

Building a Society of Freedom

Rabbi Yohanan said: Wherever you find the greatness of the Holy One, blessed be He, there you find His humility.... [Thus] it is written in the Torah: "For the Lord your God is God of gods and Lord of lords, the great, mighty and awe-inspiring God, who shows no favoritism and accepts no bribe" [Deut. 10:17]. And immediately afterwards it is written, "He upholds the cause of the orphan and widow, and loves the stranger, giving him food and clothing" [ibid. 10:18]. (Liturgy for the conclusion of the Sabbath)

We do not know why it was in Israel, an otherwise small and undistinguished people, that a divine call was heard that was to change not only them but eventually the moral horizons of mankind. Little has survived from the archaeological records of those times that might shed light on this sequence of events. Little *could* survive, since by definition we speak not of great military victories recorded in triumphal inscriptions on monumental buildings, but of a revolution in consciousness. Nor should we believe that the religion of ancient Israel had, as it were, no historical context. There were systems of law before that of Moses,

the Hammurabi's Code being only the most famous of the several that have survived from ancient times. Mesopotamian, Egyptian, and Hittite documents attribute acts of justice and kindness to kings. The covenant – the single most important concept of the Hebrew Bible and of Jewish thought generally – is an ancient institution, part of the diplomatic vocabulary of the Near East in patriarchal times, specifically as a form of peace treaty between nations. Even monotheism itself, as we noted in the previous chapter, though it began in Israel, was at least prefigured in the failed religious reforms of Amenhotep IV, who sought to reduce the number of gods in the Egyptian pantheon. We do no justice to the originality of Israel's faith if we seek to remove it from history altogether, for it was precisely in and through history that Israel sensed the providence of God.

Yet there can be no doubt that the religion of ancient Israel was one of the most stunning transformations ever wrought in humanity's moral imagination, never more so than in the fact of the Exodus itself. In antiquity the gods were on the side of the established power. They underwrote the reign of kings, emperors, and princes – an idea revived in Europe in the Middle Ages in the form of the doctrine of the “divine right of kings.” Rulers ruled because they were gods, or children of gods, or prime intermediaries between the gods and mankind. They held sway on earth for the same reason as did the sun in the sky: there was an order on earth as in heaven, by which the strong ruled the weak, and power was the guarantor of order. That God, creator of heaven and earth, might intervene in history *to liberate slaves* was the ultimately unthinkable. Thus a paradox was born, which ever since has inspired men and women to break the chains of their oppression: that true power is distinguished by its concern for the powerless, that greatness is measured by the ability to hear the cry of the otherwise unheard – the weak, the vulnerable, “the widow, the orphan, and the stranger” – and that freedom is not worthy of its name unless it means freedom for all.

Again we owe to the historian Paul Johnson one of the finest descriptions of what Judaism contributed to the history of moral thought:

All the great conceptual discoveries of the intellect seem obvious and inescapable once they have been revealed, but it requires a

special genius to formulate them for the first time. The Jews had this gift. To them we owe the idea of equality before the law, both divine and human; of the sanctity of life and the dignity of the human person; of the individual conscience and so of personal redemption; of the collective conscience and so of social responsibility; of peace as an abstract ideal and love as the foundation of justice, and many other items which constitute the basic moral furniture of the human mind. Without the Jews it might have been a much emptier place. (*A History of the Jews*)

We cannot be certain what it was about the first Hebrews that allowed them to hear a voice from heaven summoning them to a quite new conception of religious life. It cannot, however, be accidental that Jewish history begins with two momentous journeys, Abraham and Sarah's from Mesopotamia and Moses and the Israelites' from pharaonic Egypt. Mesopotamia and Egypt were the two greatest powers of their day, the first centers of civilization – whose technical prowess is still, in retrospect, awesome in its achievements. Yet what we sense between the lines of the Bible is that, despite their proficiency, they were ethically deficient. They were highly stratified societies in which great wealth and power were concentrated in relatively few hands, and in which the many lived lives of quiet desperation.

It is surely no coincidence that the patriarchs – and Moses himself at the time of his call – were shepherds who spent long stretches of time alone, tending their flocks in the silence of hills and fields. It was to them that God was revealed not as something seen but as a presence heard – a voice, a call. This was a God radically unlike the deities of myth, who were for the most part personified forces of nature: the sun, the sea, the rain, the storm. The God of Abraham and Moses created and thus *transcended* nature. He was therefore, in the purest sense, *free*, and summoned mankind to a similar freedom. No longer bound, as were the gods of myth, to a particular place, culture, and social order, He taught those who heard His voice to realize, for the first time, that existing social structures were not written into the fabric of the universe. They were human creations, and could, under divine guidance, be replaced by a more just and equitable dispensation. Above all, the realization that God was singular and alone gave unprecedented dignity

to the human person, singular and alone. For the first time it became possible to conceive that *every* human life has sanctity; that we all carry within us a fragment of the divine.

