

YLJC Judaism 101

**WHAT DOES A
JEWISH STATE
REALLY LOOK
LIKE?**

Study pack



IN THE BEGINNING

GIVE US A KING

When Samuel had grown old, he made his sons judges for Israel. But his sons did not walk in his ways: they took bribes. So all the elders of Israel came to Samuel; they said to him: “Here, your sons have not walked in your ways. So-now, make us a king to lead us, like all the nations!”

The matter was evil in the eyes of Samuel, when they said: “Give us a king to lead us!” So Samuel prayed to God, and God said: “Hearken to the voice of the people in all that they say to you; for it is not you they have rejected, rather, it is Me they have rejected from being King over them. So-now, hearken to their voice. However, you are to warn, yes, warn them; you are to tell them the rule of the king who will reign over them.”

And Samuel related all the words of God to the people who were requesting a king from him; he said: “This will be the rule of the king who will reign as king over you: your sons he will take away, for his armies, to plough his ploughing and harvest his harvest; your daughters he will take away as ointment-mixers, as cooks, and as bakers; your fields and your vineyards, he will take away; your vine-fruit he will tithe and give to his officers; your servants, your maids and your donkeys, he will take away, that they may do his work; your flock he will tithe, and you yourselves will be slaves for him. And you will cry out on that day, but God will not answer you!”

But the people refused to hearken to Samuel’s voice; they said: “No! Rather, let there be a king over us!”

God said to Samuel: “You are to king them a king!”

1 Samuel 8

HOW A KING SHOULD ACT

When you enter the land that your God is giving you, and you possess it and settle in it, should you say, “I will set over me a king like all the nations that are around me,” then you surely may set over you a king that the Eternal One your God chooses; from among your brothers you may set over you a king, you may not place over you a foreign man who is not a brother-person to you.

Only: he is not to multiply horses for himself. And he is not to multiply wives for himself, and silver or gold he is not to multiply for himself to excess.

When he sits on the throne of his kingdom, he is to write himself a copy of this Instruction in a document, before the presence of the Priests. It is to remain beside him, he is to read out of it all the days of his life, in order that he may learn to have-awe-for the Eternal One his God, to be-careful concerning all the words of this Instruction and these laws, to observe them, that his heart not be raised above his brothers, that he not turn-aside from what-is-commanded, to the right or to the left.

Deuteronomy 17:14-20

PRINCIPLES OF LEADERSHIP

THE STATE OF NATURE

Let us now consider the Hebrew commonwealth. As soon as they departed from Egypt, they were no longer under the jurisdiction of any other nation, and thus had the freedom to enact new laws or make new rules as they pleased. However, they were not in any way fit to make laws wisely; for they were all of rude intelligence and down-trodden by the miseries of slavery.

Being in this natural state, they resolved, on the advice of Moses in whom they all had the greatest trust, to transfer their right to no mortal man but rather to God alone. Without hesitation, all equally with one shout promised to obey God absolutely in all God’s commands, and to recognise no other law but that which God, Godself, conferred as law.

They gave up their own rights freely, not compelled by force or frightened by threats, and transferred it specifically to God with an agreement and an oath. In order that the agreement should be accepted and settled without any suspicion of fraud, God made no agreement with them until after they had experienced God’s astounding power.

The Hebrews equally, as in a democracy, cried with one voice: “We will do whatever God shall say” (making no mention of an intermediary). It follows that they all remained perfectly equal. The right to consult God remained equal for all, This is why, on the first occasion, they all equally approached God to hear what God wished to decree. But in this first encounter they were so exceedingly terrified and astonished when they heard God speaking that they thought their final day had come. Gripped by terror, they approached Moses again, saying: “If we must again hear the voice of God, we shall surely die. You approach therefore, and hear all the words of God, and you [not God] will speak to us.”

By proceeding thus, they plainly abolished the first covenant and absolutely transferred their right to consult God and interpret His edicts to Moses. For they did not promise here, as before, to obey all that God said to them but rather everything God would say to Moses. Hence, Moses remained the sole maker and interpreter of the divine laws.

Although the people chose Moses, they did not possess the right to choose Moses’s successor. For no sooner had they transferred their right of consulting God to Moses, they lost absolutely every right and had to accept anyone whom Moses should choose.

Moses, however, chose no such successor, but rather left a form of state to his successors that could not be called democratic, aristocratic or monarchical, but rather theocratic. For the right to interpret the laws and communicate God’s responses was assigned to one man while the right and power of administering government according to the laws interpreted by the first was given to another.

