

THE DIVINE VOICE OF THE PEOPLE

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The practice of democracy, the practice by which we may form a more perfect union, is not that different from the practice by which we try to move in deliberate but halting steps toward a more just world which embraces the presence of God. The practice of democracy does not begin at the ballot box, though the ballot is a necessary part of the practice. The actual democratic practice begins in the face-to-face conversation of two residents. The growth of this conversation outwards, in concentric circles, is the growth of a democratic movement. The essential moment is a moment of respect and response. It is a moment in which I hear your word as someone who is not me, someone who is outside me and not subject to my whims and wishes, yet someone who can and does challenge me to move toward the right and the just. By listening and responding, by arguing and parrying, and by sharing essential concerns of community, we create a bond that can only be called political. The move beyond the dyadic conversation toward a third person and then on is a move that differs in degree but not in kind. There is a challenge, as we move outward, to retain the essential core gesture of response, of recognizing the individuality of the voice as, in the move from one concentric circle to the next, the conversation grows to form a community and then a constituency. However, if grounded in that initial moment of face-to-face response, the constituency and even, ultimately, the country retains the aura of persons in a polity rather than the faceless mass of a “crowd” or a “mob”. This is what is threatened when the political conversation is controlled by Super PACs and their mega-donors—the space and the ability to practice democracy.

The power of that initial engagement between citizens reflects the belief that every person is created in the image of the Divine, as a reflection of the Holy. The Holiness is the power of speech. The world, as the Rabbis teach us, was created with speech. It is in this power of speech that the Divine resides in every person.

In one of the most intriguing stories of the Torah, Moses' father-in-law Jethro, a Midianite priest, rebukes Moses for taking on the role of sole legislator, of being the channel of oracular Justice. Jethro tells Moses that both he and the Israelites will be worn out if he takes this role upon himself as sole arbiter and medium of the Divine word. Jethro convinces Moses to appoint others, qualified, respected others to also sit in judgment and deliver justice. God apparently supports this suggestion, which Moses immediately follows. In the next chapter, at the time of Moses' ascent to the top of Mount Sinai, God declares that Israel as a whole is "a nation of priests and a holy people." It is not necessary for there to be one single person who acts as a conduit for the word of God. There are many, many people who can fulfill that function.

Revelation itself, according to one prominent strain of Rabbinic tradition, was not a monolithic imposition of one divine voice upon a multitude. Rather, the sixth century collection *Mekhilta deRabbi Ishmael* (*BaHodesh* 9) commenting on Exodus 20:16¹ pictures the revelation as multiform and plural: "And all the people heard the thunderings and the lightnings": "But how many thunderings were there and how many lightnings were there? It is simply this: They were heard by each man according to his capacity, as it is said: 'The voice of The Lord was heard according to the strength'. Rabbis say: This is to proclaim the excellence of the Israelites. For when they all stood before mount Sinai to receive the Torah they interpreted the divine word as soon as they heard it."

There are two vitally important ideas here. Each person heard the revelation in a unique way, and upon hearing, the revelation each person immediately interpreted it in a unique way. In other words, six hundred thousand Torahs were received at Sinai. Without any one of them the Torah would be deficient. Each voice and each interpretation is a unique contribution to God's revelation. According to a Hassidic tradition, the revelation was intentionally mediated and obscured so that there would be room for interpretation and *midrash*.

In Deuteronomy, God commands Moses to appoint “judges” and “overseers” in all of Israel’s gates. They will judge the people justly. It is not a system with one high point from which justice flows, rather it is a horizontal system that disperses the word through many words that brings everybody closer to justice. The command to appoint justices is followed immediately by the prohibition against bribery and the command to pursue justice.

When the Rabbis imagined the Great Sanhedrin, the high court and the great judicial deliberative body, they regulated the court’s deliberation such that the most junior members are given the right to speak first so that they would not be intimidated by the more senior members.

The rabbinic study hall itself, the place of the give and take that is of the essence of Torah study—and is itself Torah—is grounded in and dependent upon individual and unique voices clashing and cooperating to close in on some multi-vocal truth of Torah. When Rabban Gamliel, one of the great Sages of Israel attempted to short-circuit the free flowing conversation by embarrassing another Sage, Rabbi Yehoshua, Rabban Gamliel himself was deposed. His autocratic style did not serve Torah well. After he was removed from the patriarchal seat, the guards were removed from the doors to the study hall, and the benches—previously empty—were filled. Torah study, the primary act of worship and of imitating God, was rooted in a nascent democratic practice.

This is not to argue that Rabbinic Judaism foreshadowed or envisioned a democratic polity. The opposite might actually be the truth—in their minds the ideal society would have king and high priest—and yet the authority, by some force of will, would rest in the hands of the Sages. Women were to a large extent (with fascinating exceptions) excluded from this picture. However, I would suggest that with the move from the medieval world to the modern world, a move that was ultimately bound up in the move toward democracy, Rabbinic culture had enough proto-democratic tools in its theological and practical pouch that the embrace of democracy was not necessarily a stretch.

In the fifteenth century, Don Isaac Abravanel, philosopher, Bible exegete, and treasurer to Queen Isabella of Spain, was a harsh critic of monarchy. He understood all monarchy (both the ancient Jewish monarchy of David and Solomon, and the contemporary monarchy of the “nations”) as ultimately interested only in its own power. Abravanel argued that the

more limited the power of a ruler the better. If a ruler only had a short tenure, he could only cause so much harm. If a ruler had to fear the courts like any other man he would proceed with caution, and not rule capriciously.

