

*War and Its Discontents  
Pacifism and Quietism in the  
Abrahamic Traditions*

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GEORGETOWN UNIVERSITY PRESS, WASHINGTON, D.C.

1996

## *The Political Morality of Pacifism and Nonviolence: One Jewish View*

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In this essay, I propose to do three things. First, I will examine some of the fundamental questions of structure and method attending any inquiry into "Jewish" views of political morality. Then I will discuss some of the Jewish tradition's fundamental notions regarding the use of force in conflict among groups. Finally (and, I hope, suggestively), I will look at the issue of nonviolence from within the framework of lived Jewish experience over time, and as manifest in normative Jewish tradition.

This essay is subtitled "One Jewish View." I do not presume to offer the definitive Jewish position on this issue, not merely because of my own limitations, but, more to the point, because today one is hard-pressed to find any one commanding source of interpretive authority as regards the Jewish tradition's stance on an emergent issue, and because the tradition itself speaks in many voices. Nonetheless, I do believe that the positions set forth here are authentic, compelling, and true to the tradition on its own terms.<sup>1</sup>

Any attempt to offer a/the Jewish view of nonviolence, or of any issue of political morality, immediately raises a number of distinct though related questions about the nature of the enterprise at hand:

1. What does Jewish tradition direct Jews, specifically Jews, to do in given situations?
2. Is there a way of thinking "Jewishly" about this question? Is there a Jewish style of moral/prudential reasoning about this, one that could conceivably be of use to those outside the ambit of Jewish law and tradition?
3. Would the same norms (in this case, vis-à-vis pacifism and nonviolence) apply in both Israel and the Diaspora?

Needless to say, these questions range far and wide. Yet they must be addressed, however provisionally, for the discussion to proceed in any but anecdotal fashion.

An authentic Jewish politics meets two criteria. It preserves and protects the concrete interests of Jews as individuals and as a community, and it both reflects and enacts the values of Jewish tradition, as embodied in both texts and history, even as that tradition grapples with the radical newness of modern times.

This formulation meets different sorts of rival views, each of which has merit, and is ultimately deficient: first, strictly secular Zionism which not infrequently seems to denude Jewish politics of all religious meaning; second, the maverick neo-Orthodox thinker and critic Yeshayahu Leibowitz, who powerfully argued on theological grounds that it is simply idolatrous in any way to conflate the categories of religion and politics.<sup>2</sup> My answer to both of these views is that in the final analysis politics is inescapably informed by values. Jewish politics must be informed by Jewish values; it is adherence to those values that justifies the continuance of the Jewish community as an entity separate and distinct from the mass of Western society, as indeed any kind of separatist identity must ultimately be grounded in some moral claim. By "moral claim" I broadly mean nonchauvinist claims, whether of group mission or the dignity of cultural survival. Third, I also mean to counter the views of the ultra-Orthodox, who assert both that any and every question of Jewish interest can be answered by simply referring to the classic codes of Jewish law and the routine canons of Orthodox rabbinic decision making, and that, theologically speaking, historical experience counts for nothing. To that I say that as moderns we cannot but be aware of the historical circumstances that have shaped received norms, and that historical experiences, and especially the painful struggles of Jews to live and find a place for themselves in the world, are themselves acts of great significance, and perhaps part of a larger historical cunning which can disclose new meanings of well-worn religious ideas.

There is no one authentic Jewish politics as such; the tradition throughout reflects a dynamic tension between the celebration of Davidic leadership and a profound suspicion of all worldly power, even that of the divinely ordained king.<sup>3</sup> It is more accurate to speak of forms of Jewish political thinking that reflect greater or lesser authenticity, within certain inescapable parameters. This notion of authentic Jewish politics is nonetheless expansive, and would bring under its aegis both the religious peace movement and the religious nationalism of Gush Emmunim; similarly, though to a lesser extent,

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it also embraces Jewish socialist movements and revisionist Zionism. One may argue with any or all of these groupings on the grounds of prudence, interpretation, or sheer attractiveness, but they do offer authentic Jewish politics, by the aforementioned criteria.<sup>4</sup>

In looking for the sources of Jewish political thinking, the first difficulty that comes to mind is the obvious exclusion of Jews from political life for millennia. Yet, while Jews have not held sovereignty, they have not been utterly excluded from history. As Amos Funkenstein has argued, Jews do indeed possess a rich historiographical literature, with a difference: It is not political, but legal history.<sup>5</sup> Thus it is Jewish legal literature that provides ample, useful material for the study of Jewish politics.<sup>6</sup> Because the literary sources of the Jewish political tradition are more legal than philosophical, they, not surprisingly, yield a discourse that prefers the practical to the theoretical, the contextual to the abstract.

In attempting to formulate a Jewish perspective on pacifism and nonviolence, we would do well to begin with the former. Pacifism presents the clearer case of how Jewish tradition has viewed force; moreover, by working backwards from the extreme eschewal of force that pacifism represents we can more usefully move closer toward the middle ground of nonviolence where Jewish tradition, characteristically, finds itself.

It is my contention that a more authentic Jewish politics rejects pacifism not only in practice but in principle, for several reasons.<sup>7</sup>

First, Judaism's conception of humanity's place in the world is fundamentally activist, committed to the establishment of a just and godly social order here on earth, and through worldly means. The institutions of this world, of *olam ha-zeh*, including war and statecraft, are good or evil depending on the uses to which they are put. Clearly the Old Testament sees the use of force as a legitimate exercise in certain circumstances. Indeed, the Sixth Commandment, *lo tirtsach*, though usually translated as "Thou Shalt Not Kill" is more accurately rendered as "Thou Shalt Not Murder," implying, *ab initio*, a notion of the legitimate use of force that pervades the biblical corpus.<sup>8</sup> Might does not make right—"Not by might, nor by power, but by My Spirit, says the Lord of Hosts"<sup>9</sup>—but "there is a time for war" as there is "a time for peace."<sup>10</sup>

Turning to the Judaism we know, the Judaism of the rabbis, the ultimately tragic character of the human condition is not lost on them.

