

The Biblical Roots of Democracy

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It is customary to look for the roots of modern democracy in ancient Greece – specifically in ancient Athens. Allowance is made, of course, for the difference between the direct democracy of Athens and the representative democracy of the modern era. Similarly, the limitation of the democratic participation in state affairs to the free male citizens of Athens, to the exclusion of slaves, aliens and women, is noted. Yet, barring these differences, the Athenian democracy, at least from the reform of Ephialtes in 462 BC on through most of the following period till the ascendancy of Macedonia, clearly displays the popular participation of the citizens in the ruling of the *polis*. Thus, a fundamental link is established between Greek antiquity and modernity.

While recognizing the historical and philosophical connection between Hellenic democracy and its born-again, though modified, manifestation, it is our contention that the modern phenomenon has its roots also in the Bible. Although not a new revelation, this link has been largely ignored and virtually forgotten, and perhaps never given the recognition it deserves. Therefore it invites a focused exploration and a new assessment.

Josephus Flavius, in an attempt to explain the nature of the Jewish political system to the outside world, argued that in distinction from the threefold classification of government, as prevalent in the Greek–Roman world, into monarchy, oligarchy and democracy, the Jews embraced theocracy.¹ Theocracy can well be understood in the literal sense, to mean the rule of God, as distinct from the rule of one man, of the few, or of the many. Indeed, theocracy in this exact sense may be considered to be the basic premise of the political philosophy in some crucial passages of the biblical text. The point requires some elaboration.

The immediate reaction to the assertion that theocracy is a form of government – comparable to monarchy, aristocracy or democracy – is that human government cannot be compared with divine rule, or the other way round. The two belong to different spheres of human experience, or, strictly speaking, one of the two may be

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SAGE: London, Thousand Oaks, CA and New Delhi, <http://dio.sagepub.com>

DOI: 10.1177/0392192106070365

experienced by man, whereas the other is a peculiar corollary of religious *belief*. Even if such belief and its consequences are also a part of human experience, or the experience of some human beings or communities, such an experience is of a different order from the actual submission to monarchs or other earthly rulers.

Thus, when we deal with governments, with *political* reality, we must assume the working of a *human* authority and coercive institutions. Consequently, theocracy belongs to the non-political domain of religion, unless it is an ideological claim of a priestly caste or elite who rule or strive to rule a society, and pretend or even actually believe that they represent divinity. Yet, whatever the claim of such rulers, from the objective perspective of political science, it is the *human* rulers that count, and so theocracy is actually the rule of the priests or of other recognized religious personalities. It is only the earthly manifestation of the assumed rule of God, that can be considered a form of government.

Yet, this is not the end of the debate. Indeed, a distinction has been made – by Martin Buber, if I am not mistaken – between theocracy, the rule of God, and hierocracy, the rule of priesthood. The latter, which may have been exemplified by the Papal State, or the current regime in Iran, is clearly a concrete form of political organization. The former is exemplified in biblical passages which, *mirabile dictu*, carry practical political implications. As a matter of fact, the biblical theocracy – again *mirabile dictu* – may serve as a focal point of democratic attitudes and sensibilities.

Interestingly, it is the most ancient passages in the Bible which display the theocratic belief. Thus in the Blessing of Moses, an early hymn recorded in the concluding section of the Pentateuch, God is declared as a king in the midst of the assembled tribes of Israel: ‘And he (God) was king in Yeshurun (the righteous people, Israel) when the heads of the people assembled, (and) the tribes of Israel were gathered.’ (Deuteronomy 33:5). The verse alludes to the assembly at the foot of mount Sinai, as described in Exodus, chapters 19–20. This is the occasion of the conclusion of the covenant between God and the children of Israel, negotiated by Moses, the go-between of the two parties to the agreement. It is the corner-stone of the establishment of theocracy and, at the same time, the revelation of the democratic premise intertwined with the doctrine of the rule of God. The apparent paradox of this peculiar combination becomes transparent to the careful reader of the mentioned chapters of Exodus.

