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SOME PRELIMINARY OBSERVATIONS ON THE JEWISH POLITICAL TRADITION

The Jewish national revival of our times led first to the restoration of Jewish political consciousness, then to the reestablishment of the Jewish polity. The next step in the process is the rediscovery of the Jewish political tradition. For there is indeed a Jewish political tradition with all that it implies in the way of a continuing dialogue regarding proper or acceptable modes of political behavior, institutional forms, and political cultural norms. That tradition can be understood by exploring the central principles which animate it and its parameters.

This article is based on my work in connection with the Workshop on the Covenant Idea and the Jewish Political Tradition, cosponsored by the Center for Jewish Community Studies and the Department of Political Studies of Bar-Ilan University. As such, it is in the way of a preliminary report on the efforts of the workshop and draws on the ideas and concepts developed in the 3 years of the workshop's existence. I gratefully acknowledge my debt to my colleagues in the workshop (who are listed in Appendix B). It should be read in conjunction with the first working papers produced by the workshop (see Appendix A).

Another important influence on this article was the colloquium on "The Jewish Political Tradition and its Contemporary Uses" sponsored by the Institute for Judaism and Contemporary Thought in 1975. *The Jewish Political Tradition and its Contemporary Uses*, the volume that emerged from that colloquium and is now in the process of being published, will offer further elucidation of many of the points contained in this article. Its contents are listed in Appendix C.

Finally, as part of the workshop's research program, I have availed myself of the extraordinarily valuable resource represented by the Bar-Ilan Responsa Project. Through the use of the computerized "key word" retrieval system, I and other members of the workshop were able to examine important political concepts and usages as reflected in 1000 years of responsa literature. The use of the responsa for this purpose is still in its infancy but promises to be of great import.

Rediscovering the Jewish Political Tradition

The suggestion that there is a Jewish political tradition is not to suggest that there is a single, uniform, monolithic “Jewish way of politics.” A tradition by its very nature is multifaceted, even dialectic. Like a river, it has currents within it that are united because they are within the same banks and, except for occasional eddies, flow in the same direction.

A political tradition develops around shared expectations as to what constitutes justice in public affairs, a common sense of the proper uses of power in the pursuit of political goals, a shared understanding of the reciprocal relationship between power and justice in the body politic, and a common view of the proper relationships between the governors and the governed. It is built around an enduring consensus—a thinking together (*consentio*)—on the part of the members of a particular political community or body politic about common questions over generations. The answers to these questions need not be the same for all consenting members of the body politic. Were they the same, we would have a political *doctrine*, not a *tradition*, for implicit in the existence of a tradition is a continuing dialogue, or “great debate,” based on a shared formulation of fundamental questions. In a real sense, a tradition develops around the tension that exists between its different expressions, that remain within the same dialectical framework because of the way in which those questions are formulated even as they allow for a range of answers as long as they do not diverge beyond a certain point.¹

The Jewish political dialogue began with the emergence of the Jewish people as a body politic over 3200 years ago, at which time certain common questions were formulated for the political and other realms. It has continued ever since, at times—particularly when the Jews have lived independently in their own land—resonating strongly and at other times less so. Ironically, after surviving constitutional changes and changes of regime, exile, and dispersion, the Jewish political tradition has been nearly lost in our time, precisely at the threshold of the renewal of full Jewish political life. The emancipation of the Jews in the modern era, bought at the price of virtually adjuring Jewish corporate identity, nearly brought it to a close, but precisely at its weakest moment it was revived operationally as the political character of the Jewish people became clear once again. Now its intellectual dimension needs to be recovered by systematic effort so that it may fill a vital and needed role in contemporary Jewish life—both in Israel and in the Diaspora.

Lest it be assumed otherwise, let it be said at the outset that a political tradition does not simply include the good qualities present in the political life of a people; it includes vices as well as virtues (in many cases, the vices reflect excesses of what otherwise are virtues). While one would hope that the explicit values of one's own particular political tradition would be good (and that is not always the case, by any means), human frailties mean that the behavioral dimension of any tradition is necessarily mixed. Some political traditions, indeed, are gravely deficient in every respect.

