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MAKING JUSTICE REAL:
POLITICAL ETHICS IN THE NARRATIVES OF THE TORAH

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Chapter One:
Introduction and Methodology:
A Prescription but Not a Solution

What wrong exactly did Korah do in rebelling against Moses? What could be so bad about a movement whose rallying cry is, "For the whole entire community is holy" (Numbers 16:3)? Martin Buber offered an answer that illuminates not only the story of Korah but the broader teachings of the Torah. In his 1946 volume *Moses,* Buber writes:

> Both Moses and Korah desired the people to be the people of YHVH, the holy people. But for Moses this was the goal. In order to reach it, generation after generation had to choose again and again between the roads, between the way of God and the wrong paths of their own hearts; between "life" and "death" *[footnote citing Deuteronomy 30:15]* ...
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> For Korah the people, as being the people of YHVH, were already holy. They had been chosen by God and He dwelt in their midst, so why should there be further need of ways and choice? The people was holy just as it was, and all those within it were holy just as they were; all that needed to be done was to draw the conclusions from this, and every thing would be found to be good.[1]

Here, Buber provides two core ideas about the Torah's vision of how a people ought to make choices and act in its national life and how a leader ought to lead, what might be called the "politics" or political thought of the Torah. Biblical Hebrew lacks the word, but not the concept; the Hebrew Bible prefers to describe the duties people have as leaders and as members of the people and the ideas that inform these duties without a title for this genre, but simply by expressing these obligations and ideas, as part of its overarching set of the obligations people have to God and to each other, a

[1] Martin Buber, *Moses,* 1946, reprinted as *Moses: The Revelation and the Covenant,* Muriwai Books, 2018, Kindle Edition, p. 264 ["thing" in the last sentence corrected from the clear printing mistake "tiling" -NL].

comprehensive vision for fulfilling the charge, "You shall be holy."[2] The question of how to interpret that charge is precisely where Buber finds Korah and Moses in dispute. Their rival understandings of what it means to be holy signal rival understandings of what political power is and how it should be used, with Korah and the rebels using the people's holiness as their justification as they seek the top echelon of political power for themselves, and against the Torah's backdrop understanding that how the political arena is set up and what one does in it, as with all arenas of life, is premised on the content of what it means to be holy.[3] For Moses, Buber writes, the desire to be holy is "the goal," toward which one must repeatedly "choose" the right "path" or "way." In the politics of Korah, by contrast, there is no "need of ways and choice," and no notion that the leader's or the people's actions could be wrong ("everything would be found to be good"), not because of the merits of their actions, but because of their identity — "The people was holy just as it was, and all those within it were holy just as they were" — and the already-fixed framework of their national life: "They had been chosen by God and He dwelt in their midst." The rabbi, essayist, and activist Arnold Jacob Wolf crystallized Buber's evocations of the paradigms of Moses and Korah in the following terms. For

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[2] Leviticus 19:2. This chapter exemplifies this principle as it alternates among many genres of obligation without using titles for the genres, addressing such varied kinds of duties as those to people living in poverty (verses 9-10), to migrants (9-10, 33-34), to those with disabilities (14), and in making legal judgments (15); duties of Shabbat (3, 30), sacrifices (5-8), and *shaatnez* (19); and reverence for parents (3) and the elderly (32), the prohibition on gossip (16), and the duties to love your fellow as yourself and to love the migrant as yourself (34). For a discussion of obligation in particular as a concept through which to discuss and delineate public life in Jewish tradition, see Robert M. Cover, "Obligation: A Jewish Jurisprudence of the Social Order," in Cover, *Narrative, Violence, and the Law: The Essays of Robert Cover*, ed. by Martha Minow et al. (Ann Arbor, MI: The University of Michigan Press, 1993), pp. 239-248.

[3] The way Korah's conception of holiness reveals his conception of political power also arises from the fact that the final redacted Korah narrative that comes down to us interweaves two originally-separate accounts, one in which Korah seeks priestly power and another in which Dathan and Abiram seek political power, as will be discussed in the chapter on the Korah narrative.

Korah and his band, "holiness is a datum, a fact," a conception that would have legitimized "their own desire for political supremacy" ("If each Jew was already holy, then anyone could be Moses and nothing more was required to validate the insurgents' claim to power"). For Moses and in "the authentic biblical notion," by contrast, holiness "is a task, an infinite commandment, which one must always strive to become."[4] The Buber-Wolf distinction between "fact" and "task" presents a vivid understanding of not only the dispute at the heart of the Korah narrative, but the concept of what political power is and how it ought to be used that lies at the heart of the Torah.

Secondly, in his reading of the Korah narrative, Buber provides a methodology for how to read the Torah and discern its significance. For Buber, the Torah is, among other things, a work that comprises narratives in which the figures' speech and deeds attest to insights about and models of human politics. The type of insights and models we find there are not those of one place and time's political situation alone, but of politics as an enterprise fundamental to human life, with pertinence to political situations in other times and places as well, the degree of pertinence determined by how close the analogy between the situations is. For if the paradigms of Moses and Korah can be discussed not only in terms of specific personalities in their own setting, but also as transcendent archetypes of biblical politics, then surely the Torah contains other political movements and leaders that are germane to and bear significance for present circumstances.

In another passage Buber highlights the trans-setting applicability of the Torah's politics directly and vividly. Buber writes that Korah and the rebels' strategy, separating

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[4] Rabbi Arnold Jacob Wolf, "Israel as the False Messiah," in Wolf, *Unfinished Rabbi: Selected Writings,* ed. by Jonathan S. Wolf (Chicago: Ivan R. Dee, 1998), pp. 156-57.

from the people into a band that seeks to install themselves in place of law itself, is a "phenomenon" that "can be observed throughout the inhabited world" with "analogies at higher levels of development."[5] Here, in a not-so-subtle reference to Nazism, Buber affirms that the Torah is not merely a witness to history (as Spinoza had it), a relic of the past, but rather "the seed" of "subsequent," indeed "eternal," political questions and insights. We will find these in the text, Buber writes, "if only we view" it "in large enough terms."[6]

This thesis takes up Buber's challenge, probing the narratives of the Torah "in large enough terms" and mining them for fundamental questions and insights about human politics, in the broad sense of how to exercise power and govern a society. This thesis is thus an analysis of the Torah as a political document, and a contribution to political and legal theory and to biblical studies, using the lens of law and politics to see the Torah more deeply and exploring the Torah's contribution to the world canon of political and legal thought. In this project's interweaving of these fields, it engages a potent and growing modern trend of scholars seeking to un/recover the political and legal thought of the Hebrew Bible, each coming from their own field to this multidimensional project.[7] Key figures in this trend, in rough chronological order, have included Buber, Leo Strauss, Rabbi Abraham Joshua Heschel, Robert Cover, Michael Walzer, Moshe Halbertal, and Rabbi Jonathan Sacks, as well as, when their literary exegeses analyze political material, Robert Alter and Avivah Gottlieb Zornberg, as will be discussed below.

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[5] Buber, *Moses,* p. 260.

[6] Buber, *Moses,* p. 262.

[7] I use the singular "their" for gender neutrality.

The Torah's narratives, read politically and taken together, are skeptical about human political power, in each and every form of it. The Torah suggests that the capacity of human leaders to abuse power is a major problem of political life. It presents human leaders as not only able but having an inclination to abuse power, and it shows that this abuse of power is a through-line embedded in all forms of government. The Torah holds up for particular concern the inclination to abuse power by treating power, people, and language as "facts," to possess outright and use without limits and for one's own raw self-interest, as opposed to engaging in the "tasks" of how to use power, treat and govern people, and use language rightly. Reading the Torah's narratives politically and comparatively, as one might view paintings in a gallery, one finds abuse of power taking place through multiple forms of use of power and forms of movements seeking power. [8] The Torah thus portrays abuse of power as something that can happen in any form of power, and puts forward a skepticism that pertains to human power in all forms. Each case and its reason to be skeptical add to a skepticism that is more than the sum of its parts, a skepticism of human power itself.

The only tenets about power of which the Torah is not skeptical, that the Torah does uphold as perfect and un-corruptible, are the sovereignty of God and God's vision

[8] Though this project is not a study in the explicitly legal portions of the Torah, it is worth noting at the outset that Torah includes both narratives and laws pertaining to governance, such as the laws of the king in Deuteronomy 17. These laws work in tandem with these narratives, beginning with the very fact that God prescribes laws pertaining to the human sovereign, indicating that the leader's powers are devolved from God and limited by God, and that the human sovereign's execution of these powers is subject to skepticism and evaluation by the standards of these laws. The subsequent chapter on Jethro will discuss this cooperation between narrative and law in further detail as the narrative of Jethro's visit to Moses and the people features Jethro's proposal to Moses of a framework for the judiciary of the Children of Israel.

of justice, love, and holiness.[9] Any attempt by human beings to translate this vision into practice, into an operational system of rule, will always be either corrupt or vulnerable to becoming corrupted. The Torah recognizes God as the underlying sovereign and ultimate possessor of power and legitimacy in the world, as an absolutely genuine political foundation and not only a way of giving spiritual praise. But the Torah knows of no perfectly reliable way to translate this framework into practice, because no human system can do so in a way that is immune to degenerating into corrupted forms of power.

Yet one cannot help but perceive that the Torah recognizes the human exercise of political power as necessary. This thesis focuses on three narratives in the Torah: two that portray abuse of power, the narrative of Pharaoh and Moses and that of Korah and Moses, with allusion as well to the narrative of Amalek's war on the Children of Israel; and one narrative that portrays rightful use of power, that of Jethro and Moses. In the latter, it is clear that human power is a necessary tool to solve basic problems and to make society even function, let alone thrive. It is even necessary to begin to realize the very ideals of justice that the Torah enshrines. The fact that human power can also undermine these ideals of justice is just as true. The Torah presents both these principles as true, despite their apparent contradiction, and thus propounds a view of

[9] Note that in the Hebrew Bible once God in God's sovereignty has ordained God's ideals and standards, any actor is open to skepticism and questioning about whether their actions meet those standards — even God, as an actor executing power, can be questioned about God is meeting the standards that God's own Self ordained. Most famously, when Abraham challenges God over Sodom and Gomorrah, Abraham holds God's execution of power accountable on the explicit basis of God's own standards: "Shall not the Judge of all the earth do justice?" (Genesis 18:23-26). We see this idea continue into Rabbinic Judaism through interpretation (or reinterpretation) as a form of challenge, as in the classic Talmudic narrative of the Oven of Achnai, in which, in the face of human legal interpretation by the rabbis to the contrary of a heavenly voice's explicit instructions, even God smiles and says, "My children have defeated me, My children have defeated me" (Bava Metzia 59a-b).

human life itself in which both these principles are realities, each uncannily juxtaposed with the other. Thus, though the Torah's political thought is not utopian in its sense of what human beings as we know humanity can put in place, it is also neither anarchist nor libertarian, even accounting for the terms' anachronism. The Torah rejects all such absolute positions, a view that Leo Strauss would voice when he referred to eschewing "the twin dangers of visionary expectations from politics and unmanly contempt for politics," as we shall see more below.[10] Rather, the Torah's politics are skeptical and justice-centric: upholding divine sovereignty and concepts of justice, love, and holiness as supreme; aware that human politics are necessary, indeed crucial to begin to realize this ideal; and skeptical of all forms of human politics to the extent that they cannot fully or permanently fulfill this ideal.

The ultimate implication of this portrayal of political life is that human beings must relate to political power precisely as a "task" and not a "fact," engaging in the tasks of using power rightly, and indeed preventing abuse of power is one of these tasks. Since all forms of power are vulnerable to abuse of power, this task exists in every form of power. Since tasks exist only in their being done, the Torah provides a prescription but not a "solution" for human politics, in the sense of removing a problem with finality. The prescription of the Torah entails obligations that we have the power to carry out or not, telltale signs that we may notice and act on or not. The Torah teaches that the only way for justice to be real is for human beings to do and continue to do the work of making

[10] Strauss, "Liberal Education and Responsibility," in Strauss, *Liberalism Ancient and Modern* (Chicago: The University of Chicago Press, 1995, 1st ed. 1968), p. 24.

justice real.

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Reading the Torah as a political document allows the Torah and biblical studies to enter into debates in the ancient Mediterranean and broadly speaking the West. The Torah's distinctive approach to understanding human life means, as Leo Strauss had it, that "Jerusalem" is in some ways the opposite and sparring partner of "Athens." Yet the very fact that both the Greco-Roman and the Biblical textual traditions present views on common topics, views that can be coherently and indeed compellingly put in dialogue, is itself something that Athens and Jerusalem have in common. A sparring partner is a partner indeed, as is prized in precisely the Jewish tradition of *chavruta,* the study pair, and *machloket le-shem Shamayim,* "a dispute for the sake of Heaven," in which good-faith inquiry and mutual respect unite even opposing parties, indeed precisely opposing parties.

Eric Nelson's landmark 2010 work *The Hebrew Republic* illuminates the Hebrew Bible's contribution to this debate, both through Nelson's argument that it was precisely the Biblical and Jewish textual tradition, not early modern secular humanism as is popularly thought, that sparked the move away from monarchy toward republicanism in 17th century Europe.[11] His study represents, first of all, a powerful precedent for the very methodology of reading the Torah as applicable to political life beyond its original time

[11] Eric Nelson, *The Hebrew Republic: Jewish Sources and the Transformation of European Political Thought* (Cambridge, MA: Harvard University Press, 2010, Kindle Edition).

and place, a methodology this project shares. Nelson argues that the Hebrew Bible's profound skepticism of monarchy as understood by 17th-century European Christians — the view that monarchy is "an instance of the sin of idolatry," transgressing the sole legitimate kingship of God — is what produced in seventeenth-century Europe the novel claim not only that a republic can be legitimate but that the republic is the *only* legitimate political form, and that monarchy is by definition illegitimate, or in Nelson's term "republican exclusivism."[12] (That is, all human monarchy, precisely over against the unique ultimate sovereignty of God.) Nelson contrasts this approach with its predecessor from philosophers of Greco-Roman antiquity like Aristotle, a view that Nelson dubs "constitutional pluralism." In this view, "political theorists acknowledged the existence of several correct constitutional forms—monarchy, aristocracy, and polity (later called "republican" government)" as well as the perverse constitutional forms of tyranny, oligarchy, and mob rule. "each theorist often had a view about the best constitution (either the best absolutely, or the best under particular circumstances)," but "it was taken for granted that each of the correct forms was legitimate and even desirable under particular circumstances."[13] In the seventeenth century, however, the political philosophy of "republican exclusivism" became an central pillar for modern political thought. The Bible's permission and indeed directives to redistribute wealth and a religiously-rooted notion of tolerance, which together created a new vision of politics in which "we are recognizably talking about the modern world."[14]

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[12] Nelson, p. 3, with his detailed discussion of this argument in the book's first chapter, pp. 23-56.

[13] Nelson, pp. 2-3.

[14] Nelson, pp. 3-4; these second and third pillars are discussed in depth in the book's second and third chapters.

Nelson's argument both shines a spotlight on the Hebrew Bible's skepticism of monarchy and also the way seventeenth-century Christian Europeans absorbed and acted on what they perceived as biblical models. But yet he fails to sufficiently probe the gap between them: that is, how similar and how different were seventeenth-century Christian Europeans' understanding of the Hebrew Bible's political vision and the *actual* politics of the Hebrew Bible? When these Christian Europeans analyzed the Hebrew Bible, how much did they get it right? When we compare the two, and chart where these later interpreters diverged, we can understand each vision better. The seventeenth-century Christian European republicans assessed the Bible's skepticism of monarchy rightly[15]; this thesis, particularly in its study of Pharaoh, concurs about the Torah's view of monarchy's deep dangers both in principle and in practice.[16] But the early modern European conclusion that the solution is to adopt republican government, or for that matter to adopt any one form of government, does not hold true to the Torah. As this study aims to show, the Torah in fact propounds a different view, and indeed, from the standpoint of the modern West, an alternative view: that according to the Torah, a full-fledged, inherent, definitional legitimacy belongs not to all forms of human politics, as in "constitutional pluralism," nor to one form of human politics, per "republican exclusivism," but to *no* form of human politics. The tendency of human leaders to abuse power, like the possibility of human leaders to rule rightly, is embedded in all forms of human rule; it is a reality in its own right regardless of which

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[15] Though the key case study for Europe's early modern republicans, as Nelson lays out, was 1 Samuel 8; for a treatment of this text as a political narrative and its significance, *see* Moshe Halbertal and Stephen Holmes, *The Beginning of Politics: Power in the Biblical Book of Samuel* (Princeton, NJ: Princeton University Press, 2017, Kindle Edition), pp. 4-18.

[16] *See also* David C. Flatto, *The Crown and the Courts: Separation of Powers in the Early Jewish Imagination* (Cambridge, MA: Harvard University Press, 2020).

form of rule a society employs. The Torah envisions some approaches to human rule as staving off this risk better than others (as this study will discuss in depth in its analysis of the story of Jethro). Unlike its Greco-Roman counterparts in the ancient Mediterranean, the Torah's fundamental-level skepticism about all forms of human rule and about human rule as an enterprise generally represents a distinctive political philosophy of its own. The Torah does not espouse the kind of confidence or definitional legitimacy in any one regime, the kind that could birth the conclusion that one had on some fundamental level solved the problem of the legitimacy of regimes, that characterized early modern "republican exclusivism." The latter approach drew its assessment of the problem with monarchy from an accurate reading of the Hebrew Bible, but it drew its type of solution more from Europe's own political traditions than from the Hebrew Bible itself. The early modern confidence in the solution of republicanism bears comparatively more in common with "constitutional pluralism," even while permitting a basic-level legitimacy of all forms of rule.

In fact, the early modern sense of republicanism as the solution has the most in common with one specific Greco-Roman thinker: Polybius, the Greek historian of ancient Rome. In his *Histories,* Polybius wrote of the reality of the rise and fall of all living organisms, including societies and regimes.[17] Yet even alongside this account, Polybius described the mixed or "bundled together" constitution, uniting elements of democracy, aristocracy, and monarchy, as the one that "preserved independence in Sparta longer than anywhere else in recorded history" and then for the Romans "enabled them to achieve the same result as Lycurgus [of Sparta], and to make theirs the

[17] Polybius, *The Histories,* translated by Robin Waterfield (Oxford: Oxford University Press, 2010), Book Six, § 57.

best system of government in the world today."[18] For Polybius, this account goes beyond mere historical description to constitute a kind of endorsement of the mixed constitution. We see this confidence in Polybius' use of superlatives across time ("longer than anywhere else in recorded history") and space ("the best system of government in the world today"), as well as the sense of consistency with which he imbues the mixed constitution by citing the Spartan and Roman implementations of it together. For Polybius, there is a specific political element of this constitution's framework that made it the winner among constitutions: "the potency of each system" is "counteracted by the others, so that nowhere would any of them tip the scales or outweigh the others for any length of time," "to prevent any of them growing beyond the point where it would degenerate into its congenital vice," i.e. tyranny, oligarchy, and mob rule.[19] For the Torah, there is no one *political* element or political system that presents a solution of this nature. The risk of corrupt rule lies in the very enterprise of human politics. It exists because of the capacity and indeed inclination of human beings to act corruptly, and ultimately what keeps corrupt rule at bay is human beings' choices to act in accordance with justice and not corruption. With this difference in view, it becomes clear that among the early modern Europeans who turned to "republican exclusivism," in their assessment of the problem with monarchy they drew deeply from the Torah, but with their adoption of republicanism as the one preeminent solution, their response to this problem in fact bore more in common with the Greco-Roman tradition.

In these ways the Torah's ideas can be put in dialogue with those of the Greco-Roman tradition yet represent a distinctive "Jerusalem" to the latter's "Athens," per

[18] Polybius, Book Six, § 10.

[19] Polybius, Book Six, § 10.