The relationship between God and the people of Israel is described neither as the consequence of the imposition of divine rule over the people, nor as the result of a spontaneous submission of the people to the overwhelming power of God. This relationship is perceived as one between two parties, who concluded an agreement out of their own free decision. God offers, through the intermediacy of Moses, His protection to the people of Israel, on the condition that they obey Him and keep His covenant (Exodus 19:5–6). Then the people – ‘all the people together’ – ‘responded saying, All that the Lord hath spoken we will do.’ This statement again was conveyed by Moses to the Lord (Exodus 19:8).

The legal formality of the agreement is clearly emphasized. Although the compact is made between God and human beings, the latter have a clear voice in the conclusion of the agreement, and clearly express their consent. *Vox populi* may not be *vox Dei*, as the conventional democratic creed may assert, but *vox populi* is a condition for

the acceptance of *vox Dei*. The rule of God is conditioned by the willingness of the people to submit to it.

A doctrine – whether philosophical or theological – which denies man’s freedom of choice, deprives him of sovereignty, and thus of responsibility for his own affairs in both personal and public matters. Thus, freedom of will is an indispensable condition of democracy. It does not *assure* the rule of the people, but self-rule cannot be established without this basic condition.

The Bible is clear and explicit about this issue, as expressed by Moses in his admonition to the children of Israel: ‘See, I have set before thee this day life and good, and death and evil’ (Deuteronomy 30:15); ‘therefore choose life’ (Deut. 30:19). The warning is clear, but the choice is the people’s. Contrary to the accepted notions, it is God who proposes and man who disposes. There is the right and the wrong way: the absolute nature of the ethical imperative is not questionable. Yet, the *choice* of conduct, both personal and collective, remains human. Free will, and thus human sovereignty, is firmly established, even if the choice of the right way – *la diritta via* – is not.

Thus, implicitly, the foundations of democracy on human will and human dignity are secured, but the possibility of erring decisions by the public will are not precluded. Democracy does not *guarantee* just policies and right decisions. Like the individual, the community of people faces persistent problems and cannot avoid moral dilemmas.

With all the pitfalls encountered by free people and the consequent risks and dangers, the basic democratic principle remains intact: *rule* over the people must be founded on the *consent* of the people. One cannot overestimate the importance of this principle. As is well known, it has played a major role in the thinking of the founders of the modern political theory, such as Thomas Hobbes, John Locke and Jean-Jacques Rousseau. Even if each of them twisted and modified the agreement in his own way – the contract could be between the people and the ruler or rulers, or among the people themselves producing the rulers – the fundamental assumption remained: the consent of those to be ruled is necessary for the establishment of a morally approved and legally binding government. To put it in a wider perspective of the history of political theory, if the rule of God required a free consent of a people in order for them to be bound by it, the rule of human beings – whether monarchs, or select individuals, or the entire people – must be based on such a consent *a fortiori*.

While the establishment of theocracy is founded on the general consent of the people, thus making it contingent upon a democratic procedure, there is a significant difference between this democratic element and the democratic regime as we know it. The latter not only establishes the government on the people’s will, but also secures that this will may be exercised every so often – every few years – in an election process. The covenant with God, on the other hand, is binding for generations on end. Thus, it could be argued that the founding of theocracy in ancient Israel is closer to a Napoleonic referendum establishing an imperial regime in perpetuity than to a democratic regime which is subject to ever recurring expression of popular will and whim.

Yet theocracy in the Bible can be explained – and perhaps justified – by some distinctive characteristics which separate it from an imperial rule founded on popular

consent. First, in the biblical perception the people are essentially not a mere aggregate of individuals, subject to continuous flux through death and birth, and even through change of opinion. It is the people as a collective personality, which transcends individual lives, that commits itself to a covenant with God, and actually transcends the limitations of time.

Indeed, the word *brith*, in the Hebrew original of the above text (Exodus 19:5), means not only a legal agreement between two parties, but also a bond of friendship. The commitment of the parties reaches beyond a limited covenant; it expresses a profound and total obligation of each to the other. Clearly, such obligation is not subject to frequent revisions.

What, however, clearly cements the relationship beyond a mere political compact is its linkage with fundamental moral principles, which the people have to embrace and to follow. It is in the nature of these imperatives that they are not subject to the vicissitudes of time, and therefore they can be accepted as binding in perpetuity. These are the Ten Commandments, enumerated in chapter 20 of Exodus.