The existence of the Jewish political tradition is particularly important because of the character of Jewish political concerns. Were Jews to derive their political ideas from philosophy (in the classical or technical sense of the term), perhaps it would be appropriate to talk about a Jewish political philosophy or competing Jewish political philosophies which would manifest themselves in ideologies derived from philosophy. This is the way of most European polities and, indeed, is characteristic of many peoples who have undergone a revolutionary break with their past which they must ground ideologically.² However, since Jews do not derive their framework from philosophy and are not dependent for their existence on ideology, they cannot rely on philosophy to provide a grounding for Jewish political life. The Jews' revolutionary break resulted in the Bible and was expressed through *midrash* and *halakhah*, broadly understood, which, as Leo Strauss has pointed out, is an alternate system to philosophy.³ Jews philosophize (i.e., use the tools of philosophy) but ground them in a different set of assumptions, methods, and results.⁴

As in the case of other peoples whose grounding is not philosophic or ideological, tradition has always occupied an extremely important role in Jewish life. (The Hebrew word for tradition, *masoret*, literally means bond and is closer to the original meaning of the word religion, whose Latin root also means bond.) The Jewish political tradition is an integral part of the whole fabric of Jewish tradition, a *sine qua non* of that tradition given the Jewish commitment to peoplehood and the attainment of redemption through the creation of the good commonwealth on earth.⁵

Perhaps a reference to the American example will help clarify this essential point. The Americans are another nonphilosophic and nonideological people.⁶ While Americans have, on one level, grappled seriously and well with philosophical questions and have derived great benefit from using the tools of philosophy, their polity was not a product of philosophy; it was born out of a political persuasion that, in turn, reflected a common political experience.⁷ The persua-

sion and experience together created an American political tradition. Since its founding, the United States has used its political tradition, particularly as mediated through the decisions of the U.S. Supreme Court and the actions of American political leaders, to provide the framework for considering its own political reality. Similarly, the Jewish political tradition was born out of a common persuasion and experience and provides continuity through a common perspective through which Jews deal with their continuing political concerns. The maintenance of a political tradition, then, is the key to political continuity which, in turn, is a necessary part of the continuity of Judaism.

A tradition persists on two levels: the formal and the subliminal. To be a fully living tradition, its bearers must be somewhat conscious that they are part of it and somewhat aware that they are expressing it in their ideas and actions. Yet, even under such conditions, a tradition is like the proverbial iceberg—the greater part of it is not a matter of conscious (or self-conscious) articulation but influences thought and behavior unknown to its bearers. Under the worst conditions, a tradition can survive on the subliminal level for considerable time after it has been formally suppressed or abandoned. It is fair to say that even while the Jewish political tradition declined as an articulated one in the modern era, it continued to persist subliminally in more ways than most people would be likely to notice.⁸

What is perhaps most compelling, then, about the need to rediscover the Jewish political tradition is the fact that Jews continue to function in the political arena in no small measure on the basis of their political tradition, albeit without conscious awareness that they are functioning within a living tradition of their own or any tradition at all. The striking similarities in the structure of Jewish institutions in Israel and the Diaspora, present and past, the basic characteristics of Jewish political behavior, the fundamental beliefs and practices embedded in Jewish political culture, all attest to the persistence of a Jewish political tradition that remains for the most part unrecognized.⁹ In part, this tradition is expressed formally in the political ideas of Jewish thinkers, but it is even more fully expressed in the institutional and behavioral dimensions of Jewish political and communal life, sometimes set down on paper and sometimes not. That, indeed, is what makes it a tradition rather than a systematic body of knowledge or wisdom.

The revival of political concern among contemporary Jews reflects an implicit understanding, however obscured, that the validity of

Jewish teaching can only be fully tested in a political setting, through a polity in which Jews have the responsibility for building the “kingdom of heaven” (Hebrew: *malkhut shamayim*)—the good commonwealth—on earth.¹⁰ Accordingly, it becomes vital for Jews to rediscover the Jewish political tradition in order to pursue the Jewish vision and to root their institutions, including the State of Israel, more fully within it.¹¹ Indeed, it is precisely because contemporary Jewry has lost so much of the organic character which shaped Jewish life in the past and has moved increasingly toward self-definition in political terms that a significant part of the search for roots and meaning must take place within the political realm.¹²

