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*No Man Is
Above The Law*

The Jewish Contribution To America

By

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Recently, the people of the United States of America went through a tedious and harrowing experience. Over a period of many months, we observed a pitched battle between the President of the United States and a coterie of high governmental officials, on the one hand, and the media and the Congress, on the other. Gradually, we learned that the President himself had been involved, at the very least, in the process of concealing criminal acts performed in his behalf and in behalf of his political party. When the President's staunchest supporters withdrew their support from him, he resigned, setting a milestone in American history.

With almost unbelievable and imperceptible ease, a new President came into office. The machinery of our democracy scarcely slowed down. There was no blood-letting, no coup. Indeed, members of the opposing political party rallied in support of the new President. The bitterness, the agony, the arrogance, the falsehoods, the accusations disappeared from stage center, and America went about its business of democracy.

We would not be very thoughtful citizens if we did not ask the question, "How did the United States acquire the tradition that even the ruler of the nation, the President, must abide by the laws governing all other citizens?" A European commentator, following Nixon's resignation and Ford's inauguration, stated, "It is as if someone had set an alarm clock in 1776, and in 1974 the clock rang precisely as planned." So, the question is where did the Americans of 1776 get this alarm clock, and how did they know how to set it so well? We propose to answer that question, at least in part.

In 1776, the colonists who had been loyal subjects of Great Britain were also faced with the problem of executive power and the relation of the ruler to the law. Their concern was tied to the immediate problem that the government of England was taxing the colonists without giving the colonists a voice in the governmental process. For several years before the revolution began, the colonists had rallied behind the slogan, "No taxation without representation." As they forced a showdown with the Parliament and the King of England, the King, especially, became more determined to force the obedience of his rebellious subjects. Certain rulings were handed down both by the King and by Parliament which were designed to force the colonists to accept the authority of the British government. We all know the rest of the story--the first shots at Lexington and Concord, the Revolutionary War, the Continental Congress, the Constitution, and the emergence of a model democracy. The history of these events we have all been taught, but we may not have learned where and how the early Americans got the ideas and the courage to revolt against their tyrannical king.

First of all, we have to understand that the colonists did not have today's highly developed communication media to arouse them and to support them. They didn't have television in those days, or radio, and newspapers were rare. What newspapers there were had to be delivered by stagecoach over poor roads, so it could take days before news in New York could reach Philadelphia. All of the colonists had one thing in common, however, which was ever present and which gave them both the ideas and the courage to revolt; they had the Bible. If you want to learn first hand the overwhelming influence of

the Bible as a revolutionary force in early America, read the "Origin of Republican Form of Government in the United States of America," by Oscar Straus, published by G.P. Putnam's Sons, 1926. You will learn there that the role played by the media in the matter of Watergate in the years 1973-74 was played in 1775 and onward by the Churches and by Bible-quoting political leaders, not too dissimilar, I suspect, from Sam Erwin. The dramatic influence of the Bible, as both moral and political textbook in early America, was possible because the founders of this country were, by and large, deeply religious people who escaped religious persecution in Europe to live as they wished. Count amongst this group William Penn and his Quakers of Pennsylvania and Roger Williams and the Baptists, who settled in Massachusetts and in Rhode Island.

Mr. Straus makes an additional point in his book which ought not to surprise students of European history. According to the historian, Lecky, the early colonists found Biblical support for their revolt against the English king not so much in the New Testament as in the Old Testament (as the Christians call the Jewish Bible). The New Testament was often quoted by kings in support of their divine right to rule and in support of the fact that they were above the law. They could, for example, quote the Book of Romans, Chapter 13:1-5:

"... the powers that be (the rulers) are ordained of God. . . . Whosoever, therefore, who resisteth the power (ruler) resisteth the ordinance of God, and they that resist shall receive to themselves damnation. . . . (The King) . . . is the minister of God, a revenger to execute wrath upon him that doeth evil, therefore, ye must needs be subject not only for wrath, but also for conscience's sake."*

With such texts as this to call upon, it is no wonder that the favorite theme of the Church of England, established by a king, Henry VIII, was the doctrine of non-resistance to the King.

