

Symposium Presenters

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**Shlomo Abramovich, Bar Ilan University and visiting scholar,
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***“‘The Will of the People’ or ‘The Will of the Rabbis’ – Democracy and the
Rabbis’ Authority”***

The heart of a democracy, the rule of the people, is the belief that everyone has the right and the ability to decide by himself about the way he wants to live. Therefore, a society in which the private decisions of its members are in the leader’s hand is not considered democratic. We can find these kinds of societies in several Orthodox communities of the twentieth century, where the rabbis have very wide authority and their followers obey their decisions absolutely. This obedience to rabbis is a value we can find in other periods as well, but in the twentieth century, it achieves a wider meaning in some Orthodox communities.

However, different explanations are ascribed to this value, and different motives for obedience to the rabbis. Some of them are based on mystical concepts and some on halachah, while others find the roots for the growth of this value in historical and sociological terms. A close examination of these motives will show the extent of the distance between each of these concepts and democratic values. As a result, we will observe that a community led through obedience to rabbis should not necessarily be considered non-democratic.

Baruch Alster, Givat Washington College

“The ‘Will of the People’ in Anti-Monarchic Biblical Texts”

Deuteronomy 17 and 1 Samuel 8 contain theoretical treatments of the Israelite monarchy. Both texts are widely interpreted as anti-monarchic, critical of kingly excesses. Therefore, many use them to show biblical support for basic democratic values. However, in this paper I show that these texts differ on a crucial issue: whether the will of the people is a positive or negative factor.

Both texts accept kingship only grudgingly, as it is considered dangerous to the covenant between God and Israel. But Deuteronomy 17 shows a basic trust in the people, placing the responsibility to uphold the covenant directly on the public’s shoulders, while 1 Samuel 8 stresses how the people’s will directly conflicts with God’s and should therefore not be trusted.

The difference between the two texts is consistent with their respective contexts. I show in this paper how Deuteronomy as a whole sees the public as responsible for its leadership, while the book of Samuel sees the leadership as responsible for the people’s deeds.

Therefore, the claim that Deuteronomy 17 should be understood as proto-democratic may be upheld. 1 Samuel 8, on the other hand, while being anti-monarchic in principle, still deems kingship preferable to allowing the people to participate in decision-making.

David Brodsky, Brooklyn College

“The Democratic Principle Underlying Jewish Law: Moving Beyond Whether It Is So to Why It Is So”

The Mishnah lays out the principle that Jewish law is governed by the rules of democracy: when disputes arise, the majority rules. Following suit, the Talmud famously tells a story about a dispute between R. Eliezer and the sages over the Oven of Akhnai: in spite of even a divine voice from heaven proclaiming R. Eliezer correct, the story maintains the law as following the majority.

Yet, this paper will demonstrate that while Jewish law is democratic, democracy is not the value or the goal, but merely being used both by the Mishnah and in the story of the Oven of Akhnai as a mean to other ends. This paper will explore what those other ends might be. In doing so, it will explore the values that the Mishnah and Talmud actually hold dear, values that they are using democracy to serve.

Samuel Hayim Brody, University of Kansas

“Theocracy as Monarchy, Theocracy as Anarchy: Martin Buber’s Biblical Writings and the Foundations of Modern Jewish Democracy”

With the emergence of Zionism, Jews tried to innovate new forms of Jewish polity while also rooting these radical novelties in tradition. Because the Zionist movement conceived itself as rebelling against Diaspora Judaism, it reached back beyond the rabbis and Talmud, searching for precedents in biblical times. However, while the Bible offered the examples of the glorious reigns of David and Solomon, it seemed not to contain anything that could be used as a blueprint for those interested in modern democratic representation.

Secular Zionists often reacted by “demoting” the Bible to a literary creation, which could nevertheless serve as evidence for Jewish historical connections to Zion. Religious Zionists, however, did not have this option. Thus they had to either envision the messianic restoration of the monarchy—which meant giving up on democracy—or they had to get creative.