Thus the rule of God is not translated into the daily decisions of government, or into policies, projects, resolution of conflicts, decisions of current public concern. These may well be made by human institutions – elders, chieftains, judges and the like. Yet all such decisions and policies must be informed by the moral commandments of the Lord. He remains the ruler, and the regime of Israel stays theocratic.

This fundamental notion of theocracy is adhered to through the period of the Judges (*Shoftim* in Hebrew), as recorded in the eponymic biblical book. The Judges – actually military chieftains – appear sporadically as deliverers of the tribes of Israel from the oppressive rule of neighbouring nations (explained and justified as divine punishment for Israel's transgressions).² The Judges are described as inspired by God – 'And the spirit of the Lord came upon him' (Judges 3:10): thus the notion of divine rule over Israel is maintained. On their death they are not replaced – evidently the normal rule of the Lord is resumed – until a new crisis emerges which requires the leadership of an inspired warrior.

Significantly, the spectacular delivery by one judge, Gideon, makes the people offer him the crown. 'Then the men of Israel said unto Gideon, Rule thou over us, both thou, and thy son, and thy son's son also' (Judges 8:22). In other words, they suggest that the *ad hoc* rule of an inspired chieftain should be transformed into the permanent institution of a hereditary monarchy. The terse response of Gideon resounds through the ages: 'I will not rule over you, neither shall my son rule over you: the Lord shall rule over you' (Judges 8:23). Theocracy, in the literal sense, is reasserted: God remains the king of Israel, while the judge is merely the Lord-appointed deliverer.

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Yet eventually, as we know, the external pressure – primarily of the Philistines – led to the establishment of monarchy, that is to say, of a permanent rule of a chieftain, with no time gap allowed between one judge and another, which put the tribes at risk. Moreover, the king would unite all the tribes against the actual or potential enemy, which would enhance the military power of the nation.

Interestingly, the transition to monarchy was not made easily. We have a biblical testimony to the fierce opposition, encountered by the advocates of an earthly kingdom, in 1 Samuel, chapter 8. The demand of the elders of Israel, who apparently represented the people, 'to make us a king to judge us like all the nations' (1 Samuel 8:5), displeased Samuel, a prophet who had commanded the respect of the people. The consequent prayer of Samuel met with the following consolation of the Lord: 'they have not spurned³ thee, but they have spurned me, that I should not reign over them' (1 Samuel 8:7). Clearly, the demand of an earthly institutionalized monarchy is seen as a rejection of theocracy, the kingship of God.

Yet, significantly, God does not threaten the people with punishment for the apparent breach of trust and covenant, but tells Samuel: 'Hearken unto the voice of the people in all that they say unto thee' (1 Samuel 8:7). It is the *people* that decide on the kind of government they put over themselves, and the prophet has to follow their demand. The rule of the people, *demo-cratia*, is accepted, even if it confronts *theo-cratia*. God does not enforce His rule. He is ready to rule only if accepted by the people.

Nevertheless, the capitulation to the people's demand is not effected before an attempt at persuasion is made by the Lord and His spokesman. An argument, an exchange of opinions – an established democratic procedure – takes place, as Samuel is instructed to outline to the people 'the manner of the king that shall reign over them' (1 Samuel 8:9). The description of a prospective monarchy is anything but encouraging. The burden of a permanent royal government will be heavy, both in economic cost and in personal service. The king will take young people for himself, for his chariots and horsemen, and 'they will run before his chariot. And he will appoint him captains over thousands, and captains over fifties.' They will have to make his weapons and his chariots. 'He will take your daughters to be cooks and bakers. He will take your fields, the best of them, and give them to his servants . . . He will take the tenth of your sheep: and ye shall be his servants' (1 Samuel 8:11–17).

This picture clearly points out the needs – the legitimate needs – of a permanent government, with which we are all too familiar. There is the army and there are other services, and there is the need for revenue to pay for the equipment and the services. While these costs – human and financial – are well justified, they are presented as a burden and as an intrusion into the lives of free people. But the picture is even gloomier than that. For the king will not merely *use* his authority for state needs; he will also *abuse* his power to gratify personal needs and whims. The cooks and the bakers, the men running before the king's chariot, the lavish gifts to his servants, all smack of a king who aggrandizes himself, who lives in luxury and displays his superiority, at the expense of his subjects. Power corrupts and kingly power corrupts with a vengeance.

