



the rabbinic call for human rights

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A NATIONAL CALL for MORAL REVIVAL

COVENANTAL ACTIVISM

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This text study responds to the Poor People's Campaign's sixth theme, A New and Unsettling Force: A Fusion Movement Rising Up in Response to a False Moral Narrative.

Our nation is founded on the notion of covenant, but it has yet to realize the full implications of this Hebraic ideal for mutual responsibility, accountability, and solidarity.

As political theorist Daniel Elazar has shown in his essay "Covenant and the American Founding," the language of covenant appears at pivotal moments in American history. Famously, before disembarking at Plymouth Rock, the passengers on the Mayflower declared, "we....covenant and combine ourselves together into a civil body politick, for our better ordering and preservation...." For them, to covenant meant that the individual joined together into something greater than himself in order to organize and survive. Centuries later, in his inaugural address, President Lyndon B. Johnson recalled this founding declaration, saying, "The American covenant called on us to help show the way for the liberation of man. And that is today our goal. Thus, if as a nation there is much outside our control, as a people no stranger is outside our hope." Johnson, outdoing the Pilgrims, claimed the bond among Americans aims at an all-encompassing liberation.

But what is a covenant and how does it achieve collective betterment and even liberation? And what can it teach us today? The notion of a covenant, or *brit*, has its roots in the Hebrew Bible in the founding of the Jewish people. Usually, this is associated with the covenant at Sinai, which is also called Horeb.

Deuteronomy 5:2-3

2) The LORD our God made a covenant with us at Horeb. (3)
It was not with our fathers that the LORD made this covenant, but with us, the living, every one of us who is here today.

דברים ה': ב'-ג'

(ב) ה' אֵל-לֵהֵינוּ כָּרַת עִמָּנוּ בְּרִית
בְּחֶרֶב: (ג) לֹא אֶת אֲבוֹתֵינוּ כָּרַת ה' אֶת
הַבְּרִית הַזֹּאת כִּי אֲתָנוּ אֲנַחְנוּ אֵלֶּה פֹה
הַיּוֹם כְּלָנוּ חַיִּים:

Here the biblical text explicitly identifies the two parties to the covenant as God and the Jewish people, including not just that generation of Israelites but later generations as well. However, that is not the only covenant described in the Hebrew Bible. For example, in Deuteronomy 27 Moses charges the Israelites to perform a covenanting ceremony on Mount Gerizim and Mount Ebal when they enter the Land of Canaan. Similarly, Deuteronomy 28:69, describes a covenant in addition to the one established at Sinai/Horeb that is established on the plains of Moab. So there is not one *brit* in the Hebrew Bible but at least three. Not satisfied with this biblical multiplication, the rabbinic tradition imaginatively expands it exponentially in the Babylonian Talmud (*Sotah* 37) and, in the process, draws out the implications of what it means for individuals to live in a covenant.

First, reflecting on the covenant ceremony on Mount Gerizim and Mount Ebal, the Talmud, for reasons that cannot detain us here, suggests that there was not one covenant established there but 16 for each and every commandment! Then multiplying these 16 covenants for each of the instances of covenanting (Mount Gerizim and Mount Ebal, Sinai/Horeb, and the Plains of Moab), the Talmud concludes that, in fact, 48 covenants were established for each commandment. Not leaving it at that, the Talmud introduces two more opinions, which radicalize this multiplication even further and makes clear the interpersonal consequences of covenant:

Babylonian Talmud, *Sotah* 37b

Rabbi Shimon ben Yehuda Ish Kefar Akko said in the name of Rabbi Shimon: There is no commandment written in the Torah for which 48 covenants were not established 603,550 times [corresponding to the census of adult male Israelites in the desert].

Rabbi [Yehuda HaNasi] says: According to the statement of Rabbi Shimon ben Yehuda Ish Kefar Akko, who said in the name of Rabbi Shimon, there is no commandment in the Torah for which 48 covenants were not established 603,550 times; it follows that for every one of the Jewish people there were 603,550 covenants.

What is the difference between [the statements of Rabbi Shimon ben Yehuda Ish Kefar Akko and Rabbi Yehuda HaNasi]? Rav Mesharshiyya said: [The matter of] a guarantor and a guarantor for a guarantor is the difference between them. [According to Rabbi Yehuda HaNasi, every Jew is not only rendered a guarantor for every other Jew, but he is also rendered a guarantor for every other Jew's responsibility as a guarantor.]

