: "punished for their sins"]. To members of his community, he is caught on their account. To the whole world, he is caught on the entire world's account.³²

Rabbi Chanina said: the Temple was destroyed only because the Jews did not reprimand each other, as it is written — "their leaders were like rams, unable to find pasture." Just as a ram's head is next to the tail of his fellow ram, so too Israel in that generation put their faces into the ground and did not scold (face up to) each other.³³

Rabbi [Rabbi Judah the Prince] says: which proper path should a man choose for himself? He should love to reprimand, for as long as there are reprimands in the world, blessings, good times, and satisfaction come to the world and evil is driven out of the world, as it says: "for those who scold, delight shall be given, and upon them shall come the blessing of the good."³⁴

These three quotations serve aptly as a summing up of the Jewish tradition's view of protest. First, there is no distinction between private or public protest; it is not the addressee which is determinative but, rather, the behavior at fault. Thus, protest (on a public or political level) is equally as justified and/or commanded as is admonishment (on a personal or familial level).³⁵ Second, protest is seen as being something not only necessary but almost positive in its own right, as it ensures the continued proper functioning of the "good society." Third, the lack of public protest means not only that the leaders will continue to do evil (and suffer Divine punishment as a result) but that s/he who refuses to protest will suffer, too, because there is a collective responsibility involved.³⁶ In more earthy terms, the Jew is not merely a self-appointed public "busybody" due to some quaint psychological makeup, but, rather, is warned and commanded to be constantly on the lookout for wrongdoing — both public and private.

Fourth and finally (deriving from the first quotation especially), the protest drive should not, and cannot, be limited to the Jewish community

32. T.B. *Shabbat* 54b.

33. *Ibid.*, 119a.

34. T.B. *Tamid* 28a; Proverbs, XXIV:25. All of the above translations are mine.

35. There are some caveats to this. Most important among them: "Just as one is enjoined to speak out when he will be listened to, so he is enjoined not to speak out when he will not be listened to" (T.B. *Yevamot* 65b). However, as Norman Lamm points out, this rule is valid only when dealing with "tikun nefesh" (private wrongdoings); if "tikun olam" is involved, i.e., a public case of evil or injustice, then admonishment is required regardless of the addressee's response. See his "Ho'kheyah To'khiah Et Amitekha," in *Gesher* (New York: Student Organization of Yeshiva University, Rabbi Isaac Elchanan Seminary, 1985): 170-176.

36. The punishment, or type of suffering, may not necessarily be exactly the same. For example, in Ezekiel, XXXIII:8 one finds: "When I say to the sinner that he will die [for his sin], and you have not warned him to change his ways, he, the sinner, will die, but his blood will be on your head."

or polity alone. The usual dictum, "*kol Yisrael arevim zeh ba'zeh*" (all of Israel are guarantors of each other), is too limited in the protest context. The Jews are required to expand their horizons and stand guard, morally and politically, for the world as a whole.

Disobedience

There is no dearth of examples in the Bible regarding disobedience.³⁷ However, whereas most of the argumentative cases are viewed in a distinctly positive light, most of the stories dealing with disobedience are displayed negatively. Disobedience *per se*, then, is not automatically legitimate. Obviously, much depends on the context and, even more importantly, on the reasons for such disobedience.

A run-through of the several "positive" cases makes clear that disobedience to authority is sanctioned when the specific directive of the leader transgresses natural or Divine law. The Egyptian midwives who refuse to kill all Hebrew male babies, the servants of King Saul who disobey his order to slay the priests aiding David, and Daniel publicly praying to God in the face of Darius' prohibition, are but some of the more notable examples of legitimate disobedience in the Bible.

Very interestingly, there are no recorded cases in the Bible of illegitimate disobedience to temporal authority. All of the examples of unacceptable disobedience involve God's commandments and/or directives (conversely and unsurprisingly, all of the legitimated cases deal with temporal authority, and not disobedience to God). The ensuing question is an intriguing one: does this suggest that disobedience to human rulers is normative in the Jewish tradition? Is the Bible suggesting here that temporal rule may be disregarded whenever the spirit moves the people?