This paper will explore how one religious Zionist intellectual, Martin Buber (1878-1965), resolved these questions by focusing on the *pre*-monarchic era of Israelite life, during which God ruled Israel directly—in other words, true theocracy. For Buber, however, this system did not resemble the authoritarian systems we think of by that name today; instead, it looked a lot more like anarchy! From the tribal clans to the kibbutz, Buber saw something close to anarchism as representing the original “constitution” of Judaism.

Simcha Fishbane, Touro College and University System

“Mipnei Darkei Shalom [in the interest of peace]: A Domestic Tranquility”

The Constitution of the United States has a preamble, which states that the goal of democracy is to create an environment of tranquility. Judaism is not a democratic religion per se, but includes many aspects that advocate democratic traditions. This paper will examine the principle of *mipnei darkei shalom* [in the interest of peace] as it manifests itself in the social order of the Mishnah. The application of this concept creates an environment of peaceful and mutual respect between all persons without regard to their race or religion. This principle was used by the rabbis to modify putative laws sometimes explicitly stated in Mishnaic texts and at other times only implied.

The Mishnah presents its reader with ten cases of *mipnei darkei shalom*. I will first present eight assumptions on which the Mishnah is based. These assumptions will be employed to analyze these cases and search out the components that motivate and justify the rabbis' changing of an accepted law. Based upon my conclusions from the analysis of *mipnei darkei shalom*, I will apply the Durkheim school of social theory to our evidence to better understand the social and cultural ideal world of the Mishnah and its structure as presented by an early Palestinian rabbinic group.

Lenn Goodman, Vanderbilt University

“Torah and the Norms of Constitutional Democracy”

Many of the key elements of the democratic ideal are rooted in the biblical text and rabbinic tradition. Consent of the governed is among them, attested by the covenant idea. The presumption of innocence, the promise of procedural protections in civil and criminal proceedings, and the exclusion of self-incrimination reflect the underlying premise of the sanctity of life and the inestimable preciousness of the unique human individual. The Torah promotes privacy and protects the human image. It mandates equality before the law and protects independent thinking by its remarkable strategy of influencing outlooks through institutions like the Sabbath rather than attempt to force adherence to dogmas – a spirit of openness manifest in the remarkable diversity of rabbinic opinion.

By demanding that monarchs write out and keep at hand a copy of the Torah, which they must follow, the Torah plots a path of governance under a constitution, altered only gradually and organically by applying at its rough spots (e.g. Sotah, Halitzah, the incorrigible son) the larger, thematic tenor of its norms. These will be the fulcrums of further *tikkunim* – regarding the status of *agunot*, for example—as they were in ages past regarding polygamy, slavery, and loans at interest.

Meirav Jones, University of Pennsylvania

“The Jewish State and the End of Democratic Judaism”

The question of this Symposium, whether Judaism is democratic, presupposes that Judaism is lived as a political framework and asks whether, in this framework, the governed have the power to elect and contest those who govern them. Over history, Judaism has been lived as more than one political framework, and in many cases religious and as other communal functionalities were chosen by and accountable to the people. Sometimes communal life was characterized by what we would today call “direct democracy,” but more commonly conditions of election, representation and contestability held.

This paper explores some of the different democratic forms that characterized Judaism in Eastern and Western Europe from medieval to modern times. It then argues that the presence of a Jewish state – even a democratic Jewish state – since 1948 has changed the nature of Jewish life such that Judaism is necessarily not democratic. This relates to the model of state sovereignty on which Israel was founded, which places religion under and in the service of the state. As state-appointed functionaries paid by the state, rabbis are accountable to government rather than to their constituents. I consider the effect of this on Jewish life within and outside Israel, where the chain of accountability has moved away from the people and toward centralized authority.

While depriving Judaism of its local and democratic forms may be the ultimate end of any “return to Zion” – which was itself for many communities the end of Judaism itself – it is not difficult to be nostalgic for a time when “Judaism” covered a range of communal practices where

communities governed themselves. Today, such variety of communal practices and self-ruling groups would not be discussed as “Judaism” but as “Judaisms.”