Yet the democratic and almost anarchistic arguments proved of no avail, and human kingship was established. Does this mean that the ideal of theocracy is discarded? Whatever may have been the practical result of the establishment of monarchy in ancient Israel, at least the theoretical adherence to the rule of God is sustained. For one thing, it is Samuel the prophet who, on God's behalf, chooses Saul for a king, although, significantly, 'all the people loudly acclaim him and proclaim, May the king long live'⁴ (1 Samuel 10:24). The popular acclamation may be seen as a

public consent and involvement in the appointment of the king, even if the appointment itself implies the establishment of a dynasty.

Yet, even so, the dynasty is not secure. For on Saul's transgression and disobedience of a divine commandment, Samuel tells the king that the Lord, contrary to His initial intent, will not allow Saul's house to rule forever, but appoint a man after His heart to succeed the present king (1 Samuel 13:13–14). Thus, with all the power of the earthly monarch, the Lord holds the ultimate authority in His hands. The monarchy is subjected to theocracy.

The principle of the dependence of the king's rule on the will of God is enhanced and symbolized by the ritual of anointment. Saul is anointed, and so are David and Solomon. The practice is not restricted to kings, and may include priests (e.g. Exodus 28:41), and even ritual objects (e.g. Exodus 29:36). The ceremonial seems to be perceived as a sacrament, and the object or person anointed is elevated into the sphere of sanctity. The king, being the Lord's anointed, becomes an inviolable person. While he gains thereby in authority, by the same token his authority becomes dependent on divine approval. Kingship and divinity become intertwined, as reflected in the Psalmist's phrasing: 'Kings of lands and princes conspired against the Lord and against his anointed' (Psalm 2:2).⁵

As is well known, kings have often abused the divine linkage and claimed absolute power and their own inviolability. This had been clearly the case when the kings of ancient Egypt and other monarchs in antiquity claimed to be sons of gods or gods themselves. The Roman emperors cynically used their divinity to strengthen their political power. The Christian monarchs from the Middle Ages on resorted to the biblical tradition and were anointed by priest or Pope to enhance their own power, while ignoring the limitation of their authority by divine supremacy. Yet, such abuse of the original meaning and intent of the biblical tradition must not obscure the original significance and meaning of the anointment – both as the sanctification of the king and the reassertion of the supreme authority of God.

The theocratization of the kingly rule, and thereby also assertion of its limitations, is further expressed in the Bible in a clear and explicit manner, which precludes any absolutist interpretations. At the conclusion of Saul's acclamation as a king, referred to above, 'Samuel spoke to the people of the right conduct of kingship,'⁶ and wrote it in a book, and laid it before the Lord' (1 Samuel 10:25). Whether the text refers to some detailed binding rules (one might speculate here about constitutional laws) cannot be ascertained with confidence. In any case, such a book laid before the Lord – apparently in the Sanctuary – is not known to us. However, there is a passage in Deuteronomy 17:14–20, which contains injunctions addressed at a future king of Israel, which may well have been the quintessence of the book referred to in 1 Samuel, if not the book itself. The passage suffices to convey the biblical notion of the desirable kind of monarchy. It may serve as a clear evidence of the democratic spirit animating the kingship of ancient Israel.

The prospective king will be one 'whom the Lord thy God shall choose' (Deuteronomy 17:15). Even if the *manner* in which the divine choice will be revealed is not indicated, the theocratic *principle* is asserted. Further, the king must be a man of Israel: 'from among thy brethren shalt thou set king over thee: thou mayest not set a stranger over thee, which is not thy brother' (Deut. 17:15). Here the sense of

national consciousness, closely linked to a sense of community and brotherhood, is asserted. It can be said that it reflects a sentiment of close ethnic or tribal ties, and thereby contradicts the perception of a king as an authority dependent solely on the superior individual qualities of the monarch and his blood. Such a concept of monarchy, rooted in and originating from the people, is implicitly a people's monarchy and far removed from king worship, let alone deification of the monarch.

Indeed, the humanization or even democratization of the monarch becomes more specific and emphatic in the injunctions that follow. The king 'shall not multiply horses to himself' (Deut. 17:16). 'Neither shall he multiply wives to himself, that his heart go not astray: neither shall he exceedingly multiply to himself silver and gold' (Deut. 17:17). The excesses, and even the trappings, of power and riches, common to royalty, are repudiated – evidently to assure the sense of the ruler's basic resemblance to and equality with the ruled. The king is to be *primus inter pares*, 'the first among equals', and resist the temptations of his powerful office.