Abravanel saw a glimpse of the ideal in the republican government of medieval Venice, which he described as the exemplar of a rule based on the actions of deliberative bodies. Abravanel interpreted the command to appoint judges and overseers of Exodus 24 with the help of Deuteronomy 1:13: “Get you wise and understanding and knowing men according to your tribes, and I shall set them at your head.” “Get you,” he explained, is the result of an electoral process, such that the wise and understanding and knowing men are chosen by the people and then set at their head. He also argues that the scope of their deliberations is not limited to civil or criminal disputes, but, rather, they were tasked with deciding affairs of state, of war and peace.

Don Isaac’s younger contemporary, Niccolò Machiavelli, (in the *Discourses on Livy*) came to a position similar to Abravanel’s concerning democracy. He argues “that the republic governed by words and persuasion—in sum, ruled by public speech—is almost sure to realize the common good of its citizens; and even should it err, recourse is always open to further discourse. Non-republican regimes, because they exclude or limit discursive practices, ultimately rest upon coercive domination and can only be corrected by violent means.”²

Abravanel and Machiavelli both raise up the power of deliberation, discourse, and dialogue among people as the preferable form of rule. These ingredients of democratic practice are given a theological frame with the idea, quoted by Machiavelli and inherent in the Rabbinic understanding of revelation cited above, that *vox populi vox Dei*, the voice of the people is the voice of God. This represents a radical move in which the locus of authority shifts from the authority of the one monarch, or even from the one representative of the Divine, to the words and the voice of the people, which is, at core, Divine. Jacob Taubes, a mid-twentieth century Jewish intellectual, ordained as an Orthodox Rabbi, who was born in Vienna and died in Berlin (but spent a good deal of the fifties and sixties in the United States) articulated this idea very well.

[T]he fundamental difference between the symbolic structure of a democratic order and the royal symbolism of theistic liturgy

concerns the sanction of authority. In the symbolic structure of the democratic order, the consent of the people establishes law and order: democracy implies that the people are the only sovereign, the ultimate authority. The will of the people is always right—or at least more often right than any individual will—and represents the highest law of the state. The government functions in the name of the people and has no authority of its own. In Lincoln’s statement on “government of the people, by the people, for the people” the anti-hierarchical symbolic structure of the democratic order finds powerful expression. *The authority of the government is not derived or ordained from “above” but guaranteed in a mystical equation of the vox populi with the vox Dei.*³ (emphasis added)

It is then, the free exchange of ideas between people on which the whole democratic project, the project of creating a more perfect union, rests. Rabbi Chayim Hirschensohn (a prominent Palestinian-born scholar who moved to the United States in early twentieth century and served as the Rabbi of Hoboken, New Jersey) stresses the fact that immediately following the commandment to set up “judges” and “overseers” is the commandment: “You shall not skew judgment. You shall recognize no face and no bribe shall you take, for a bribe blinds the eyes of the wise and perverts the words of the innocent.” (Deut. 16:19)

The “you” in this verse, as Hirschensohn understands it, is not limited to specific judges dealing with matters of civil or criminal law. The object of this command is, rather, the people as a whole who must deliberate and then choose their representatives who will then further deliberate in order to legislate, to rule. This interaction that is grounded in the exchange of ideas between citizens face to face is the guarantor of democratic process and outcome.

Injecting unlimited amounts of money and the distorting power of media into the mix deliberately undermines this deliberative process. The decision reached by the United State Supreme Court in the Citizens United case, attacks the fundamentals of a democratic practice. Attaching personhood to a faceless corporation does nothing to increase speech. The opposite is true. By dint of unlimited donations, anonymous donors to political action groups (which have to pose as social welfare groups) stymie the possibility of dialogue.

Massive infusions of cash into the democratic process transform citizens from practitioners to spectators, from participants to observers. The public discourse moves off the issues themselves, the give and take of ideas and values, and rests upon the impact and the power of the few mega-donors and their SuperPacs. It is to the detriment of democracy when we are all conversant with the “horse race” side of electoral politics but not fluent in the language of policy, nor knowledgeable of the outcomes of the race itself.

These massive infusions of cash (in the form of various types of media) work to intimidate opposition to any issue. Even the threat of that type of massive deployment of money is itself a threat, which can stop deliberation in its tracks.

Finally, the atmosphere that is created by a politics of the plutocracy, is one in which citizens are left in cynical silence believing that an individual opinion or even an individual vote does not matter. The Court’s argument that “The appearance of influence or access, furthermore, will not cause the electorate to lose faith in our democracy,” seems on its face absurd when one looks at levels of participation in elections.⁴ It is perhaps this, which is most dangerous of all. If ultimately the SuperPacs and the mega-donors succeed in convincing the citizenry that elections are bought and paid for, it is the practice of democracy that will suffer and be irreparably damaged. A community and a polity so damaged will not long endure.

Notes

1. In Christian Bibles, this verse is numbered Exodus 20:18.
2. Nederman, Cary, “Niccolò Machiavelli,” in *The Stanford Encyclopedia of Philosophy (Fall 2009 Edition)*, ed. Edward N. Zalta, URL <http://plato.stanford.edu/archives/fall2009/entries/machiavelli/>.
3. Jacob Taubes, “On the Symbolic Order of Democracy,” in *Confluence: An International Forum*, 1953.
4. <http://harpers.org/archive/2010/02/hbc-90006508>.