The religious passion of the ancient world was, above all, for order in the midst of an ever-threatening chaos, whether in the form of floods and droughts, foreign invasions, or damaging internal conflicts of power. The mindset of myth is profoundly conservative, seeking to canonize the status quo. An ancient Egyptian text attributed to Nefer-rohu expresses the horror felt at social disturbances that brought about change: "I show thee a land in lamentation and distress. The man with a weak arm [now] has [a strong] arm I show thee how the undermost is turned to uppermost." Compare this with the exhilaration of Hannah's song of thanksgiving when she gives birth to a long-awaited son: "The Lord makes destitute, enriches, / debases; He raises - / He lifts the poor out of the dusts, / and raises abject men from the dunghills, / to seat them up there with princes, / to bequeath them chairs of honor" (I Sam. 2:7-8). For the first time, God is associated with change, transformation, revolution. Nothing is fixed in the human landscape except the rules of ethics themselves - God's eternal word, calling for justice, equity, and compassion, and constantly challenging, through a succession of prophets, the corruptions of power and the exploitation of the weak.

The Exodus became a watershed in Israel's history. The Mosaic books constantly refer to it. The revelation and covenant at Mount Sinai begin with it: "I am the Lord your God, who brought you out of the land of Egypt, out of the grip of slavery" (Ex. 20:2). It formed the framing logic of Israel's laws. Not only did it serve to explain why the people were bound in loyalty to the God who had rescued them and given them freedom. No less important, it was a standing reminder of what a society can become when people forget God and instead worship human constructs, such as power itself. Through reflection on the experience of their ancestors in Egypt, the Israelites would remember what it feels like to be on the receiving end of persecution, and thus develop a sense of solidarity with the poor. Their task in the Promised Land was to build a counter-Egypt, an antithesis of empire, an alternative society established on the principles of *tzedaka* and *mishpat*, distributive and retributive justice, and the covenantal virtues of *hesed* and *rahamim*, kindness and compassion. The God of freedom asks nothing less of His covenantal

people than that they shape a social order of universal freedom, in which the basic requirements of human dignity are available to all.

The architectonics of biblical liberty are immensely detailed, but they can be summarized along three dimensions. The first is a humane concern for the poor – an insistence that they never suffer hunger, or be humiliated by their economic circumstances:

When you make a loan of any kind to your neighbor, do not go into his house to get what he is offering as a pledge. Stay outside and let the man to whom you are making the loan bring the pledge out to you. If the man is poor, do not go to sleep with his pledge in your possession. Return his cloak to him by sunset, so that he may sleep in it.... Do not take advantage of a hired man who is poor and needy, whether he is a brother Israelite or an alien living in one of your towns. Pay him his wages each day before sunset, because he is poor and is counting on it.... Do not deprive the alien or the fatherless of justice, or take the cloak of a widow as a pledge. Remember that you were slaves in Egypt and the Lord your God redeemed you from there. That is why I command you to do this thing.

When you are harvesting in your field and you overlook a sheaf, do not go back and get it. Leave it for the alien, the fatherless, and the widow, so that the Lord your God may bless you in all the work of your hands. When you beat the olives from your trees, do not go over the branches a second time. Leave what remains for the alien, the fatherless, and the widow. When you harvest the grapes in your vineyard, do not go over the vines again. Leave what remains for the alien, the fatherless, and the widow. Remember that you were slaves in Egypt. That is why I command you to do this. (Deut. 24:10–22)

There is something extraordinarily humane about these ordinances, and although they speak to an agrarian order more than three thousand years ago, the principle they adumbrate remains true and compelling today. Freedom, as Nobel Prize-winning economist Amartya Sen reminds us, involves more than an absence of constraints. “The bonded laborer born

into semi-slavery, the subjugated girl child stifled by a repressive society, the helpless, landless laborer without substantial means of earning an income are all deprived not only in terms of well-being, but also in terms of the ability to lead responsible lives, which are contingent on having certain basic freedoms" (*Development as Freedom*). A society in which the few have wealth and many are on the verge of starvation is not free by the standards of the Hebrew Bible.