Joan Latchaw and David J. Peterson, UNO

”Linking ‘Egypt with Texas’: Emma Lazarus’s Jewish Vision of American Democracy”

Although “The New Colossus” continues to beckon millions to the shores of America, the bulk of Emma Lazarus’s poetry has been largely forgotten. A handful of scholars have focused on biographical issues, especially the “problem” of Lazarus’ Jewish identity and her activism in dealing with Eastern European Jews fleeing the pogroms of the 1880s. Not surprisingly, critics have limited their analysis to Lazarus’s poems about European Christian Antisemitism (medieval and contemporary), claiming that she embraces secularization and assimilation based on Enlightenment conceptions of democracy and modernity of which religious Jews cannot be a part.

Examining poems such as “In Exile,” “The New Year,” and “By the Waters of Babylon,” we explore how Lazarus represents America and American democracy as enabling Jews to flourish. In contrast to what critics have said, then we argue that Lazarus does not figure America as a place of religious forgetting or as a land that demands or necessitates assimilation into a secular democratic universal. Linking exoditic “Egypt to Texas,” democratic America offers both refuge and homeland, enabling “the noble joys of manhood that belong / To comrades and to brothers” as well as a place to celebrate and live out the promises of the songs of Zion.

Joseph Isaac Lifshitz, Shalem College, Jerusalem

“Jewish Democracy: From Medieval Community to Modern State”

The medieval political concept of the Jews was mainly corporal, which was largely based on a social contract. The Jews in the Middle Ages lived in European and Middle Eastern cities as separate communities and were organized legally as a corporation.

But of course, medieval social contract is not the modern democratic social contract. As Joseph R. Strayer claimed in *On the Medieval Origin of the Modern State*, in addition to changes of culture, another major change arose after the Middle Ages: a political change. The rise of the modern state exhibits a change that started in the Renaissance, before the rise of the democratic state; that is, bestowing responsibility on the state for social justice, education, health, and culture. Unlike the legalistic medieval concept of social contract, modern democracy is not only a legal construct, but rather an ethical principle, embedded either in rights talk or as a virtue. Democracy is perceived as protecting a bundle of rights, including rights of the minority, and not only enhancing the right of the majority.

In my paper I will present the political theory of modern Jewish philosophers like Martin Buber and Emmanuel Levinas as a possibility for modern Jewish democracy. As I show, their perception of self and community enables a sense of rights talk that should generate a new Jewish democracy.

Elliot Ratzman, Swarthmore College

“Democracy After Alinsky: The Jewish Community Organizing Tradition”

The phenomenon of community organizing has been touted by recent theorists and theologians as a model vehicle for democratic practice. Vulnerable communities are able, through proper organizing, to exercise democratic agency while cultivating the virtues of democratic selves. By creating an “organization of organizations,” citizens gain their voice, establish new social networks, and learn the habits of democratic culture. What has remains unremarked is the degree of ethnically Jewish founders and participants, notably the influential “father” of community organizing, Saul Alinsky. What I would like to do in this presentation is trace the line between the development and implementation of community organizing with legible habits and practices for survival that Jews developed as besieged minority communities.

To answer the question—Is Judaism democratic?—I want to examine the grassroots democratic dimension, placing Alinsky in a yet-to-be-articulated tradition of Jewish-specific practices from Progressive-era philanthropy to the Yiddish-speaking unions to today’s urban organizing efforts sponsored by Jewish communal agencies. It is my hunch that the Jewish experience outside of formal participation in the state has enabled Jewish communities to develop alternative forms of democratic power and participation.

Lawrence H. Schiffman, New York University

“Monarchy and Polity: Systems of Government in Jewish Tradition”

From earliest Israelite times two parallel lines of debate regarding the political organization of the Jewish people can be traced in our sources. One is the theoretical debate over whether the Torah requires kingship or not. In this debate, it was assumed by virtually all that the powers of the monarch would be constitutionally limited by Jewish law, usually through the means of a council of some kind. From this discussion, there emerged in modern times a variety of traditional approaches to supporting democracy, even as the ideal for a Jewish state.