As noted above, the answer is most surely negative. The precept of *dina de'malkhutah dina*, as well as other rabbinical aphorisms and warnings, are clear indications that the Jewish political tradition did not subscribe

37. The term "disobedience" in the Jewish political tradition is somewhat of a misnomer. To begin with, the Bible does not demand that the Jew "obey" his ruler (or God) but, rather, "hearken" to that authority. This is obviously a much milder form of prescriptive behavior (and not merely a matter of semantics), and, as such, indicates from the start that the normative relationship between ruler and ruled is not as authoritarian as might be supposed. We have already seen the source of such a perspective in the Covenant. Second, Jewish law does not have a separate category for "political disobedience." Rather, whether the intention was disobedience to a specific law or non-acceptance of the ruler's legitimacy, the term used is *mo'ed be'malkhut* (rebellious against the monarch and/or duly constituted authority). Here, too, it is not a matter of semantics but, rather, an indication that disobedience and rebellion are to be approached in similar normative fashion, this time rather negatively. We shall return to this point at the end of the section. See, for example, Maimonides, *Mishneh Torah: Sefer Melakhim*, III:8 — "Every one who rebels against a king of Israel, the king has the right to kill him even if the king ordered one of the people to go to a certain place and he did not do so. . . ." Clearly, this great commentator does not distinguish between "rebellion" and simple "disobedience."

to anarchy or even libertarianism. On the other hand, it was made clear that, in any confrontation between the directives of the positive law and the strictures of natural/Divine law, disobedience to the former is not merely suggested but mandated.³⁸

Why, then, are there no examples in the Bible of illegitimate disobedience to the temporal ruler? Two reasons suggest themselves. First, it is obvious that the major thrust of the Biblical experience was to establish the supremacy of Yahweh over the Children of Israel. Here the battle was being fought on two fronts: against other gods (idol worship), and against the natural tendency (certainly in ancient times) to accept unhesitatingly the law of the State. From this perspective, it is reasonable to find that all the examples of political disobedience either delegitimize disobedience to God, or support disobedience against the human ruler in his conflict with God.

Second, and more mundanely, there most probably was, in fact, very little illegitimate public disobedience to a ruler's law or edict, as the cost (generally capital punishment) was wildly incommensurate with any possible benefit.³⁹ The penalty of death was almost automatic for the individual or group publicly transgressing the king's law; indeed, part of the Divine struggle for supremacy over the political hearts and minds of the Jewish people centered on the attempt to convince them that Divine retribution would be no less, and probably greater, in cost than that which any human ruler could exact.

Did the vastly different Diaspora situation change all of this? Here one has to differentiate between public disobedience to the local Jewish communal authorities and to the overarching gentile political authority. At first glance, it seems surprising to find that there was more disobedience to the latter than the former, considering the delicate and vulnerable political position in which the Jews usually found themselves, and in light of the great suffering which the gentile government could (and usually would not hesitate to) exact upon the Jews.

In light of our above two reasons, however, the matter seems less surprising. For one thing, cases of Jewish public disobedience to the sovereign power are to be found only when that authority issued edicts which contradicted the halakhah or went against the grain of strongly established Jewish custom. Here, there was no choice but to follow the dictates of religious conscience, publicly to support the supremacy of God and his

38. Interestingly enough, the same was not strictly true for any seeming contradiction between God's commandments as specified in the Bible and the later rabbinic rulings. On some occasions the latter took precedence over the former. For a wide-ranging analysis of this point see Roth, *Halakhic Process*, chapter 7.

39. Once again the distinction must be kept in mind between disobedience and rebellion. The latter vastly improves the "cost-benefit" equation because, in the case of successful rebellion there is no personal price to be paid, while the cost of failure is about the same as in public disobedience.

earthly Jewish representatives.⁴⁰ In addition, virtually all such examples of *kiddush ha'Shem* (the sanctification of the Lord's name) were communal in scope, i.e., the community as a whole disobeyed and suffered the consequences, lending a certain strength to the individual's sacrifice while certainly reinforcing the idea of public disobedience in such ultimate matters. Nor were all such instances of disobedience "crowned with failure." On numerous occasions the very unity of the community's stand prevented gentile punishment from being exacted and/or it successfully undercut the original edicts.

One such general example should suffice for our purposes:

On many occasions German kings and later on Polish governments tried to appoint rabbis, but without success. . . . These were direct acts of defiance based on the premise that the government had no jurisdiction in such matters and that any interference by the government was not lawful. . . . The principle demonstrated . . . the free spirit of the Jews who refused to capitulate to the capricious power of the state when that power acted unethically, illegally, or against their conscience.⁴¹

And here we have a case which is not strictly halakhic in character, but merely customary!