The second dimension, equally radical, and essentially tied to Israel's experience of exile, is concern for the rights and welfare of the *stranger*. The Mosaic books never tire of this theme – the rabbis pointed out that whereas the Torah in one place commands love of the neighbor, in no fewer than thirty-six places it urges love of the stranger. "Do not oppress a stranger, because *you yourselves know how it feels to be a stranger: you were strangers in Egypt*" (Ex. 23:9). For the ancient world generally, even for such as Plato and Aristotle, strangers were aliens, beyond the radius of concern, unentitled to civil rights or citizenship. Few things would have been less intelligible to them than the principle that "The community is to have the same rules for you and for the stranger living among you...you and the stranger shall be the same before the Lord" (Num. 15:16). This is the second revolution of the Exodus, and part of Israel's moral struggle against tribalism and its modern successor, xenophobic nationalism. Strangers, too, have rights and make a legitimate claim on our humanity, for we are all strangers to someone else. This is something Israel is expected not merely to know abstractly but to feel in the deepest recesses of its collective memory. "You yourselves were strangers in Egypt."

The third and most compelling impact of Egypt was the enactment of freedom in time: the threefold sabbatical structure of the seventh day, the seventh year, and the Jubilee, the year that marked the completion of seven septennial cycles. Despite attempts of historians to trace a connection to the Babylonian calendar, the Sabbath was an unprecedented innovation. It meant that one day in seven all hierarchies of wealth and power were suspended. No one could be forced to work: not employees, or slaves, or even domestic animals. In the seventh year, debts were remitted and slaves sent free. In the Jubilee – when the shofar was sounded, proclaiming "liberty throughout the land to all its inhabitants" (Lev. 25:10) – all ancestral land was returned to its

original owners. The logic of these laws is simple: "For the Israelites belong to Me as servants; they are My servants whom I brought out of Egypt" (ibid. 25:55). Those who are servants to God may not be slaves to man.

Biblical law did not end slavery. That did not happen in the West until the nineteenth century, and in the case of the United States, not without a civil war. It did, however, end it as a given of birth, an ontological fact. Under biblical law it became a temporary condition, something suspended every seventh day and ended after seven years. Shabbat, the sabbatical year, and the Jubilee became Judaism's most original contribution to political life. In the history of the human mind there have been many utopias, imagined paradises. None has been realized. Indeed the word "utopia" itself means "no place." Utopias never happen because they come without a realistic map of how to get from here to there. They are discontinuous with the present. They can be brought about only by revolution, and almost without exception, revolutions replace iniquities and inequities with injustices of their own. What is unique to Judaism is the sabbatical concept of *utopia now*, a rehearsal, every seventh day and seventh year, of an ideal social order in which rest is part of the public domain, available equally to all. The Sabbath is the lived enactment of the messianic age, a world of peace in which striving and conflict are (temporarily) at an end and all creation sings a song of being to its Creator.

At the end of his long and detailed analysis of early Israel, Norman Gottwald comes – rightly, I believe – to the conclusion that its faith is "the distinctive self-consciousness of a society of equals." Israel, he says, "*thought* it was different because it *was* different: it constituted an egalitarian social system in the midst of stratified societies." To be sure, that equality was never total and always at risk. That is the constant refrain of the prophets – themselves testimony to Judaism's underlying egalitarianism with their willingness to confront kings and "speak truth to power." Yet Jewry did succeed, more than most, in sustaining the dignity of its members through suffering and poverty. One vignette is revealing – Melvin Urofsky's description of Brandeis' reaction to the East European Jewish immigrants to the United States when he first encountered them in his role as mediator of the New York garment workers' strike of 1910:

While going through the lofts, he heard numerous quarrels between workers and their bosses, and was amazed that they treated one another more like equals than as inferiors and superiors. In one argument an employee shouted at the owner, "*Ihr darft sich shemen! Past dos far a Yid?*" ("You should be ashamed! Is this worthy of a Jew?"), while another time a machine operator lectured his employer with a quotation from Isaiah: "It is you who have devoured the vineyard, the spoil of the poor is in your houses. What do you mean by crushing My people, by grinding the face of the poor? says the Lord God of hosts" [3:14].

For the Torah, and for post-biblical Judaism no less, society is a moral construct, a place where freedom is a collective reality to which all contribute and by which all have equal access, if not to wealth and power, then at least to human dignity in its most tangible forms: food to eat, clothes to wear, a source of independent livelihood, and a home: Micah's famous vision of a world in which "Every man will sit under his own vine and his own fig tree, and no one will make them afraid" (4:4). This is not the only version of an egalitarian society, but it is the oldest, the most consistently achieved, and the most humane. It did not happen by chance. Its existence was predicated on collective *memory*. Once a year, every year, every Jew was commanded to relive the experience of Egypt as a constant reminder of the bread of oppression and the bitter herbs of slavery – to know that the battle for freedom is never finally won but must be fought in every generation.