To the contrary, the rabbis depict ours as a broken world, badly in need of repair, but this tragic sense offers no release from the obligation to act.<sup>11</sup>

Second, pacifism is rejected because Judaism by its logic, nature, and structure is committed to the survival of a discrete worldly community. The exilic Jews of the Book of Esther take up arms to defend themselves, and the Talmud clearly establishes that "If someone comes to kill you, rise early and kill him first."<sup>12</sup>

The community, to be sure, is not to be conflated with the state. The two are, and indeed must be, thought of as two very different entities, if notions like the moral worth and dignity of the individual are to have any meaning, and if the seductive heresies of statist idolatry are to be avoided.

Yet, a Jewish community (and certainly a state whose *raison d'être* is quite literally the preservation of a community) must take the claims of survival seriously. The existence of the Jewish faith is inextricably bound up with the physical existence of the Jewish people.

Even so, the meaning of survival is not without its complexities. On the one hand, survival must have some purpose beyond itself; "survival for what?" At the same time, it is obscene to demand of Jews at the end of the twentieth century that they defend their survival by reference to some philosophically or aesthetically pleasing criterion or other.

It may be that Jewish survival, the inalienable right of Jews to live without fear of persecution or destruction, is a "deep metaphor" for the right of all people to live without fear of persecution or destruction.<sup>13</sup> Put somewhat differently, the right of Jews to survive is an articulation of the inner logic of the fact of their survival, a fact that would not have come to pass were it not for a monumental exercise of the will, both collective and individual, a will whose source is mysterious, which perhaps also means that it is divine.

Other theologians would ground Jewish survival not in the terms I am suggesting but in terms of the existence of the Jewish people as a discrete entity manifesting a "corporeal election"—the living, breathing Jewish people as a godly presence embedded in the world, shaping the religious life of humanity in dialogue, or dialectic, with the world's other religious traditions.<sup>14</sup> Be that as it may, to the extent that the existence of the Jewish people is a religious desideratum, the steps necessary to secure that survival receive some sort of religious sanction.

This is not to say that a pacific mankind is not ardently desired by Jewish tradition, in which Heraclitean celebration of conflict for its own sake is simply nowhere to be found. *Shalom*, "peace," is regarded by the tradition as one of the names of God; the pursuit of peace is regarded as the foundation of the social order and the highest calling of the individual; and war is seen as an expression of man's sinful nature. Yet these are aspirational, and not normative, prescriptive views.<sup>15</sup> The pacifistic ideal stands in judgment over us all, who are condemned to live in historical time, but it is not a useful reference point for Jewish political thought today. It fails to pass muster by the two criteria of Jewish political authenticity offered earlier: It simply cannot sustain the physical survival of the Jewish people, nor does it reflect and enact Jewish values—not only survival, but the imperative to combat evil and injustice in this world, in *olam ha-zeh*.

The thrust of the Judaic law of war is to accept war as more or less a given in the life of nations, but to hem it tightly with moral restrictions at every step of the way. As Reuven Kimelman has well put it: "The solution to the moral failings of nations lies not in the abolition of national entities, but rather in the moralization of national power . . . by subjecting nations to legal restraint [the Biblical prophets] seek to civilize them. In this manner the morally preferable can become the politically possible. . . . Jewish political theory, which bases itself on the Bible, sees a system of government which is both politically workable and morally acceptable."<sup>16</sup> Thus *halacha*, the corpus of traditional Jewish law, addresses itself to the gamut of war making, from *casus belli* to the conduct of war and even environmental damage in wartime.

With regard to *casus belli*, Jewish tradition, as is well known, differentiates between "mandatory wars" and "discretionary wars," the former waged to defend the Jewish people, conquer the Land of Israel (this having been done in the time of Joshua and thus rendered moot), and battle against Amalek, largely understood by tradition to be war against generalized forms of evil; the latter, for *raisons d'état* of national prestige, economic aggrandizement, and so on, and only with the permission of the Sanhedrin, and thus largely moot ever since. The only remaining category of legitimate war since the destruction of the Temple in 70 C.E. has been, and remains, war for the defense of the Jewish people.

The notion of legitimately defending the Jewish people from attack by force of arms persisted after the destruction of the Temple,

through the Talmud, and well into the Middle Ages. The Talmud assumes that Jews may defend their persons from attack if they are able to do so; with regard to fighting on the Sabbath, the Talmud says that assaults on Jewish property are not to be repelled on the Sabbath unless a community is in a position of permanent or structural vulnerability (which, according to one view, encompasses every community in the Diaspora), in which case fighting back is permitted.<sup>17</sup> In other words, the exilic tradition affirms the use of defensive force if specific criteria are met.

The theological underpinnings of this notion of limited but legitimate force were interestingly formulated by Abraham Isaac Kook, first Chief Rabbi of Palestine, founder of religious Zionism, and one of the greatest Jewish thinkers of modern times.<sup>18</sup> One of the clearest expositions of his ideas on the subject appears in a letter written in 1904:

With regard to the matter of wars, it was simply impossible at a time when all the surrounding neighbors were truly a pack of threatening wolves for Israel (i.e., the Jewish people)<sup>19</sup> alone to refrain from fighting, for then they all (i.e., the threatening neighbors) could gather together and—God forbid—eradicate the Remnant (i.e., the Jewish people); to the contrary, it was necessary to instill fear in the wild ones, even with some cruel measures, if only in the hope of bringing humanity to that which it should be, but not before its time. And bear in mind that in communal laws generally the Torah did not at all take upon itself to push the spirit of the people to extreme piety, for then piety would become a matter of rote and obligation, whereas the goal of the Torah is to establish enlightenment with the force of love and free will. This is the foundation for a number of the allowances the Torah law makes with regard to the conduct of war . . . yet, because of our sinfulness, we do not understand these matters in the requisite detail due to the absence of practical application resulting from the loss of national power, until God restores to us the glory of our sovereignty (literally 'crown'), speedily and in our days.<sup>20</sup>