It appears that the scriptures are not satisfied with *proclaiming* these injunctions, but are anxious that they be *adhered* to, and perhaps even extended to cover all the divine laws. Therefore the king, 'when he sitteth on the throne of his kingdom, shall write him a copy of this doctrine,⁷ which is before the priests the Levites, in a book: And it shall be with him and he shall read therein all the days of his life: that he may learn to hear the Lord his God, to keep all the instructions of this doctrine and these laws to practice them' (Deut. 17:18–19). Such insistence and detailed guidance seem to point to the concern about the right conduct of the king – evidently in view of the ease with which power can be abused. The presence of divine law, available to the king in written form – and it may well be the entire divine law – and the demand that he read therein all the days of his life, come to remind him to control any impulse to self-aggrandizement and any tendency to forget the divine guidance which is binding on Israel and its ruler.

Indeed, the purpose of the injunction is spelled out in the following verse: 'That his heart be not lifted up above his brethren, and that he go not astray from the commandment⁸ to the right or to the left' (Deut. 17:20). The insistence on the essential equality of the king with his brethren – 'brethren' and not 'subjects' or 'servants' – again stresses the fundamental egalitarianism of the political philosophy reflected here. The egalitarianism is intertwined with caring social relations: the king is not only equal with his people, but also their brother. The essentially democratic foundation of the state is complemented by fraternal relations. *Égalité* is joined with *Fraternité*.

Not less important is the insistence on keeping the law, observing the commandments of the Lord, and doing it strictly, without straying 'to the right or to the left'. For here we have no less than the assertion of the supremacy of law over the king, the precedence of law over the royal authority. The notion that the king – or any other government – is above the law, that the will of the king *is* the law, is clearly rejected. The perception of ancient Rome of its emperor as *princeps legibus solutus*, unfettered by laws, the assertion of James I, King of England, 'that kings were the authors and makers of the laws and not the laws of the kings',⁹ the English legal principle (now rather theoretical) that 'the king can do no wrong' – are but some instances of the doctrine of absolute monarchy. To this the biblical teaching is diametrically and categorically opposed. The king *can* do wrong and must be subject

to divine law. There is no justification for absolute rule, and all the people, irrespective of their function or status, have to submit to the law, the moral law promulgated by God.

It is noteworthy that John Milton, whose political writings abound with biblical references, relates King David's transgressions in his affair with Bath-sheba to the injunctions addressed to monarchs in Deuteronomy 17. Far from whitewashing the dastardly deed of David, the Lord-anointed and the establisher of a long-lived dynasty which is to culminate in the Messiah, Milton points to David's culpability. He stresses that David's sin was not primarily against God, but that 'to murder Uriah and adulterate his wife' was a sin 'against his neighbour'. Here he mentions that 'the law of Moses was to the king expressly (Deut. 17) not to think so highly of himself above his brethren'. It is both the supremacy of law and the basic equality of the ruler (the king) and the ruled (his brethren) which is highlighted by Milton, in accordance with the spirit and the letter of the Bible.¹⁰

It should be pointed out that essentially Milton does not intend to lower the status of the king, as he wishes to assert the dignity of man – every man. This, again, is based on the testimony of the Bible – specifically Genesis 1:26–8. 'No man who knows aught, can be so stupid to deny that all men naturally were born free, being the image and resemblance of God himself, and were by privilege above all the creatures, born to command and not to obey.' The establishment of governmental authority, explains Milton, is merely a matter of mutual convenience necessitated by the need of protection against violence.¹¹

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Strictly speaking, the supremacy of basic moral-legal principles over the will of the people does not *necessarily* characterize democracy. The will of the people may repudiate any restrictions and claim: *Vox populi, vox Dei*. Democracy can be absolute as much as the kingship of James I, or as totalitarian as some dictatorial regimes. Yet, generally speaking, democracies have assimilated the principle that governments – even popular governments – are subject to the rule of law, or at least have to function within the limits of some legal principles which are above the will and whim of the people and its representatives. There can be also non-democratic states that accept the notion that governments are subject to law, notably some basic laws. Democratic states tend to endorse this point of view with greater determination.