On the other hand, we find virtually no signs of public disobedience to the Jewish communal authorities, but for other reasons. First, anyone who wished to live Jewishly had little choice but to obey the Jewish leadership in all respects, given the great power (especially excommunication, and in some communities even capital punishment) which such authorities had. Banishment (not just from the specific community but from all Jewish communities) was tantamount to death all through the Middle Ages, as the feudal-corporate society had no place for "communitiylesness." Disobedience, therefore, was short-circuited; any Jew not willing to accept the dictates of his local leaders would move to a neighboring Jewish community where he would be accepted fully (over time) — if s/he had

40. This is not to say that all Jews at all times followed this course. Huge numbers of Jews over the years converted (to Christianity especially) under the threat of death, and many did so somewhat voluntarily. From the standpoint of the development of Jewish political culture, however, most of these could not be influential as they had left the fold. Indeed, the only ones who did influence such a culture were the "Marranos" — those Jews who were forced to convert but continued to practice Judaism in secret. This group's contribution to Jewish political culture was the change from "public" to mass "quasi-secret" (but known to the Jews themselves) disobedience. Such Jews, while constituting an halakhic problem, were generally considered heroes by the people, and are certainly an historical source of Jewish pride in the contemporary period.

41. Leo Landman, "A Further Note on 'The Law of the Kingdom Is Law,'" *Jewish Journal of Sociology*, vol. 17, #1 (June, 1975): 40. This is a direct manifestation of the Jews' dual interpretation of the *dina de'malkhutah dina credo*. As Blidstein notes, there existed "a double resonance of 'the law of the kingdom': on the one hand, the Jewish community humbles itself before the sovereignty of its dominator; on the other hand, 'the law of the kingdom' (and the kingdom itself!) must be judged by the Jewish community before its will is obeyed." *Op. cit.*, p. 214.

not disobeyed the Jewish authorities in the original jurisdiction. Moreover, whenever the number of dissatisfied reached a certain level the "mitosis syndrome" set in, with the community splitting into one (or more) constituent parts, each establishing its own communal-political framework. Given such proscriptions and opportunities for avoiding a direct confrontation with the Jewish authorities, it is not altogether surprising that public disobedience was a rarity in the Diaspora (until the Emancipation period in the nineteenth century).

In sum, while political disobedience was fairly widespread (although far from being a constant) throughout Jewish history, the political tradition differentiated quite clearly between two types. Acceptable and legitimate disobedience was that which was directed against illegal and, especially, anti-halakhic edicts and laws promulgated by the temporal powers-that-be. Any other form of political disobedience was not countenanced by the tradition, and, indeed, after the Biblical era was rarely found. Public political disobedience, then, added to the general oppositionist approach of the Jewish heritage, but not as strongly as the previous two elements discussed — argumentativeness and protest. This was probably due to the fact that disobedience involves concrete action and not just verbal opposition. As such, it is a higher level form of oppositionism, not to mention more personally dangerous and politically corrosive. Thus, one can demarcate here a non-rigid line separating normative and unacceptable opposition. On the acceptable side lie the former two elements of argumentativeness and protest, while on the unacceptable side lie (in large part) the latter two elements of disobedience and rebellion.

Rebellion

Interestingly, but unsurprisingly (given the Jews' antipathy to centralized government), political rebellion is almost nonexistent in Jewish history until the Age of the Monarchy — and then the floodgates open wide. Only the rebellion of Korah and his clan against the authority of Moses is cited during this long earlier period, with the ultimate punishment being meted out to them all.⁴²

In general, there seems to be some ambivalence in the Tanakh regarding the legitimacy of rebellion. On the one hand, no sympathy is shown when rebellion occurs for reasons of political self-aggrandizement (e.g., Avshalom against his father King David). However, when there are good moral/religious reasons for rebellion, the attitude becomes curiously neutral. Many such cases are crowned with success, and this is duly noted

42. Numbers, XVI:1-14. It might be worthwhile to consider the unstated implications of the lack of Jewish rebellion during their 210 year bondage to the Egyptians. In counterpoint, well over ten chapters are devoted to God's successful attempt at terminating their position of slavery. The destruction or termination of constituted authority is best left in God's hands, the Bible may be suggesting.

in the Bible. But there is little enthusiasm for such a state of affairs; one senses a great amount of reserve behind the simple fact-telling.