Kook thus grounds the legitimacy of war strictly and solely in terms of the necessity of self-defense. He also works with an important distinction, not between public and private morality, but between

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public and private piety. The characterization of restraint as piety does not diminish piety's binding force. Indeed, commenting on this passage, one of Kook's most prominent latter-day disciples has noted that Kook clearly privileges the morality of piety over that of the law.<sup>21</sup> Indeed, he works to keep that distinction, to maintain a creative, dialectical tension that could preserve the power of the pietistic ideal, though as a matter of personal rectitude, not public policy. As we shall see, this distinction has played a significant role in nonviolent responses to persecution.

Which brings us to the subject of nonviolence, and particularly nonviolent resistance. One thing must not be forgotten about nonviolence, more precisely, the idea of nonviolence as it has most meaningfully crystallized in contemporary political thought and action—that it is first and foremost a form of struggle.<sup>22</sup> It does not shrink from recognizing the reality of evil or injustice nor the imperative to combat it. Where it differs from other forms of struggle with evil, and particularly armed struggle, is in its assertion of a bond between the two sides, and in its focusing attack on the structures of evil rather than on the individuals maintaining those structures. It should not be invoked as a justification or recipe for inaction in the face of pressing evil or injustice.<sup>23</sup>

Where the oppressor or evildoer seeks to vanquish or eradicate his victim pure and simple there is no call for nonviolence. Indeed, in that situation, nonviolence would do nothing but further empower the oppressor and force the oppressed to acquiesce in his or her own destruction, forfeiting human dignity in the process by ceding to the oppressor the validity of his aims. Nonviolent resistance aims to push the latent contradictions of an oppressive society to the surface. Hence it is inapplicable in societies whose violence and oppression are not contradictions but rather of their essence (the best examples of which are the totalitarian "republics of fear" that are the twentieth century's unique contribution to political taxonomy).<sup>24</sup> The "nonviolent moment," if you will, arises only in those situations where, to begin with, the oppressor does not seek annihilation but subjugation, not destruction but the act of submission.

The relationship between the oppressor and the oppressed in the "nonviolent moment" is thus profoundly dialectical, in which each defines himself or herself in terms of the other. The oppressor's self-definition resides in the oppressed's acquiescence in political subordination, socioeconomic injustice, and ideological hegemony. The

self-definition of the nonviolent oppressed resides by contrast in the oppressor's perhaps flawed but still shared humanity, a humanity that makes the oppressor a full-fledged human being to whom the nonviolent testimony of the oppressed is meaningful, even if it is not fully, or just barely, understood.<sup>25</sup>

In looking for expressions of the philosophy of nonviolence in Jewish tradition and experience one is initially and naturally inclined to examine those passages in the authoritative texts which bespeak a nonviolent attitude toward conflict. Indeed, Reuven Kimelman, in an immensely learned article published some twenty-five years ago, has gathered an impressive collection of texts and discussions scattered throughout Talmudic literature around the themes of responses to enmity, to injurious intentions, and to persecution.<sup>26</sup> The texts Kimelman marshals perceptively and often movingly explore the dynamics of conflict and the challenges it poses to the religious and moral integrity of the individual, and demonstrate, he says, "that alongside the normative legal tradition there existed, in the Talmudic period, a concomitant undercurrent which may be considered the standard of the *hasid* [who] was not one who stood on his legal rights, but always sought a solution which would find favor in the eyes of God . . . a self-sufferer who avoided the remotest possibility of doing harm . . . ."<sup>27</sup>

Yet, these powerful and compelling displays of personal piety arise largely in the context of interpersonal relations, and not public policy. I would submit that a richer understanding of Judaic attitudes toward nonviolence as a public matter, and in the sense in which we in the late twentieth century encounter the issue, may be gleaned not from the rabbinic literature of conflict resolution as such but rather from the body of literature that has grown around a tragic but central fact of Jewish existence: martyrdom.

The literature of martyrdom provides a prism through which we can explore the related themes of responding to violence, preserving the community, and synthesizing physical and spiritual resistance.

The experience of persecution and martyrdom inescapably colors Judaic thinking on nonviolence and indeed on all aspects of political life. The rabbinic discourse of martyrdom (generally referred to as *Kiddush Ha-Shem*, or "Sanctification of The Name") may be characterized as an attempt to reconcile the attitudes suggested by the two verses that set the parameters of the Talmud's discussion: Leviticus'

"And keep my decrees and laws, which a person should do so that one can live,"<sup>28</sup> and Deuteronomy's exhortation (which observant Jews recite three times a day), "And you shall love God your Lord, with all your heart, and all your soul and all your strength."<sup>29</sup> If the former seems to modify the force of commandment by affirming the value of life, the latter calls for a degree of devotion and willingness to sacrifice beside which the claims of mere comfort and survival pale into insignificance.

The themes sounded by these verses are both central to Judaism. On the one hand, Judaism is a life-affirming religion. Its precepts center (some say too much so) on life in this world. It discourages celibacy and mandates close attention to the particulars of corporeal life. It wholeheartedly affirms and mandates the life of a community rooted in time and space. At the same time, the living of life under the aegis of the law bespeaks a commitment that would endure even unto death.