Strauss' framework. Strauss described this kind of Jerusalem approach in his 1962 speech at the University of Chicago, "Why We Remain Jews":

> In antiquity, a nation was a nation by virtue of its looking up to its gods ... At the top, there were the gods. And now, our ancestors asserted *a priori*—that is to say, without looking at any of these gods—that these gods were nothings and abominations, that the highest things of any nation were nothings and abominations ... In the light of the purity which Isaiah understood when he said of himself, "I am a man of unclean lips in the midst of a nation of unclean lips," the very Parthenon is impure ...
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> [In the "fight against Rome":] The Germans were more successful than us *[sic]* from the military point of view: they defeated the Romans; we were defeated. Yet still, victory as opposed to defeat is not the highest criterion ... [T]he fight of our ancestors was not merely a fight against foreign oppression, but it was a fight in the name of what one should very provisionally call an "idea"—the only fight in the name of an idea made against the Roman empire ...
>
> I summarize. Our past, our heritage, our origin is then not misfortune, as Heine said, and still less, baseness. But suffering indeed, heroic suffering, suffering stemming from the heroic act of self-dedication of a whole nation to something which it regarded as infinitely higher than itself—in fact, which it regarded as the infinitely highest.[20]

With vivid directness and immediacy (owing perhaps to the spoken rather than written original medium of this text), Strauss lays out Jewish thought's emphasis on moral criteria and its measuring human actions by these criteria: "the purity which Isaiah understood" as distinct from "'unclean lips'"; "a fight against foreign oppression" and "in the name of an idea"; the very notion of "the infinitely highest," "infinitely higher than" one's nation itself, and "self-dedication" to it. Strauss contrasts all of these with an understanding of political and religious life in which human achievements are in one way or another the central touchstone: he cites "the very Parthenon," "the highest things

[20] Leo Strauss, "Why We Remain Jews," 1962, in Strauss, *Jewish Philosophy and the Crisis of Modernity: Essays and Lectures in Modern Jewish Thought*, ed. by Kenneth Hart Green (Albany, NY: State University of New York Press, 1997), pp. 321-23.

of any nation," the state of being "successful," the "military point of view," and "victory as opposed to defeat." The Jerusalem tradition's central role for moral criteria, and measuring human actions accordingly, suggest a skepticism of any given human political enterprise, with an evaluation to be determined depending on whether those involved do deeds that meet these moral criteria — of "clean lips," of endeavoring against "oppression" and "in the name of an idea" (i.e. a right idea), of "self-dedication" to what is "infinitely higher than [oneself]" and indeed "the infinitely highest."

Strauss in his own political thought evinces the Torah's skepticism of all potential human "solutions" to the essential problems of human politics — writing, for example, "Therefore the philosopher ceases to be a philosopher at the moment at which the 'subjective certainty' of a solution becomes stronger than his awareness of the problematic character of that solution. At that moment the sectarian is born."[21] Strauss understood this insight to be a challenge from ancient "Jerusalem" political thought against, ultimately, the conventional pieties (no pun intended) of the West in modernity. Speaking of "the premise that every problem can be solved" as one that "is, in application to social matters, a premise of many well-meaning men in the West in the nineteenth and twentieth centuries," he stated, "I disagree with them entirely."[22] Without permanent solutions to the fundamental problems of political life, Strauss wrote, the next-best alternative is to navigate between the shoals of "the twin dangers of visionary expectations from politics and unmanly contempt for politics."[23] As the

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[21] Leo Strauss, *On Tyranny: Revised and Expanded Edition: Including the Strauss-Kojève Correspondence,* ed. by Victor Gourevitch and Michael S. Roth (Chicago: The University of Chicago Press, 2013, 1st ed. 1948), p. 197.

[22] Strauss, "Why We Remain Jews," p. 317.

[23] Strauss, "Liberal Education and Responsibility," p. 24.

Strauss scholar Steven B. Smith has observed, Strauss referred by these twin warnings to Marx and Nietzsche, and by extension, to communism and fascism, and the form of extremism and destruction of each one.[24] In so doing, Strauss brought to the central challenges of the 20th century precisely the Torah's awareness that the fundamental problems of human abuse of political power cannot be solved, yet human politics are necessary, and their absence would be a fundamental problem of its own.

This study re-examines the political thought of the Torah to shine a light on precisely this "Jerusalem" political thought. It is the goal of this project to paint the picture of Jerusalem political thought's own vision — not as represented by its early modern European interpreters, but as summoned directly from the source. In so doing, this study opens the door to an alternative approach to "republican exclusivism" and its confidence in its solution. Such an approach would be a cousin to this republicanism, as both share a staunch skepticism of monarchy — a cousin but not a sibling as it were, with perspective, different content, and a distinctive contribution to make to the field of political thought.

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In mining the Torah's narratives for their normative implications, this study draws its methodology from, first and foremost, the legal scholar Robert Cover's

[24] [As shared verbally with this author -NL]

landmark 1983 Harvard Law Review article, "Nomos and Narrative."[25] Cover passionately and definitively presented an alternative to the notion, which otherwise might be assumed, that stories by nature do not have normative force, and that normativity is to be found only in the genre of explicit law. Rather, Cover writes, "We inhabit a *nomos*," which Cover defines as "a normative universe" and a "normative world," specifically "a world of right and wrong, of lawful and unlawful, of valid and void" that through various means "[w]e constantly create and maintain."[26] Through on its face law may seem to be synonymous with the above, law turns out to be only one of two major constituent parts of a *nomos*: the other is narrative. Cover writes that law and narrative together make up normativity, both descriptively in practice in human history — "For every constitution there is an epic, for each decalogue a scripture" — but also necessarily as part of the essence of how normativity works:

> In this normative world, law and narrative are inseparably related. Every prescription is insistent in its demand to be located in discourse — to be supplied with history and destiny, beginning and end, explanation and purpose. And every narrative is insistent in its demand for its prescriptive point, its moral. History and literature cannot escape their location in a normative universe, nor can prescription, even when embodied in a legal text, escape its origin and its end in experience, in the narratives that are the trajectories plotted upon material reality by our imaginations...[27]

In making this argument, Cover makes several points that anchor his thesis' conception of the normativity of narrative, and that anchor this study's reading of the Torah's narratives. He argues that narrative has normative power, detailing two kinds of power in particular: a narrative in its own right can be normative; and even law's normative

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[25] Robert M. Cover, "The Supreme Court, 1982 Term — Foreword: Nomos and Narrative," *Harvard Law Review,* January 1, 1983, available at <https://openyls.law.yale.edu/handle/20.500.13051/2047>; reprinted as "Nomos and Narrative" in Cover, *Narrative, Violence, and the Law*.

[26] Cover, "Nomos and Narrative," pp. 4-5 (page numbers refer to the original *Harvard Law Review* edition).

[27] Cover, "Nomos and Narrative," pp. 4-5.

power depends on narrative for it to have real meaning and to function in real life. Regarding the former case, narrative's own normative powers, these come in a number of different forms: i) a narrative can entail implications about what is right and wrong (it "is insistent in its demand for its prescriptive point, its moral"); ii) it can set out terms of what people may and may not do ("establish the paradigms for behavior," "establish a repertoire of moves"); iii) a narrative can indicate that people ought to do more than they do, by "relati[ng]" "reality" to "the demands of an ethic" and thus suggesting that people move from the former to the latter, and even by illustrating the big-picture, long-term goals toward which to aspire and work ("utopian and messianic yearnings"); and iv) a narrative can furnish terms with which those in power can defend their actions, e.g. by arguing that they are living up to the narrative's terms, yet so too can a narrative furnish terms that opponents can use to critique those in power, by arguing that they are not living up to the narrative (respectively, "in apologies for power and privilege and in the critiques that may be leveled at the justificatory enterprises of law"). All these powers are genuinely normative powers, and all are powers that a piece of narrative may genuinely possess and exercise.

Furthermore, Cover makes clear that even law, even at its most practical and binding, depends on narrative for true existence. Law has a "demand" not to be a sheer, separated-out artifice floating in space, but "to be located in discourse ... with history and destiny, beginning and end, explanation and purpose." For example, law's normative power depends on people's following it, accepting it as a legitimate outgrowth of their conception of "history and destiny" with a legitimate "explanation and purpose." In the American context, for example, citizens' observance of a federal law arises out of and indeed depends on their seeing it as a legitimate outgrowth of American "history

and destiny" as laid out not only in the body of the Constitution but in its Preamble, the Declaration of Independence, and the entire story of 1776,[28] and bearing "explanation and purpose" on that basis — or not following such a law, out of the belief that it is not such a legitimate outgrowth. In addition, what today operates as legal machinery was decided on in prior times through acts of decision-making that were influenced by, or even constituted, narratives: such is law's "origin" and "end"; thus, "The normative meaning that has inhered in the patterns of the past will be found in the history of ordinary legal doctrine at work in mundane affairs." Narrative is the source of all these normative powers of law.

Cover's argument gives us not only insights about narrative's powers in society, but also a methodology for how to read narrative: that is, to read it knowing that it can have these powers, watching to observe these powers at work, and assessing the significance of the way a given narrative uses these powers. In this regard, Cover's methodology of the normative powers of narrative is at once profoundly sophisticated and absolutely common sense. One who reads, for example, *To Kill a Mockingbird* comes away not only with more information about life and times in the American South in the 1930s, but with a powerful sense of the *wrong done to* Tom Robinson and Atticus Finch. This sense is normative. And it may shape the way the reader, after finishing the book, may think, speak, and act, as happened to innumerable readers of *Mockingbird,* particularly in the decade following the book's publication in 1960 — a highly significant

[28] The very fact that 1776, the year marked by its foundational history, i.e. narrative, is dramatically more famous and culturally canonized in America than 1789, the year marked by its legal foundation, is itself profoundly telling about the normative power of narrative alongside law.

period not just generally but legally. In Cover's terms, *Mockingbird* was a "scripture" for the legal "decalogues" of civil rights that followed in the years to come.[29]

Cover's analysis not only suggests that this methodology can be applied to the Torah's narratives, but he himself so applies it. Cover's case study is Deuteronomy 21:15-17, the law of primogeniture, which he reads in tandem with the stories of Genesis that it follows, stories that one after the next and generation after generation entail the overturning of primogeniture,. Cover writes, "In the Bible there is no earthly or heavenly precept so heavily loaded as [this law in Deuteronomy] ... because there is no precept rendered so problematic by the narratives in which the law is embedded." The Genesis narratives are in fact as normative as the rule in Deuteronomy: "It is tempting to reconcile the stories to the rule ... Life in the normative world of the Bible, however, required a well-honed sense of where the rule would end and why."[30] In this discussion, Cover potently illuminates the normative power of Genesis's stories that critique primogeniture and the way this normative power together with that of Deuteronomy's law together are part of the *nomos* of the Torah: the stories provide examples in which the law is not followed, examples in which the law normatively should not be followed, and criteria which in analogous cases would suggest grounds for disobedience. The point is not that the narrative's normative force cancels out that of the law, but that the law's normative force does not cancel out that of the narrative, either. The law had one kind of normative power, and the narrative had another kind — with the effect, among others, of showing "where the rule would end and why." Cover's choice of narratives that

[29] See generally Tom Santopietro, *Why To Kill a Mockingbird Matters: What Harper Lee's Book and the Iconic American Film Mean to Us Today* (New York: St. Martin's Press, 2018).

[30] Cover, "Nomos and Narrative, pp. 21-22.

specifically address a case to which law also pertains (inheritance) emphasizes the fact that the normative power of narratives may indeed pertain to public political life (as distinct from normative power in private, personal life, e.g. a norm against lying or gossiping). Furthermore, Cover's choice of one of the most famous sets of narratives of the Torah further underscores the power of his methodology of the normative dimension of narrative: for Jewish readers, like Western readers generally, the stories of Cain and Abel, Isaac and Ishmael, Jacob and Esau, and Joseph and his brothers possess a power in the mind and a force in the culture that speak for themselves. In all these ways, Cover calls for political and legal theorists to take narrative seriously in general, and Biblical narrative seriously in particular.

Cover's foundational work epitomizes an entire sphere of scholarship about the normative power of narrative in the Jewish canon. His conclusions have been extended by Moshe Halbertal and Rachel Adler. First, Moshe Halbertal pairs Cover's "normative" with what he defines as the "formative" (more on how Halbertal defines the formative in a moment).[31] Halbertal spreads these roles over the Jewish canon of twinned Coverian law and narrative, or in traditional Jewish terms *halachah* and *aggadah*, writing for example of the formative dimension of the legal debates of the Talmud in Jewish culture and curricula.[32] In this way, Halbertal complicates Cover's distinction of law and narrative by taking this framework of two terms and doubling it to four: with Halbertal's framework on top of Cover's, we can now see normative roles and formative roles spread over legal texts and narrative texts. If the legal, which most straightforwardly would be

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[31] *See, e.g.,* Moshe Halbertal, *People of the Book: Canon, Meaning, and Authority* (Cambridge, MA: Harvard University Press, 1997, Kindle Edition), Chapter 3, "Canon and Curriculum."

[32] Halbertal, "What Is the Mishneh Torah," in *Maimonides After 800 Years,* ed. by Jay M. Harris (Cambridge, MA: Harvard University Press, 2007), pp. 81-111.

normative, can also be formative, this suggests a flexibility in which narrative, in turn, can be normative. Put another way, the distinction between normative and formative is not black-and-white. Halbertal writes:

> [T]he formative canon is not only obeyed but also serves other functions: it is studied, taught, transmitted, rehearsed, performed, and reflected upon. It affects and influences many domains, including attitudes, beliefs, judgments, sensitivities, aspirations, ideals, language, self-identity, and so on. Among the various domains the most fundamental formative level is the one that contains beliefs, attitudes, and narratives that shape the framework for future discourse within a community and constitute its terms.[33]

Even in those texts such as "narratives" that at first glance would be "formative" rather than "normative," Halbertal shines a light on the way these texts have potent powers to shape people: this genre of text "affects and influences ... attitudes, beliefs, judgments, sensitivities, aspirations, ideals," etc.; and it can even "shape the framework for future discourse" and the very "terms" of a community. Halbertal thus identifies in formative narratives many of the same powers that Cover describes as normative in the sense of narrative's role in *nomos.*

Rachel Adler applies Cover's methodology to practical legal change in dialogue with feminism. In *Engendering Judaism,* Adler summons Cover's argument that narratives are a source of normativity, and recalls that women's experiences as a wealth of narratives — ones whose implications may be normative yet that normativity has been denied by patriarchy. Indeed, historically law, man-made in every sense, has generally not taken women's narratives into account. Adler sounds a clarion call to use the stories of women to generate new Jewish law on its own terms — to "draw upon the legal hermeneutics of Robert Cover" and "to tell stories about law"; to "delineate and

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[33] Halbertal, *People of the Book*, Chapter 3 (Kindle Locations 1250-1253).

defend her vision by telling stories."[34] Neither a band-aid on classical halachah nor a wholesale rejection of halachah, this endeavor would entail a new feminist moment of the creation of law, or, in Cover's term as cited by Adler, "jurisgenesis."

Given the significant difference between Adler's new field of feminism and this project's field of general political thought, this study is not modeled directly on Adler's work. Nonetheless, the model of jurisgenesis provides an illuminating way to understand what it is to engage in the pursuit, as this project does, of mining normative narratives for their legal and political normative implications. This pursuit asks what new insights the Torah's classic stories have to show us that we as readers in a chain of readership have never seen before. It mines new insights about human politics that have been sitting within these stories all along yet eluded our grasp (as the independent journalist I.F. Stone quipped about newspaper-reading, "you never know where you're going to find a page-one story"), insights that have been said but have not been gathered together and crystallized into broader theses before, or insights that have been said in prior eras but fallen into disuse. This latter category includes insights to which we subscribe as a general matter but these stories can show us more about or more specifics of what we need to do or commit ourselves to in order to fulfill these ideals, or what corresponding risks we need to correct for. It includes ideals that we uphold on a surface level but have strayed from; it includes cases where we have become distracted and let the opposite of our ideals arise, and now we must return to them anew. In the mission of seeing ever-better the normative insights of our foundational narratives, this project

[34] Rachel Adler, *Engendering Judaism* (Boston, MA: Beacon Press, 1999, 1st ed. 1998), p. 51.

uses the Coverian methodology accordingly, and stands on the shoulders of the giant contributions to legal scholarship by Cover, Halbertal, Adler, and others of this school.

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Before turning to the Torah narratives whose analysis makes up the primary endeavor of this project, a few further points about the framework of this analysis are in order. First: Why the Torah's narratives, as distinct from its laws, as the subject of this analysis? The answer begins with the fact that, just as narrative by design shows events rather than dictating precepts — the technique known in modern fiction writing as "show, don't tell" — so too, using narratives as objects of political study brings this method of portrayal of political situations rather than delineation of tenets to the center of political study. In addition to Cover's methodology, let me add a few notes about the powers and indeed advantages of this narrative-centric approach to political and legal study. Indeed, I would argue that the very fact that the Torah makes recurring use of narrative in its teachings on human politics demonstrates *ipso facto* that the Torah values the normative function of narrative.

First, the methodology of "show, don't tell" is ideal for evoking the complexities of human life, complexities that no one text could exhaustively delineate and thus on a fundamental level lie beyond the very power of delineation, and indeed complexities that entail ambiguities that by definition elude delineation's grasp, but all of which can be evoked, indicated, and encapsulated by narrative. Narrative also takes as its starting point human life as lived out in practice by human beings. Narrative that touches on political life thus has the central effects of focusing the audience's attention on lived

experiences within a political situation, including those that may be unknown to the audience, or inconvenient or even directly opposed to its self-interest. Narrative calls on readers (or, in oral narratives, listeners, as in the Torah in its original medium and its medium to this day in synagogue use) to acknowledge all of the above, and ultimately narrative invites the audience to empathize with it and, in one way or another, to respond constructively to it. In this sense the use of narrative in political philosophy centers the analysis on the events of political life as lived on the ground, and thus addresses a vulnerability of the study of explicit, prescriptive pieces of law and politics like legislation and constitutions: these seek to prescribe what should be rather than describing what is. By focusing on narrative, this analysis can draw more directly on political life as it is, including its darkest problems and most realist avenues for progress, and analyze them as such — including mining their implications for prescriptive solutions,including ones that are not yet enacted in such legislation and constitutions and ought to be.

Finally, just as the methodology of "show, don't tell" has the effect in literature of letting the reader have an emotional reaction rather than instructing the reader in what to feel, so too, narrative about political life has the effect of spurring the reader to *want* to act, in tandem with the role of laws in directing one about how to act, rather than such directives coming alone without any sense of need for people to desire to fulfill them— and it is the two together that make up the normative universe. The Torah's use of narrative as a form of nomos indicates that all of these values and functions lie deep within the Torah's political thought. Again, this project aims to bring these values and functions of narrative, vis-à-vis political and legal nomos and in particular in the case of

the Torah's narratives, to the center stage of study and significance, to an extent that has not yet been done and is overdue.

I have chosen to focus on narratives in the Torah, rather than the Former Prophets, also known as the historical books, or in academic Bible parlance the Deuteronomistic History (i.e. the sequence of Joshua through 2 Kings), because of the Torah's preeminent stature both normatively and formatively, to use Moshe Halbertal's framework. While the historical books are full of political insight, normatively the structure of the Hebrew Bible and subsequent Jewish tradition upholds the Torah as the supreme section of the Bible, turning to it as if not the exclusive then at least the chief section of the Hebrew Bible for Jewish law.[35] Formatively, Jewish practice has given the Torah unique pride of place, reading the Torah thrice weekly and beginning to end throughout the year. The Torah's depth of genius as a text and its stature in Jewish practice each reinforce the other: the Torah's depth is essential to why Jewish practice selected it this way, and Jewish practice's selection of the Torah evinces its worth. Moreover, the Torah's narratives depict, whether historically literal or less so, the primary overarching narrative of experiences that Jews generally consider to be formative of the Jewish people. (This is particularly the case in the narratives chosen for study here.) The Torah was also canonized earlier than the Prophets and is the more fundamental layer of the Hebrew Bible; the frequent references within the very texts of the Former Prophets to "the Torah of Moses" testify to this precedence and indeed to the the Former Prophets' self-consciousness of this pre-eminence, at least in their

[35] As we see, for two brief examples, in project of the Rambam's Sefer ha-Mitzvot as well as the Sefer ha-Chinuch to list the 613 commandments of the Torah; no comparative inquiries exist into the legal implications of the Prophets and the Writings, though the Talmud does cite them as well for its propositions.

Deuteronomistically-edited form.[36] Again the Former Prophets certainly can be studied as political narrative and indeed have been so studied[37]; that project, however, is a different project.

In mining the Torah for its political teaching, I make no specific claim about its literal historicity. As Robert Alter has written about the Book of Samuel:

> The gritty historical realism of the story—what Hans Frei shrewdly identified as its "history-like" character—surely argues against the notion that it is simply legendary. Were David an invention of much later national tradition, he would be the most peculiar of legendary founding kings: ... [e.g.] who compounds adultery with murder ... [and] it is hard to imagine how such encompassing national events as ... [e.g.,] the usurpation of the throne by Absalom with the consequent military struggle, could have been invented out of whole cloth ...
>
> What we have in this great story ... is not merely a report of history but an imagining of history that is analogous to what Shakespeare did with historical figures and events in his history plays. That is, the known general contours of the historical events and of the principal players are not tampered with, but the writer brings to bear the resources of his literary art in order to imagine deeply, and critically, the concrete moral and emotional predicaments of living in history, in the political realm ... The writer does all this not to fabricate history but in order to understand it.[38]

Alter's understanding emphasizes that the essence of such narratives is their implications, principles that they indicate even if not by explicit delineation, and these do not depend on their historicity. The contexts of the original scenarios differ from modern life in any case, yet these stories are about not just the original facts but, ultimately, the actions that human beings can do and their significance, and their

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[36] *See, e.g.,* Robert Alter, *Ancient Israel: A Translation with Commentary* (New York: W. W. Norton & Company, 2013) , introduction.