The supremacy of law, or a certain kind of law, over the actual rulers of a state is not the monopoly of the Hebrew Bible. Another famous and notable example of such approach is offered in the tragedy of Sophocles, *Antigone*. As is well known, Antigone disobeys the decree of Creon, the king of Thebes, and buries the body of her brother, proclaimed a traitor by Creon. The substance of the dispute need not concern us here; what is of interest is the collision of two philosophies: Creon insists that his commands, as the ruler of Thebes, are laws and must be obeyed, whether just or unjust. The alternative is anarchy, which 'ruins states, and overthrows the home'.¹² Antigone claims that the king's decrees and laws may be unjust, and that there is another law, divine law, absolutely just law, which takes precedence over human law:

Yea, for these laws were not ordained of Zeus,
And she who sits enthroned with gods below,
Justice [*Dike*], enacted not these human laws.
Nor did I deem that thou, a mortal man,
Couldst't by a breath annul and override
The immutable unwritten laws of Heaven.
They were not born to-day nor yesterday;
They die not . . .¹³

The notion of a law, originating with *Dike*, Justice, a law immutable and absolute, has an obvious affinity with the moral commandments of the biblical God. The major difference is that Antigone's perception of this law is abstract, and does not proclaim specific imperatives like the Ten Commandments. Indeed, Antigone's notion is in line with the Greek concept of *nómos ágraphos*, unwritten law of a moral nature. It is distinct from positive law, as enacted by the state, and yet considered a necessary component of every positive law – which is to say, that legislation ought to be based on moral principles. In a similar vein, a distinction was made between *nómos* (law) and *pséphisma* (decree), enacted by the general assembly of the Athenian citizens – *nómos* being regarded as a fundamental law, while *pséphisma* merely a contingent decision, which must not conflict with *nómos*. In practice, this was not always the case.¹⁴

All this displays affinity with the doctrine of Natural Law, which has its roots in Plato, was embraced by the Stoics, and played an important role in the political theory of various European thinkers from the Middle Ages to our times. There is no place here for an excursion into this branch of legal theory, but a brief characterization of it may be quoted. Natural Law 'may be used to describe the ethical justification of law as a whole; . . . as the ideal source of law and the criterion for testing the positive law emanating from this ideal; as the invariant rules of law emanating from this ideal; as autonomous law deriving its validity from its own inherent values . . .'.¹⁵ Natural Law was occasionally identified with Divine Law, and sometimes even as binding on God Himself. Thus, it is impossible not to recognize the affinity between the Torah (the overall doctrine and the specific moral injunctions) and the concept of Natural Law. The two are not only compatible, but parallel, in imposing moral principles above the political decisions and actual conduct of governments – whether kingly or other.

In a certain sense, this approach is put to practice in modern democracies. The Constitution, which sets the rules of government and enshrines certain basic rights of the individual vis-a-vis the political authority, as in the case of the United States, is regarded as virtually sacred, and cannot be transgressed by the will of the people as delegated to the legislature. To be sure, the Constitution may be amended, and thus overridden by the will of a substantial majority, but this is a difficult and rare occasion. In a democracy like that of Great Britain, where there is no formal constitution, and the Parliament can do anything, except change a man into a woman or a woman into a man (as the somewhat anachronistic saying goes), the guarantee of the democratic practice and of basic human rights associated with democracy is secured by convention or public consent. Parliament *could* decide by a majority vote that it would not submit to re-election, or that it would prohibit any criticism of the

government in the press and other media of communication, and such decisions would technically be binding. Yet, no parliament would dare to take such steps, simply because 'it's not done'. This phrase carries the authority of a moral imperative, the Natural Law, the 'unwritten law' of Antigone, the divine commandment.

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Democracy, at least in our times, is not merely the government of the people, or the majority of the people, but it is a regime which accords the individual certain rights which are inviolable, and must not be infringed upon even by an overwhelming majority of the people, or their duly elected government. One such right is the freedom of expression of the individual, which, as is well known, received an eloquent justification by political philosophers of the modern era. Significantly, freedom of speech has a spectacular defence in the Bible. It is expressed not by a philosophical argument, or an ardent oratory, but by a story – an occurrence which clearly points to the nobility and dignity of an individual speaking freely in an endeavour to defend justice and out of concern for fellow human beings.