Synthesizing Judaism's life-affirming character and its call to martyrdom *in extremis* was no academic exercise, as Jews throughout history have time and again been forced to choose between their faith and their physical safety. (The brave new evils of the twentieth century have rendered even this unenviable choice something of a luxury, as we shall see.) The rabbis met these challenges by a characteristic attention to particulars of the specific acts in question and of the oppressors' motivations.

In brief, the Talmudic law of martyrdom is as follows. If a Jew is told to violate a commandment under pain of death, he is, ordinarily, to submit and save his own life, with two large exceptions: If the demanded violation involves idolatry, murder, or sexual immorality, the Jew is to allow himself to be killed no matter what.<sup>30</sup> If group solidarity would be threatened by the transgression, the Jew may have to submit to death, even if the requested transgression is a minor one (and, in some views, even if it is not technically a transgression at all but a purely symbolic gesture), depending on the circumstances, such as the public nature of the act or whether this particular act is a discrete incident or part of a larger climate of persecution.<sup>31</sup>

This straightforward willingness to evaluate martyrdom through a calibrated series of trade-offs and prudential judgments reflects the view that "the concept of martyrdom carries no special mystique in Judaism, it has no sacrificial connotation, and consequently no import

of vicarious atonement. It is merely a question of the conflict of duties: on rare occasions, the duty of preserving one's life may be outweighed by even greater duties."<sup>32</sup>

It bears noting that a limited but, in its way, very influential, school of Jewish thought, the Franco-German Pietists of the twelfth and thirteenth centuries, whose communities were ravaged by the fierce anti-Jewish violence accompanying the Crusades, elevated martyrdom into not only a high ideal but the paradigmatic religious act.<sup>33</sup> In their chief work, the *Sefer Hasidim* [Book of the Pious], one finds extraordinary statements like the following:

If an opportunity comes your way to do God's will in some matter, and you hesitate out of embarrassment, or difficulty, or an evil inclination within you, consider: if you were in a time of persecution, you would suffer all the tortures and die for your Creator . . . all the more so, then, should you overcome your inclinations and do this minor thing.<sup>34</sup>

Indeed, the Pietists regularly incurred martyrdom even when they were not halachically obligated to do so, and at times engaged in the very questionable practice of mass suicide rather than face the temptation of forced transgression of the law. Over the centuries this sparked discussion among halachic authorities, who concluded that this was a matter of personal discretion, laudable under some—but by no means all or many—circumstances, and not a matter of public policy.

A significant jurisprudence of martyrdom developed over the centuries. The *Shulchan Aruch*, the authoritative sixteenth-century codification of Jewish law, devotes a whole section to the subject, and its numerous glossators and commentators, summarizing the vast medieval halachic literature on the subject, explore the various permutations of martyrdom and self-sacrifice in harrowing detail.<sup>35</sup> One point that emerges rather clearly is that martyrdom is not called for if the oppressive Gentile is requesting the forbidden act for his own enjoyment and not for the theological purpose of trying to get the Jew, *qua* Jew, to violate his religious integrity; in that case, where no principle is at stake, the principle of the sanctity of human life takes precedence.

Put in the terms of our earlier discussion, where the anti-Semite is acting out of his own enjoyment, the oppressor-oppressed dialectic,

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the "nonviolent moment," does not take hold, and to resist for its own sake is meaningful only as an act of personal piety, a demonstration of that particular Jew's commitment, and not as a stand that all members of the community need to take upon themselves, because the fundamental integrity of the community is not under attack. Where, however, the anti-Semite is acting out of principle, out of an affirmative desire to strike at the community's religious foundations, the dialectic has taken hold and one must resist, unto death, for the community's sake.

The overall picture then, is that when Jews are faced with persecution that cannot be met with force, their chief goal is to survive, but to survive as a community whose basic structures and values are intact. Thus they may bend normative religious obligations a great deal, but may not violate them utterly, in a manner that would vitiate the community's reasons for being. Indeed, maintaining the community's fundamental integrity was its own form of spiritual resistance.

In the twentieth century, the new dimensions of martyrdom inescapably color all subsequent discussions of violence and nonviolence. The Holocaust was of course an event of indescribable evil unparalleled in the history of mankind. The bureaucratization of society, the extraordinary power of the nation-state, romantic nationalism, a rich legacy of Christian anti-Semitism, and the oldest impulses of sadism and cruelty met in a horrible synthesis that resulted in the deaths of millions and the destruction of an entire civilization in the space of just a few years.

For purposes of this discussion, the salient fact about the Holocaust is that it simply did not matter to Hitler and his multitude of accomplices whether a Jew was religious or secular, private or public, deracinated or ethnocentric, or even the child of parents who had converted to Christianity. A Jew was a Jew was a Jew was a Jew, and each and every one had to be killed, wherever he or she was found, no matter what he or she was doing. In other words, the concepts and categories of martyrdom elaborated by the rabbis over the centuries counted for nothing. In the Nazi kingdom a Jew was neither faithful nor faithless, affiliated nor assimilated, only alive or dead.

The question then arises, did martyrdom, as idea and lived reality, as a concept that offered some meaning and guidance in the face of centuries of implacable violence, really perish in the indiscriminate murder of the Holocaust?

Yes and no. The sheer enormity and totality of the Holocaust concentrated the collective Jewish mind on the basic tasks of survival. Thus it was, by way of illustration, that anti-Zionism ceased to be a viable

intellectual or political stance in the Jewish world. Yet, if you will, the sensibility of martyrdom, of doing the utmost to ensure physical survival while preserving undying communal beliefs and values, did manifest itself.

The enormities of which we are speaking are such that one can only be suggestive; as so many have said, silence is, beyond a certain point, the only honest response one can make to the Holocaust. These caveats notwithstanding, I suggest that we can discern the outlines of a response by examining the responses to Nazi persecution, and to the imperatives of physical and spiritual survival, of two Jewish scholars, both steeped, each in his own and very different way, in the tradition, one a spokesman for the most traditional strictures of Jewish law, the other a celebrated spokesman for a kind of Jewish antinomianism and for the peaceful resolution of conflicts: Ephraim Oshry and Martin Buber.