[37] *See, e.g.,* Halbertal and Holmes, *Beginning of Politics.*

[38] Robert Alter, "Introduction [to Samuel]," in Alter, *The Hebrew Bible: A Translation with Commentary* (New York: W. W. Norton & Company, 2018). First published as the introduction to Alter, *The David Story: A Translation with Commentary of 1 and 2 Samuel* (New York: W. W. Norton & Company, 1999).

pertinence transcends their local contents. Readers and audiences regularly adopt this position regarding Shakespeare's history plays, such as *Julius Caesar*, *Richard II*, and *Henry V;* audience members do not quibble over whether Caesar literally said, "Et tu, Brute!" because the play is an investigation of political power, not a literal historical witness to the rise and fall of Julius Caesar. This project, drawing on scholars like Alter, reads the Torah's narratives in this way.

Rabbi Jonathan Sacks offered a different perspective on both the Torah's relationship to history and its narratives' pertinence in times and places other than its own. In the case of Genesis 1, Sacks writes:

> [Genesis 1] is not a standalone utterance, an account without a context. It is in fact a polemic, a protest, against a certain way of understanding the universe … [This kind of reading] is essential to understanding the idea that God created humanity in His image, in His likeness. This language would not have been unfamiliar to the first readers of the Torah. It was a language they knew well. It was commonplace in the first civilisations, Mesopotamia and ancient Egypt. Certain people were said to be in the image of God. They were the kings of the Mesopotamian city-states and the pharaohs of Egypt. Nothing could have been more radical than to say that not just kings and rulers are God's image. We all are. Today the idea is still daring; how much more so must it have been in an age of absolute rulers with absolute power.[39]

We see in Sacks' reading of the Torah that precisely through the ways in which the Torah spoke politically within the context of its time and region are ways in which in which it speaks today, in analogous contexts. The text need not be abstract to be pertinent across time and place, nor does its connection to its own time render it irrelevant to any other. This study's method of reading the texts of these narratives themselves is that of "the plain text of Scripture … a word according to its own nature," as Rashi has it (all Torah and commentary translations mine unless otherwise noted).[40]

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[39] Jonathan Sacks, "The Genesis of Justice (Bereishit)," in *Essays on Ethics: A Weekly Reading of the Jewish Bible* (New Milford, CT (USA) and Jerusalem (Israel): Maggid Books, imprint of Koren Publishers Jerusalem, 2016).

[40] Rashi on Genesis 3:8 ("*P'shuto shel mikra … davar davur al ofanav*").

It recognizes the role of source-critical and redaction-critical analysis, adopting, with Robert Alter, the presuppositions that there are that i) there are disparate documents in the Torah and ii) at the same time the whole may be understood as a coherent document itself. This whole is ultimately is the most significant for several reasons. First, the redactor(s) themselves were not just patchwork-makers but inspired geniuses who had a vision in how they assembled the Torah and the Hebrew Bible and despite its disparate origins it is coherent and compelling in this way and indeed by design. Second, the work itself comes down to us this way and so the work has significance in that way. Finally, and perhaps most significantly, it is not that those who came before us who heard or read the Torah before us were not as smart as we are; rather, they had different expectations of what a text is than we necessarily do. To posit that the text has coherence and purpose in the form that comes down to us is indeed to posit that it has meaning and that we can mine its meaning, people may disagree about what that meaning is but that does not mean it does not have one. This method is a fundamentally different one than saying that the Torah is no more than a historical artifact that is in the form of a text rather than a building or an object, and all we can do is gather raw information about it but it does not have meaning beyond that.

Lastly, source-critical analysis can in fact be actively constructive to understanding the meaning of the text by revealing data about the different kinds of voices in the text and the significance of each voice, and the choices the redactors made and the significance of their choices. This study takes this perspective into account because it offers readers context and the full meaning of the words and the full picture of the scenes that we would not know otherwise. Yet, again, close reading of the text is what is central, because the question is what the text is depicting and conveying — not

raw information-gathering about the text as the central or only thrust. The question is how academic scholarship can make that close reading fuller, deeper and broader.

This thesis is thus not a work of ancient Near Eastern history; not conducting a close comparison and contrast of the Torah to other contemporaneous works. Rather, it is in dialogue with those scholars who do carry out inquiries of this nature, because knowing what the text means when it speaks in terms of the full content, context and connotations of each word is essential to knowing what the text means in other senses of meaning.

This study also draws in the following ways on the work of the Mefarshim, the classical Jewish commentators on the Hebrew Bible during the golden age of Jewish Bible commentary in the medieval period — above all Rashi (11th century France), Abraham Ibn Ezra (12th century Muslim Spain), and Ramban (writing in 13th century Galilee after exile from Christian Spain, and also known as Nahmanides), as well as Sforno (16th century Italy, at which point the era of the Mefarshim overlaps with the Early Modern period). As exegetes, their insights too illuminate a close reading. Further, as classic figures in Jewish biblical reception history and indeed the history of Jewish culture and religion, also their views are significant and must be taken into account. But as with academic Bible scholarship, the question is how their work can illuminate a close reading of the text. The same is true for leading modern commentators. This study particularly engages with two leading voices: Robert Alter and Avivah Gottlieb Zornberg, whose understanding of the literary qualities of the Torah are incisive and illuminating.

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The Torah presents us with three especially significant narratives of the nature discussed thus far: two depicting varied types of use of power in corrupted forms, and one depicting right rule. This study will proceed through each one. The first is that of the Pharaoh of the Exodus narrative: a narrative of abuse of power in the form of tyranny and bigoted, systematic oppression combined with bigoted, demagogic language. In this story, monarchy progresses into i) the execution of a bigoted ideology and ii) enslaving a subset of the population, inflicting profound suffering on them and exploiting them. Pharaoh is the paradigmatic biblical tyrant because of his use of systematized power, of a chain of command, in modern terms a bureaucracy, in which he is the central initiator and executive of a massive, and oppressive, program. He also divides and conquers: By enslaving a subset of the population, Pharaoh is able to rally to his side or at a minimum placate and win passive acceptance from the majority of the population. Pharaoh also understands rhetoric, and he succeeds because of his use of language, including bigoted, fearmongering demagoguery that convinces Egyptians of untruths, combined with euphemism to wipe away from people's consciousnesses things that *are* true that might give them pause if they thought about it. Pharaoh's language spurs his project and constructs Egypt's reality. In all these ways, Pharaoh seeks to exploit power, people, and language, to treat them as "facts" that he can own outright, use limitlessly, and exploit for his own personal pleasure and self-gain, as opposed to seeing power as a "task" to be engaged with and carried out rightly. Furthermore, Pharaoh's specific form of abuse of power is cast into even starker relief by contrast with Amalek's assault on the Children of Israel just after the Exodus. Given the raw, wordless destruction of Amalek's attack, one might think that the problem in human politics is brute force, but speech leads

humanity into civilization and civility; in the narrative of Pharaoh, however, as the backdrop against which Amalek comes (and considering the stories simply juxtaposed with each other, in the spirit of the rabbinic dictum, "there is neither early nor late in the Torah"), we find oppression and destruction of equal magnitude led not by a wordless brute but by a supreme master of rhetoric.

The second narrative this study will examine is that of Korah: a narrative of abuse of power in the form of demagoguery and duplicitous language that conceals its self-serving purposes. The narrative begins by indicating to us the readers or listeners that Korach and his band are purely self-interested: they already have some power, or think they are entitled to it, and they seek it all (as I will go through point by point in the chapter on Korach); and they are prepared to use violence to get it. We then come to Korach's speech and arguments, which are in modern terms "populist." This is why the Torah shows us the true motivations of Korah and his band first, so that when we come to his rhetoric, we can see through it as a front, as self-serving. The narrative is thus shining a light *both* on self-serving power plays *and* on demagogic language and leadership that conceals the leader's true self-serving purposes. Even Korah's rhetoric taken internally rings false in key ways, through which the narrative illuminates telltale signs of duplicitous rhetoric. Here, too, we find a leader who exploits power, people, and language, seeking to own them as "facts" for his own self-aggrandizement instead of engaging in the "task" of how to relate to them rightly. Lest one thought abuse of power could come only in the forms of power Pharaoh represents, in Korah we find strikingly similar abuse of power in a movement that in each respect is the opposite of Pharaoh's rule: instead of a monarch and installed, ruling executive, we find an outsider challenger arguing from the good of the many and not just the few; instead of the ruler of one

ethnic, national, religious group oppressing another, we find a leader who inflicts abuse of power on his own.

Finally, in the story of Jethro, we find a narrative about politics that offers an avenue toward justice, that in this sense is redemptive, but even then skeptical precisely to ensure that this potential for justice is indeed realized. The Jethro narrative emphasizes the need to enshrine values, more than any one regime, as the anchor of one's framework of politics — and the continuous, perpetual need for the system and its leaders to act to realize and protect these values, or else they will not be present. It is a story that expresses the solution implied by the problems in the two above (and, for this reason, my analysis of Jethro follows my analyses of Pharaoh and Korah, though in the Torah as written Korah's narrative comes last). It begins with a display of and Jethro's opposition to Moses' original, embryonic form of governance: Moses' hearing and resolving all the people's disputes — not for tyrannical purposes but out of a sincere desire to handle all the people's business, and there being no other form of government in place among the Children of Israel. Jethro accordingly does not accuse Moses of bad faith or immediate harm but simply points out that eventually this system will simply no longer be viable, for Moses or for the people.

Since Jethro proposes an alternative to this system of rule that clearly is not working, it is worth pausing to note what Jethro does *not* propose: abandoning human political and legal power altogether or leaving a dramatically reduced form, on the premise that without political power there would not be wrongs done, justice would be the natural order and would be left undisturbed, and there would be no need for a system to ensure justice and order. On the contrary, Jethro is proposes an alternative system for how to use power — his doing so ratifies the notion that there must always be

such a thing as human political power, that it is necessary to ensure order and justice, that having none is as bad as having a wrong form, a cure as bad as the disease, and the question then is how to ensure that one's form is a right form. This notion is indeed present throughout the Torah's program of enjoining mitzvot for how the Children of Israel's new society in the Land of Israel must operate. The Torah knows of no solution that entails no such thing as political power or only a dramatically reduced form — later, the Book of Judges will offer a dark encapsulation of what such a situation can look like.[41] But the ways that Pharaoh and Korah use power are no solutions either; the question, then, is how to use political power rightly.

The politics that Jethro proposes demand perpetual vigilance and accountability: by every actor about themselves, to continue to live up to their qualifications; and by the people and the leadership concerning each judge and concerning the whole system, to ensure that it remains ethical, legal and uncorrupted. In this sense, Jethro's solution exemplifies the problem: the problem is that the flaws in the human condition represent permanent potential threats to justice, order, and in general right use of political power; this being the case, the solution must be enacted each day, and testifies in turn to the permanent nature of the problem; this problem is not one that stays solved.

Here we see again the skepticism about human political power that the Torah has shown throughout these narratives. The problems inherent in the human use of power indicate the need for skepticism and vigilance to avoid such problems; even the solution indicates the need for a comparable skepticism in order to *keep* the solution in place. Specifically, the Torah's teaching leaves readers with the need to remain skeptical about

[41] Judges 17-21.

any given human arrangement of power, because there is no human system of power that can permanently, *ipso facto* stay out of human power's degraded forms. The Torah's teaching sounds a call to remain vigilant to avoid sliding down into corrupted use of power, and to bring accountability when leaders begin to slide down into it, to restore the system to its right moorings. Only engaging and continuing to engage in the "tasks" of human power used rightfully — including preventing wrongful use of it — ensures that the Torah's prescription remains in force, and that the state of the would-be solution does not lapse back into the problems it is designed to solve.

Chapter Two:
Pharaoh and Moses

The Torah's narrative of the Exodus portrays in Pharaoh the form of power of monarchy, the figure of the current, installed chief executive of his country, and the leader *par excellence* who abuses his office by seeking to own, as "facts" rather than "tasks,"[42] power, people, and language. Pharaoh endeavors to own first of all political power itself, in the absolute with no restrictions on how he can use it. He attempts to own people, as individuals and as groups, in particular a minority under his rule, the Children of Israel, whom he can limitlessly exploit, rather than engaging in the "task" of relating to and governing people rightly. Lastly, to own language, exploiting it for his purposes and arrogating to himself the power to construct people's very sense of reality and the society's overall sense of reality — all of which the Torah narrative presents as wrongful uses of power of the first order. In the paradigm of Pharaoh we thus see a powerful example of the way the Torah presents varying forms of use of power and, through its skepticism of each one, presents an overarching skepticism of human use of power.

In Pharaoh we see first and foremost the form of power of monarchy, and indeed, since we are witnessing this form's being used exploitatively, we are seeing monarchy used as tyranny. Later, by contrast, in the story of Korah, a figure who represents himself as speaking for the people as a whole and seeking power on that basis, we will see the form of use of power of populism; there too we will see the form used perversely,

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[42] The terms used by Rabbi Arnold Jacob Wolf to summarize Martin Buber's philosophy of the difference between Moses and Korah; see discussion in the Introduction.

and so we will be seeing the form of power of demagoguery. Furthermore, in the paradigm of Pharaoh the Torah is able to show us more facets and types of use of power than tyranny alone because narrative as a form of nomos is inherently more flexible than explicative, tenet-by-tenet philosophy or law, given that narrative's methodology is to portray and it is possible to portray more than one thing at the same time. In addition to showing us tyranny as distinct from demagoguery, the Torah's narrative is portraying in Pharaoh a current executive leader whereas in Korah we see an outside challenger. In Pharaoh, we see the leader of a different group from the Children of Israel as an external, foreign oppressor, whereas in Korah we see a leader from within the group seeking to do wrong within the group's own system of leadership and to fellow members of the Children of Israel. And in the Pharaoh narrative as well as the Korah narrative, both contrasted by the silent brute Amalek, we see the powerful emphasis on language as a tool of political power and how it can be exploited, with Pharaoh and Korah each engaging in different forms of exploitation of language and each using different bully pulpits based on their respective roles in the political system. By showing Pharaoh engaging in each of these forms of use of power, and exploiting and abusing power in each of these ways, with each critique the Torah both presents a specific objection to a specific kind of abuse of power, and adds to its broader gallery of types of abuse of power and thus augments its argument about the tendency of human beings to abuse power and its broader skepticism of human political power on the whole and in all its forms. This skepticism of human power in all its forms entails a skepticism that any one given form of human power can be inherently, permanently "the solution" that always ensures that people use political power as a "task" rather than seeking to own it as a "fact," and that ensures that people engage in the "task" of right governance of fellow

human beings rather than seeking to govern human beings as mere “facts” whom they control.

A close reading of the scene in the Torah in which Pharaoh launches the enterprise of enslaving the children of Israel in Exodus 1 reveals these abuses of power as central to Pharaoh’s identity as a political actor and his goals and actions as a political program — and reveals these factors as emphases of the text in its teachings for the reader. The text is thus taking up the issue not only of outright chattel slavery but of the phenomenon of political actors who believe themselves to be without constraints in how they use power, how they treat those whom they rule, and how they use and manipulate language. This analysis’s close reading will emphasize Pharaoh’s dialogue as a case study in the pivotal role that language plays in such an agenda, through convincing people to agree with it and to carry it out or else to keep silent; and indeed the power of language itself as a tool of human political life and the ways it can be used or abused — a point that ultimately presents a version in the political context of the Torah’s underlying understanding of language as the ultimate divine tool that God entrusts to humanity. Pharaoh’s dialogue is brief, as opposed to the lengthy word-for-word speeches we see in Greco-Roman literature, such as Thucydides’ Melian Dialogue, Mytilenean Debate, and speeches by figures like Alcibiades, as well as the long speeches we see in Homer and Virgil.[43] The Torah’s compactness here has the effect of compressing an entire speech’s worth of rhetorical power and revelatory details about how political rhetoric works into one highly crystallized case in point, a classic of the genre that with coiled, punch-

[43] For a detailed treatment of the emphatic power of the Torah’s compactness over against the lengthier, more explicitly laid-out writing styles of the Greco-Roman tradition, *see* Erich Auerbach, *Mimesis: The Representation of Reality in Western Literature*, 1946, chapter one, “Odysseus’ Scar.”

packing power lays bare the essence of political abuse of language. The text is that much more powerful to the reader for transmitting all these political teachings in one short blast of immediate force and one memorable story through which a reader can digest all these details and keep them in mind. The speech is not a literalistic representation of a speech that is in fact this short in narrated time, but a literary stylization, one that produces these effects of distillation and compactness for their own sake, as commentators from Ibn Ezra to Robert Alter have observed in general about the narrative of the Exodus.[44] This close reading explicates these political teachings and their significance.

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The chapter begins prior to Pharaoh's dialogue; let us begin there as well, with the first verse of the opening scene of Exodus 1, capping the book's prefatory genealogy and transitioning into the book proper, reading as follows (all Exodus translations mine): "And Joseph died, and all his brothers, and all that generation" (verse 6). With this verse, the Exodus story proper begins with a verse that reminds us as readers or listeners not only of a death notice from the end of Genesis, but of a major turning point in the passing of generations and history. We see this effect even more potently when we reconstruct the original full sentence via source criticism. William H.C. Propp, writing in

[44] Robert Alter, *Hebrew Bible,* on Exodus 1:15, where the narrative introduces the Hebrew midwives Shiphrah and Puah: "[T]he introduction of just two heroic midwives reflects the way this entire narrative, in contrast to Genesis, has been stylized and simplified. Abraham ibn Ezra appears to grasp this principle of schematization when he proposes that Shiphrah and Puah in fact would have had to be supervisors of whole battalions of midwives."

the *Anchor Bible* volume *Exodus 1-18*, writes that verses 6-12 except for 7 "come from a single source," most likely J but "one could muster arguments" for E. Thus, the uninterrupted sentence would have been, "'And Joseph died, and all his brothers, and all that generation, and there arose a new king over Egypt, who did not know Joseph.'"[45] This full sentence starkly, sweepingly focuses our attention on the shift of eras, not only out of the era of Joseph and his whole generation but specifically into the era of the new Pharaoh. In doing so, the narrative accomplishes two effects. On the level of plot, it shows us swiftly and directly that a new era is beginning, thus calling into question the secure status of the Children of Israel in the prior era. On the level of political principles, the narrative calls our attention to the risk involved when one era passes, the risk involved in the very fact that eras can pass, and the fundamental truth that whole political paradigms are contingent on eras and their leaders, which are not permanent but passing. Even political guarantees — the Children of Israel's having been guaranteed safe dwelling in Egypt under Joseph and the pharaoh of Joseph's time[46] — depend on whether people fulfill them in their actions or whether they continue on as empty promises, guarantees in name only, and ultimately go into the archives of history as such.

In the next verse, "And the Children of Israel were fruitful and teemed and multiplied and grew mighty, very, very so, and the land was filled with them" (verse 7), we find a masterpiece in miniature of show-don't-tell, using literarily potent diction to set the stage for the Children of Israel's innocence in reality, Pharaoh's biased

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[45] *Anchor Bible: Exodus 1-18,* ed. by William H.C. Propp, 1999, p. 126; Propp compares this reconstructed full sentence to Judges 2:8a-10, while attributing verses 1-5 to the redactor(s) as a prologue.

[46] Genesis 45:10, 17-20.

perception of them as malefactors, and the way Pharaoh will convey and convince others of this perception through his manipulative use of language. As a matter of plot, this verse describes a new situation on the ground in Egyptian life in which the Children of Israel have grown to be a larger and larger group, having originally come down to Egypt in smaller numbers. In its language, this verse does not merely neutrally narrate but alludes deeply to the first Creation story in Genesis 1. Of the five verbs in this verse, "were fruitful," "teemed," "multiplied," "grew mighty," and "filled," four of the five, all but "grew mighty" (on which more in a moment), allude to Genesis. Above all, the verse echoes Genesis' famous phrase of blessing by God, "Be fruitful and multiply," "*peru u-revu*," first to the fish and fowl[47] and then to the first pair of human beings.[48] The phrase when addressed to human beings continues, "and fill the earth," "*u-milu et ha-aretz,*" which this Exodus verse alludes to as well when it says "and the land was filled with them" ("the land" and "the earth" both being "*ha-aretz*" in Hebrew, an allusion that cannot be preserved in English). The word root "teem" in the Exodus verse, *sh-r-tz,* also alludes to Genesis, which uses this word repeatedly, again first for the fish and fowl during Creation[49] and then for humanity after the Flood.[50] By using this language to describe this plot development, the verse portrays the growth of the nation of Israel, and by extension any nation (the Genesis 1 language leading up to Adam and Eve being universal in nature), as itself a kind of Creation — and thus, a divine phenomenon of the first order, and on the deepest level, "very good."[51] The text narrates this conception of

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[47] Genesis 1:22.

[48] Genesis 1:28, and repeated after Noah's flood at 9:1.

[49] Genesis 1:20-21.

[50] Genesis 9:7.

[51] Genesis 1:31.

the growth of a human nation first to set it as the default backdrop and the fundamental truth about the matter. Thus, when we come to Pharaoh's very different conception in a moment, the contrast is stark and shocking, and we as the readers clearly hear Pharaoh's conception as the wrong one, a sharp departure from what we have just been reminded is right.