The story is told in Genesis 18:16–33. God, noting the sinful and corrupt cities of Sodom and Gomorrah, decides to utterly destroy them. When He informs Abraham of this design, the latter's response is not, as one might have expected, 'Thy will be done', or 'Thou knowest best', or 'It's not my business'. Instead, he says: 'Wilt thou also destroy the righteous with the wicked? Peradventure there be fifty righteous within the city: wilt thou also destroy and not spare the place for the fifty righteous that are therein?' As if that was not clear enough, Abraham underscores his concern about the lot of the cities by reminding God of His obligations: 'That be far from thee to do after this manner, to slay the righteous with the wicked, that be far from thee: Shall not the Judge of all the earth do right?'

This may strike one as a monumental example of human hubris, or, perhaps more accurately, *chutzpah*. How dare a human being remind God of His moral obligations? Does not Abraham know his place? As a matter of fact, he does. His query is not the manifestation of arrogance or lack of respect. Indeed, he is all too conscious of the gap between God and himself, as he says, 'Behold now, I have taken upon me to speak unto the Lord, which am but dust and ashes'. Abraham is aware of his weakness as a mortal creature facing the omnipotent and eternal God, and yet he dares to remind the Lord of His moral obligations. Clearly, when moral issues are discussed, man is capable of arguing about them with God. The moral dialogue of man and God is a dialogue of equals.

As a matter of fact, the story presents God as a patient listener to Abraham's argument as the latter tries to bring down to ten the number of the righteous required to save the doomed cities. God tolerates Abraham's persistent concern for the people and for the right and just resolution of the problem, and actually consents to every request. Clearly, the Lord is ready for a dialogue with man, as long as the latter speaks out of genuine concern and in good faith. The Lord endorses this kind of free speech.

This episode is not the only manifestation of freedom of expression vis-a-vis God in the Bible. The book of Job contains bitter accusations directed at God – to quote

the most prominent example of man's criticism of his Maker in the Bible. The very fact that such books and such ideas are included in the Bible is a testimony to the breadth of toleration in the Holy Book, and the implicit acceptance of freedom of speech. For, obviously, if man can practice freedom of argument with God, so much the more can he speak his mind in respect of his fellow humans – including rulers and kings. The democratic right to free speech is embedded in the biblical culture.

Milton, attuned to the biblical message, pronounces his own creed in no uncertain terms: 'Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties.'¹⁶ Notably, it is liberty to inquire and to argue according to conscience that is highlighted – which comports with the spirit of the biblical examples of confrontation with God in the pursuit of justice and out of concern for humanity.

This insistence on liberty of opinion carries over to the approval of the *exchange* of ideas and to the *diversity* of opinion. In this connection Milton criticizes the opposition to 'schismatics and sectaries', pointing out that when 'the temple of the Lord was building', its perfection was the result of the composition of varieties, out of which arose 'the goodly and the graceful symmetry that commends the whole pile and structure'. Milton does not confine himself to this analogy, but uses an episode described in the Pentateuch to promote the cogent public participation in the search of truth. Referring to Numbers 11:16–30, he writes: 'For now the time seems come, wherein Moses, the great prophet, may sit in heaven rejoicing to see that memorable and glorious wish to be fulfilled, when not only our seventy elders, but all the Lord's people, are become prophets.'¹⁷ Thus, the biblical story is used – perhaps somewhat liberally – to justify diversity of opinion.

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It is noteworthy that freedom of speech and argumentation was not limited in the Jewish cultural and social history to the biblical era. It continued through the subsequent rabbinical periods, when the discussions about the divine law between its interpreters, and often actual innovations, became the focus of cultural creativity. With the secularization of Jewish culture, some of the ardent controversialism carried over into new ideologies and public policies – up to and including Israel's Parliament.

Nor did the argument with God, initiated by Abraham, end with the Bible. It has reverberated, in one form or another, through the rabbinical and orthodox Judaism, including the Hasidic movement, and spilled over into modern Hebrew literature. It came to reflect the puzzle of man in the face of the mystery of the universe, which often seems indifferent to human plight and tragedy.