Indeed, there is a great amount of ambivalence within the entire Jewish political tradition to rebellion as a mode of oppositionist expression. This can be seen early on in the prophet Samuel's handling of the morally errant King Saul (whom Samuel himself had anointed). After several warnings regarding Saul's unacceptable behavior, Samuel anoints David as Saul's successor. But just as important is the fact that Samuel makes no overt attempt to topple Saul from the throne. In other words, there is here an act of delegitimation but no precedent for outright rebellion — and the earlier story of David cutting off a fragment of a sleeping Saul's garment signifies directly his unwillingness to rebel against the king — despite ample justification and ability to do so.⁴³

The post-Biblical commentators seem to be equally ambivalent on the matter. Maimonides, one of the very few to develop something approaching a Jewish “political theory,” does not even directly address the issue. Indirectly, though, we can deduce from his writings a number of principles which make the matter clearer if not simpler.⁴⁴ First, a monarch who sins⁴⁵ will be punished (although it is not clear whether by human-constitutional or divine hand). Second, such a king loses his status normatively, and the people need not obey him. Third (and this is the other side of the coin), there is no orderly or constitutional process for actually deposing a wicked king.

A later commentator with even more practical political experience — Don Isaac Abravanel (royal adviser to the Spanish monarchs Ferdinand and Isabella) — takes much the same approach of studied ambiguity. He raises the question of whether there exists a civic duty to rebel and topple an evil Jewish king, and answers somewhat reservedly that “we have not found within the writings of our wise rabbis any justification for this”⁴⁶ — not a hard and fast declaration prohibiting it, by any means.⁴⁷

The situation, then (especially with regard to the Maimonidean approach), is one of dangerous constitutional limbo, as the irresistible force

43. David's retort to Avisbai's urging that he kill Saul is clear and straightforward: “For who can put forth his hand against the Lord's anointed, and be guiltless? ... As the Lord lives, He will smite him...” (1 Samuel, XXVI:9-10)

44. The following three guiding principles are taken from Gerald J. Blidstein, *Fkronot Me'diniyyim Be'mishnat Ha'Rambam* (Ramat Gan: Bar-Ilan University Press, 1983), pp. 75-83.

45. Maimonides, as well as all other commentators who address the issue, makes it abundantly clear that only through moral transgression does even a question of rebellion arise. In the event of simple incompetence or bad judgment, there is no justification for disobedience/rebellion.

46. Abravanel's commentary on Deuteronomy, XVII:15 (my translation).

47. Indeed, in his commentary on 1 Kings, XII:4, he expresses understanding of rebellion in such circumstances, although no claim is made by him for its legitimacy. Another commentator — the *Malbim* — agrees with this dual approach. See his discussion of the same verse.

of justified oppositionism clashes head-on with the immovable object of political order and security. We might parenthetically note here that it is only through this backdoor approach that a difference appears between the Jewish tradition's approach to disobedience and rebellion. At best, Judaism seems to come to rest at a tenuous equilibrium of "passive rebellion."

However, all of this is with regard to the monarchy — the "normative" and superior (because Divinely sanctioned) type of political system. What happens within a different sort of Jewish constitutional regime? Are the same halakhic restraints to hold there as well?⁴⁸ And, for that matter, is there any sort of halakhic justification for rebellion against a gentile ruler, a foreign regime? On these questions Jewish political philosophy is mostly mute, but not Jewish history.

Most relevant to our purpose here is the great rebellion against Rome, and especially its immediate aftermath. The reasons for the rebellion were understandable, and from a Jewish theological perspective even justifiable given the palpable threat to the very existence of the Jewish religion under Roman rule. We know, too, that such rabbinical luminaries as Rabbi Akivah actively supported the Bar-Kokhba rebellion some sixty years after the failure of the earlier revolt which ended in the destruction of the Second Temple. But the annihilation of Jewish society in *Erez Yisrael* (after the latter revolt was quashed too) took its toll. Henceforth, while not overtly proscribed, rebellion was not viewed as a desirable way of doing things in the Diaspora — even *in extremis* politically or religiously.⁴⁹

While rebellion as a distinct form of oppositionist expression fell into

48. The problem was that, once the Second Temple was destroyed, the halakhah did not envision any possibility of restoring Jewish sovereignty within *Erez Yisrael* short of the Messianic Age when the monarchy, too, would be reestablished. From a strictly halakhic standpoint, therefore, the modern State of Israel presents a *novum* and a theological *tabula rasa* for which it was not prepared. For some, indeed, it is halakhically illegitimate.