סוטה ל"ז ב

ר' שמעון בן יהודה איש כפר עכו
אמר משום רבי שמעון אין לך מצוה
ומצוה שכתובה בתורה שלא נכרתו
עליה ארבעים ושמונה בריתות של
שש מאות אלף ושלושת אלפים
וחמש מאות וחמשים

אמר רבי לדברי רבי שמעון בן
יהודה איש כפר עכו שאמר משום
רבי שמעון אין לך כל מצוה ומצוה
שבתורה שלא נכרתו עליה ארבעים
ושמונה בריתות של שש מאות אלף
ושלושת אלפים וחמש מאות
וחמשים נמצא לכל אחד ואחד
מישראל שש מאות אלף ושלושת
אלפים וחמש מאות וחמשים

מאי בינייהו אמר רב משרשיא
ערבא וערבא דערבא איכא בינייהו

Rabbi Shimon multiplies the 48 covenants for each commandment by 603,550, the population of adult male Israelites, because each member of the covenant is responsible for all of the others' fulfillment of it. With this argument Rabbi Shimon does not merely multiply the existing covenant; rather, he fundamentally shifts its orientation. It is no longer simply a bi-directional contract between God and the Israelites; it is now also one *among* the Israelites. They are not only covenanted with God, but also with each other to fulfill God's commandments. Building on this shifted axis, and in one final instance of rabbinic radicalization, Rabbi Yehudah HaNasi goes even further. Each member of the covenant is not only responsible for all of the others' fulfillment of the covenant, but he or she is also responsible for all of the others' responsibility for every other's fulfillment of the covenant. What this means is that each member of the covenant must not only ensure that the others fulfill the commandments, but also ensure that the others take responsibility for others. Each and every Israelite is thus embedded within a network of responsibility.

The Talmudic rabbis were certainly textually imaginative and, as the 20th-century French philosopher Emmanuel Levinas points out in his commentary on this passage, radicals about responsibility, but they were also steadfast realists about its enactment. In the very same talmudic tractate, they determine some of its practical consequences, especially for those who are entrusted with political authority. Deuteronomy 21:1-9 describes a strange response to an unsolved murder:

(1) If, in the land that the LORD your God is assigning you to possess, someone slain is found lying in the open, the identity of the slayer not being known, (2) your elders and magistrates shall go out and measure the distances from the corpse to the nearby cities. (3) The elders of the city nearest to the corpse shall then take a heifer that has never been worked, that has never pulled in a yoke; (4) and the elders of that city shall bring the heifer down to an everflowing wadi that is not tilled or sown. There, in the wadi, they shall break the heifer's neck. (5) The priests, sons of Levi, shall come forward; for the LORD your God has chosen them to minister to Him and to pronounce blessing in the name of the LORD, and every lawsuit and case of assault is subject to their ruling. (6) Then all the elders of the city nearest to the corpse shall wash their hands over the heifer whose neck was broken in the wadi. (7) And they shall make this declaration: "Our hands did not shed this blood, nor did our eyes see it done. (8) Absolve, O LORD, Your people Israel whom You redeemed, and do not let guilt for the blood of the innocent remain among Your people Israel." And they will be absolved of bloodguilt. (9) Thus you will remove from your midst guilt for the blood of the innocent, for you will be doing what is right in the sight of the LORD.