Oshry, the lesser known of the two, was a rabbi and Talmudic lecturer in Kovno (Kaunas), Lithuania. Along with Rabbi Avraham Kahane Shapira, he served as rabbi and halachic authority for the Kovno ghetto and managed to save and later publish the many halachic rulings (or responsa) he issued during the war years in response to queries from the religious inhabitants of the ghetto, who, not surprisingly, turned to their rabbinic authorities for guidance in the frightening new situations in which they found themselves.<sup>36</sup> A listing of just a handful of the queries recorded by Oshry attests to the seriousness with which these Jews took their commitment to abide by the halacha: May a slave laborer eat on Yom Kippur even if he is not yet in imminent danger of starvation? May one make a prayer shawl out of wool stolen from a German warehouse? May one pose as a non-Jew in order to escape the ghetto? May one study Torah with an intellectually-minded SS officer? May one commit suicide?

These harrowing responsa exhibit three salient characteristics: the seriousness with which these questions are put; the degree to which Oshry tries to situate his answers within the conventional parameters of Jewish legal discourse (citations to sources and authorities, reasoning by precedent, qualification and analogy, etc.); and the extent to which the primacy of survival colors his halachic decision making. Throughout, Oshry deploys his considerable legal acumen in order to arrive at halachic solutions that the people could, literally, live with.

In these responsa one can observe the Jewish principles of martyrdom and self-defense coming together. The Jews of the Kovno ghetto

spiritually resisted the Nazis by clinging to their religion and culture as best they could, including seeking rabbinic sanction for the hard decisions of survival so as to preserve some moral structure in the face of genocide. At the same time, they used every means in order to survive, and Rabbi Oshry invoked the Talmudic doctrine of communal self-defense in sanctioning joining the partisan groups offering armed resistance.<sup>37</sup>

Yet risk taking as a form of personal piety was also maintained. Thus Rabbi Oshry, who, despite his stature, also ran the ghetto's only laundry, kept the laundry closed on Sabbath and holidays even though by doing so he incurred the wrath of the Germans, and was not commanded to do so by the strict terms of the halacha of martyrdom.<sup>38</sup> This self-sacrifice is especially striking in light of the leeway and discretion he generally accorded his questioners in the conduct of their daily struggles.

Oshry, of course, is a representative of the most law-minded elements of the Jewish tradition. The striking thing is the similarity of his approach, emphasizing the primacy of survival in the face of attempted annihilation, to that of Martin Buber, the greatest Jewish antinomian. Buber, we may recall, was the intellectual godfather of the short-lived Brit Shalom movement, which attempted to reconcile competing Jewish and Arab claims to Palestine by promoting the idea of a binational state, and of course the expositor of the spontaneous, relational ethic of I-Thou over and against rule-bound codes of ethics and morality. Yet in response to Gandhi's suggestion, made in an article published in November of 1938, that the Jews of Germany engage in passive resistance to the Nazi regime rather than attempt flight to Palestine, Buber, writing from his own perspective, perfectly articulated a Judaic expression of nonviolence. He replied to Gandhi in a long open letter, written after several months of soul-searching, that must stand as the definitive Jewish statement on nonviolence in our time:

In the five years which I myself spent under the present [Nazi] regime, I observed many instances of genuine *Satyagraha* among the Jews. . . . Such actions, however, exerted apparently not the slightest influence on their opponents. . . . An effective stand may be taken in the form of non-violence against unfeeling human beings in the hope of gradually bringing them thereby to their senses; but a diabolic universal steam-roller cannot thus be withstood. . . . Testimony without acknowledgment,

ineffective, unobserved martyrdom, a martyrdom cast to the winds—that is the fate of innumerable Jews in Germany. God alone accepts their testimony. God “seals” it, as is said in our prayers. But no maxim for suitable behavior can be deduced therefrom. . . .

I would not deny . . . that although I should not have been among the crucifiers of Jesus, I should also not have been among his supporters. For I cannot help withstanding evil when I see it is about to destroy the good. I am forced to withstand the evil in the world just as the evil within myself. I can only strive not to have to do so by force. I do not want force. But if there is no other way of preventing the evil destroying the good, I trust I shall use force and give myself up into God’s hands.<sup>39</sup>

Put in terms of our earlier discussion, in Buber’s presentation, the experience of Nazi persecution did not present a “nonviolent moment”; the dialectical relationship of oppressor and oppressed simply vanished in the totality of the Nazi drive for eradication.

Oshry and Buber, each steeped in Jewish literature and life—though nearly diametrically opposed in their respective theologies—arrived at remarkably similar understandings of the meaning of resistance in an age of total annihilation, an age which, having once been initiated, can henceforth never be said to have passed.

To conclude with the questions posed at the outset:

1. What does Jewish tradition direct Jews, specifically Jews, to do in given situations?

The literature of martyrdom indicates that Jewish tradition directs the Jewish community to fight against evil with whatever means are at its disposal, to do the utmost to preserve human life, even in the face of subjugation and humiliation, but not at the cost of tearing away at the very fabric of the religious and social order.

2. Is there a way of thinking “Jewishly” about this question? Is there a Jewish style of moral/prudential reasoning about this, one that could conceivably be of use to those outside the ambit of Jewish law and tradition?

The Jewish style of reasoning on these issues is highly contextual and fact-specific, informed by a rich understanding of textual warrant and historical experience, repeatedly evaluating circumstances in the light of both abiding imperatives and changing circumstances. This is both cause and effect of this reasoning's having been developed in legal, rather than theoretical, texts and contexts.