The enduring foundations of the Jewish political tradition are to be found in the Bible.¹³ In one sense, this is because the foundations of all Jewish tradition are to be found there. In many respects, however, the Jewish political tradition has been even more enduringly influenced by that source. While all of the tradition has been filtered through the Talmud, the efforts of the sages to diminish the active or conscious elements in the political tradition in the wake of the disastrous Roman wars—the effort in itself was a political act of the first magnitude—meant that the political dimension of Jewish life was transformed by them into an undifferentiated part of the halakhic tradition, so much so that with the revival of explicit political inquiry in the Middle Ages, Jewish thinkers and leaders who otherwise relied on the Talmud for all things went back to Biblical sources for ideas with regard to proper political behavior and even institution building, even where they relied on Talmudic precedents for establishing local institutions.¹⁴ Centuries later, we find an echo of that process in the way that Zionists sought to base their quest for Jewish statehood in the land of Israel on Biblical sources.¹⁵

Some Elements of the Jewish Political Tradition

Every political tradition rests on certain assumptions about the nature of man, government, and politics, the nature and role of law, and what constitutes justice. Central to the dialogue that constitutes every political tradition are questions such as what constitutes political authority and obligation, what is political responsibility, who governs, who gets what, when, and how from the polity, and a terminology in which these questions are phrased. Both the questions and the terminology have many ramifications which need exploration in order to understand any particular political tradition. The exploration itself is an exceedingly ambitious task. In order to facilitate that

task, we have attempted to summarize key elements of the tradition in a series of propositional sentences which can be used as the basis for closer study of the tradition's dimensions and behavioral implications. What follows are some initial formulations which should not be considered either final or exhaustive.¹⁶

Man, Government and Politics

1. Humans have both good and evil inclinations but are more good than bad in that their behavior can be improved by proper institutions (especially laws). Hence humans are capable of becoming partners with the Sovereign of the Universe (*Ribbon HaOlam*) in the development and governance of this world, which partnership is established by covenant (*berit*). At the same time people, when unrestrained, are capable of utilizing government and politics for the institutionalization of their evil inclinations, thereby greatly increasing their capability to do evil.
2. Government and, concomitantly, politics are necessary parts of human existence in every case but, necessary and important as they are, government and politics are merely tools for the achievement of more sacred goals and not ends in themselves.
3. Politics, then, is a universal and serious human activity but only as a means to achieve holy purposes. Since politics is part and parcel of the way of man (*derekh ha'adam*), it is a mixture of the petty as well as the grand. Its importance must be recognized (but always with a certain ambivalence given its propensities to serve unwarranted ambition).
4. Because Judaism emphasizes God's sovereignty, Jewish peoplehood, and the building of the holy commonwealth, political motifs permeate Jewish ideas and ways and are often found where modern man would least expect them.¹⁷

Law and Justice

1. Law, in the sense of the Divine constitutional teaching (*Torah*), provides the foundation of human polity. Divine law is comprehensive and immutable, but properly constituted human agency has been granted broad powers of interpretation. This strong commitment to constitutionalism and the rule of law tends to

elevate judges to a position of special authority within the body politic. In its most narrow application, this commitment tends to encourage hair-splitting legalism. On the other hand, it can be coupled with an equally strong operational commitment to the idea that every individual must ultimately decide for himself to what extent the law applies in his case (i.e., a kind of rule of law by repeated acts of consent). In certain ways, law is understood as a norm to be attained as much as a fixed rule or boundary.

2. Justice is intimately associated with Divine law, but the association extends beyond a simple one-to-one relationship to involve practical considerations of covenant obligation (*hesed*) and mercy (*rahamim*). This often leads to a paradoxical condition whereby legal requirements for doing justice establish the strongest penalties for unjust acts, which penalties are rarely if ever applied on grounds of tempering justice with mercy.¹⁸

Political Authority and Obligation

1. The universe and all its parts are under Divine sovereignty (*malchut shamayim*); hence all human institutions possess only delegated authority and powers. That is the essence of Jewish theocracy. In fact, the good political order is a complex of interlocking authorities whose legitimacy is derived from the covenant-established partnership between God and man.¹⁹ In some cases, the former elects and the latter ratifies and, in others, the process is reversed, but in every one the two sides of the partnership are somehow represented. This can lead to power sharing at its best or, in extreme manifestations, to near anarchy. Part of the theocratic character of the Jewish political tradition is reflected in a constant tension between the Divine (theo) and rule (cratos), which must be reconciled by federal or covenantal linkage.²⁰
2. The basis for political authority is invariably covenantal, and political obligation flows from that covenantal base.²¹ Covenanting makes Divine sovereignty concrete and human self-government possible in this world but, if the former is removed, it can lead to the institutionalized expression of Faustian ambition on the part of humans.²²