Source-critical analysis amplifies our understanding of how much the Torah is emphasizing the significance of this point. Propp in the *Anchor Bible* writes, "I would assign 1:7 [this verse] to either P or R," deeming this verse to be "a mixing of Priestly and JE language": Specifically, all the verbs of the verse are Priestly, as is "*bi-m'od m'od*"; the non-Priestly exception is "grew mighty"; and indeed, it is the Priestly creation story, in Genesis 1, to which these verbs allude. It is further noteworthy that "Exod 1:6, 8-12 come from a single source," most likely J but "one could muster arguments" for E, as noted above: That the redactor(s) would not only combine sources but interrupt one whole-cloth source with just one verse of another shows that it was important to the redactor(s) that this verse appear in the final text — augmenting this sense that the Children of Israel's fertility and flourishing is, by contrast with Pharaoh's incipient demonizing portrayal, not only is innocuous but indeed manifests divine blessing. (The Priestly account of the enslavement will return in verses 13-14.)[52]

Of these verbs to describe the Children of Israel, "*va-ya'atzmu*," "grew mighty," is a bit different from the others — it does not come from the Creation story, and it is more of an analysis than a mere description, indicating strength and substance rather than simply large numbers — and so it adds a complementary sense of the Children of Israel's

[52] Propp, *Anchor Bible,* pp. 125-26.

growing in prosperity and what is at stake as they do. Elsewhere in the pre-exilic Biblical corpus, the verb is used to refer to the power of wealth and to military power. The verb appears in Genesis 26:16, following an account of Isaac's family's growing specifically in wealth: with a prosperous harvest, a flock of sheep, a herd of cattle, and a large household of servants. The word thus indicates that the Children of Israel are not only growing larger in population but are indeed flourishing and have a prosperous and strong community. Note further that the term is used with a negative, jealous valence there: the Philistine potentate Abimelech says to Isaac, "Go away from us, for you have become much mightier than we are *[ki-atzamta mimenu m'od]*." Thus, the verse's pattern of allusion to Genesis continues and takes a new twist in meaning, not only indicating that the Children of Israel's flourishing and prosperity but foreshadowing a coming sense of jealousy, negatively judging the Children of Israel's "might," and a divisive, zero-sum mentality in which someone views the Children of Israel's gain as their own loss — precisely what Pharaoh will do in just a moment in the story.[53] If we reasonably infer that this military connotation was part of the word for the writer and audience of this verse in the Torah as well — while meanwhile the Children of Israel's actions are entirely pacific, i.e. having children and growing as a community — the word

[53] This verb appears again in Isaiah 31:1 (in First Isaiah, and thus still the same pre-exilic historical stratum of the Hebrew language as the Torah), in which the text gives this word a military meaning of strength. The word describes "*parashim,*" "riders" (on horseback), as being "mighty," in parallel with "*rechev*," "chariotry," as being "*rav,*" "great."

Incidentally, this verse in Isaiah appears to be a deliberate play on the Exodus story, to critique those who would willingly enmesh themselves in dealings with the Egyptians again, since it begins, "Woe to those who descend to Egypt for help…" and then reiterates the Exodus story's use of "mighty" as well as the Exodus story's use of the word root *r-b,* in Isaiah meaning "great" ("*rav"*) and in Exodus meaning "multiply" (though this commonality adds to our understanding of Isaiah in how it comes after and literarily inherits and re-deploys Exodus, not to our understanding of Exodus since it is the antecedent book).

may be evoking a scenario in which the people is acting entirely peacefully but others may construe them as a military power, one that is separate and potentially even a rival. We will see Pharaoh portraying the Children of Israel in just such a way in just a moment in the story.

One last point, however, arises from the fact that the verb root "*sharatz,*" "teemed" or "swarmed," is "ordinarily said of animals" and "is used of humans only here and in Gen 9:7," Propp writes in the *Anchor Bible,* adding, "[This] diction ... may suggest that the Egyptians view the Israelites as vermin (Knight 1976:4); compare their loathing in 1:12."[54] The text thus points to the dehumanizing gaze at members of a different group, especially in large numbers, as a factor leading ultimately to systemic corrupt forms of power and oppression. The text also points to how social developments can be a Rorschach test: where a member of the group itself can see blessing, someone from another group looking at the same phenomenon transpiring within an "alien" group can see an animalistic pestilence. Avivah Gottlieb Zornberg spotlights this double-meaning, in an analysis that so covers the issue in a single stroke as to be worth quoting at length:

> On the one hand, this is a celebration of fullness, of life burgeoning and uncontained ... The redundant expressions of fertility have been read as denoting multiple births, healthy development, absence of fetal, infant, or adult mortality.[55] In the midrashic readings, there is a miraculous, even a whimsical sense of the outrageous victory of life over death: these, for instance, take the six expressions of fertility (they were fruitful, they swarmed, they multiplied, they increased, very, very much) to indicate that each woman gave birth to sextuplets ("six to a belly")[56]...
>
> An alternative reading of this passage, however, would take its cue from the ambiguous expression *vayishretzu*—"they swarmed." This can mean the blessing of extraordinary

[54] Propp, *Anchor Bible,* p. 130.

[55] Zornberg in a footnote cites Rashbam and Rashi on Exodus 1:7.

[56] Zornberg in a footnote cites Exodus Rabbah 1:7.

> increase; [footnote omitted] but it connotes a reptilian fecundity, which introduces a bizarre note in a description of human fertility.[57]

Zornberg in a footnote elaborates on the reptilian connotations of *vayishretzu* with the intra-Biblical example mentioned above in the context of the allusions to Genesis: "Compare the use of *shiretzu* in God's instructions to Noah after the flood (Gen 9:7), where it connotes both divine blessing and the compulsive drive to fill the denuded, post-flood world." Even the intra-Biblical allusive power of the language provides dual meanings of fulfillment of the blessings of Creation and animalistic raw, putrid spawning — while indicating that to apply the latter sense to human beings commits the factual and ethical mistake of looking at human beings, or a specific group of human beings, as nothing more than animals. Thus, the very framing of the story in its literary prose indicates the divergent perspectives that different viewers might have on a people's fertility — setting the stage for a plot in which Pharaoh will take the wrong view, while we as the audience know in advance what the right view is.

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The next verse introduces into the narrative the leader as a specific human being, with their own personal character, values, and state of mind,[58] and the political consequences of this specific person's holding and using power, with the classic words: "And a new king arose over Egypt who did not know Joseph" (verse 8). The very fact that this verse brings in the factor of who or what the leader did or did not know is

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[57] Avivah Gottlieb Zornberg, *The Particulars of Rapture: Reflections on Exodus*, 2001, Kindle Edition, pp. 18-19.

[58] This analysis as a deliberate choice uses the singular "their" for cases that call for gender neutrality.

powerful and surprising. One might have thought that this story pertains to what a leader and regime *did;* why does it matter who or what the leader *knew*? The narrative is making first of all a fundamental-level comment about the state of mind of the leader of the ruling regime. Indeed, considering that the new Pharaoh on a literal level surely did in fact know who Joseph was and what he did, the verse is depicting not the literal contents of Pharaoh's mind but what he chose to keep in mind and what he chose not to (on which more in a moment), reflecting his values, his choices, and indeed his psyche. The narrative is thus portraying Pharaoh's psyche, and by extension the psyche of a leader generally, as politically significant, because it influences what he says and what he does — factors that set the regime's policies, affect what people think, say, and do throughout the country, and all in all change the course of the nation.

This classic verse underscores the high political stakes of this factor through the literary tool of the sheer ominousness of the writing. We as the audience immediately feel that with a new leader rising, a great deal is about to change. We feel that the fact that this leader "did not know Joseph" clearly signals a negative shift in what this leader will feel he owes the Children of Israel, and a shift that is in some sense dishonest, going against the true history of Joseph in Egypt. We feel that since this leader in a literal sense clearly would have known of Joseph, there is something duplicitous, manipulative, even treacherous afoot within the new pharaoh's mind. But we do not know yet what is going to happen: we know that negative, dishonest things are about to happen but we are in suspense about what they will be; we as the audience cannot stop them but can only wait to see what will befall the Children of Israel. Like Hitchcock's suspense-as-horror in modern storytelling, the narrative style here emphasizes vividly

for the audience how much is at stake and how much harm can come from the psyche of the leader.

Source criticism again sharpens our sense of the significance of this account. Recall that, as Propp writes in the *Anchor Bible*, verses 6-12 (except for 7) are from a single source, likely the J source. Propp adds that when one compares the J account of the enslavement with the P account (verse 7 plus verses 13-14), one finds: "P merely reports that the Egyptians impressed Israel into servitude ... According to J, however, the Egyptians, forgetting all they owed the Hebrews and fearing the fertility of a free Israel, attempted simultaneously to exploit and oppress them."[59] This account of how psychology and language contribute to turning a regime into a corrupt form of human political power is thus a product of J's specific genius. The fact that P does not expend energy portraying this dimension of political life emphasizes by contrast the fact that J is making an active choice to do so. This part of the text should be seen as no mere general relating of a plot but a purposeful endeavor by J to shine a light on the individual human mind, in particular that of the leader, as part of J's portrait of how human power works on the deepest level.

Let us consider in more depth this highly significant moment in Pharaoh's psyche and what exactly it means for this pharaoh to "not know Joseph" when he could not possibly have literally lacked the basic knowledge of who Joseph was — it offers a vivid window into how systemic bigotry and oppression work. Rashi interprets "did not know" here as meaning: "he acted as if he did not know him," paraphrasing Sotah 11a (all translations mine unless otherwise noted).[60] Citing Bechor Shor, Propp follows in this

[59] Propp, *Anchor Bible,* pp. 126-27.

[60] Rashi on Exodus 1:8.

vein in the *Anchor Bible:* "the new king ignored Joseph's former salvation of Egypt and did not acknowledge the benefits conferred upon the Hebrew vizier and his kin."[61] Pharaoh is not lacking information, then, but is engaging in denial, in willful falsehood. The verse is written as if it is stating a fact because it is describing the new pharaoh the way he himself sees the world, and thus giving the reader a glimpse into the new pharaoh's mind. In modern narrative terms, the verse switches out of third-person omniscient narration into third-person limited narration. Subtly and thus more eerily and potently, the narrative gives the reader the experience of seeing the world the way Pharaoh sees it, and since the reader knows this perception is not true, the reader realizes that this description says something only about Pharaoh's mind and not reality.

The verse underscores from the beginning that this is a story that will show the political consequences of denialism and falsehoods, and in particular, ones held by a leader. Lest one think that a "mere" belief or opinion is too abstract to cause real effects, and that even if held by a leader it is mere thinking, intangible, and insubstantial, this story makes an opposite claim about politics. As the narrative recounts the profound damage of the Children of Israel's enslavement, the narrative is pinning such damage on, among other root causes, denial and lies — starting with those that a person, especially a leader, harbors in their mind. The point is not that one should go to jail for one's thoughts; the point is not in reference to any such notion; the point is that such views, particularly when held by a leader, can have devastating consequences in political life, through snowballing and motivating actions, and that the harmful nature of those consequences suggests an obligation not to harbor denial and lies. Moreover, by

[61] Propp, *Anchor Bible,* p. 130.

prominently featuring the turning of the generations, this verse emphasizes that the longer ago the facts of the truth, the easier it is to get away with harboring and acting on the false pretense.

In the pivotal next verse, as Pharaoh begins the program of enslaving the Children of Israel, the Exodus narrative makes a powerful comment on the nature of political power through the specific first tool Pharaoh uses in this project: language. The verse begins, “And he said to his people…” (verse 9). The turning-point factor in the story of Egypt’s enslavement of the Children of Israel, the factor that turns a situation of mutual tranquility and flourishing into one of what we would today call a crime against humanity, is language. This portrayal marks the Pharaoh story as a very specific story that spotlights a specific paradigm of how organized human political power can be abused and become corrupted: through using language to craft a conception of reality that is not true, including demonization of a group of people who are different, and to sell that conception of reality to people, thus inciting them to commit or to allow wrongs to these people, and persuading them even to see doing so as normal or even righteous.

The word “*va-yomer,*” “and he said,” though stylistically far from unusual in the Torah as a whole, marks the decisive role that language plays in the Pharaoh story. Again, lest one think that language is a “mere” abstraction that is as insignificant as it is physically insubstantial, the Exodus narrative continues to lay out its understanding of the political consequences of views that are of a denialist or willfully false nature, and follows this observation through the timeline of a massively destructive political project — now moving from thoughts, intangible within one’s mind, to words, still intangible but expressed outwardly. The outward expression endows words and the person who

uses them with the power to convince others, as individuals and as a social group with a shared understanding, and to motivate large numbers of people's actions.

We see this narrative's emphasis on the power of language thrust into even starker relief by contrast with the next enemy the Children of Israel face in the Torah's sequence of narratives: Amalek. When the Amalek story begins, its key verbs pertain not to speech but to literal physical action: instead of "*Va-yomer,"* "And he said," we find, "*Va-yavo Amalek va-yilachem,*" "And Amalek came and made war."[62] Amalek's paradigm of corrupted human power is one of raw aggression and brute force. Like Pharaoh, Amalek does enormous damage, directed completely gratuitously and with no provocation against an entire population; in today's parlance, Amalek intentionally targets civilians. Like Pharaoh as well, Amalek singles out a group different from Amalek's own to attack, thus indicating a lust for the domination of one group over another. But Amalek's first tool is physical force, whereas Pharaoh lays the groundwork gradually through language in order to sell people on the idea that treating the Children of Israel this way is intellectually a good idea, for articulable, righteous reasons, to motivate them to carry out his program.

Moreover, Amalek strikes swiftly and with no apparent forethought, as if by sheer instinct. The words quoted above indicate not only Amalek's attack but Amalek's very introduction into the plot, and at the end of that compact narrative Amalek disappears from the plot just as immediately (though the memory of Amalek remains). But in Pharaoh's case, the rationale he lays out in his speech indicates that he has been doing a great deal of thinking about the Children of Israel in order to come up with this entire

[62] Exodus 17:8.

perspective and conspiracy theory about them, which in turn he sells to his subordinates and his people. Amalek, one might say, gives the Children of Israel too little thought, while Pharaoh gives them far too much. Each represents a corrupted form of human power, distinct from each other yet each darkly destructive and lethal. Each testifies to the distinctiveness of the other: the fact that it is possible to abuse power in the manner of Amalek emphasizes the specific choice and the specific consequences and significance of abusing power in the manner of Pharaoh. And the presence of both stories in the Torah — with Amalek following swiftly after Pharaoh, heightening the emphasis — testifies as well to the multiplicity of ways in which human power can become corrupted and can be abused. The multiplicity of forms of abuse of power underscores the high risk involved in, and the Torah's underlying skepticism of, the very enterprise of organized human political power.

The Exodus narrative's vision of language and its role in political life is part and parcel of the Hebrew Bible's understanding of the profound human and theological power of language more broadly. As Robert Alter writes in *The Art of Biblical Narrative,* in a passage so illuminating in its analysis and vivid in its evocation as to be worth quoting in full:

> [I]n the biblical view words underlie reality. With words God called the world into being; the capacity for using language from the start set man apart from the other creatures; in words each person reveals his distinctive nature, his willingness to enter into binding compacts with men and God, his ability to control others, to deceive them, to feel for them, and to respond to them.[63]

As Alter highlights, the Torah understands the power of language as comprising a vast array of levels of meaning: language's power is concrete, in the way it affects other

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[63] Robert Alter, *The Art of Biblical Narrative: Revised and Updated* (New York: Basic Books, 2011; 1st ed. 1981), p. 87.

people and motivates deeds ("to enter into compacts with men and God ... to control others, to deceive them, to feel for them, and to respond to them"); it is deeply personal ("each person reveals his distinctive nature"); it characterizes the very human condition ("language ... set man apart from the other creatures"); language's power is tantamount to nothing less than Creation itself ("With words God called the world into being"). Thus, descending back down the chain from the cosmos' existence to the locally concrete, the Torah understands human language as having stratospherically existential stakes. The consequences that human beings cause through language can constitute acts of creation with the stakes of Creation itself, or the opposite: acts of destruction of Creation itself.[64] What we see in the Exodus story is the political genre of consequences of human language, and the way political language can spawn creation, and destruction, of the first order. The Exodus story's teaching in this regard is that words are actions: one's choice of words is a decision and an action; the ways words affect other people's states of mind, and the society's shared understandings, are actions; and these views motivate people to act, including in the most granular and the most far-reaching ways, with political consequences of the first order.

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[64] For the principle that the opposite of Creation is destroying or reversing Creation, and that language can have the latter effect just as much as the former, see Shabbat 88a: "For Resh Lakish said: Why is it written, And there was evening and there was morning, the sixth day; What is the purpose of the additional 'the'? This teaches that the Holy One, blessed be He, stipulated with the Works of Creation *[ma'aseh v'reshit]* and said thereto. 'If Israel accepts the Torah, ye shall exist; but if not, I will turn you back into emptiness and formlessness *[tohu va-vohu]*'" (Soncino Translation, accessed via Halakhah.com, at <https://halakhah.com/shabbath/shabbath_88.html>).

Let us now move to the term, "to his people," to fully understand the scene's plot and *dramatis personae* and thus its comment on political life. The Hebrew word "*am*" has two meanings, and the text is deliberating playing on them both. In addition to the word's literal meaning of "people" as in "nation" or "folk," *am* in Biblical Hebrew can have the contextual meaning of "troops," as we see frequently for example in the Book of Samuel.[65] The meaning is a reverse synecdoche, using the word for the whole to refer to a part; it is the reverse of saying "all hands on deck" to mean "all people on deck." According to this figurative meaning, "his people" would mean either Pharaoh's soldiers or police who will now enforce this policy, or his "cabinet," "officers," "inner circle" etc. who will now develop it, following their leader. Given that Pharaoh is proposing a policy here, this contextual, functional meaning is compelling: he is addressing the people who will be involved in carrying out the policy.

Per this read, what the scene's cast of characters is emphasizing is the political significance of the inner circle and the chain of command or bureaucracy as an institution of wielding power and turning a plan into action. The structure of the scene points to the way that Pharaoh's oppression, Pharaoh's bigotry turned into action, neither happens by itself nor is implemented by one person alone no matter how powerful, but rather is implemented through a system of centralized power. The system involves multiple people; they carry out a policy that is conceived centrally; that policy is itself based on theoretical, intellectual tenets, i.e. a specific kind of heinousness

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[65] For a particularly indicative example, see 1 Samuel 13:15, where *am* refers to the small portion of the soldiers remaining with King Saul after most of them have abandoned the camp; here it would be logically impossible for *am* to refer to the entire people as it does not even refer to the entire army. Accordingly, Robert Alter here translates the phrase, "*ha-am ha-nimtz'im imo"* as "the troops remaining with him," and Alter frequently translates *am* as "troops" when the context calls for it in this way (Robert Alter, *Hebrew Bible, passim*).

involving thinking and analyzing as opposed to sheer brute force; the lower figures turn those tenets and that policy into action, implementing it in its various on-the-ground permutations; and they exist in a hierarchy with a chain of command (at minimum, below Pharaoh and above their victims, and for such a vast operation likely entailing more ranks beyond that), as part of the ancient version of a bureaucracy.

This form of oppression is a specific one: it is distinct, for example, from Amalek's raw drive for dominance and destruction, with these two different kinds of harm as the matching consequences of these two different figures' approaches to power, Amalek's silent brutality contrasting with Pharaoh's deliberate and masterful deployment of language. Each is in a certain way more harmful than the other, an apples-and-oranges pair of different horrific deeds. Amalek's wrongs are immediate and, at least by attempt, absolutely total in their damage. But Pharaoh envisions and executes a whole project, one that is to be ongoing, that will transform the nature of the Children of Israel's lives throughout their days in ways large and small, and that will condition the way they think and even the way they think about themselves, even long after (as is hinted, for example, when the Children of Israel say about themselves groundlessly later in the Torah during the story of the Spies, "we were in our own eyes as grasshoppers").[66] Again, the presence of Amalek just after Pharaoh in the Torah's sequence of narratives and of enemies emphasizes by stark contrast the specific contours of Pharaoh's form of abuse of power, and its specific type of consequences.

Who exactly is this "*am*"? The text leaves it ambiguous. In the Exodus story we will meet several candidates. The "*am*" could be the group of people who become the

[66] Numbers 13:33.

"forced-labor officers" ("*sarei misim*") of verse 11, below. It could be "the servants of Pharaoh," i.e. Pharaoh's courtiers.[67] The term "his people" even reappears at the chase to the Red Sea, where the text then mentions "select chariots" and "all the chariots of Egypt, and officers on each one" — either of these terms or the two together could be definitions of "his people," or they could be other groups in addition to it.[68] Ultimately, this ambiguous use of the term is best understood as an intentional stylistic choice that evokes the general principle that the suffering Pharaoh plans to inflict will take a bureaucracy, a point that is more significant than any specific definition of whom that bureaucracy might include.

