



Judaism, Citizenship, and Democracy

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1. Mishnah Bava Batra 1:5

כּוֹפִין אוֹתוֹ לְבָנוֹת בַּיִת שְׁעָר וְדֹלֵת לְחֵצֵר. רַבֵּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, לֹא כָּל הַחֲצָרוֹת רְאוּיֹת לְבַיִת שְׁעָר. כּוֹפִין אוֹתוֹ לְבָנוֹת לְעִיר חוֹמָה וְדֹלֵתִים וּבְרִיחַ. רַבֵּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, לֹא כָּל הָעִירוֹת רְאוּיֹת לְחוֹמָה. כַּמָּה יֵהָא בְּעִיר וַיְהִי כְּאַנְשֵׁי הָעִיר, שְׁנַיִם עָשָׂר חֳדָשׁ. קָנָה בָּהּ בַּיִת דִּירָה, הָרִי הוּא כְּאַנְשֵׁי הָעִיר מֵיָד :

They compel [a partner in a courtyard to contribute to] the building of a gate-house and a door for the courtyard. Rabban Shimon ben Gamaliel says: “Not all courtyards are fit for a gate-house.” They compel [a resident of the town to contribute to] the building of a wall for the town and double doors and a bolt. Rabban Shimon ben Gamaliel says: “Not every town is fit for a wall.” How long must a man dwell in a town to count as one of the men of the town? Twelve months. If he has purchased a dwelling place he immediately counts as one of the men of the town.

2. Hannah Arendt, *The Origins of Totalitarianism*, rev. ed., 1973, pp. 296–97

Something much more fundamental than freedom and justice, which are rights of citizens, is at stake when belonging to a community into which one is born is no longer a matter of course and not belonging no longer a matter of choice, or when one is placed in a situation where, unless he commits a crime, his treatment by others does not depend on what he does or does not do. This extremity, and nothing else, is the situation of people deprived of human rights. They are deprived, not of the right to freedom, but of the right to action; not of the right to think whatever they please, but of the right to opinion ... We become aware of the existence of a right to have rights (and that means to live in a framework where one is judged by one's actions and opinions) and a right to belong to some kind of organized community, only when millions of people emerge who had lost and could not regain these rights because of the new global political situation.

3. U.S. Constitution, Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

4. Robert M. Cover, "Obligation: A Jewish Jurisprudence of the Social Order,"
Journal of Law and Religion 5, no. 1, 1987, pp. 65–74

The basic word of Judaism is “obligation” or mitzvah. It, too, is intrinsically bound up in a myth—the myth of Sinai. Just as the myth of social contract is essentially a myth of autonomy, so the myth of Sinai is essentially a myth of heteronomy. Sinai is a collective—indeed, a corporate— experience. The experience at Sinai is not chosen. The event gives forth the words, which are commandments. In all rabbinic and post-rabbinic embellishment upon the biblical account of Sinai this event is the code for all law. All law was given at Sinai and therefore all law is related back to the ultimate heteronomous event in which we were chosen— passive voice.

Now, just as the social contract theories generated by Hobbes and others who bore a monstrous and powerful collective engine from the myth of individualism, so the Sinaitic myth has given rise to countermyths and accounts that stress human autonomy. Indeed, the rabbinic accounts of law-making autonomy are powerful indeed, though they all conclude by suggesting that everything—even the questions yet to be asked by the brilliant students of the future and the answers to those questions—everything was given at Sinai. And, of course, therefore, all is, was, and has been commanded—and we are obligated to this command.

What have these stories to do with the ways in which the law languages of these respective legal cultures are spoken? Social movements in the United States organize around rights. When there is some urgently felt need to change the law or keep it in one way or another, a “rights” movement is started, civil rights, the right to life, welfare rights, and so on. The premium that is to be put upon an entitlement is so coded. When we “take rights seriously” we understand them to be trumps in the legal game. In Jewish law, an entitlement without an obligation is a sad, almost pathetic thing.

**5. Rabbi Moshe Feinstein, Letter Regarding the Obligation to Vote,
October 3, 1984**

On reaching the shores of the United States, Jews found a safe haven. The rights guaranteed by the United States Constitution and the Bill of Rights have allowed us the freedom to practice our religion without interference and to live in this republic in safety.

A fundamental principle of Judaism is *hakaras hatov* – recognizing benefits afforded us and giving expression to our appreciation. Therefore, it is incumbent upon each Jewish citizen to participate in the democratic system which guards the freedoms we enjoy. The most fundamental responsibility incumbent on each individual is to register and to vote.

Therefore, I urge all members of the Jewish community to fulfill their obligations by registering as soon as possible, and by voting. By this, we can express our appreciation and contribute to the continued security of our community.

**6. Jacob Neusner, “Is America the Promised Land for Jews?” *Washington Post*,
March 8, 1987**

It’s time to say that America is a better place to be a Jew than Jerusalem. If ever there was a Promised Land, we Jewish Americans are living in it. Here Jews have flourished, not alone in politics and the economy, but in matters of art, culture and learning. Jews feel safe and secure here in ways that they do not and cannot in the State of Israel. And they have found an authentically Jewish voice -- their own voice -- for their vision of themselves.

7. Michael Walzer, "Citizenship, Pluralism and Political Action," *Reset Dialogues on Civilizations*, July 10, 2014

I want to begin with the old idea of citizenship. Before "rethinking" that idea, as we are asked to do today, let's first think about it. What do republican citizens look like? (Or what did they look like? But I am going to continue using the present tense.) They are men and women marked by what we call "civic virtue," which means that they are politically active, they are engaged in public deliberation and debate and also, when necessary, in war. They are committed patriots: they devote time and energy to the common life, and they argue among themselves about the commitments it requires. As Rousseau says, they rush to the assemblies; they are ready (not eager but ready) to risk their lives to defend their country.

It used to be only men who were citizens, who were active, engaged, and so on, but starting with the *levée en masse* of the French Revolution and as a result of the extension of suffrage over the next century and a half, citizenship has become a universal calling. And if everyone shares the responsibilities, then everyone also shares the privileges and benefits of citizenship: the commitment of one's fellow citizens, solidarity, mutual defense, education, welfare, legal equality, and the vote—these are the rights of citizens or, at least, they are the rights that citizens argue about. Citizenship means collective self-determination, which is both a responsibility and a benefit. The citizen who accepts the responsibilities and enjoys the benefits and participates in the arguments about what the responsibilities and benefits should be—we can think of him or her as the hero of a certain kind of left politics, named in the 1960s "participatory democracy."

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