(א) כִּי יִמָּצָא חָלָל בְּאֶדְמָה אֲשֶׁר ה' א-להיך נתן לך לרשתה נפל בשדה לא נודע מי הִכּוֹהוּ : (ב) וַיֵּצְאוּ זִקְנֵיךָ וּשְׂפֹטֵיךָ וּמַדְדוּ אֶל הָעָרִים אֲשֶׁר סְבִיבֹת הַחָלָל : (ג) וְהָיָה הָעִיר הַקְּרֹבָה אֶל הַחָלָל וְלָקְחוּ זִקְנֵי הָעִיר הַהוּא עֵגְלֹת בָּקָר אֲשֶׁר לֹא עִבְדוּ בַּהּ אֲשֶׁר לֹא מִשְׁכָּה בָעַל : (ד) וְהוֹרְדוּ זִקְנֵי הָעִיר הַהוּא אֶת הָעֵגְלָה אֶל נַחַל אִיתָן אֲשֶׁר לֹא יַעֲבֹד בּוֹ וְלֹא יִזְרַע וְעָרְפוּ שָׁם אֶת הָעֵגְלָה בְּנַחַל : (ה) וְנִגְשׂוּ הַכֹּהֲנִים בְּנֵי לֵוִי כִּי בָס בָּחַר ה' אֶל-לְהִיךָ לְשִׁרְתּוֹ וְלִבְרַךְ בְּשֵׁם ה' וְעַל פִּיהֶם יִהְיֶה כָּל רִיב וְכָל נִגְעָה : (ו) וְכָל זִקְנֵי הָעִיר הַהוּא הַקְּרֹבִים אֶל הַחָלָל יִרְחֲצוּ אֶת יְדֵיהֶם עַל הָעֵגְלָה הָעָרוּפָה בְּנַחַל : (ז) וְעָנוּ וְאָמְרוּ יְדִינּוּ לֹא [שִׁפְכָה] שָׁפְכוּ אֶת הַדָּם הַזֶּה וְעֵינֵינוּ לֹא רָאוּ : (ח) כִּפָּר לְעַמְּךָ יִשְׂרָאֵל אֲשֶׁר פָּדִיתָ ה' וְאַל תִּתֵּן דָּם נָקִי בְּקֶרֶב עַמְּךָ יִשְׂרָאֵל וְנִכְפַּר לָהֶם הַדָּם : (ט) וְאַתָּה תִּבְעֵר הַדָּם הַנָּקִי מִקְרַבְךָ כִּי תַעֲשֶׂה הַיֵּשֶׁר בְּעֵינֵי ה' :

Among the many puzzles about this response, the Mishnah focuses on the role of elders of the city near which the corpse was found and the requirement that they profess their innocence:

Mishnah Sotah 9:6

משנה סוטה ט'ו'

The elders of that city wash their hands with water in the place where the heifer's neck was broken and they say, "Our hands have not shed this blood, neither have our eyes seen it." (Deuteronomy 21:7) But did we really think that the elders of the court are shedders of blood! Rather, [they say,] "He did not come to us, and we dismissed him without supplying him with food, and we did not see him and let him go without escort."

זִקְנֵי אוֹתָהּ הָעִיר רוֹחֲצִין אֶת יְדֵיהֶן בְּמַיִם בְּמִקּוֹם עָרִיפָה שֶׁל עֵגְלָה, וְאֹמְרִים, יְדִינּוּ לֹא שָׁפְכָה אֶת הַדָּם הַזֶּה וְעֵינֵינוּ לֹא רָאוּ. וְכִי עַל דַּעֲתָנוּ עָלְתָהּ, שֶׁזִּקְנֵי בֵּית דִּין שׁוֹפְכֵי דָמִים הֵן, אֵלּא שֶׁלֹּא בָּא לְיַדֵּינוּ וּפְטַרְנוּהוּ בְּלֹא מְזוֹן, וְלֹא רְאִינוּהוּ וְהִנַּחְנוּהוּ בְּלֹא לְוָיָה.

While for the Mishnah it is obvious that elders did not directly murder the dead individual, they may have been complicit in his or her death. The elders must profess their innocence because they would have been responsible for the death had they not taken care of the individual's needs and provided for his or her safety. The Jerusalem Talmud notes the interpretation of the Mishnah, which it attributes to the Babylonian rabbis, and also introduces another possibility:

The rabbis over there [in Babylonia] interpret it to speak of the victim. The rabbis here [in Jerusalem] interpret it to speak of the murderer: [It is as if they say,] "He did not come into our hands and we let him go instead of putting him to death. We did not see him and let him be and neglect to bring him to judgment."

רבנין דהכא פתרין קרייא בהורג.
ורבנין דתמן פתרין קרייא בנהרג.
רבנין דהכא פתרין קרייא בהורג
שלא בא על ידינו ופטרנוהו ולא
הרגנוהו ולא ראינוהו והנחנוהו
ועימעמנו על דינו.

In addition to their responsibility for the care of the victim, the elders are responsible for the murderer's violence. For the Jerusalem Talmud, the elders must profess their innocence, because they would have been complicit in the murder if they had failed in their obligation to execute the law justly.

Taken together, the interpretations of the Babylonian and Jerusalem Talmud present a capacious view of the responsibility of the elders — political authorities — for what happens in their polity. They are responsible to ensure that a stranger is not forced out into the street where he or she might be exposed to violence, and they are also responsible for the violence that occurs there if they do not act to prevent it. When tragedy strikes, those in power must be held accountable to determine if they could have prevented it.