Parallel with this debate was the practical question of how Jews would be governed in a variety of situations, whether independent or dominated by foreign powers. Here a variety of monarchic, oligarchic, and quasi-democratic approaches were followed in different times, places, and conditions. For the most part, these practical considerations led to a situation in which an ever-broadening electorate selected leaders for the Jewish community. These historical experiences, together with the rise of modern nation states and the concurrent political philosophies, served to guarantee that by modern times democracy would be assumed by the Jewish community to be the ideal system of government for a Jewish state and the ideal model for diaspora communities.

Ori Z Soltes, Georgetown University

“Democracy, Judaism, Israel, Art, and Demagoguery”

“Democracy” has evolved since its inception; what it meant for Kleisthenes in Athens in 508 BCE is not what it means for Americans in 2016. The term in part reflects the right of a minority to express views contrary to that of the majority. Within Jewish history, dissent, and thus a particular kind of democratic thinking, is an essential part of the rabbinic tradition, even as some rabbinic figures within certain Jewish communities across history assumed autocratic personalities.

The Jewish world experienced a most distinctive turn when Israel was established in 1948. An “ingathering of exiles” offered the chance to shape the first Jewish-governed polity in history. Israel derived its sense of self-governance from a combination of rabbinic, Ottoman, and British ideas, ultimately transcending all of them in order to offer a democracy both Jewishly informed and secular, open above all to Jews and to all kinds of Jews, but open to all.

The wrestling match to shape and maintain such a democracy began well before the state was declared and continues to this day. Throughout that time, art has continued to offer a response to the reality of “Israel.” Art has affirmed and challenged, defined and dissented from Israel's political-spiritual self-conception: it has offered a consummate expression of democratic principles. [Approximately 10 images will be included.]

There is a corollary to all of this. At its most extreme downside, democracy can become its cognate: *demagoguery*. An astutely manipulative and crowd-pleasing leader can be elected by the crowd. This happened in 1933 in Germany. Hitler feasted on fear of the Jews and the German concern

that their identity was being swallowed. In 2013, in Israel, Benjamin Netanyahu pulled out a last-minute political victory by feasting on fear of Arabs and the Jewish concern that Israel's identity and security were in danger of being swallowed. The Jewish democracy triumphed; the question is whether Judaism was defeated.

Joshua I. Weinstein, Herzl Institute, Jerusalem

*“If Not Democracy, Then What?
Judaism in (and out of) the Space of Regimes”*

Democracy in its primary sense is a regime-form, but the tradition of thinking about forms of government is originally Greek, not Hebrew. While classical Jewish sources show awareness of the variety of modes of rule, they are less concerned with regime logic than with collective goals. The central question is not the “Who?” or the “How?” – the elite or the many? By consent, law or force? – but the “Why?” and the “Wherefore?”

Three central aims typify the Jewish ideal, from the biblical strata onward: one negative – leaving “the house of bondage” (not just Egypt); one positive – inheriting a land of “milk and honey” (not just Canaan); and one relational – a covenant of divine intimacy (not just in Jerusalem). A central concern of biblical narrative is the tendency of these aims to undermine one another: Egypt itself was a land of milk and honey, but also a house of bondage; the wilderness makes available contact with the divine, but the menu generates complaints.

So is it meaningful to speak here of “solutions”? Liberal capitalist democracy – Francis Fukuyama’s “End of History” – is the most consistent force opposing slavery while supporting unprecedented prosperity, but it has not escaped the danger of losing the sense of dependence on the divine outlined in Deuteronomy 8:11–18. Here Jewish thinking consistently points to one concern above all: the study and practice of law and justice. No “form of government” provides a mechanical solution (cf. Plato’s *Statesman*, 294a–301a).