But the figurative meaning should not obscure the possibility of the literal meaning: if *am* here simply means "people" in the sense of "nation," this sense, too, offers a powerful comment on political life. If we read the verse accordingly, Pharaoh is addressing the people as such, making the case directly to them for the new national program of enslaving the Children of Israel, the ancient version of a major policy address or a rally speech. Ibn Ezra calls for this reading, pithily glossing "his people" as simply "the Egyptians."[69] Per this reading of the verse, the text is not emphasizing the chain of command and bureaucracy; rather, the text is continuing its emphasis on language and looking at the effect in particular of demonizing language that is deployed across the nation. The verse is emphasizing specifically that for a regime to carry out oppression, the project must entail not only a leader and those who directly execute the policy but also a populace that is convinced to be supportive or at a minimum quiescent.

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[67] Exodus 10:7.

[68] Exodus 14:6-7.

[69] Ibn Ezra on Exodus 1:9.

The text thus emphasizes the role of xenophobia on a national, grassroots scale: the way that a nation as a whole, entailing massive numbers of people as a unit on the whole, can come to believe demonizing, broad-brush lies about another whole group, and turn those beliefs into action, or, sometimes equally malignant, inaction.

If *am* here is "people" as in "nation," then the suffix *o,* "his," in *amo* is just as significant as the main word: It emphasizes the fact that the Egyptians are not only "his *people*," his nation, but "*his* people," *Pharaoh's* people. By contrast, the Children of Israel are no people of Pharaoh's, though they live in his land and under his rule. They are to Pharaoh and his supporters a different people to the exclusion of being part of their own people. We see this perspective feature powerfully and darkly in Pharaoh's dialogue (on which more in a moment). The narrative is thus emphasizing that to Pharaoh, only some of the human beings under his rule, the ethnic Egyptians, are truly "his people." The others, i.e. the Children of Israel, may live among them and under his rule but they are not and will never truly be "his people" — they are someone else's people and that alone.

Both these meanings, together in the same verse, produce a powerful effect. In the evocation of Pharaoh's bureaucracy, we sense the fact that they are uniformly of one ethno-national group but ruling over a populace of more than one, and that, with no other kind of person in the room to stop them, they move forward in unanimity carrying out a program of oppression. Even by the standards of the ancient Near East, such ethnic homogeneity in leadership was at a minimum not always or necessarily the case; see, e.g., the roles of the influential Doeg the Edomite in King Saul's court[70] and the

[70] 1 Samuel 22:6-23.

righteous and tragic victim Uriah the Hittite in David's army.[71] Meanwhile, in the evocation of the Egyptian people, we hear an implication that on some level all of them were among Pharaoh's "troops," in supporting or at a minimum refraining from objecting to Egypt's enslavement of the Children of Israel. Ultimately, the verse has a multi-layered, meaning-synthesizing ambiguity about who this "*am*" is, in which we are not sure if it is the whole nation or a select group, and if it is a select group we are not sure who is in it, and this polyphonic resonance as a stylistic choice itself offers a potent political comment. It emphasizes above all the presence, enabling roles, and thus complicity and responsibility of other people in the incipient systemic oppression of the Children of Israel — so much so that there are multiple different kinds of such people, and the underlying principle of others' complicity is to be emphasized more than any one literal, specific group.

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The text now moves to its presentation of Pharaoh's dialogue, a masterclass in the power of political rhetoric and the ways a leader can skillfully use this tool to not just force but affirmatively convince people to carry out a far-reaching, destructive, oppressive project. The speech is a potent miniaturized portrait of and case study in bigoted demagogic incitement, and portrays this phenomenon specifically as a tool of enlisting people in such a project, and thus as a linguistic engine that can power an entire political program of the vastest scale. Here are the verses of Pharaoh's speech in

[71] 2 Samuel 11-12.

their entirety; we will first consider the speech's structure on the whole and then analyze it phrase by phrase:

> 9. And he said to his people: "Look, the people of the children of Israel is more numerous and mighty than we. 10. "Come, let us be wise with it, lest they multiply and, should war betide, it even joins with our enemies and fights against us and goes up from the land."

Pharaohs speech is divided into three sections, each beginning with an abstract word to signal a new unit of the speech and the purpose of the unit. First, he begins the speech with "*hineih,*" the presentative particle, translated by Robert Alter as "look"[72] (the venerable "behold" from the King James Version), indicating that the purpose of this part of the speech is to lay out the current (supposed) factual reality, what one sees when one looks. Next, Pharaoh says "*havah*," "come," the classic word to proceed a verb in the cohortative tense, i.e. to describe what one is proposing that he or we should now do (as in "*havah nagilah*," "Let us rejoice"). This word signals the part of the speech where Pharaoh is going to propose a plan in response to this alleged factual reality — note Rashi on this phrase, "Each use of '*havah*' is language of preparing and readying for the matter, as to say, 'Ready yourselves for this.'"[73] Finally, a few words later, Pharaoh says "*pen*," "lest," indicating that he will now lay out what consequences will ensue if his proposal for action does not happen. This rhetoric is composed with a high degree of neatness and artfulness. The tripartite structure gives it a snappy feel, the kind of rhythm that matches people's instincts of what good rhetoric sounds like (à la introduction, body, conclusion; beginning, middle, end). The sections even map roughly onto past, present and future: i.e. the recent past up to the status quo, what action to

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[72] Robert Alter, *Hebrew Bible, passim.*

[73] Rashi on Exodus 1:10.

take in the present to respond to this status quo, and what will otherwise happen in the future.

With this stylistic quality, Pharaoh marks himself as, first of all, someone who has given this issue a disturbingly long amount of thought, as noted above. His language here is no mere spontaneous comment but a carefully and deliberately prepared piece of rhetoric. It is no mere organic description of the candid, accurate reality, but a speech crafted to achieve a specific agenda that is not candidly warranted and whose premises are not accurate. Secondly, since the tripartite structure somewhat evokes the parallelism of Biblical poetry, in the cases where a line has three parallel versets rather than two,[74] Pharaoh marks himself as someone whose sense of his own words, and thus his sense of himself, is inflated to the point of pomposity *ad nauseam,* as if every word that comes out of his mouth is poetry and needs to sound like it. Robert Alter comments on this quality of Pharaoh's speech regarding his response to Moses and Aaron's first confrontation with him, writing, "Pharaoh speaks here in quasipoetic parallel clauses, and D. N. Friedman has proposed that this may be coded as an aristocratic style of speech, a token of his regal stature"; Pharaoh's dialogue there is, "Who is YHVH / that I should heed his voice / and send off Israel? // I do not know YHVH // nor Israel will I send off."[75] Propp points out a similar self-exalting quality in Pharaoh's speech in the word "*tiqrena,*" "betide," as discussed below. Lastly, the tight and immaculate organization of Pharaoh's rhetoric shows the power of rhetorical prowess in another itself to convince people of a point, regardless of the point's content, and how dangerous

[74] See, e.g., Robert Alter, *The Art of Biblical Poetry* (New York: Basic Books, 2011, 1st ed. 1985), chapter 1, "The Dynamics of Parallelism."

[75] Exodus 5:2; Robert Alter, *Hebrew Bible,* commentary on Exodus 5:2.

that tool can be when it is used precisely to advocate for abuse of and corrupted forms of political power.

In the first section of the speech, "Look…" we see that, right from Pharaoh's first phrase, "the people of the children of Israel," Pharaoh is using language to portray the Children of Israel to the Egyptians as a wholly separate group, with an implication that they are alien, and with a zero-sum dynamic, with an implication of negativity because their gain is one's own people's loss. As Robert Alter notes in his commentary on this verse,[76] Pharaoh is identifying the Children of Israel as having evolved from being the literal children, lowercase-c, of a man named Israel to constituting a nation. Pharaoh makes this point through the doubled term, "the people of the children of Israel," "*am b'nei Yisrael,*" i.e. they are now "the children of" in the idiomatic sense of being a "people"; this language is not a mere neutral description of this recent development but emphasizes the different-ness of the children of Israel through using two terms for nation when one would suffice. More bitingly, Pharaoh describes them not only as a people, but as a foreign people to the exclusion of any ability to be part of the Egyptian people or a shared meta-group with a place for them both. Pharaoh's dialogue refers to the Children of Israel in the third person, indicating that the Egyptian people, to whom he speaks in the second person, does not contain any members of the Children of Israel and vice versa. The contrast of the previous verse's use of "*amo,*" "his people," as discussed above, and this verse's use of the same root word, "'the people of the children of Israel…'" sets up a zero-sum, mutually-exclusive contrast. Pharaoh's clinching conclusion to the verse, "…than we" makes crystal clear that the two groups are

[76] Robert Alter, *Hebrew Bible,* commentary on Exodus 1:9.

completely separate, such that one can be compared starkly to the other, with no nuances or commentary needed. The closing, "…than we" also frames the two groups' relationship as one of competition and indeed of adversaries: the very fact that the two groups are different means that if one has a given quality in larger amounts, that is necessarily a threat to the other, as opposed to collaboration, mutual respect, or any other such approach. Propp notes in the *Anchor Bible* another dark element that Pharaoh is implying through his use of *am* here: "There may be, moreover, an effort to balance the 'people of' Israel against '*ammô* 'his [Pharaoh's] people,' to emphasize that the conflict is between two sovereign nations (Fox 1986:11)."[77] Pharaoh is trying to make it sound as if the Children of Israel present a genuine rival adversary, *am* against *am,* to convince the ethnic Egyptians to act against them; and to make it sound as if the two *amim* are on equal footing, so the Children of Israel should have nothing to complain about. Nothing could be further from the truth, since Egypt was a phenomenally powerful empire and the Children of Israel were an ethno-cultural minority in its midst. Thus, in his choice of sobriquet to describe the Children of Israel, Pharaoh is using a euphemism for self-serving purposes (more on the effectiveness of euphemism in a moment) while also evoking a xenophobic exclusion.

The rest of Pharaoh's first sentence, again while he is in appearance simply describing the socio-political landscape and not overtly giving an opinion or calling for any action — "…is more numerous and mighty than we" — continues to heighten this sense of excluding and negatively painting the Children of Israel. Note that Pharaoh speaks about the Children of Israel in the singular, "is more numerous," or in Hebrew,

[77] Propp, *Anchor Bible,* p. 130.

"*rav*."[78] Pharaoh's language is explicitly in opposition to that of the narration, which describes the Children of Israel in the plural, including this same root word in the plural in verse 7, "and they multiplied," "*va-yirbu."* Whereas the narrative emphasizes that the nation is made up of individuals, each of whom is a real human being in their own right, Pharaoh speaks of the Children of Israel as a single, monolithic, abstract entity. Even on the fundamental level of grammar, Pharaoh's dialogue lays the foundation for thinking about the Children of Israel as a single entity about whom a given accusation can simply be true about them all; as an object to whom actions can be done without consequence; and as a total abstraction, onto whom accusations can be projected without any harm to any "real" people, and whose welfare is a negligible or imaginary consideration, not human beings who are each unique and different from each other, and whose suffering and basic well-being are absolutely real.

As Pharaoh's dialogue moves to its comparison, "...than we," Pharaoh begins to lay out the content of his demonizing, essentialist accusations against the Children of Israel, i.e. what it is about them that makes them dangerous and intolerable. As he does so, he builds on, as he has cleverly inserted into his words up till now, a grain of truth. As the narrator laid out in verse 7 about the Children of Israel, it is in fact the case that "*va-yirbu va-ya'atzmu*," "they multiplied and grew mighty" (hence my translation here of "numerous," to evoke the play on "multiplied"). Before the next several elements of Pharaoh's case, which do not have any basis in reality, Pharaoh begins with a true piece of information. Pharaoh's strategy exemplifies the fact that lies are more compelling and

[78] Though present-tense Hebrew has no copula, like the English "is" as a connecting word, to show the singular tense, the adjective "*rav*" is clearly in the singular and potently communicates the effect of describing a monolith.

convincing when they begin with a grain of truth — an insight that Rashi elucidates as part of the Torah's portrait of human life and specifically political life (it appears in Rashi's commentary about the ten spies' speech slandering the Land of Israel in the Book of Numbers, as the ten spies begin by acknowledging that the land "does indeed flow with milk and honey").[79] By including and specifically leading with the truth, Pharaoh puts his audience in an agreeing, truth-hearing, information-absorbing mode of hearing, making it more likely that they will stay in this mode as he continues to speak and accept what he says. But Pharaoh's second element, "than we are *[mimenu]*," is patently false. The accusation, let us be clear, is that the whole nation of Egypt — large, centuries-old, and living in its native land, and a phenomenally powerful empire — is now literally outnumbered and overpowered by the descendants of Joseph and his brothers, immigrants who had only recently passed away. The notion is a "historically preposterous claim," in Propp's pungent phrasing.[80] It is as harmful an accusation as it is illogical a description: "Pharaoh's paranoia is ludicrous, yet sinister. Demagogues often credit weak minorities with vast powers."[81] The notion of the recently-deceased generation of Joseph spawning descendants who now outnumber the nation Joseph came to would be risible if the accusation were not so dark. However, as we will see soon, Pharaoh convinces his audience. Pharaoh's opening salvo thus simultaneously demonstrates a bigoted calumny he is proffering, a rhetorical tool he is using to sell it,

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[79] Rashi on Numbers 13:27. Rashi is paraphrasing from Sotah 35a (all notations of Rashi's referents in rabbinic literature are from the Sefaria edition of Rashi's commentary on the Torah, available at <www.sefaria.org/texts/Tanakh>).

[80] Propp, *Anchor Bible, id.,* pp. 130-131; Propp argues against those who try to translate Pharaoh's dialogue as stating not a factual impossibility but a relative assessment, "'*too* great and mighty for us'" — this attempt to iron out the problem in the dialogue testifies to how potent the problem is.

[81] Propp, *Anchor Bible,* p. 131.

and the very power of rhetoric to install one's bigoted notions, particularly a leader's, in the minds of others and to motivate them to act accordingly.

Why does Pharaoh make this accusation out of all possible accusations, and what exactly is he doing when he makes it? Let us start with the question: Does even Pharaoh himself believe what he is saying? The Torah text, with its characteristic recurring sense of ambiguity to match how ambiguous life often is, does not reveal the answer to us, evoking a sense that for the Children of Israel, ordinary Egyptians, and even Pharaoh's own courtiers, no one truly knew, except Pharaoh himself (and perhaps not even he). We can, however, deduce what the possible answers look like. First: If Pharaoh himself does not believe this, if he is intentionally telling a lie, then his motivation to enslave the Children of Israel would be simply for the sake of doing so, i.e. out of raw hatred for the other, or raw desire for economic expropriation no matter the cost as long as only "other" people are paying the cost, or both. In this case, the outlandishly disproportionate portrait of the Children of Israel that Pharaoh paints is an attempt to portray the Children of Israel as a lurking aggressor and the Egyptians as sitting-duck victims, in order to knowingly, consciously falsely portray as a defensive measure what is actually exploitation of the Children of Israel. However, it is possible to interpret this description of the Children of Israel as one Pharaoh actually believes, one he could tell and pass a lie detector test though the statement is clearly false. This scenario presents different yet equally damning ethical conduct on Pharaoh's part, and of a less straightforward, more complex and intriguing nature: the scenario of "paranoia" that is "ludicrous, yet sinister," as Propp has it.

What are we to make of the scenario in which Pharaoh is accurately describing what he thinks about the Children of Israel? In this scenario, in Pharaoh's perception

the very fact that the Children of Israel have grown in numbers and prosperity *at all* is the equivalent of their having *exceeded* ethnic Egyptians, the "real" Egyptians. This perception reveals a double-standard in how much the Children of Israel are allowed to grow: ethnic Egyptians can presumably grow infinitely if they wish, the more the better, whereas if the Children of Israel grow even a bit, that growth is quantitatively the equivalent of a much larger growth by the Egyptians, and qualitatively represents overtaking all ethnic Egyptians put together. This perception also reveals that Pharaoh is looking at the Children of Israel in an adversarial, hostile way in the first place: that is why Pharaoh chooses to look at the Children of Israel's numbers and prosperity as a rival to ethnic Egyptians'; there is no need in the first place for him to split up the populace he rules and compare and contrast the pieces like this. Again, we see that Pharaoh looks at the Children of Israel as an alien group that is mutually exclusive with "real" Egyptians: there is no sense for Pharaoh that the Children of Israel's prosperity can also be Egypt's prosperity as part of one heterogeneous, shared society. Pharaoh's adversarial view of the Children of Israel, in turn, reveals why Pharaoh considers the Children of Israel to be an aggressor: he is projecting that they regard the Egyptians the way in fact he regards them; he is projecting onto them a standpoint that would justify his own as defensive, when in fact he lacks such a justification. and then projecting onto them that they are actually an adversary. Pharaoh's biased lenses reveal is that to him, for the Children of Israel to grow in numbers and prosperity is not just a neutral factual trend but a bad thing, something that maps onto the scale of right and wrong and is wrong. This point completes the explanation of why he sees their growth as overtaking ethnic Egyptians' own: Pharaoh clearly describes this overtaking as something that should not be allowed to happen, and so what he ultimately is saying is that for the

Children of Israel to grow in numbers and prosperity *at all* should not be allowed to happen. By not only misjudging but condemning the Children of Israel's growth, what Pharaoh is saying is that an overwhelming near-total of the numbers and prosperity of Egypt must always be possessed by ethnic Egyptians: in other words, ethnic Egyptians must utterly dominate life in the country. When the Children of Israel had a little, he tolerated it, but simply for them to have more than a little crosses the line into their having too much.

Just as we see this exclusionary bias in Pharaoh's language, so too we see it in what historical scholarship has attested about ancient Egypt. Propp adduces evidence from both the Bible and Egyptian sources that this bigoted, hostile perspective was indeed characteristic of Egypt at that time: "Elsewhere, the Bible depicts the Egyptian ruling class as obsessively xenophobic (Gen 42:9, 12; 43:32, 46:34). Egyptian sources attest to their tight control on immigration and emigration (Greenberg 1969: 21-22)."[82] Jeffrey H. Tigay, commenting on the Book of Exodus in *The Jewish Study Bible,* homes in on a specific era, regime, and leader in Egyptian history. He points out in his comment on verse 8, "A new king…," that this verse may actually refer metonymically to an entirely new dynasty, and he suggests the 19th Dynasty and the pharaoh Rameses II, in about the 13th century BCE — a dating that would put this historical episode an appropriate span of about three centuries before King David in the early half of the 10th century BCE.[83] Tigay writes of this dynasty and pharaoh:

> This dynasty, founded by military officers, sought to protect Egypt's vulnerable coast and northeastern and northwestern borders from the Sea Peoples, the Libyans, and infiltrators from the Sinai, and to protect access to Egypt's empire in western Asia. Given the Israelites' background in Canaan and current residence in Goshen (8.18 n.), adjacent

[82] Propp, *Anchor Bible,* p. 131.

[83] Alter, *Hebrew Bible,* "Introduction" within "[Book of] Samuel."

> to the Sinai, Pharaoh may have feared that they would ally with invaders from that direction.[84]

In this account of the history, and in the way the history and the Torah's prose match each other, we see the way the Torah is not only presenting a narrative, but engaging with a brass-tacks political phenomenon of the first order, and using narrative to understand and assess that phenomenon.

We also see in this history the way the Torah's narrative is trying to understand the ancient Egyptian regime not just in how it related to the Children of Israel but in its broader approach to politics, and what light the latter sheds on the former. Vis-à-vis potential genuine invasion, through an actually-vulnerable coast and borders, a defensive and vigilant posture is legitimate. But Pharaoh takes this posture to unjustified extremes. He levels a stark accusation, i.e. willingness to commit treason, against a people regarding whom there is no evidence for such an accusation, and indeed in the face of all evidence that does exist about them: the Children of Israel's pacific conducting of their affairs in Egypt, the Children of Israel's implicit appreciation of the country that was their refuge during a famine, and, above all, Joseph's service to the country as viceroy, which not only was loyal but literally saved the entire country from famine and death. Pharaoh nonetheless levels this extreme accusation, and takes it all the way to committing the extreme action of enslavement. The way that a legitimate need for defense can curdle into bigoted accusations and oppression is thus one that the text, when seen in historical context, can be seen to be revealing.