Thus the Jewish style of moral reasoning on this issue—and others—may best be characterized as akin to prudential legal reasoning.<sup>40</sup> What differentiates it from mere prudence as such is its grounding in exegesis and faith, within a fluid but determinate tradition that attempts to synthesize innovation with fidelity through interpretation.<sup>41</sup>

3. Finally, do the same norms apply in Israel and the Diaspora?

The appropriate theological characterization of the Jewish state of Israel has, not surprisingly, been the subject of lively and heated debate, with opinions ranging from the ascription of near-Messianic status to Jewish statehood, to the denial of any religious significance to statehood, with a variety of intermediate positions ranging in between.<sup>42</sup> My own view tends toward the latter, that the Jewish state is not itself sacred, but that its citizens are as a group charged with the responsibility of trying to accomplish sacred ends, as best they can.<sup>43</sup>

By this reasoning, one would have to say that the same fundamental norms apply in both Israel and the Diaspora. The state is not absolutized or reified. It is an instrument of communal survival, and the individuals leading it are bound by norms. The sustained Jewish protest against the corruption of this world must be part of the state's ethos, even as it partakes of this world's imperfections.

#### NOTES

1. As a précis, I would note that in my approach to the tradition, seeing it as neither relic nor idol, I am indebted to Jaroslav Pelikan, *The Vindication of Tradition* (New Haven: Yale University Press, 1984); and in my willingness to assert my own position notwithstanding the perils of "normativity," I take a thoughtful, if impish cue from Clifford Geertz: "A number

of things, I think, are true." Clifford Geertz, *Local Knowledge: Further Essays in Interpretive Anthropology* (New York: Basic Books, 1983), p. 19.

2. Though Leibowitz, who passed away as this essay was going to press, was a controversial thinker, and indeed worshipped in what John Milton described as "a church with only one member," he is a vital and significant thinker who must be reckoned with. A number of his most important essays have recently appeared in English under the title *Judaism, Human Values and the Jewish State* (Cambridge: Harvard University Press, 1992), which I have discussed in *The New Leader*, September 7, 1992, pp. 18–20.

3. See Gerald Blidstein, "The Monarchic Imperative in Rabbinic Perspective," *AJS Review* 7 (1982): 15–39.

4. Michael Walzer has expressed a similar idea in the more strictly Israeli context: "Israel's common Jewishness should be . . . a distillation of Jewish history and values in which all (or almost all) Jews can recognize themselves. What content the distillation will have, how rich it will be, depends on the creativity of Israeli Jews, on the continuing work of poets, philosophers, artists, historians and novelists. Bialik's poems, studied by school children, suggest one possibility; the appropriation of the Amalek story by right-wing politicians suggests another." Michael Walzer, *What Kind of State is a Jewish State?* (Jerusalem: Shalom Hartman Institute, 1989), pp. 13–14.

5. Amos Funkenstein, *Tadmit V'Todaah Historit B'yahadut Uo'svivatah Ha-Tarbutit* [Perceptions of Jewish History from Antiquity to the Present] (Tel Aviv: Am Oved, 1991), p. 27. An English edition of these essays, *Perceptions of Jewish History*, has recently been published (Berkeley: University of California Press, 1993). This assertion of a Jewish past lived in historical time need not conflict with the more strictly theological perspective of the Jewish people ontologically standing outside of history, expressed most powerfully by Franz Rosenzweig; see Paul Mendes-Flohr, "Franz Rosenzweig and the Crisis of Historicism," in *The Philosophy of Franz Rosenzweig*, ed. Paul Mendes-Flohr (Hanover, N.H.: University Press of New England, 1988), pp. 138–61.

6. The comments of Bernard Susser and Eliezer Don-Yehiya are worth quoting at length: "Speaking for at least the great span stretching from Talmudic times to the eighteenth century, most Jewish political theorizing was the handmaiden of quotidian life and pressing realities. Notably, the greater part of political discourse comes in direct response to actual and specific questions posed to celebrated legal scholars. On this level of responsa and legal debate, concern with the ideal state or the philosophical status of the state, or forms of government as a principle etc. [sic] is almost entirely absent. Instead, we encounter questions relating to the obligation of the Jewish community to the regimes under which they lived as well as questions regarding the internal organization and authority of the Jewish community. In the latter class are found such staples of Western political theory as the source and nature of the majority's political authority and the protection of the minority as well as individual rights . . . this constitutes as much an articulation of political culture and tradition as of political theory—somewhat comparable to reconstructing the American Public Philosophy [sic] from Supreme Court decisions." Bernard Susser and Eliezer Don-Yehiya, "Prolegomena to Jewish Polit-

ical Theory" in *Kinship and Consent: The Jewish Political Tradition and its Contemporary Uses*, ed. Daniel J. Elazar (Ramat Gan: Turtledove, 1981), pp. 91-111, at 94.

7. I do not mean to delegitimize categorically a pacifist stance that one may try to formulate on the basis of Jewish tradition, and certainly not to trivialize or dismiss the moral imperatives that would impel and underlie that stance. I do think, however, that any such stance would be very, very hard to square with the theory and practice of Judaism as it has been articulated in texts and lived in historical experience.

8. Had the verse meant to rule out all killing of any kind, it would have said, *lo taharog*. I am indebted for this observation to my colleague Dr. Harvey Sicherman. See also the commentary of Rashbam to Ex. 19:13.

9. Zech. 4:6.

10. Eccles. 3:8.

11. This was memorably put by the Talmud, *B.T. Eruvin* 13b: "Our Rabbis taught: For two and a half years the schools of Shammai and Hillel debated whether man would have been better off never to have been created at all. In the end, they concluded that man would have been better off never to have been created. But seeing as he has, he should scrutinize his deeds." Similarly, we read in the Mishnaic tractate *Pirkei Avot* 2: 17 [Commonly referred to as *Ethics of the Fathers*]: "It is not up to you to finish the work, nor are you free to desist from it." For a general discussion of the concept of repairing the world, *tikkun olam*, as developed in rabbinic literature, see Menachem Lorberbaum, "Maimonides' Conception of Tikkun Olam," in *Tarbits*, 1995.