Baruch Spinoza, 1670

THIN NECKS AND EMPTY POCKETS

Moses wasted no time when the Tabernacle was completed, for he said to the people: “Come, and I will furnish you with the complete details of all the expenditure involved.” Why did Moses need to account to the people when the Eternal One trusted him so implicitly?

It was because Moses overheard certain Israelites scoffing behind his back. One said, “See the back of Moses’s neck: how fat it is.” To which his friend retorted, “What! Do you expect a man in charge of the construction of the tabernacle not to be rich?” When Moses heard all this, he said, “I vow that as soon as the Tabernacle is completed, I will give you an account of everything.”

Exodus Rabbah 51:6

The one who collects donations must not enter while wearing a cuffed garment, and not with a shoe, and not with a sandal, and not with tefillin, and not with an amulet, since all of these have places into which money can be inserted.

The concern is that perhaps the one collecting the funds will one day become rich and people will say that they became rich from stealing the funds of the chamber, even though they did not actually do so.

mShekalim 3:2

God said to Moses and Aaron, “My children are obstinate, bad-tempered, and troublesome. In assuming leadership over them, you must expect that they will curse you and even stone you.”

Exodus Rabbah 7:3

Judges: do you imagine that I offer you rulership? It is servitude that I give you.

bHorayot 10a-b

SEPARATION OF POWERS

The contribution of ancient Greece to our views of government is well known. Less well known is the influence, through the spread of Christianity, of the Hebrew Bible. Yet it was the Hebrew Bible – through the writings of such thinkers as Hobbes and Locke – which laid the foundations of modern, constitutional government. In the words of Lord Acton, “the example of the Hebrew nation laid down the parallel lines on which all freedom is won”.

Three features of the biblical vision are especially germane to contemporary political-philosophical debate. The first is a distinction between state and society – and thus between political and civil institutions. The state is brought into being by a social contract (I Samuel 8). Society is brought into being a social covenant (between the people and God at Mount Sinai: Exodus 19-20). Covenant is prior to contract. Right is thus sovereign over might, setting moral limits to the state. This is the origin of the concept of human rights.

The second is the division and separation of powers. In biblical times this was tripartite – kings, priests and prophets. Functionally, kings represented the institutions of state. Their tasks were defence and the maintenance of the rule of law. Priests were the religious establishment. Prophets were those who mediated between the immediacy of kingship and the eternity of priesthood. Their task was to read history in the light of destiny. They are the earliest known social critics.

The third insight follows from the previous two. The institutions of state, for Judaism, cannot stand alone. They are predicated on society, which itself depends on the health of certain institutions: families, schools, communities, and the moral bond which links us to one another and to past and future generations. This is the covenantal, as opposed to contractual, dimension of our common life. It was the particular role of the prophets to insist that it is moral rather than military or economic strength that ultimately determines the fate of nations.

This proposition was put to the test. The Jewish people lost its Temple, sovereignty and land, and thereafter existed only as a diaspora until the rebirth of the State of Israel in 1948. For almost 1800 years Jewry survived, not as a nation-state, but as a series of communities whose central institutions were the home, the school, the synagogue and the moral-spiritual code of the Hebrew Bible and its later elaborations. Judaism is thus an unusual example of a civilisation that has existed, for the greater part of its history, without the instrumentalities of a state, by virtue only of the strength of its civil institutions.

Rabbi Jonathan Sacks writing about House of Lords reform

IN THE MODERN WORLD

BUILDING A NEW NATION

On October 13, 1953, Arab infiltrators from the region of Kibiyeh – an Arab village in Samaria – tossed a hand grenade into a Jewish home in the immigrant village of Yehud. A mother and two of her children were killed in their sleep.

Kibiyeh, its causes, implications, and the action itself are part of the great test to which we as a nation are put as a result of national liberation, political independence, and our military power – for we were bearers of a culture which, for many generations, derived certain spiritual benefits from conditions of exile, foreign rule, and political impotence.

Our morality and conscience were conditioned by an insulated existence in which we could cultivate values and sensibilities that did not have to be tested in the crucible of reality.

While congratulating ourselves upon our values, we ignored, or attempted to ignore, that in our historical situation, such mass-murder was not one of the means at our disposal.

Yeshayahu Leibowitz, 1954

WHO RULES WHOM?

When we realise that the civil servant acts as a trustee and as an agent of the public, they are therefore bound by the duties of an agent, including the duty to account for their actions, ie to disclose to their principals — the entire public — what they have done and what they have not done, why they have done one thing and not another, and when they take no action, why they took no action.

The Israeli Supreme Court, 2003