The Polity (Especially the Jewish People)

1. Polities (*medinot*) are extensions of the covenantal relationship,

constituted consensually by compact, as partnership or metapartnership of their constituents. There is no “state” in the Jewish political tradition in the sense of a reified political entity complete in and of itself. The very term *medinah* refers to a political unit with its own jurisdiction (*din*) within a larger entity (e.g., a province). While the term is used for state today, its classical echoes still remind us that polity would be a better translation. The latter term offers wider and narrower expressions of meaning consistent with the Hebrew original—wider in that all entities with their own political-legal jurisdiction are polities (compare the Arabic *medinah*, meaning city) and narrower in that no polity exists apart from its component elements nor does it possess absolute sovereignty. Both dimensions are vital elements in the Jewish political tradition. In fact, the Jewish political tradition does not recognize state sovereignty in the modern sense of absolute independence. No state—a human creation—can be sovereign. Classically, only God is sovereign, and He entrusts the exercise of His sovereign powers to the people as a whole, mediated through His Torah-as-constitution as provided through His covenant with Israel.²³

2. The Jewish people (*Am Yisrael*) is fundamentally a polity of equals, a commonwealth (*edah*), with all that implies for the organization and conduct of Jewish political affairs.²⁴ While no single form of political organization is mandated by Jewish law or tradition, any form chosen must embody this basic republican (*res publica* = a public thing) principle.²⁵ Jewish regimes have not necessarily been democratic republics; because of the emphasis on the Divine role, they have aristocratic tendencies that often have degenerated into oligarchic patterns of rule. But with very few exceptions, they have not been autocratic. The republican foundations of the Jewish political tradition have prevented that.
3. A proper Jewish polity is one which embodies a proper set of political relationships rather than any particular structure or regime.²⁶ This emphasis on relationships is particularly relevant to a covenantal polity and helps reinforce Jewish republicanism, but it can also lead to ignoring structures unless confronted by extreme difficulties with them.
4. The Jewish people as a polity begins with a strong commitment to bargaining as the basic mode of political decision making. In its best sense, this leads to negotiated cooperation based on covenant obligation; in its worst, it leads to willingness to subject everything to haggling without regard to norms or accepted procedures.²⁷

Political Responsibility

1. The basis of Jewish political responsibility rests on the collective Jewish self-perception as a special people that is shaped by its combined religio-political character which, in a certain sense, transcends time and space, although always focused on the land of Israel as the center for maximum Jewish individual and collective self-fulfillment. At best, this has facilitated the maintenance of the unity and survival of a people in exile for millennia and dispersed throughout the world. It has also led to periodic attempts to deny the political dimension of Jewishness.²⁸
2. Responsible policymaking rests on the collective self-perception which the Jewish people shares as a perpetually small minority, usually isolated from the larger world when its own interests are involved, which must develop and pursue survival strategies accordingly. This set of perceptions encourages a wide variety of strategies, both accommodationist and hostile, integrationist and isolationist.²⁹

Our research shows that each of these elements recurs in one form or another in every period of Jewish history and, in fact, the changing modes of their expression can be used to identify and demarcate the various periods of Jewish history from a political perspective.³⁰

Political Tradition and the Language of Political Discourse

A very useful starting point for understanding the Jewish political tradition is the language of political discourse among Jews, the recurring basic terminology that creates the conceptual and perceptual framework for considering and dealing with public affairs. In Kadushin's terms, the exploration of this dimension of Jewish tradition is possible through the identification and explication of *value concepts*, in this case terms and phrases bearing political content.³¹ Here we can do no more than list a sampling of that terminology and indicate some of its implications for understanding the Jewish political tradition.³²

The Bible is rich in political terminology, as any close reading of the text in context reveals. Indeed, it remains the prime source of Hebrew political terms, many of which have been transmitted with minimum change in meaning over the millennia. The terminology as such and in context has substantial implications for understanding the sources of the Jewish political tradition and deserves full treatment on its own. Among these terms and phrases are several that are

of special importance because they give and continue to give meaning to fundamental political relationships and the regimes they shape. In essence, they are the Hebrew equivalents of the classic political terminology of ancient Greek and Latin. The classic character of this political terminology can be illustrated through the device of the "mapping sentence" as devised by Guttman as the basis for hypothecation in social research.³³ The Biblical political world view can be summarized as follows.