12. *B.T. Berachot* 58a; *Yoma* 85b; *Sanhedrin* 72a, etc.

13. In speaking of "deep metaphors" I am attempting to adapt the notion put forth by the so-called "Lurianic" school of Jewish mysticism, named for the divine Isaac Luria of the sixteenth century, whose theological response to the catastrophic Spanish expulsion of 1492 was the notion that the exile of the Jewish people both represented and enacted God's exile from the world, and His alienation from dimensions of Himself. This characterization of Lurianism, offered by the magisterial Gershom Scholem, has come in for some serious criticism; see Moshe Idel, *Kabbalah: New Perspectives* (New Haven: Yale University Press, 1988), pp. 264-67. Nonetheless, the suggestive theological uses of Scholem's understanding of Luria need not be dismissed. As this essay was going to press, I came across adumbrations of this idea in some of Rav Kook's writings. See his *Arpilei Tohar*, (Jerusalem 1983) pp. 56-57, and *Orot*, standard ed., p. 138.

14. For a powerfully argued presentation of this idea, see Michael Wyschogrod, *The Body of Faith: God in the People of Israel* (San Francisco: Harper & Row, 1989).

15. See Avi Ravitzky, "Peace," in *Contemporary Jewish Religious Thought*, ed. Arthur A. Cohen and Paul Mendes-Flohr (New York: Free Press, 1987), pp. 685-702; a Hebrew version, with extensive footnotes absent in the English, can be found in the same author's *Al Da'at Ha-Makom: Mehkarim B'hagut Yehudit Uv'Toldoteha* [Studies in the History of Jewish Philosophy] (Jerusalem: Keter, 1991), pp. 13-34. For wide-ranging theological and historical analyses, which,

taken together, reinforce this view, see *Violence and Defense in the Jewish Experience*, ed. Salo W. Baron and George S. Wise (Philadelphia: Jewish Publication Society, 1977).

16. See Reuven Kimelman, "The Ethics of Power: Government and War from the Sources of Judaism" in *Authority, Power and Leadership in the Jewish Polity: Cases and Issues*, ed. Daniel J. Elazar (Lanham, Md.: University Press of America, 1991), pp. 247-94, 252. Kimelman's article provides a thorough discussion of the basic sources and issues. As to whether Jews may participate in wars waged by non-Jewish states for *raison d'état*, see Shlomo Zevin, *Le-Or ha-Halacha* [In Light of the Halacha] (Jerusalem: Beit Hillel, 1978), pp. 58-59. On the conceptual underpinning of war for the defense of the Jewish people, see Joseph B. Soloveitchik, *B'sod Hayahid V'hayahad* [In Aloneness, In Togetherness] (Jerusalem: Orot, 1976), pp. 392-93. It bears noting that a wide literature on the halachically proper conduct of war has been written in Israel; for a representative sample of the pre-1967 writings on the subject, see Yehudah Shaviv, ed., *Ha-Torah v'Ha-Medinah* [Torah and the State], Vol. I (Jerusalem: Sinai, 1992), and for the post-1967 discussions, see the hefty volumes of *T'Humnin* (12 vols., 1979-94), published by the Institute for Zionism, Statehood and Torah in Alon Shvut.

17. See B.T. *Eruvin* 45a, J.T. *Terumot* 8:4; Maimonides' Code, *Mishneh Torah*, *Hilchot Shabbat* [Laws of Sabbath], 3:23; *Shulchan Aruch*, *Orach Chaim*, 429 (7).

18. A good selection of Kook's writings has appeared in English as part of the series "Classics of Western Spirituality," in *Abraham Isaac Kook*, translated and edited by Ben-Zion Bokser (New York: Paulist Press, 1978).

19. It is clear that by "Israel" Kook means the Jewish people, since this was written nearly forty-five years before the creation of the state, and the term *Israel* refers to the Jewish people throughout rabbinic literature.

20. Abraham Isaac Kook, *Ig'rot Ha-R'iyah* [Collected Letters] (Jerusalem: Mossad Harav Kook, 1962), 1:100.

21. See the comments by Yehudah Amital in *The World of Rav Kook's Thought*, ed. Benjamin Ish-Shalom and Shalom Rosenberg (n.p.: Avi Chai, 1991) p. 433. It bears noting that Amital, a Holocaust survivor and highly regarded rabbinic authority, though earlier in his career a premier theoretician of Gush Emmunim, has since emerged as a leading figure in the religious peace movement in Israel.

22. I can do no better than to quote the Rev. Dr. Martin Luther King, Jr.: "The nonviolent resisters can summarize their message in the following simple terms: We will take direct action against injustice without waiting for other agencies to act. We will not obey unjust laws or submit to unjust practices. We will do this peacefully, openly, cheerfully because our aim is to persuade. We adopt the means of nonviolence because our end is a community at peace with itself. We will try to persuade with our words, but if our words fail, we will try to persuade with our acts. We will always be willing to talk and seek fair compromise, but we are ready to suffer when necessary and even risk our lives to become witnesses to the truth as we see it." Dr. King repeated this formulation verbatim at least three different times that I

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am aware of, at various stages in his career, in 1958, 1960, and 1962. See *A Testament of Hope: The Essential Writings of Martin Luther King, Jr.*, ed. James M. Washington (San Francisco: Harper & Row, 1986), pp. 110, 149, 484–85.