49. Not all the rabbis agreed with Rabbi Akivah's approach, and one can find some interesting clues as to the shift in thinking in this regard. Perhaps the most interesting such sign can be found in the *Haftorah* reading (after the Biblical portion of the week) for the Sabbath on which the festival of *Chanukah* falls. Of all the readings available, the rabbis chose one which has the following famous line: "*Lo be'hayil ve'lo be'koah ella be'ruhi amar Adonai Ze'vaol*" (not with armies and not with force [can Israel vanquish its enemies] but only through my spirit sayeth God). At first glance, this is an incredibly inappropriate reading for a holiday which celebrates the military victory of the Maccabees over the Hellenizers. But, in truth, it was meant to be inapt, so as to transmit the not so subtle message that henceforth (and even in the days of the Maccabees) it is only God's might (and right) which can lift the oppressive yoke from the Jewish people. From this perspective, we can also now understand the rabbis' otherwise very surprising decision not to include the *Book of the Maccabees* in the canon, nor *Judith* — two of the outstanding apocryphal works highlighting Jewish military courage and physical fortitude in public acts of rebellion. For a more in-depth analysis of these points see my "Can the People of the Book Live by the Sword?" *Response* (Fall 1975): 49-66, or its revised version, "Israel: Between the Book and the Sword," *Midstream*, vol. 35, #1 (Jan. 1989): 15-19.

desuetude over the long Diaspora period, the general spirit of such ultimate oppositionism did not disappear. Indeed, as we have just seen, there were certainly enough "holes," there existed enough ambiguity in the matter, to enable a much later — and from an *halakhic* perspective, a much more lax — segment of the Jewish people to pick up where their much earlier "rebellious" ancestors had left off.

Once the era of Jewish Emancipation commences, i.e., once the social, political, and economic barriers to unfettered Jewish self-expression are abolished, we begin to find the Jews in the forefront of radical-revolutionary politics throughout Europe.⁵⁰ As a contemporary nineteenth century Socialist radical wrote in the midst of the revolutionary cauldron:

Every iconoclastic incident, every convulsion, every social challenge has been, and still sees, Jews in the front line. Whenever a peremptory demand or a clean sweep is made, wherever the idea of governmental metamorphosis is to be translated into action with frenzied zeal, Jews have been the leaders.⁵¹

We may discount the hyperbole here, but not the underlying truth behind his description.

In short, through close to eighteen centuries of living relatively powerlessly in Diaspora, subject to the vagaries and whims of the gentile world, the European Jew emerges in the nineteenth century with his revolutionary (and general oppositionist) *weltanschauung* intact, despite having had to dampen its more overt political and physical manifestations over the previous generations. One can speculate as to whether this lengthy self-repression was, or was not, a major factor in the Jewish explosion of rebellion at the end, once the socio-political lid was finally lifted.

50. Certainly not every Jew was a firebrand. The vast majority, most of whom lived in non-emancipated Central and Eastern Europe, were distinctly non-political, as they had been for centuries. On the other hand, some of the Jewish oppositionist activity was directed against the Jewish establishment — here again an imitation of the Jews' political behavior in an earlier epoch.

51. Cited in Robert S. Wistrich, *Revolutionary Jews From Marx to Trotsky* (London: George G. Harrap & Co., 1976), p. 1. See, too, Robert Michels, *Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy*, E. and C. Paul, tr. (New York: The Free Press, 1962), p. 260, for a similar contemporary analysis. To be fair, though, Wistrich decidedly disagrees with my analysis as to the origins or causes of this political iconoclasm. He contends that, rather than the Socialist revolutionaries constituting a continuation of the Jews' political culture of Prophetic Messianism and Utopianism, the source of their behavior lay in their Jewish self-hatred and frustrated desire to assimilate fully into European society (pp. 3-22). While there is more than a kernel of truth to this, the question still remains as to why so many took the revolutionary route, as opposed to the more traditional assimilationist approach — conversion. That so many chose to stand out even farther as the "other" in European society through their highly public oppositionism, leads one to believe that the opposite of escape from their cultural past was at work here. See Wolfensohn, *Op. cit.*, pp. 13-17, for additional quotations from several such revolutionaries who make the direct cultural connection to the Jewish heritage.