The historian, Lecky, writing in his volume, "Rationalism in Europe," Vol. II, p. 168, states:

"It is, at least, an historical fact that in the great majority of instances, the early Protestant defenders of civil liberty derived their political principles chiefly from the Old Testament, and the defenders of despotism from the New. The rebellions that were so frequent in Jewish history formed the favorite topic of the one--the unreserved submission inculcated by St. Paul, of the other . . ."

We ought to note that it was St. Paul rather than Jesus who was the advocate of submission to the ruling power. Jesus reflected his Jewish background when he taught that there were some things the ruler could not command.

*So reads "The Scofield Reference Bible," Oxford University Press, London, 1917. The "Revised Standard Version," published New York, 1952, begins in modern English, "Let every person be subject to the governing authorities, for there is no authority except from God, and those that exist have been instituted by God. Therefore, he who resists the authorities resists what God has appointed . . . etc."

In the field of philosophy also, those who believed in the divine right of kings quoted the New Testament, as did Thomas Hobbes in his famous work, "The Leviathan." Those who opposed Hobbes and who spoke of such things as natural rights had to refer to the Old Testament, as did Locke, whose work was most familiar to the founding fathers of America.

The incident in the Old Testament most often quoted by early American ministers and revolutionary politicians occurs in the First Book of Samuel, in the eighth chapter. There, God tells Samuel that in choosing a king to protect them from the Philistines, the people have rejected God. The Biblical story clearly shows the prejudice of ancient Israel against authoritarian leadership. In the story, Samuel warns the people against the excesses of kingship, and later, in Chapter 12 (v. 14), Samuel makes it clear that the king is as much subject to the laws of God as the people themselves. The famous Boston minister of the revolutionary period, Jonathan Mayhew, cited this particular passage in a ringing speech given in May, 1776.

A year earlier, on May 31, 1775, the Rev. Dr. Samuel Langdon, President of Harvard College, gave the election sermon before the Massachusetts Congress. On that high occasion, he said:

"The Jewish government, according to the original constitution which was divinely established, if considered merely in a civil view, was a perfect republic, and let those who cry up the divine right of kings consider that the form of government which had a proper claim to a divine establishment was so far from including the idea of a king, that it was a high crime for Israel to ask to be in this respect like other nations, and when they were thus gratified, it was rather as a just punishment for their folly."

Samuel was but one of the Biblical prophets who spoke out against the evils of monarchy. In order to understand what a prophet was, we have to know that it was one of their main functions to represent the interests of the people as against the king. That is to say, it was one of their prime duties to remind the king that his actions must be in accordance with the Hebraic constitution as contained in the Torah. King Saul, the first king of the Hebrews, was constrained by the Prophet Samuel. David, the second king, had as his alter ego, as his personal Supreme Court, a prophet named Nathan.

There is in the lobby of Temple Beth Am a marvelous hand-made needlepoint work of art. The ladies of our Temple chose as their theme that famous scene described in the Book of Samuel where the prophet Nathan, at the risk of his life, stands before King David and accuses him of stealing another man's wife. Such wife-stealing practices were commonplace among other Oriental monarchs, but the King of Israel was bound to that same moral law which limited the actions of other citizens.

The earlier kings, like Saul and David, did not dare go too much beyond the law. Later Hebrew kings, however, moved farther away from the Israelite ideal. King Ahab, for example, married the infamous Jezebel, a foreigner, and permitted the worship of her god, Baal, in the kingdom. With the worship of Baal came a relaxed moral code associated with that god and the dilution of the force of the old Israelite constitution. From that time on, prophets like Elijah and

Jeremiah risked their lives when they confronted a king with his violations of the Torah. Standards in Judea had so relaxed by the middle of the seventh century B.C. that Jeremiah found himself at odds not only with the king but with the entire power structure, with the military, the nobles, and even the priesthood.