23. Reinhold Niebuhr, explaining how he, a self-described "strong anti-pacifist," could support the civil rights movement's strategy of nonviolent resistance, said in 1963: "King's doctrine of nonviolent resistance is not pacifism. Pacifism of the really classical kind is where you are concerned about your own purity and not responsibility. And the great ethical divide is between people who want to be pure and those who want to be responsible. And I think King has shown this difference." Quoted in Taylor Branch, *Parting the Waters: America in the King Years, 1954–63* (New York: Simon & Schuster, 1988), p. 896.

24. The term *republic of fear* is borrowed from Kanan Makiya's *The Republic of Fear: The Politics of Modern Iraq* (Berkeley: University of California Press, 1989). Makiya, writing then under the pseudonym Samir al-Kkhalil, draws a chilling portrait of Saddam Hussein's Iraq, and offers a penetrating account of the logic of totalitarianism and of the role of terror in perpetuating it.

25. See Cornel West, "The Religious Foundations of the Thought of Martin Luther King, Jr." in *We Shall Overcome: Martin Luther King, Jr. and the Black Freedom Struggle*, ed. Peter J. Albert and Ronald Hoffman (New York: Pantheon, 1990), pp. 113–29, 126: "[T]he Gandhian method of love-motivated (*agapic*) nonviolent resistance provided King with both a response to Marx and an answer to Nietzsche. It gave him the means to apply the love ethic of Jesus Christ in the social sphere, as a moral and practical method—a way of life and a way of struggle—by which oppressed people could fight for freedom without inflicting violence on their oppressor or humiliating their opponent, thus preserving the possibility of transforming the moral disposition of their adversary."

26. Reuven Kimelman, "Non-Violence in the Talmud," *Judaism* 17 (1968): 316–34.

27. Kimelman, "Non-Violence," pp. 333–34.

28. Lev. 18:5.

29. Deut. 6:5.

30. The halacha does not as a rule require martyrdom of women forced to engage in sexual acts, out of recognition of their social and biological vulnerabilities.

31. The *locus classicus* of the Talmudic discussion is *B.T. Sanhedrin 74a-b*. See also Maimonides' Code, *Mishneh Torah, Hilchot Yesodei ha-Torah* [Laws of the Foundation of Torah], chap. 5. The earliest post-Talmudic sources leave open the possibility that God-fearing non-Jews may themselves at times be commanded to submit to martyrdom. See *Sheiltot d'Rav Ahai Gaon, Parshat Vaera*, ed. S. Mirsky (Jerusalem: Sura, 1964), 3:40.

32. Hyam Maccoby, "Sanctification of the Name" in *Contemporary Jewish Religious Thought*, p. 853.

33. Generally referred to as "The Hasidim of Ashkenaz," this group is not to be confused with the Hasidim of today, whose socioreligious origins lie in eighteenth-century eastern Europe. On the medieval Jewish Pietists of

Germany, see, generally, Gershom Scholem, *Major Trends in Jewish Mysticism* (New York: Schocken, 1946), chap. 3; Haym Soloveitchik, "Three Themes in the *Sefer Hasidim*," *AJS Review* 1 (1976): 318–57.

34. *Sefer Hasidim* [The Book of the Pious], ed. Reuven Margalio (Jerusalem: Mossad Harav Kook, 1957), sec. 155, p. 157.

35. *Shulchan Aruch, Yoreh De'ah*, 157.

36. Ephraim Oshry, *Sh'elot U'teshuvot Mi'maamakim* [Responsa from the Depths], 5 vols. (New York: n.p., 1959–79). For a discussion of Oshry's work in English, see Irving J. Rosenbaum, *The Holocaust and Halakhah* (New York: Ktav, 1976).

37. Oshry, *Sh'elot U'teshuvot Mi'maamakim*, 4:73–79.

38. *Ibid.*, 5:129–34.

39. The Gandhi-Buber exchange may be found in full in *A Land of Two Peoples: Martin Buber on Jews and Arabs*, ed. Paul R. Mendes-Flohr (New York: Oxford University Press, 1983), pp. 106–26.

40. For a depiction of this style of reasoning in a different context, see Anthony Kronman, "Alexander Bickel's Philosophy of Prudence," *Yale Law Journal* 94 (1985): 1567–616.

41. For a thorough discussion of the ways in which Judaic law resonates with, while significantly differing from, current issues of jurisprudence, see Suzanne Last Stone, "In Pursuit of the Counter-Text: The Turn to the Jewish Legal Model in Contemporary American Legal Theory," *Harvard Law Review* 106 (1993): 813–94, and Perry Dane, "The Oral Law and the Jurisprudence of a Textless Text," *S'vara* 2 (1991): 11–24.

42. For thorough surveys, see Yoseph Gorny, *The State of Israel in Jewish Public Thought: The Quest for Collective Identity* (New York: New York University Press, 1984), and Aviezer Ravitzky, *Haketz Hamiguleh u-Medinat Hayehudim* [Messianism, Zionism and Jewish Religious Radicalism] (Tel Aviv: Am Oved, 1993). On the evolution of Zionist attitudes toward political violence, see Anita Shapira, *Land and Power: The Zionist Resort to Force, 1881–1948* (New York: Oxford University Press, 1992). I have discussed Shapira's analysis of what she terms Zionism's "defensive ethos" in *Jerusalem Report*, 3(17), Dec. 31, 1992, pp. 46–47. For a useful introduction to one very central—and often theologically overlooked—aspect of the question, see W. D. Davies, *The Territorial Dimension of Judaism* (Berkeley: University of California Press, 1982).

43. Rabbi Emanuel Rackman, noted authority on Jewish law and Chancellor of Bar-Ilan University, has suggestively characterized the theological standing of the Jewish state as being analogous to the "object needed for the performance of a commandment," which the Talmud says may be discarded after use, as distinct from a "holy object," which may not be discarded under any circumstances. (Private conversation with the author.) The distinction between the two sorts of objects is found in *B.T. Megillah* 26b.