Pharaoh, in addition to showing a need for domination by one group over

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[84] *The Jewish Study Bible: Second Edition,* ed. by Adele Berlin and Marc Zvi Brettler, 2014, Kindle Edition, p. 192.

another, may also be showing jealousy of the Children of Israel. This phenomenon of human nature, and the political implications of a leader's harboring such jealousy, is highlighted by the Exodus text's word choice. When the root *ayin-tzadi-mem,* "mighty," as used in Pharaoh's dialogue, appears earlier in the story of Isaac and Abimelech in Genesis, just two verses before this moment the Genesis text says, "And the Philistines grew jealous of him *[va-yekanu oto Plishtim].*"[85] The Torah's redactor(s) or even the original writer of this passage may be drawing on this precedent and rendering it a kind of foreshadowing. It is in fact possible that *per capita* the Children of Israel are more prosperous than ethnic Egyptians, and that Pharaoh is jealous of what they have achieved. The ethical wrongs inherent in this jealousy are numerous. Pharaoh would thus be denying the individual personhood of each member of the Children of Israel, and denying each individual's right to what he has earned, and instead seeing only one monolithic group, like a machine made of mere cogs rather than a group made up of individual human beings, and putting a cap on what one is allowed to achieve if one is part of the out-group but not if one is part of the in-group. Pharaoh would also be assuming that there is something wrong with the Children of Israel's happening to have more, even if each individual member earned it honestly, as if that means that they as a monolithic group somehow stole it from ethnic Egyptians as a group. And Pharaoh would be again denying that the prosperity of the Children of Israel in Egypt could be Egypt's prosperity too, since they live in Egypt as part of a shared society.

Thus, in the scenario where Pharaoh believes his own lie, when he utters this false statement he reveals a mountain of false, essentialist, biased views on which it is

[85] Genesis 26:14.

based. Moreover, he reveals that his mind actually works this way, that his mind bears a bias to the point that he actually thinks this perception is accurate. Rather than evaluating and rejecting his bias, Pharaoh takes his own biases and denigrations as completely accurate. Pharaoh's overweening confidence in his own thoughts leads him to, and we see it revealed in his decision to, move forward in selling his account and his plan to his courtiers and his ethnic Egyptian populace. Pharaoh's quasi-poetically-scanning language, as noted above, is another indicator of Pharaoh's lack of re-examining his own assumptions: he takes his own words and even thoughts as prophecy. In all cases, Pharaoh is "reversing victim and aggressor" in contemporary parlance: he convinces his people to oppress another through conjuring up a fear that that other will oppress them.

A last point about Pharaoh's opening salvo in his dialogue pertains to the very fact that Pharaoh is conveying these points not through simply saying so but through framing, through implication, through connotation. The Torah is thus making a point about the power of political language to convince people of things in this way: not to make an argument, which opens up oneself to counter-arguments by other public figures or by the listener(s) themselves, but through describing the situation as if this is simply the indisputable neutral reality of it, when in fact it is a polemical, biased portrayal; through language in which the very terms make it sound as if the situation is a certain way, to the point that if one hears the terms without noticing that they are biased and accepts this sense of reality, one is agreeing not just to facts but to a whole point of v iew on the situation without necessarily even realizing that one has just adopted this biased point of view hook, line and sinker, without a conscious chance to counter-argue

or exercise skepticism. This power of political language, too, is one that the Exodus story brings to the fore.

Next, as Pharaoh turns to the second part of his speech, "Come...," and turns from his account of the recent past and status quo to his call for what action to take in the present, we find Pharaoh using a particularly piquant phrase: "Come, let us be wise with it." To begin, there are two key pieces of political significance in this bit of rhetoric and particularly its central word, "be wise," *nitchakmah,* i.e. the root word *chacham,* "wise," put in the *hitpa'el* verb structure to indicate a reflexive verb, and in the cohortative tense to indicate the action one shall do ("let us...") with its signature suffix of *ah* (again, as in *havah nagilah,* "Let us rejoice"). First, using a word related to wisdom to describe something canny and sly – and in this case even worse, something brutal – is pungently snarky, in Hebrew as in English (as in "streetwise," "wisecracks," and, conversely, "don't get wise with me"). Pharaoh is slipping in a bit of slyness and demeaning humor to give himself an image of derring-do and the winning side, the side of dominant power yet coolly reserved, understated language showing that he need not give too much of himself to anyone, and savviness that can fool anyone yet while being nobody's fool – all designed to exploit human psychology to rally people magnetically to his side. For this reason, the literal "wise" should be preserved in English, as it is in the King James Version, "let us deal wisely with them." Newer translations that render the word with a less-literal synonym — "Let us deal shrewdly with them," both the New Jewish Publication Society and the New Revised Standard Version; "be shrewd with them," Robert Alter's *Hebrew Bible* — miss this depiction of and insight about politics. Reading translations where this key word is absent emphasizes what meaning is missing when the word is gone and what meaning the word in fact creates. Pharaoh is not telling

his audience that they should be shrewd; that would be less appealing, as it would be less sly and funny and more frontally obvious rather than the way people naturally talk. Rather, Pharaoh is maneuvering his audience onto his side by exploiting the effects of suggesting that they be "wise" — and that maneuver is what is shrewd.

Secondly: For someone who takes such pains in parts one and three of his speech to describe things in specific detail — first regarding the current landscape, as discussed above, then regarding what will happen if his program is not implemented, as we will see in a moment — Pharaoh gets awfully vague all of a sudden in this middle section of his speech. When he refers to being wise, he is of course referring to enslaving an entire nation: quite a detail to hide deep within an abstraction-cum-one-liner. In sum, Pharaoh's description of his program of enslavement is a euphemism. Pharaoh's use of euphemism here suggests that even for someone so politically mighty and rhetorically talented, for any rhetoric outlining a program of oppression there is the kryptonite of the details of what it actually looks like: what people have to do to carry it out, and what the victims have to suffer through. Pharaoh's euphemism and omission suggest that he knows that if people heard in detail the kind of human suffering that was going to be part of this program, indeed that Egyptians themselves will be carrying out and benefitting from, then they might well oppose it.

Ibn Ezra glosses "let us be wise" as "let us seek a wise way such that they do not multiply"[86] — what he is responding to in the text when he does, i.e. the question that prompts him even to need to offer an answer,[87] is precisely this ambiguity about what

[86] Ibn Ezra on Exodus 1:10.

[87] A methodology of understanding the *mefarshim,* the rabbinic commentators of the medieval Jewish golden age of Bible commentary, that was pioneered by the 20th-century Israeli scholar Nehama

exactly Pharaoh means when he says, "let us be wise." Before we move to examining Ibn Ezra's resolution or understanding of the ambiguity, therefore, we must note his emphasizing the ambiguity itself, to observe fully that this ambiguity is the rhetorical genre Pharaoh chooses here regardless of what specifically he means by it, as a deliberate rhetorical strategy that reaps him the benefits discussed above. Ibn Ezra understands Pharaoh to mean by this ambiguity not only his incipient program but the goal to which it is in service. That goal, per this reading, is not enslavement or economic exploitation for its own sake, and it is certainly not genuine fear of war and subjugation — it is simply to prevent the Children of Israel's population from growing any further. This reading highlights the danger of political speech that conceals its actual goals for self-serving purposes (which will become a major theme in the Korah story). It also emphasizes the dangers both of the kind of hatred that entails hating a group's population and presence growing, and also of the grave harm that leaders can use political power to do to fellow human beings in service of this end.

Pharaoh's emphasis on being "wise," in addition to being rhetoric that scores him advantages, reveals a bit further to the reader about how Pharaoh understands the program he is about to launch: why he is doing it, and how he will undertake it. Propp points out that, in raw tactical terms, "it is indeed initially shrewd of the Egyptians to convert their problem—Israel's fertility—into an asset—slavery."[88] Propp adds that this plan may be "wisest" of all from the point of view of Pharaoh's self-interest: "in the early years of his reign, an unscrupulous ruler might be wise to foment xenophobia in order to

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Leibowitz. The methodology is often known by the summative question, "What's bothering Rashi?" i.e. what question exists in the text that prompts the commentator even to need to offer a comment in the first place? (See, e.g., Avigdor Bonchik, *What's Bothering Rashi?* (five-volume set), 2006.

[88] Propp, *Anchor Bible*, p. 131.

unite his people; Childs (1974: 15) calls attention to the telltale 'us…them' language."[89] From this perspective, part of the purpose of the response by Moses and Aaron and by God later in the Exodus narrative is to realign what is shrewd or self-interested with what is right — to stop what is wrong not only by proclaiming what is right but by creating the most absolutely concrete incentive to do what is right, and to steeply cost those who do not do so and to make victors and not naïfs out of those who do. The devastation of the plagues, followed by the ultimate population exodus (the book is aptly named!) of the Children of Israel, and the workforce they could have represented had they not been enslaved and driven to flee, mean that by the end of the story, "Pharaoh's 'wisdom' leads to his people's decimation."[90] In this sense, the initial "let us be wise" rings back satirically against Egypt later: "Ackerman (1974: 80) even finds an ironical reference to the legendary wisdom of Egypt."[91]

Finally, we come to the third section of Pharaoh's snappily-structured speech: following his assessment of the recent past and what must be done in the present, Pharaoh paints a picture of what the future will be unless Egypt takes this action, an "or else" to add muscle to the force of his summons: "lest they multiply and, should war betide, it even joins with our enemies and fights against us and goes up from the land." This imagined, baseless scenario is the matching opposite to Pharaoh's pretense of not knowing about Joseph. First, Pharaoh took actual facts and pretended he did not know them and dispensed with them. Now, he is taking a concocted scenario with no proof whatsoever in which blame lies with one specific group of people — to describe such

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[89] Propp, *Anchor Bible*, p. 131.

[90] Propp, *Anchor Bible*, p. 131.

[91] Propp, *Anchor Bible*, p. 131, citing Isaiah 19:11-12 and, in Christian scripture, Acts 7:22.

words with modern parlance, a bigoted stereotype and a conspiracy theory — and selling it as an actual factual argument. Insofar as this scenario would involve massive harm to the ethnic-Egyptian populace, Pharaoh's allegation is not only a bigoted stereotype and a conspiracy theory but also a threat. The threat is passive, in that Pharaoh would not be the one carrying out the harm, and so Pharaoh's words are literally passive-aggressive: he is nonetheless insisting that harm will befall the people ("Nice country we have; pity if something should happen to it") unless they do as he says.

We see Pharaoh's aggression, demonization, and specter of a threat more and more vividly the more closely we look at his language. Consider the phrase, "should war betide." The Hebrew here that I am translating as "betide" is "*tiqrenah*," "happen" in the feminine plural imperfect of pre-modern Hebrew (as in, to this day when multiple women are called up for an *aliyah* at a liberal synagogue, "*ta'amodnah,"* "stand" in the same grammatical form) — but for a singular word, "*milchamah,*" "war," why not simply the singular form, "*tiqreh*"? Propp writes:

> Cassuto (1967: 10), taking up a suggestion as old as Gesenius and Ewald (*apud* Dillmann 1880: 6), more plausibly invokes the energic suffix *-na* of Arabic and Ugaritic ... Other traces of the energic ... [are] all in biblical poetry ...
>
> If *tiqre(')nâ* is in fact an archaism, its presence in prose is surprising. Does the author convey Pharaoh's hauteur by making him speak a highfalutin dialect of Hebrew (cf. Jacob 1992: 12; NOTE to 5:2)?[92]

This reading of Pharaoh as arrogant to the point of thinking every word out of his mouth is poetry is consistent with how he speaks in the rest of the story, as discussed above in the case of Pharaoh's use of "*havah,*" "Come..." and Pharaoh's opening speech to Moses

[92] Propp, *Anchor Bible,* p. 131.

and Aaron in their first confrontation. I have chosen “betide” for the translation to evoke this effect in English.

As Pharaoh continues, saying about the Children of Israel, “it actually joins with our enemies and fights against us,” we see a new, further and darker layer of Pharaoh’s unfounded xenophobic accusations: because the Children of Israel are a different group, they will be disloyal to the country. Pharaoh is suggesting that the only reason they have not been disloyal thus far is that they have not had the chance, but, “should war betide,” they would seize the opportunity to betray us. On deeper inspection, we see a second level on which this statement is baseless and bigoted. Egypt did in fact previously have a foreign, indeed Semitic dynasty ruling over it, the Hyksos; some theorize that the rise to power of the “new king” who “did not know Joseph” refers to the return of ethnic Egyptian rule over Egypt.[93] As before regarding Egypt’s vulnerable coast and border with Sinai, so too here regarding the prior rule of a Semitic dynasty over Egypt, Pharaoh is extending a genuine factor to a baseless extreme degree. The Children of Israel are not the Hyksos; precisely the “knowledge of Joseph” actively and explicitly proves the point, in addition to his people’s pacific existence in the country thus far. In general not all Semitic peoples were the same as each other, nor were they automatically allied with each other, as is amply evidenced by the many battles between fellow Semitic peoples in the books of Judges, Samuel, and Kings, as well as Genesis 14 prior to the Exodus narrative, in which Abram specifically joins an alliance of five Semitic kings in a war against four other Semitic kings.[94] If anything, Pharaoh in this scenario would do well to govern the Children of Israel without oppression not only for ethical reasons but to co-

[93] Propp, *Anchor Bible,* p. 130 and discussed at length in vol. II, Appendix B.

[94] Genesis 14:1-17.

opt them to his side, building on their appreciation for Egypt as their refuge during a famine and bringing them tighter and tighter into Egypt's embrace, precisely to ensure that they would not join with a Semitic enemy of Egypt. His bias against foreigners is both oppressive and illogical, to the point that it is now blinding him even to the strategic realpolitik he is seeking to prioritize.

Pharaoh's final phrase, that Israel in this scenario after joining with foreign conquerors "goes up from the land," emphasizes the irrationality inherent in bigotry and raising specters of threats, and how despite this irrationality, or perhaps because of it, such rhetoric can be quite effective. There is debate about what this phrase, in Hebrew "*alah min ha-aretz,*" in fact means. The two main positions are: i) that *alah* refers to rising up, as in overtaking, a scenario in which "Israel would *conquer* the land ... (see Schmidt 1988: 3-4)"; and ii) that *alah* refers to going up, as in departing, a scenario in which "the Israelites might function as a fifth column and help an enemy to overthrow their oppressors, then take advantage of the chaos and leave" — thus Propp summarizes the two positions.[95] Propp finds the latter more plausible as "the plain sense." This current debate re-enacts a dispute between Rashi and Ramban. Ramban prefers the latter, noting that if the former were correct, then the preposition would be "*al,*" "over [the land]," not "*min,*" "from [the land]," citing other Biblical verses' phrasing as examples.[96] Ramban's reason, then, is the same one Propp adopts: "the plain sense" of the words, or, in rabbinic Hebrew (though Ramban does not use the term here), the *p'shat.* Ramban adds that Pharaoh may be imagining that the Children of Israel will join the enemy, plunder Egypt, and leave with all the plunder — though Ramban begins this

[95] Propp, *Anchor Bible,* p. 132, citing Bekhor Shor's treatment of the latter position.

[96] Ramban on Exodus 1:10.

part of his interpretation with "*ve-yitachen,*" "perhaps," suggesting that Ramban is more convinced of the meaning of the Hebrew than of what Pharaoh could possibly be afraid of that would lead him to say such a thing.[97] Rashi prefers the interpretation in which Pharaoh is imagining that the Children of Israel will overtake the land, not depart it.[98] But even Rashi reads the Hebrew phrase, "*alah min ha-aretz,*" as referring to departing the land; in Rashi's read, Pharaoh is describing a scenario in which the Egyptians will have to flee the land because the Children of Israel have taken over, and Pharaoh is using the third person to describe Egypt's dire fate to avoid having to state outright such a frightful prospect, "as though Scripture wrote 'and we [the Egyptians] shall have to go up out of the land' and they [the Children of Israel] will take possession of it."[99] So for both Rashi and Ramban as well as Propp, the Hebrew is clear: Pharaoh's parade of horribles concludes with the specter of the Children of Israel en masse departing the land after conspiring to devastate the Egyptians in this hypothetical war.

What is not clear is why Pharaoh would be so afraid of a mass departure by the Children of Israel, and why he would raise this specter to his audience. The notion of the Children of Israel's leaving is not truly such a fearful prospect, particularly since they only a generation ago arrived; the population would grow smaller, arguably a loss but not a disaster, particularly since it only recently grew larger. Moreover, in this hypothetical, the Egyptians are already devastated; why would they care if the Children of Israel stay or leave? In fact, if the Children of Israel have just been traitors, would the Egyptians not want them to leave? The other reading of *alah*, rising up over the

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[97] Ramban on Exodus 1:10.

[98] Rashi on Exodus 1:10.

[99] Rashi on Exodus 1:10, drawing on Sotah 11a.

Egyptians, is the less plausible reading but clearly presents the more dangerous scenario. What are we to make of the sheer irrationality of which scenario Pharaoh chooses to use for scaremongering? Propp offers this response:

> But I am not sure we can or should rationalize Pharaoh's concerns. The [J writer] is clearly foreshadowing future events. By making an exodus the king's worst fear, the author ensures that Pharaoh's worst fear will be realized (cf. Childs 1974: 15; Davies 1992: 41). For the irony, compare Gen 11:4, 8 (J): the people build a tower to prevent their dispersion, thereby bringing about their dispersion.[100]

In Propp's reading, the depiction of Pharaoh here is not an irrational depiction, but an astute comment on the irrational psychology of tyrannical leaders and the inevitability of its boomeranging back. First and truly foremost, the depiction is a priceless piece of satire: Pharaoh's enslavement of the Children of Israel turns out not to be a very good way to prevent, so to speak, a population Exodus. The satire powerfully undermines the claim of Pharaoh or any tyrant to absolute power, as its humor *ipso facto* creates a point of independent perspective at which one is looking at and examining Pharaoh, which already means he clearly does not control all of reality. In evoking the prospect of boomeranging, the satire also makes the point that tyranny can indeed boomerang back on itself in ways that the tyrant himself did not foresee, and more broadly, that tyranny does not last forever. (Compare with Percy Bysshe Shelley's *Prometheus Unbound*, in which the following exchange takes place between Mercury, counseling surrender, and Prometheus, holding fast to his anti-Jove egalitarian dissent: "Thou knowest not the period of Jove's power?" / "I know but this, that it must come."[101])

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[100] Propp, *Anchor Bible,* p. 132.

[101] Percy Bysshe Shelley, *Prometheus Unbound: A Lyrical Drama in Four Acts*, 1820, Act I, lines 412-13, available at <http://knarf.english.upenn.edu/PShelley/prom1.html>.

Beyond these points, J's portrayal of Pharaoh's irrational fear suggests that the psychology of tyranny and bigotry is irrational from the start: the biased unfounded accusations; the biased broad-brushing of a whole group, as if any one thing can be true of a whole group; the desire to oppress others, entailing no concern about the pain one is causing them; the willingness to use rhetoric to portray and justify all these things, entailing no concern about saying things that are not true and convincing others to believe them; the willingness to pour immense, indeed obsessive effort into a project that hurts others but does not actually benefit oneself, except the "benefit" of seeing members of the other group degraded and in pain — the Torah is portraying an ultimate irrationality at the heart of all of the above. And, by pointing to the future boomeranging back on Pharaoh of his fear of a mass exodus, the Torah is suggesting that precisely this irrationality, this obsession, indeed madness, just as it can launch a project of bigotry and tyranny, can so too bring the undoing of the project and the tyrant. (Compare with Hitler's madly irrational invasion of Russia, despite knowing that the same decision felled Napoleon, thus stretching Nazi Germany's resources thinner and giving the Allies a major new member on a new front, and ultimately ensuring Nazi Germany's defeat.) Since we know that the J writer has a particular interest in the workings and psychology of oppression and not just the sheer events of enslavement (as discussed above regarding what it means that Pharaoh "knew not Joseph"), the psychological significance of this reading of the phrase, "*alah min ha-aretz,*" not only adds to our understanding of the story but also adds to the case for choosing this reading of the text over its rival (*alah* as in "rise up" and "overtake"); this reading of the text is the one that I adopt.

Lastly, however, given that the entire project of the enslavement of the Children of Israel lies ahead in the narrative, J's portrayal here is commenting on the psychology not only of the tyrannical leader but also of the populace to whom he speaks and whom he conditions and sways. The fact that Pharaoh proceeds in his enslavement successfully, at least for the rest of his lifetime and into that of the next pharaoh,[102] shows that his rhetoric is as irrational as it is effective. It suggests that the notions and specter,s based on bias against a different group, that Pharaoh has conjured up — that the Children of Israel are different and so their prosperity is our deprivation and their growth is our subjugation; that the Children of Israel are different and so they will betray us, join our enemies, and defeat us; that the Children of Israel are different and so they will do all manner of horrible things, regardless of what, even "going up from the land," whether or not that is even such a horrible thing — tap into some part of his listeners and resonate with them. Pharaoh's success also suggests that by scaring his audience with this parade of horribles, he has tapped into fears that they have: a latent, potential mistrust of a group that is different; a fear of the general prospect of not surviving, which can be powerful if raised by someone. It suggests that Pharaoh has succeeded in convincing his audience by making a case that, being based on oversimplifications, e.g. assumptions without evidence or broad-brush statements about an entire group, is easy to digest and does not ask his listeners to think too much. Indeed, Pharaoh's success in playing on his listeners' fears suggests that he not only is not asking for careful thought but is outright bypassing careful thought, leading his audience into a desperation out of which one will "do anything" to keep the threat at

[102] Exodus 2:23.

bay, and thus bypassing their ability to rationally verify what he is saying and to check if it is in fact true or if they in fact agree. In all these ways, the J writer's potent, pointed evocation of Pharaoh's irrationality is not something to be smoothed over or "solved" but precisely something from which to learn, portraying as it does the incredible power of irrational rhetoric to rally people to one's side, even as it contains the seed of the irrational project's ultimate demise.