Yet, it is not coincidental that this discussion of the responsibility and accountability of political authorities follows the earlier multiplications of the covenant (at least in the Babylonian Talmud). The elders are neither kings nor judges; they have not been charged by God or by society with any special duties. The responsibility of the elders thus derives from the responsibility of all Israelites. It is only because all Israelites are responsible for each other that the elders may be responsible for the death of the victim and violence of the murderer. And it is because all Israelites are responsible for the responsibility of each other that when the leaders fail in their responsibility, it is incumbent on the people to hold them accountable.

Covenant is thus a form of solidarity that is constituted by mutual responsibility and accountability. If our country is still to lay claim to this ideal, its leaders and citizen must therefore heed the call of our teacher and predecessor, Rabbi Abraham Joshua Heschel, "in a free society, some are guilty, but all are responsible," and express this responsibility by holding each other to account.

In his words and deeds, Rabbi Heschel made clear the implication of this understanding of the covenant for the present age. During World War II, he wrote:

"The Meaning of This War," Rabbi Abraham Joshua Heschel

There is a divine dream which the prophets and rabbis have cherished and which fills our prayers and permeates the acts of Jewish piety. It is the dream of a world rid of evil by the efforts of man.... God is waiting for us to redeem the world.... Israel did not accept the Torah of their own free will. When Israel approached Sinai, God lifted up the mountain and held it over their heads saying: "Either you accept the Torah or be crushed beneath the mountain." The mountain of history is over our heads again. Shall we renew the covenant with God?

Drawing on a rabbinic narrative (Babylonian Talmud, *Shabbat* 88a), in which the Israelites are forced by God to accept the Torah at Sinai, Heschel describes the covenant, both then and now, as a forced option. Covenantal responsibility is not a lifestyle choice or a personal preference; it is unavoidable. The only question is whether we uphold the covenant through our actions. Either we join together with each other and with God to redeem the world or we are complicit in the injustices that are done within it.

Indeed, in its characteristically oblique yet forceful manner, the rabbinic tradition makes clear our responsibility for the sins that we condone and do not protest. Detailing the norms about carrying in the public domain on Shabbat, the Mishnah states:

Mishnah Shabbat 5:4

[A cow may not go out on Shabbat] ... with a strap [tied] between its horns. The cow of Rabbi Elazar ben Azaryah would go out [on Shabbat] with a strap [tied] between its horns without the approval of the Sages.

משנה שבת ה'ד'

... ולא ברצועה שפין קרניה. פרתו של רבי אלעזר בן עזריה היתה יוצאה ברצועה שפין קרניה, שלא ברצון חכמים:

Incredulous that the great sage, Elazar ben Azaryah would knowingly violate the ruling of the majority of rabbis, the Talmud asks why this cow was called by his name. The answer to this questions leads to an expansive notion of individual accountability:

Babylonian Talmud, Shabbat 54b

[The mishnah teaches about] the cow of Rabbi Elazar ben Azarya. Did he have [only] one cow?... It was taught [in the *Tosefta*]: It was not his; rather, it was his neighbor's. And because he did not protest her [conduct, the cow] was called by his name.... Anyone who had the capability to [effectively] protest [the sinful conduct of] the members of his household and did not protest is apprehended for the sins of the members of the household [and punished]. [So too with] the people of his town, he is apprehended for [the sins of] the people of his town. [So too for] the whole world, he is apprehended for [the sins of] the whole world.

שבת נ"ד ב

פרתו של רבי אלעזר בן עזריה:
וחדא פרה הויא ליה... תנא לא
שלו היתה אלא של שכנינתו היתה
ומתוך שלא מיחה בה נקראת על
שמו... כל מי שאפשר למחות
לאנשי ביתו ולא מיחה נתפס על
אנשי ביתו באנשי עירו נתפס על
אנשי עירו בכל העולם כולו נתפס
על כל העולם כולו

The Poor People's Campaign Moral Fusion Movement invites us to recognize how diverse societal issues intersect and to reflect on how we might be implicated in injustice. Following the Talmud, we can imagine ourselves as Rabbi Elazar ben Azaryah and as confronted, not by a Shabbat-violating cow, but by poverty, systemic racism, and mass incarceration. To be indifferent to these injustices is to be complicit in them. Will we renew our covenant with God and among ourselves in responding to them? Shall we answer by echoing the words of our patriarch Abraham, "Here we are!" Or will we be remembered together with them?

When we greet Shabbat on Friday night, we sing a verse from Lekha Dodi, "Rise up and leave your destruction behind." In doing so, we remind ourselves that in covenant with God we can and must bravely overcome any calamity. We are inspired to join together as partners and allies. May we all have the strength to Rise Up.