The family of tribes descended from Abraham, Isaac, and Jacob which God raised up to be a nation (*goy*) became the Jewish people (*Am Yisrael*) through its covenant (*brit*) with God which, in turn, laid the basis for the establishment of a Jewish commonwealth (*edah*) under Divine sovereignty (*malkhut shamayim*) and hence bound by the Divine constitutional teaching (*Torah*). The *am* so created must live as a community of equals (*kahal*) under the rule of law (*hukah, hok*), which applies to every citizen (*ezrah*), defined as a partner to the covenant (*ben-brit*). Every citizen is linked to his neighbor (*rea*) by covenant obligation (*hesed*). Within these parameters there is wide latitude in choosing the form of government or regime as long as the proper relationships between the various parties just referred to are preserved. That, in turn, requires a system of shared authorities (*reshuyot*)—what today would be termed "checks and balances." Moreover, since the full achievement of its religiopolitical goals requires redemption (*geulah*), the Jewish political world view is messianic in orientation, looking toward a better future rather than a golden past.

Our workshop has begun the examination of these terminological leads and their relationship with the elements identified here. What follows are examples of the results of that examination in the case of the key terms: *brit*, *hesed*, *edah*, and *kahal*.

Brit and Hesed: The Covenant or Federal Base

The Jewish political tradition, like every political tradition, is concerned with the question of power and justice, but it differs from the political traditions growing out of classic Greek thought in that it begins with a concern for relationships, rather than structures. More specifically, it is less concerned with the best structure for the best regime than with the proper relationships between power and justice, the governors and the governed, God and man, and so on. This orientation is embodied in the principle of covenant that lies at the root of the Jewish political tradition and gives the tradition its form.

A covenant in its very essence deals with the definition of relationships; hence the Jewish covenantal orientation properly serves as the basis for defining all political relationships within the Jewish tradition.³⁴

Covenant theology has become sufficiently common coin in the last decade or two in Jewish circles, so that the idea itself is hardly foreign even to those who were brought up in a different generation of Jewish intellectual endeavor when that vital aspect of the biblical teaching was overlooked.³⁵ What is suggested here is that there is a strong political dimension to the covenant idea and that covenants themselves have consistently been the principal instruments for shaping Jewish political institutions and relationships.

Like all great ideas, the basic simplicity of the covenant idea makes important complexities. The term *brit* (covenant) conveys the sense of both separation and linkage, cutting and binding.³⁶ A covenant creates a perpetual (or at least indefinitely continuing) bond between parties having independent but not necessarily equal status. That bond is based on mutual obligations and a commitment to undertake joint action to achieve certain defined ends which may be limited or comprehensive, under conditions of mutual respect in such a way as to protect the fundamental integrity of all parties involved.

A covenant is much more than a contract—although our modern system of contracts is related to the covenant idea—because it involves a pledge of loyalty beyond that demanded for mutual advantage, often involving the development of a certain kind of community among the partners to the covenant, and ultimately based on a moral commitment. In its classic form, it is also more than a compact in the sense that God is either a party to it or is its witness and guarantor. In that sense, a covenant creates a holy or Divinely—sanctioned community or partnership based on a firm, constitutionally defined relationship delineating the authority, power, and integrity of each of the partners.

The prophet Ezekiel referred to *Masoret haBrit*—the covenant tradition (or bond)—as the central thread of Jewish existence (*Ezekiel 20:35-37*). Malbim offers us a good summary of the covenantal relationship in his commentary on the covenant between God and Abraham in *Genesis 17*:

This covenant will be “between Me and thee,” meaning that the binding obligation rests on both parties to the covenant, because Abraham also obligated himself to be a partner with God in the act of creation by perfecting what was created and by participating in its improvement. (Meir Leibush Malbim, *HaTorah vemaMitsvah*, 1, 68.)