This portrait of what in Pharaoh's rhetoric wins him success leads directly into what comes next in the Exodus text: the events of the Egyptians' enslaving the Children of Israel. This very act of transition itself further emphasizes the power of Pharaoh's language. Firstly, note that the text now moves to a broader-scale narration of Egypt's enslavement of Children of Israel; the fact that the text singled out Pharaoh's speech for detail-by-detail recounting amid this otherwise broad narration shows the text's own sense of the high significance of this speech as central to what is going on in this narrative. Secondly, the text records no response to Pharaoh's speech. This decision indicates that Pharaoh's speech meets with no response: no intervention, objection, or counter-argument, not by any courtier or wise man, nor by a single person among the people let alone an en masse outcry of objections of the kind the Torah frequently shows erupting against Moses.[103] Pharaoh himself speaks no further, and apparently need speak no further. In one way or another, all have accepted Pharaoh's theories and plans. By inference, one can break down the people into a couple of categories. First are those who have been actively persuaded and now agree with Pharaoh's words. As for those who disagree, they are keeping silent, either because of the power of the regime that

[103] Exodus 15:22-26, 16:2-12, 17:1-7 (the first three of numerous such episodes); Robert Alter, *Hebrew Bible,* on Exodus 14:11, 16:2, and 17:1.

backs these words, or because Pharaoh's speech to "his people" has created an appearance that the entire "people" agree, and no one wants to be a lone dissenter against the leader, particularly not with the people on his side (dissent's going silent as a collective action problem). And there may be a third group of people who cannot be said to truly agree or disagree, e.g. they are willing to go along with Pharaoh's plan because it would be more trouble not to do so, or they have not particularly thought about the matter. The narrative's portrait of this widespread acceptance is a cousin of the literary technique deployed recurringly by Biblical narrative in which Party A speaks in a two-person interaction followed by a repetition of the formula, "And Party A said," to indicate that Party B gave no response because they were not convinced, prompting Party A to try again, as Robert Alter frequently observes in his analysis[104] — for example, Reuben's saying first to the other brothers, intent on murdering Joseph, "'Let us not strike down his life!'" followed by a repeated introduction of Reuben's speaking, "And Reuben said to them…" to indicate that the brothers are unconvinced and say nothing such that Reuben needs to try again (this moment is what leads Reuben to try the weak-tea compromise of only throwing Joseph in a pit).[105] Here, the text offers a variation on the theme of this convention: since Pharaoh does *not* speak again, it suggests precisely that his audience *is* convinced, such that Pharaoh need not speak again. The implication is that now, everyone either is affirmatively convinced or holds back from speaking up out of fear. This narrative technique does not deny that small numbers of people may whisper dissent in private; rather, through stylized simplicity, the narrative portrays an overarching sense that in the public square and for all practical intents and purposes,

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[104] Alter, *Art of Biblical Narrative, passim;* Alter, *Hebrew Bible, passim.*

[105] Genesis 37:21-22.

there is no disagreement to Pharaoh's proposal. Pharaoh's demagoguery has worked; his words now turn swiftly into action.

With Pharaoh's speech thus concluded and on the cusp of constituting reality, we as the audience see vividly each of Pharaoh's forms of abuse of power, together constituting a powerful sense of skepticism of human power itself. As a leader, as the monarch, as the highest executive official in the land, Pharaoh uses his power not to carry out the "task" of how to govern the human beings under his rule, but to treat the people under his rule, specifically a minority, the Children of Israel, as mere "facts" with whom he can do whatever he wishes. Pharaoh proposes treating them according to his own bias, which he clearly takes at face value, in which he sees the Children of Israel as mere animals, as permanent foreigners to the exclusion of being "real" Egyptians, as enemies whose gain is the Egyptians' own loss, and as traitors simply waiting for the right opportunity — all as opposed to being human beings, whose flourishing is in fact a blessing on no less a level than Creation itself. The installed chief executive, Pharaoh could view governance as a "task" including rules to the game, limits of right and wrong, limits where his power ends and his responsibilities begin — even a monarch, let alone a modern president or prime minister, might rule this way if a constitutional monarch, or out of a sense of duty to his people or ethics that bind even him[106] — but Pharaoh instead uses his power as the chief executive to successfully realize, i.e. to get away with, a hard-line approach in which political power is his to own in the absolute as a "fact," to use without limits. This outright-ownership mentality includes limitless power to exploit

[106] See, e.g., William Shakespeare, *Richard II* (1597), based on the historical reign of the king of the same name; King Richard II's exploitative policies are judged by the nobility and the people of his own time as wrongful, thus bringing about his downfall and the rise to power of his rival Henry Bolingbroke, i.e. King Henry IV.

the Children of Israel in accordance with his bias, limitless power to the point that he does not even need to state for the record what exactly he is going to do with them ("let us be wise with them"), and limitless power as evidenced by Pharaoh's quasi-poetic speech, as if his every word is not only law but indeed prophecy. This last example leads us to Pharaoh's attempt to own language itself as a "fact" at his disposal for him to use as he pleases and simply to get the results he wants. He has no notion of language as a "task" with rules to how it is to be used: for example, one should describe reality based on what it actually is; one should describe openly what one is talking about and not conceal it; one should talk about future possibilities according to what might actually happen; one should make points only if there is actually evidence for them. Rather, Pharaoh molds language in his hands like clay, with no compunctions about doing the opposite of each of the above: putting forth his bias against the Children of Israel, including baking his bias into his description of reality to make his bias sound like objective fact, and putting forward a future scenario of disaster, with the Children of Israel as the culprits, all with no evidence and in opposition to all evidence that does exist, all to make his plan of oppression sound like a justified defense, yet also slipping his own plan inside a euphemism to avoid spelling out its unjustifiable details. Pharaoh uses the bully pulpit of the installed chief executive to persuade people of this plan, to create an atmosphere in which anyone who may disagree must keep silent about it, and all in all to enact a sense that this vision is now the society's shared understanding of the situation and its shared plan of what to do about it. The narrative portrays each of these elements of Pharaoh's use of power in vivid detail, and furthermore, in each of these ways, the Torah portrays Pharaoh's use of power as wrong. Like all narrative that constitutes nomos — from the narrative of the Declaration of Independence, as distinct

from the Constitution, to the narrative of *To Kill a Mockingbird,* as distinct from the statutes and jurisprudence of the civil rights movement — the Torah's narrative portrays not just what Pharaoh is doing, but that it has the quality of wrongfulness. We note Pharaoh's bias by contrast with the reality that the Children of Israel's flourishing fulfills the blessing to be fruitful and multiply. We see that Pharaoh's rise to power begins with negating reality, in his willfully "knowing not Joseph," and we see that he goes on to promote an oppressive plan based on accusations that have no evidence and contradict the actual evidence of Joseph's loyal, indeed nation-rescuing service and the Children of Israel's pacific existence in Egypt. The vivid prose opens the door for us to feel pain at the wrongfulness of Pharaoh's false accusations and bias, his objectifying and demonizing language, and his success in convincing some, silencing others, and owning the public square. In the unstated implications of "Come, let us be wise with them" — with the mystery about what exactly this "wisdom" will entail amplifying the dark sense that this plan will be in keeping with Pharaoh's portrait of the Children of Israel, as animals whom one can freely attack and enemies whom one deserves to attack — we feel a shiver of fear. In all these ways, the narrative's nomos evinces a profound skepticism about the capacity and indeed tendency of human beings to abuse power and to abuse language in order to abuse people.

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The narrative now concludes this pericope with four verses, two that end J's account of the enslavement followed by two from P's account, that together in redacted form narrate the active process of Egypt's enslaving the Children of Israel. In so doing,

these verses expand the narrative's already-vivid canvas of the way Pharaoh as monarch and ruling chief executive abuses his power, as part of the Torah's gallery of forms of power and forms of human misuses of it. Here are the two verses from J:

> 11. And they [the Egyptians] put upon it [Israel] officers of forced labor *[misim,* on which more in a moment] in order to abuse it in their sufferings. And it built cities of storehouses for Pharaoh: Pitom and Ramses. 12. And as they abused it, so did it multiply and so did it spread forth. And they were sickened by the Children of Israel.

We see starting with the phrase, "And they put upon it…" that this next portion of narrative, until the two verses' very end, uses only pronouns for the Children of Israel and the Egyptians. The very fact that in my translation above it was necessary to gloss the pronouns with the peoples' names in brackets shows just how much the peoples' proper names have dropped out of the narrative, leaving in their wake even fogginess on a plot level let alone alienation on a deeper figurative level. The language's atmosphere is one of dehumanization, signaling that the regime and the society too have become characterized by dehumanization. In this atmosphere, the Children of Israel lose their identity as such, and are simply "it," per Pharaoh's worldview as laid out in his speech; and even the Egyptians lose their identity and are now simply "they" — in this atmosphere no one has any true personal identity anymore; the situation is simply one of some people abusing others, as if nothing more than animals of the species *homo sapiens*. Zornberg connects the dots of this namelessness and the name-rich genealogy that opens the book, writing, "The particular form of inadequacy [here] … has to do with names and anonymity. The names that begin—and entitle—the book are a marker for loss, as the narrative begins to tell of the nameless."[107] The narrative thus deftly uses its prose to evoke an overarching paradigm and atmosphere of dehumanization.

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[107] Zornberg, pp. 21-22.

We then see the noteworthy decision by the narrative to name the cities that the Egyptians order the Children of Israel to build — names that add to the text's teaching about political life, or else a text so terse would not include them; and names whose significance we must recover and consider, because the names had significance to the author(s) and original audience (just as, for a modern analogue, the topography of the Sudetenland is significant to any understanding of the outbreak of World War II). Tigay offers this identification of these cities, worth quoting in full given its wealth of detail:

> "[S]tore cities" of a type that usually served military purposes (1 Kings 9.19 ; 2 Chron. 8.4–6 ; 17.12–13 ; 32.27–28) ... *Pithom* and *Rameses* stood at strategic points guarding the entry to Egypt from the north and northeast. *Pithom*, Egyptian Pir-Atum, "House of (the god) Atum," was probably Tel e-Retabeh or Tel el-Maskhutah in the Wadi Tumilat, the entrance to Egypt from the Sinai Peninsula; both sites have archeological remains from the time of Rameses II. The city of Rameses was Pir-Rameses-Meri-Amon, "House of Rameses, beloved of [the god] Amon," capital of the delta region under the 19th and part of the 20th dynasties (1292–1137 bce). It occupied a very large area that extended over Kantir and Khataana and other nearby sites.[108]

The projects would have thus been "very large" in scope and in burden, in accordance with the size of the area and the massive effort involved in military facilities. Doing such work as part of forced labor would be unusually brutal even by the standards of servitude. As for Pharaoh's choice of the specific projects to which he assigns them, there is a certain irony in these sites' "military" nature and location at the border ("the entry to Egypt"). If Pharaoh is really so suspicious of the Children of Israel, does it not occur to him that putting key military sites literally in their hands might not be the best idea? One can infer that it never occurs to Pharaoh that an ethnic minority could pose a direct threat to someone as mighty as he and a regime as mighty as his (note that even in his concocted scenario, the Children of Israel would join an outside enemy nation, not fight alone). Pharaoh's ideology is the kind whose bigotry against others and arrogance

[108] Tigay, in *The Jewish Study Bible,* p. 192.

about himself are so relentless as to put up blinders that block out the genuine extent to which he is vulnerable, as in the slave rebellion of Herman Melville's *Benito Cereno.* Ultimately, Moses, Aaron, and God through the plagues and the Red Sea will disabuse Pharaoh of these anti-equality illusions.

In the next phrase, "And as they abused it, so did it multiply and so did it spread forth" (verse 12), we find two parallelisms that both portray the Children of Israel's improbable continued population growth as an inverse measure-for-measure blessing to counterbalance their suffering and to make the Egyptians' oppression backfire. Rashi emphasizes the two parallelisms here: firstly, "as they abused it, so did it multiply" within this verse, and secondly, "lest it multiply" in Pharaoh's speech and "so did it multiply" here. Rashi writes on the first parallelism: "In every way that they [the Egyptians] set their hearts on abusing [the Children of Israel], so did the Blessed Holy One set His heart on multiplying and spreading forth [the Children of Israel]."[109] On the second parallelism, Rashi cites a midrashic reading, writing, "Thus said the Holy Spirit: 'You say, *Lest it multiply*, and I say, *So did it multiply*.'"[110] Meanwhile, in the verb "spread forth," *yifrotz,* we see another reference to the Children of Israel's fulfilling the blessings and promise of the Book of Genesis: in this case not the Creation story but God's covenant with Abram, including the key verse that proclaims, "*Ufaratza,"* "And you shall spread forth."[111] The import of this allusion adds to that of before: the very thing that the Egyptians are trying to block Children of Israel from doing — procreation, flourishing, and free life as a people — is not only innocuous but indeed a divine charge.

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[109] Rashi on Exodus 1:12.

[110] Rashi on Exodus 1:12, drawing on Sotah 11a.

[111] Genesis 28:14.

Finally, the Egyptians "were sickened by" the Children of Israel: This rendering is adopted from Zornberg's *The Particulars of Rapture: Reflections on Exodus,*[112] and it attests both to the primal nature of the Egyptians' bigotry and to the way Pharaoh has conditioned the populace to embrace it. The word *va-yakutzu*, "were sickened by," indicates no theoretical objection but disgust; we see it, for example, in the Children of Israel's complaint to Moses at the beginning of the brazen serpent story, "Our throats are sick of *[katzah]* this cursed bread!"[113] Zornberg writes about the use of the word to describe the Egyptians' view of the Children of Israel, "To the Egyptians, there is something repulsive about the silent fecundity of this people."[114] We thus see in this sentence two key principles. First is the specific form of bigotry that is primal disgust of fellow human beings as if they are some kind of disease or animal infestation — on that note, Robert Alter cites Propp for "the ingenious suggestion that the loathing is a response to the reptilian 'swarming' of reproductive activity exhibited by the Israelites."[115] That "swarming," or in my translation "teeming," actually takes place prior to Pharaoh's dialogue, and, as discussed above, its double-meaning as a reptilian fecundity represents Pharaoh's viewing the human beings of the Children of Israel as mere animals. As the narrative thus points back, we see the steps of how leaders who abuse power can condition their populaces to become more and more bigoted: the process began with Pharaoh's own internal bias against the Children of Israel, and his plan to oppress them; the next and pivotal step was Pharaoh's language, through which

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[112] Zornberg, p. 22.

[113] Numbers 21:5.

[114] Zornberg, p. 22.

[115] Alter, *Hebrew Bible,* on Exodus 1:12.

he spread his theories to the people and instructed them to enact his plan; the third step is the executing of that plan in practice, i.e. the Egyptians' doing the concrete actions involved in enslaving the Children of Israel — and only then, lastly, comes the step of the Egyptians feeling disgusted by the Children of Israel. It is hearing bigoted language and taking part in bigoted acts, in other words, that makes ordinary Egyptians feel bigoted — not the other way around (as in the indelible line describing bigotry, "You have to be carefully taught," in Rogers and Hammerstein's *South Pacific*). Yet these verses, and indeed the J writer's entire account of the process of enslaving the Children of Israel, concludes with a final literary feature that bears great import in terms of nomos: the phrase, "…the Children of Israel." Now, at the end of two verses depicting dehumanization with no proper nouns, the climactic conclusion of this verse is this direct restoration of the name and identity of the people being victimized — and therein, a statement by the narrative that the namelessness and dehumanization of this atmosphere is on a profound level remiss, and that this restoration of names and personhood is essential.

We now turn to the P writer's two verses that conclude the pericope:

> 13. And Egypt worked the Children of Israel with crushing force *[be-farech]*. 14. And they embittered their lives in hard labor: in mortar, and in bricks, and in all labor of the field — all their labor in which they worked them with crushing force.

At first glance these verses might sound like they simply paraphrase the prior two verses from J about forced labor and suffering, and adding the P verses might sound like merely adding more details to elaborate the picture, or even just repeating the account in a different source's phrasing. In fact the later verses differ significantly from the prior verses, and source criticism helps us understand precisely how the redactor through synthesizing the sources offers not one static account of slavery but a timeline of

progressively deepening oppression. To see how this is the case, let us begin by focusing in on a particular word from the J verses above. In these verses, Egypt is imposing on the Children of Israel *misim,* in Biblical Hebrew meaning forced labor, gang labor, or corvée labor (the word is familiar to modern Hebrew speakers as the word for "taxes," with both meanings' referring to forms of payment to the state). In the P verses, by contrast, the parallel term to *misim,* describing how Egypt is forcing Israel to work, is *be-farech,* "with crushing force," referring, as we shall see, to absolute chattel slavery. *Misim* or in the singular *mas* presents a steep, straining burden yet was also a frequent and unsurprising practice in the region during the story's overall historical era. Consider other Biblical evidence: In 1 Kings, King Solomon has a standing officer over corvée labor ("*al ha-mas*") as part of his cabinet along with his head of the army, his scribes, and his priests, suggesting that corvée labor was a standard part of life, not unlike army service.[116] In the next chapter King Solomon raises a corvée corps (again, "*mas*") of Israelites, i.e. his own people, of 30,000 men, as part of the national project of building the Temple, portraying corvée labor as sufficiently benign that a leader would do it to one's own people, at least for a major public works project.[117] In Deuteronomy's law of war, corvée labor is the fate of a city that surrenders in peace facing a potential Israelite assault, suggesting a fate that, though by no means desirable, is survivable, and in fact precisely the better and survivable outcome by contrast with destruction if one's side goes to war and loses.[118] And in the denouement of the Book of Esther, Ahasuerus places a *mas* "upon the land and the coastlands of the sea"; the passage's "return to normalcy"

[116] 1 Kings 4:1-6.

[117] 1 Kings 5:27-28; the standing corvée officer named in the prior cabinet roster supervises this corps.

[118] Deuteronomy 20:10-14.

atmosphere shows us as readers that the practice of corvée labor was considered precisely part of normal life in this way.[119] Robert Alter accordingly glosses the verse, "In the ancient Near East, conscripting subjects for service in corveés was a common form of taxation … [here] perhaps introduced to indicate that after the violent upheavals caused by Haman's nefarious plot, Ahasuerus imposed order on his realm and took steps to ensure its economic stability."[120] So the Children of Israel in Egypt initially would have thought that they were entering a new program by the new pharaoh that would be difficult, and that is being imposed on their people but not the ethnic Egyptians, but that is in no way out of the ordinary and is securely survivable.

What the Children of Israel do not know — at first, even within J's account, and then much more darkly in P's account — is that Egypt is putting them into corvée labor not for the sake of a public works project or an economic plan, but "in order *[l'ma'an]* to abuse it in their sufferings," purely for the sake and the outright purpose of inflicting abuse on the Children of Israel. The verse describes what the Children of Israel are building merely as an additional detail stated to round out the plot, as an afterthought ("And it built cities of storehouses…"), flipping the model of a public works project; in Pharaoh's program it does not matter what it is the Children of Israel are building as long as they are suffering. We thus see in the J verses' use of *misim* the following elements: a difficult but comparatively non-malignant labor program, by all outward appearances; and intentions behind the program of doing it for the purpose of making

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[119] Esther 10:1.

[120] Alter, *Hebrew Bible,* on Esther 10:1. Note that this observation about the normalcy of *mas* labor arises from the Book of Esther's writer(s)' expecting that this plot point will register well with readers (regardless of the historicity or lack thereof of the Book of Esther).

this group in the society suffer, including doing it to only this group, and its being irrelevant what exactly they are building.