Many Christians do not understand that one of the main reasons Jews cannot accept Jesus as the divine king is that, for thousands of years, we have resisted the common notion that this or that king was of divine origin, and, therefore, a law unto himself. Indeed, one of the key points of dispute between the apostle Paul and the traditional Jewish leaders of his time was Paul's teaching that a believer in Jesus did not have to follow the law.*

We fly quickly in time now, 2,400 years, from Jeremiah (650 B.C.E.) to 1776 C.E., where a committee consisting of Samuel Adams, Thomas Jefferson, and Benjamin Franklin, was asked to draw up an official seal for the new government. On the seal suggested by this committee was a picture of Pharaoh and his Egyptian army being overwhelmed by the waters of the Red Sea and the slogan, "Rebellion against tyrants is obedience to God."** Again, the Old Testament theme. When the revolutionists looked for a slogan to place on the Liberty Bell which now hangs in Independence Hall in Philadelphia, they found in the Old Testament the proclamation, "Proclaim liberty throughout the land and to all the inhabitants thereof."

Framers of a new kind of democratic government in America found the model in the government Moses established in the wilderness. Numerous leaders in early America spoke of the three-fold division in the Mosaic government, the division into the executive branch, the legislature, and the judiciary. Some of the early colonies, long before there was ever thought of a revolt against England, established their governments as theocracies on the Mosaic model.***

Perhaps the Rev. Dr. Ezra Stiles, president of Yale College, best summarized the attitude of early Americans to Biblical Israel. Speaking before the General Assembly of the State of Connecticut on May 8, 1783, Stiles compared America to ancient Israel. He called the United States "God's American Israel." He named George Washington as our "American Joshua." Stiles noted that just as the Bible records that three million Hebrews stood at Mt. Sinai to fashion the original democracy, so precisely three million colonists founded the new democracy in America. Stiles went so far as to say that the settling of America was God's fulfillment of His promise to gather the dispersed Jews from the four corners of the earth after their exile. Stiles all but said, "We are those Jews."

If additional evidence of Hebraic influence in early America were needed, we would find it in the fact that in order to graduate from Harvard in those early days, you had to open the Torah and read

from it at any point in the original Hebrew. Hebrew inscriptions were found in the seals and mottos of early American colleges and on tombstones like that of Governor Bradford of Rhode Island. Children, more often than not, were given names from the Old Testament, like Abraham, Samuel, Isaiah, Jeremiah, Sarah, Rebecca, Rachel, and even Hephzibah and Zechariah. When the Continental Congress voted on the official language for America, English was, of course, overwhelmingly first, but the language that was second, over French and Spanish, was Hebrew. (The vote was not close).

No doubt, there were many factors influencing the thinking of the founders of America, but it would be a mistake to depreciate the great depth of religious feeling that provided the emotional upsurge which fed the mass of the people in their decision to revolt against England. We 20th century Americans ought to understand the recent events involving the resignation of a President in the light of the tremendous contribution made by our Bible to the ideas which eventually became a part of the American culture. Nixon would not have been forced to resign were it not for the prophet Samuel. Samuel Erwin would not have been so sure of his ground were it not for his namesake and were it not for Jeremiah. Jews ought to be proud of the fact that, frequently, when the Christian majority in this country needs religious support for epoch making political steps, they reach out to that part of their Bible which is ours, which we wrote with our lives, with our blood and with our courage. Christians might well be mindful of the enduring debt they owe their Jewish brothers and sisters.

Judaism is not a religion of abstract principles. Its deepest meaning can only be understood in the light of the national history of the Jewish people, in the light of the political and economic laws established in Biblical times, in the light of the practical guides for day to day living.

It would not be untrue to say that the institutions of America will remain strong so long as they remain rooted in the traditions that began with the Jewish people. In this sense, we American Jews have a special responsibility: we must help to keep America true to those deepest insights and values which America has borrowed from our Jewish fathers.

*Paul spoke, of course, of the religious law. So, Paul was a super-conservative requiring obedience to the political ruler, but a religious radical in his time.

**P. 140, O.R.F.G., Straus.

***P. 101 ff., O.R.F.G., and pp. 42 ff.