ed. In any case, there can be no denying that many such "freed" Jews picked up where their forebears had left off seventeen hundred years earlier. The basic rebellious thrust — and arguably the underlying values and principles — were mostly the same, even if the terminology and strategy had taken on an entirely different coloration. In some deep and fundamental respect, there was little separating the Isaiahs and Bar-Kokhbas of yesteryear from the Marxes and Trotskys of the modern age.⁵²

Conclusion: Oppositionism and Survival

It should be clear by now that the Jewish heritage is replete with examples and elements of "oppositionism." But to what purpose? Why should a religion based ostensibly on obedience to authority (Divine or political), encourage to such a large extent the very opposite?

The initial quotation from Cecil Roth suggests the answer. Whereas all other civilizations — far more powerful in their heyday — have long since vanished from the face of the Earth, only the Jewish "civilization" continues to flourish in vibrant fashion. Why? Precisely because the oppositionist ethic was expressed not only externally (as Roth thought), but internally as well, i.e., the Jewish "system" (religious, social, political, etc.) was never afforded the internal peace from self-questioning which would have ultimately led to stagnation and the inability to adapt to a changing environment. In short, over the long run and despite the short-term turmoil which it engenders, oppositionism is a national characteristic of supreme survival value for its carrier.

And, one might add, for the world at large as well. It is no coincidence, nor is it a matter of "racial superiority," that the Jews constituted the vanguard of virtually all modern intellectual revolutions and politically revolutionary movements — certainly proportionally far in excess of their numbers in the general population.⁵³ The famous troika of Marx,

52. In addition to the "oppositionist" parallel, there are other ideological connections as well. It is interesting to note that Marx himself emerged from a family with a long bloodline of notable rabbis. He was directly descended, on his mother's side, from the illustrious commentator Rashi and, on his father's side, from the no less famous Maharal of Prague. Of course, biology does not altogether determine intellectual destiny, but it is rather obvious that Marxist Socialism is quite similar in its value system to the Jewish aspiration for social justice and concern for the downtrodden as expounded in the Bible, especially by the Prophets. Marx may have been an atheist, but in his values he was a Jewish atheist — developing a system shorn of God and any vestige of formal religion, but ideologically still linked to the Jewish heritage. See, for example, Michael Walzer, *Exodus and Revolution* (New York: Basic Books, 1985), where he argues that "it is possible to trace a continuous history from the Exodus to the radical politics of our own time" (p. 25).

53. For a list of nineteenth century Jewish Socialist radicals, see Wistrich, *Revolutionary Jews . . .*, p. 2. A "short" list would include: Marx, Lassalle, Singer, Bernstein, Luxemburg, Haase, Landsberg, Eisner, V. and F. Adler, Bauer, Trotsky, Sverdlov, Kamenev, Zimoviev, Radek, Medem, Kremer, etc., etc.

Freud, and Einstein,⁵⁴ was but the tip of the modern, intellectually oppositionist, iceberg. As Roth put it (not completely flatteringly):

Nearly all the most penetrating critics, literary and musical and artistic, are Jews. By their questioning of existing political and economic institutions, rather than by their positive contributions (sic),⁵⁵ they contributed materially to the upbuilding of the new world which came into being after the Napoleonic wars.⁵⁶

In the final analysis, then, it has been the Jewish people's penchant for being "stiff-necked" which has ensured that their national life would be more difficult — both externally, as troublemakers and shakers of the world's conventional wisdom, and internally, through constant disagreement and mutual division. However, it is precisely such an ethos which has also guaranteed the Jews a permanency not granted to others — a result of their cultural flexibility and adaptability to the vagaries and exigencies of the ongoing historical challenges facing them from within and without.

54. Arguably, only Darwin constitutes a gentile exception to this small circle of modern Jewish "wisdom shatterers."

55. It is hard to understand what Roth had in mind here regarding the lack of "positive" contributions. To take but one (neutral and gentile) yardstick, the Nobel Prizes are awarded for pathbreaking, positive discoveries and contributions. From 1901 through 1986, fully 18% of all award recipients were Jews, whereas their proportion of the world's population was always well below 0.5% during this century. See Raphael Patai, *The Jewish Mind* (New York: Charles Scribner's Sons, 1977), pp. 287-371, for a discussion of the racial, environmental and cultural sources of Jewish achievements.

56. Roth, *Personalities and Events*, p. 75.