Further, it can be said that the theocratically coloured democratic institutions, or the democratically inspired theocracy, of the Bible have had a profound impact on the state of Israel. Ostensibly the constitution of Israel is based on the model of parliamentary democracy, as distinct from the American presidential democracy. Israel may have chosen its political system in a conscious emulation of the British constitution. The basic freedoms, including the freedom of speech, also follow the British example.

Significantly, this liberal democracy has been maintained despite the hostile pressure of the Arab population surrounding the Jewish state from its establishment to date. All too often a state under siege resorts to a 'strong' government to secure the defence of the country, even at the expense of democratic institutions. Israel has not succumbed to the adverse conditions of its geopolitical setting, and has consistently adhered to and cultivated its democratic ways.

How is this phenomenon to be explained? Could it be that the Jewish immigrants to Israel imported democracy from their countries of origin? True, Israel was created and has been sustained by the Jewish immigrants. They arrived from Europe and from Arab countries. However, the immigrants had not had a democratic experience in the latter, and also the European origin had benefitted only a few. Russia and Eastern Europe, the main countries of origin of the founders of Israel, were not models of democratic regimes. Germany – an important source of immigration in the thirties of the last century – had had a rather brief interlude of democracy itself. The number of immigrants from the United Kingdom and North America was negligible till fairly recent times.

This points to the conclusion that the roots of Israeli democracy – not the legal form, but the spirit that animates it – have to be sought in the long history of the people and its biblical origins. It is there that the freedom of the people under the rule of God is asserted vis-a-vis the quest of a strong kingly rule. It is there that monarchy itself is fettered by divine law, which asserts the dominance of absolute morality over earthly might. It is there that man speaks freely and takes the liberty to question divine conduct, and thus sets an example for questioning royal authority and conduct, or potentially any authority which contradicts the right way.

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Notes

1. Josephus Flavius, *Against Apion*, 2.165.
2. See Judges 2:11–23.
3. 'Spurn' is closer to the Hebrew *ma'as* than 'reject', as in the King James version.
4. Strictly speaking, the text simply says 'May the king live', but the implied sense seems to be a public wish for the king's longevity. The King James version paraphrases the Hebrew text to 'God save the king' – an obvious anachronism.
5. The translation deviated from the clumsy version of the King James.
6. The Hebrew phrase used here, *mishpat ha-melukha*, is of crucial importance and so had to be rendered as close to its apparent intent as feasible: the King James translation, 'the manner of the kingdom', was replaced by 'the right conduct of kingship'. *Melukha* means 'government by a king', 'monarchical system', which is better rendered by 'kingship' than by 'kingdom'. *Mishpat* may mean the 'manner' or 'the way of conduct' (of the kingship), but the Hebrew word also means 'law', 'justice', 'what is right and just', and these associations are lost in the pale word 'manner'. 'The right conduct' conveys the normative sense of the word.
7. The Hebrew word *Torah*, used here, is usually translated into English as 'Law'; but it also means 'teaching', 'guidance', 'doctrine'. Perhaps the last is the best approximation, as 'doctrine' is derived from the Latin *doceo*, 'teach', but also conveys the notion of a solid body of instruction. This does not

mean that occasionally 'Law' or 'teaching' may not be appropriate as the equivalent of *Torah*.

8. Significantly, the word used here is *mitzvah*, 'commandment', and not *torah*, which has a somewhat laxer connotation, as explained in note 7.
9. *The Political Works of James I*, introduction by C. H. McIlwain, Cambridge, MA, 1918.
10. John Milton, *The Tenure of Kings and Magistrates*. Quoted from Henry Morley (editor), *English Prose Writings of John Milton*, London: George Routledge and Sons, 1889, pp. 358–62.
11. *Ibid.*
12. Sophocles, *Antigone*, 665–72, translated by F. Storr, Loeb Classical Library.
13. *Antigone*, 450–7.
14. See Egon Weiss, 'Law, Greek', *Encyclopaedia of the Social Sciences*, Vol. 9, p. 226.
15. Georges Gurvitch, 'Natural Law', *Encyclopaedia of the Social Sciences*, Vol. 11, p. 284.
16. John Milton, *Areopagitica*, quoted from Henry Morley, *op. cit.* Note 10, p. 347.
17. *Ibid.*, pp. 344–7.