The P verses present a much more damaging program in the word *be-farech* rather than *misim,* recounting not a story of corvée labor, even corvée labor as done to only the singled-out Children of Israel and even as done for the purpose of inflicting suffering, but rather, a story of total chattel slavery. The redactor(s), with their own genius in how they assembled the pieces they inherited to create a masterful whole, juxtapose the J verses with the P verses, juxtapose the difficult yet comparatively benign with the absolutely malignant, and thus portray Egypt's oppression of Israel as taking no one form alone but changing over time and escalating from the former to the latter darker state. In doing so, the redactor(s) take the element already present in the J verses that Egypt has created a situation in which the Children of Israel cannot tell that anything is amiss but in fact the very purpose of the program is to abuse the Children of Israel, and the redactor(s) dramatically amplify this element by assembling a narrative in which in the oppression's change over time, Egypt begins with a program in which the Children of Israel cannot tell that anything is amiss, and Egypt then worsens the oppression, to the point that, by the time the Children of Israel can indeed tell that something is happening that is not part of normal life at all, it is too late for them to do anything to stop the turn of events and indeed what is now the new status quo. Ramban, though without source criticism, highlights this use of escalation rather than mere elaboration in the narrative: "Pharaoh said he would do it wisely so that the Israelites would not feel that it was done in enmity against them. It is for this reason that he placed a levy *[mas]* upon them, as it was customary that strangers in a country contribute a levy to the king, as it is mentioned in the case of King Solomon. *[II*

Chronicles 2:16-17] Afterwards he secretly commanded the midwives to kill the male children…"[121] Tigay on this same basis of distinction draws a contrast between the prior two J verses, with their description of *misim,* and P's account:

> Pharaoh's attempts to check the Israelites' proliferation unfold in four stages, increasingly more oppressive: subjection to corvée (forced or draft) labor (vv. 11–12), slavery (vv. 13–14), a secret attempt to murder newborn boys (vv. 15–21), and a public attempt to do the same (v. 22). The presentation of these as four successive, intensifying stages is the work of the redactor who drew them from the earlier sources J (corvée), P (slavery), and perhaps E (one or both attempts at infanticide).[122]

Tigay notes that these verses' key word *be-farech,* translated here as "with crushing force," reappears as a key term for absolute slavery in Leviticus 25:39–46, a Priestly source.[123] The final redacted text's depiction has the effect of showing panoramically the way that Pharaoh's abuse of power entails not just one or more discrete actions but affects the Children of Israel across the scope of their lives, as far as the high stakes of life and death itself. The redacted text's account also portrays a leader whose bigotry and program of oppression is not only unethical in the extreme but obsessive, escalating further and further to combat the Children of Israel's enduring existence and continuing procreation.

We see this effect not only in the overall presentation of P's verses, and not only in the way *be-farech* reappears elsewhere in the Torah, but in the very word itself. My translation, "with crushing force," is inspired by Robert Alter, whose rendering is, "at crushing labor" (my translation removes the addition of "labor"): Alter writes, "The Hebrew is an adverbial form derived from a root that means 'to break into pieces,' 'to

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[121] Ramban on Exodus 1:10, Sefaria translation.

[122] Tigay, in *The Jewish Study Bible,* p. 192.

[123] *Id*.

pulverize.'"[124] Rashi comments on precisely this aspect of the word, glossing "*be-farech*" as "with hard labor that crushes *[ha-mefarechet]* the body and breaks it."[125] This meaning of the word signals, on the one hand, how much Pharaoh's program is breaking the Children of Israel, in their physical bodies and even in their minds, as we see later in the Wilderness narratives as the generation that grew up in slavery struggles to free itself of this conditioned state of mind (e.g. "We were in our own eyes as grasshoppers," as noted above by contrast with Amalek's brutal yet swiftly coming, swiftly vanquished attack).

Here, too, the Exodus narrative is shining a light on Pharaoh's use of obfuscation as opposed to candor: in this case not through literal verbal language, but through presentation; and in this case not with the Egyptians, to convince them that his plan is not all that bad, but with the Children of Israel, to convince them, indeed to trick them, to do what he wants them to do. Pharaoh presents his program to the Children of Israel as normal corvée labor, a kind of euphemism in the medium of policy, when in fact his goal from the beginning is to abuse the Children of Israel, and as the program progresses he does so more and more. This progression also entails a kind of euphemism in the medium of time, i.e. deceitfully gradual, incremental worsening of harm, with Pharaoh launching a program that initially appears one way but is designed from the beginning to become much darker and more harmful. Pharaoh's use of this tool invites the reader to infer that there is a reason why Pharaoh uses the tool of obfuscation. A likely inference is that if Pharaoh ordered his subordinates to abruptly start trying to enslave the Children of Israel in an instant, total, highly-apparent switch,

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[124] Alter, *Hebrew Bible,* on Exodus 1:13.

[125] Rashi on Exodus 1:13.

or if Pharaoh frontally announced to the Children of Israel, "We will now begin working you *be-farech,*" the Children of Israel would know what was happening, object to it, and rise up to fight and stop it. By contrast, by concealing the ultimate policy and its actual intended effects, Pharaoh is able to lead the Children of Israel into refraining from rising up while they have the chance and carrying out the steps of his plan. The strategy is trickery as the gateway into oppression; a midrash in Numbers Rabbah describes this strategy by reinterpreting "*be-farech"* as "*be-feh rach,*" "with gentle language" (literally, "with soft mouth").[126] By the time Pharaoh is inflicting the full horror against which they would have rebelled they now no longer could succeed in a rebellion — whether because by that time Egypt would be so militarized with overseers and officers of enslavement as to make rebelling impossible, or because the Children of Israel would be so physically and psychologically broken as to be unable to rebel anymore, or both. This process dramatically eases Pharaoh's own practical administrative process of enslaving the Children of Israel and making that much more secure the survival of his policy and his regime. The text's teaching here is again fundamental and trans-contextual in what it lays bare about human politics and what actions a leader has the power to carry out, with what effects and success, and with what status as right or wrong. (Much later in Jewish history, Nazi Germany would similarly create conditions in which in any initial set of circumstances, Jews seemed to have more to lose by rebelling and more to gain by following the rules, and by the time death was the certain fate, it was too late to be able

[126] Numbers Rabbah 15:20; the midrash envisions an entire step-by-step narrative of how Pharaoh might have achieved this feat.

to rebel.[127]) Again, the Exodus narrative is portraying and indeed further heightening its portrait of the significance of obfuscation as a tool of politics: its powerful effectiveness, and its unspeakably grievous harm.

This same word *be-farech*, while epitomizing the Children of Israel's own experience of being crushed and Pharaoh's escalating his obfuscated project, meanwhile sends to the reader a signal of candid truth as clear as a lighthouse beam. The text brings this image, and its emotion, of the Children of Israel's utterly horrific suffering into the narrative and straight to the reader's consciousness. The word thus bears not only literary but political significance. Whereas Pharaoh's language uses euphemism to conceal the Children of Israel's genuine suffering ("Come, let us be wise with it"), the narrative uses language in the opposite way: to restore to the discourse of the situation the reality of the suffering that one group of people is inflicting on another — thus underscoring the importance of using language in this way and not Pharaoh's.

The second of P's verses here, "And they embittered their lives in hard labor: in mortar, and in bricks, and in all labor of the field — all their labor in which they worked them with crushing force" (verse 15), continues on the previous verse's opposing Pharaoh's euphemisms with depiction of reality. First, the phrase, "And they embittered their lives" achieves the effect of both describing a whole condition quickly and frontally yet doing so through a concrete image in show-don't-tell fashion to let the reader come to experience the emotion themselves. Second, the verse gives us a visual scene-by-scene experience of the Children of Israel's suffering as slaves ("in mortar, and in bricks, and

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[127] *See, e.g.,* Thomas Buergenthal, *A Lucky Child: A Memoir of Surviving Auschwitz as a Young Boy,* 2007, chapter 4, "Auschwitz." This point of the history is contrary to the canard of the Jews' having gone "like lambs to the slaughter" (there being no justification in any case to blame a victim even they did go "like lambs to the slaughter").

in all labor of the field"). Finally, the verse concludes with a catch-all phrase ("all their labor…") to leave the reader with a crystallized knowledge of the reality, concluding again with the vivid "*be-farech,*" "with crushing force."

What we see in these verses is the Torah narrative itself reversing for the readers the world Pharaoh has constructed through his attempt to own in the absolute power, people, and language. What he portrays through euphemism, we the readers see as pain and oppression; what he portrays as Egypt the victim's defensive plan against the aggressive, domination-seeking Children of Israel, we the readers see as in reality precisely the opposite. In these ways, the Torah narrative builds on its establishment of Pharaoh's abuses of power, and its establishment of the wrongfulness of Pharaoh's actions, by launching through its very language a reversal of them. These reversals add to the narrative's nomos by showing not only the wrongfulness but the ultimate falseness of Pharaoh's abuse of power by seeking to outright own power, people, and language. If it is possible to write a narrative that depicts the truth and not Pharaoh's constructs, as the Torah does, then clearly Pharaoh does not own *all* of language. If it is possible to feel the pain of people suffering and acknowledge their treatment as wrong, as the reader does when reading this account of the enslavement of the Children of Israel, then clearly it is not *truly* possible to own people: at most, it is possible to steal them, just as one who steals a car may physically possess it but does not actually by rights own the car. If a source of authority exists outside of Pharaoh by which to articulate all of the above, then clearly Pharaoh does not own all of power. And the fact that the Torah does so through language exemplifies again the Torah's conception of language as a tool of profound, indeed near-divine power to create and destroy — this

time being used for the purpose of beginning to reverse destruction, and defending creation.

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The way that Pharaoh's specific forms of abuse of power spark these implications about how to respond to them — that is, with each corresponding opposite of each abuse, e.g. candor in place of euphemism, empathy for those suffering in place of falsely painting them as mere animals, enemies, and traitors — becomes a central pillar of the rest of the Exodus narrative. While this analysis devotes its primary space to examining the nature of Pharaoh's abuses of power, it is appropriate to conclude a discussion of these specific abuses by showing how they continue on as through-lines in the rest of narrative to come through the narrative's specific emphasis on reversing them. We saw these reversals first begin to germinate in the frank and empathetic quality of the Torah's prose. As these reversals grow into the plot of the narrative, they further emphasize Pharaoh's wrongs — the choice of cure is indicative of what the disease is — and further and further show what must be done about these wrongs: having seen the disease, we now see its corresponding opposite in its cure.

We see this reversal of Pharaoh's attempt to own in the absolute power, people, and language start to rise immediately after the material that centers around Moses personally and his coming of age when the broader enslavement narrative resumes. The Moses material both is essential in its own right and creates a buffer between passages of the broader narrative, so that by the time we return to it we return to it anew and prepared for a new part of the story and a new perspective on its events. In this material,

coming just after Moses marries Zipporah and the couple give birth to Gershom, the initial pharaoh who enslaved the Children of Israel dies, and the Children of Israel cry out in anguish from their enslavement.[128] This juxtaposition, within a single split-screen scene and even a single verse, suggests that the monarch's death has the effect of promulgating in the public square an ultimate symbol of the fact that no human being can own all of power, and the classic ultimate equalizer among all people. It reminds the Children of Israel themselves that it is possible to object to a false, wrongful status quo and societal sense of reality, such that one even *can* cry out — and that it is possible to change these things, such that it is not in vain to cry out.

The pithy, powerful section concludes with a cryptic, evocative verse, literally saying, "And God saw the Children of Israel, and God knew."[129] One might ask the question: knew what? The lack of any direct object for the verb "to know" — the Hebrew says quite straightforwardly, "*va-yeda Elohim,*" "and God knew" — creates a mystery, and the mystery itself turns out to be a way of answering the question: God knows not just one thing but the entire truth about what is happening in Egypt's enslavement of the Children of Israel, including each reality behind Pharaoh's use of euphemism, each truth about the Children of Israel's peacefulness, loyalty, and humanity over against Pharaoh's painting them as enemies and traitors, and each detail of the suffering of their slavery and the wrongfulness of Egypt's enslaving them. To limit this sense of God's knowing with a single direct object would be to mistakenly confine its scope. It would also take away from the verse's gripping literary power, leaving a gap and leaving the reader to yearn to imagine what would fill it, thus deepening the emotional resonance of

[128] Exodus 2:23.

[129] Exodus 2:25.

God's knowing for the reader. As we have seen before, alterations of this literal Hebrew in translations that seek to "fix" the "problem" — "and God had respect unto them," in the King James Version; "and God took notice of them," in the New Jewish Publication Society translation — emphasize precisely what is distinctive and worthy of examination in the original Hebrew and what makes it significant.

More powerfully still, the verse portrays, beyond any one fact that can be known, God as the ultimate universal knower. God is the fundamental entity of acknowledgement of facts and reality at the core of existence, unalterable by any human leader, even the most powerful monarch. In God's fundamental acknowledgement, all facts are known, all pain is known, all wrongs are taken account of, and they must be stopped and healed as fully as is possible.[130] Inherent in this message is that there is such a thing as reality and facts, including the facts of people's suffering and the facts of a political system's abusing its power to inflict that suffering on people. Though a leader may attempt to artificially conceal or misrepresent that reality, beyond any one human leader and his language there is an ultimate, underlying presence that knows of this reality. Inherent in this message, too, is that there is such a thing as ethics, with God as the fundamental touchstone and guarantor of them. What is and is not ethical and how human beings might discern it may in some cases be matters of argument, but an actual argument is different than a leader's say-so without grounds, distorted language, and raw power. Enslavement, in any case, is not such a matter of debate but is a pure wrong, and that wrongfulness testifies to the fact that there is such a thing as wrongful infliction of harm through power.

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[130] Cf. "God is a concept / by which we measure our pain" (John Lennon, "God," on Lennon, *John Lennon/Plastic Ono Band,* 1970).

Precisely this sense of God as the fundamental acknowledger rises in prominence and force to underpin the revelation at the Burning Bush. God says to Moses: "I have seen, seen, the abuse of My people that is in Egypt, and their outcry I have heard from before its taskmasters, for I have known its pain."[131] Where God was the ultimate knower before, now God is the ultimate acknowledger threefold: seer, hearer, and knower — the ultimate witness. God represents threefold-emphasized testimony of everything that Pharaoh has attempted to conceal and misrepresent and all the wrongs he has done.

We see this same clash, between human attempts to abuse power and to construct a false reality around it and God's representation of reality and its fundamental facts and ethics, when Moses and Aaron first confront the new pharaoh with their call, "Thus said YHVH, the God of Israel: Send off My people,"[132] and Pharaoh responds by saying, "Who is YHVH / that I should heed his voice / and send off Israel? // I do not know YHVH // nor Israel will I send off."[133] Of all the ways Pharaoh could respond — from simply ordering Moses and Aaron out of the palace to leading with calling them "idlers" for asking for freedom (as Pharaoh will only later do) to calling YHVH an enemy of Egypt or a demon — it is telling that Pharaoh's first response is denial of knowledge. The new pharaoh here echoes his predecessor, whose entire project of enslaving the Children of Israel began with willfully denying that he "knew" of Joseph. Like his predecessor, this pharaoh denies the existence of any reality other than

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[131] Exodus 3:7.

[132] Exodus 5:1 ("Send off," Robert Alter's rendering of *shalach,* "send," and borrowed for this translation, is the literal phrasing, despite the ages of fame of and love for "Let My people go"!).

[133] Exodus 5:2.

the one he constructs through his power and his language. He blocks out not only the pain of the Children of Israel but the existence of any god beyond himself and the justice of that God. God, as the ultimate "knower," is the polar opposite of these pharaohs. Moses and Aaron insist on precisely the reality of this God and the realities of which God is the ultimate acknowledger and guarantor. The frank and direct qualities with which they do, as if they were simply stating that the sky is blue, imply a sense that the fundamental truths of which God is the guarantor — in this case, the legitimacy of an enslaved people's demand to be free — are true in and of themselves and speak for themselves by dint of God's guaranteeing them. The truths are, as much later the American Founding Generation would phrase it, "self-evident." The narrative's ensuing struggle, through the plagues and to the Red Sea, is among other things an endeavor to testify to the truth of all of these things, a struggle between Pharaoh's endeavor to willfully not "know" and to leave Pharaoh with no choice but to "know" them.

Finally, the plagues represent the principle of the mission of making these truths known by not only Pharaoh, but the entire ethnic Egyptian populace (whether one would literally support these literal measures is ultimately a separate question). As discussed above, the entire Egyptian power structure and population is a part of how the program of Egypt's enslaving the Children of Israel takes place, whether through initiating it or implementing it, whether through actively agreeing with it or passively allowing it to happen or holding back from objection out of fear, with Pharaoh's constructed reality the unchallenged pervasive culture of the land. The plagues, in turn, systematically undo this paradigm. They create facts that one cannot ignore. They take the pain the Egyptians have been inflicting on the Children of Israel and make Egyptians feel this pain; in doing so, they direct the pain the Egyptians are inflicting back onto

Egypt, and restore the experience of the pain to the source of the pain, in Saul Alinsky fashion. Note, in particular, the measure-for-measure nature of the first plague, turning the Nile to blood to match the blood of beaten and dead Children of Israel and to hit Egypt at its most vital source of power, and the terrible, extreme measure-for-measure nature of the last plague, killing the firstborn of the nation who tried to kill the firstborn of another. The plagues thus burst through the constructs of language — the impressions that certain people are treacherous or demonic, and that their supposed suffering is not real — with facts that one cannot ignore.

In this struggle between the willful not-knowing of Pharaoh and the ultimate knowing of God, one of the most piquant phenomena we see is those who switch sides: that is, the fact that there are people in the Egyptian power structure who stop ignoring these truths and start to acknowledge them, even if only for Egypt's own self-interest. We see the first such instance after the third plague: "And the magicians said to Pharaoh, 'The finger of God *[Elohim]* is this'": the first acknowledgement by Egyptian officials that the plagues are being done by a genuine deity, and, by implication, rightly so.[134] We see the second, even more vivid example after Moses threatens the seventh plague: "And the servants [i.e. courtiers] of Pharaoh said to him, 'How long will this one [Moses] be a snare to us? Send off the people that they may serve YHVH their God! Do you still not know that Egypt is lost?" — the first acknowledgement, now by political Egyptian officials, of YHVH by name as a genuine deity, and of the fact that sending off the people is the right decision, combined with a pungent use of the word "know," playing on Pharaoh's earlier haughty "I do not know."[135] These moments emphasize the

[134] Exodus 8:15.

[135] Exodus 10:7.

plagues as a force of restoring reality and justice to the conscious “know[ledge]” of Egypt. They attest to the fact that, even amid a program of oppression, it is possible to come to a new awareness about it and seek to stop it, including through stating explicitly and at long last those facts and bedrock ethics long denied. And these moments in the narrative show that, even at such a late moment, there is a difference between those who so acknowledge and call for changing course and those who continue to insist on willfully “not knowing.” Thus, as the Exodus story begins with language’s power to incite, to conceal, to launch an entire system of oppression, the story reaches its climax through the power of language to restore facts and “self-evident” ethics to the public discourse, and thus to literally bring about liberation.

Chapter Three:
Korah and Moses

The figure of Korah in Numbers 16 is the Torah's paradigmatic leader who claims to represent the entire people and seeks power on this basis as a challenger outside the system, joining with allies to rebel against Moses and Aaron. Korah epitomizes the form of power of populism: in his case, not a form of rule, since he does not ultimately prevail, but a form of movement in pursuit of power, and a form of attempt to rally people to one's side and gain power thereby. In this analysis of the Korah narrative, though acknowledging that there is another reading of it, the Torah's text is best understood as conveying to the reader that Korah and his band are in fact seeking power for their own raw personal gain, in the form of replacing Moses and Aaron in the top jobs of the power structure. We see this portrayal beginning in the first verse of the chapter, such that by the time the text introduces Korah's speech, which the narrative prominently emphasizes similarly to how it emphasizes Pharaoh's speech, we can see through Korah's rhetoric as a front, as self-serving. The narrative reveals the way Korah and his allies' actual goal is to own power and the system of governance of the nation as "facts," as opposed to "tasks" in the Buber-Wolf sense: not just some power as comes with a given office, but control over the system itself. To do so, they make the choice to treat language, too, as a "fact" that they can mold to their will, phrasing their speech for the purpose of getting what they want rather than saying what they genuinely mean and what is actually true. Korah and his allies are willing as well to treat other people as "facts" to get what he wants: in Korah's case, this position entails willingness to harm other people simply for the sake of getting what he wants, as if they were objects and not

people: as It and not as Thou to continue the Buberian terms.[136] Significantly, in his populist appeal, Korah's rhetorical thrust, openly on its face, is precisely that holiness itself is a "fact" that can be owned outright and all the people already own it; he proceeds by treating everything else in the societal system — power, people, and language — as facts that he can own, and he moves forward in seeking to do so, at all costs to all others. In doing so, Korah exhibits the form of power of populism but exploits populism's rhetoric and avowed goals of serving all, and its stance of the outside challenger who seeks to serve all, for his own sheer self-gain, in the form of possessing as "facts" power, people, and language. Korah exhibits but abuses the form of populism: that is, he practices demagoguery. The Torah, through this presentation of abuse of populism, presents populism as a form of using or seeking power about which it is profoundly skeptical, and in adding this form of power to the Torah's gallery of forms of power about which it bears skepticism, the Torah augments its skepticism of human power on the whole.

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Before analysis of the content of the Korah story, a note regarding source criticism is in order, as the Korah story, like many Biblical stories but to an unusually striking degree of discontinuity and apparentness, blends multiple originally-disparate accounts into one. It is also true, again like many Biblical stories but to an unusual degree of compelling narrative and ethical power, that the Korah story exemplifies the

[136] Martin Buber, *I and Thou,* 1923 (1st edition in German; first English edition 1937, new English translation by Walter Kaufmann 1972).

tendency of Biblical writers and editors to use collage as a technique, even a genre, to unite similar sources to offer one account of a given story and one teaching on a given topic that combines multiple elements into one whole. Let us begin with the breakdown of the originally-disparate sources, and then turn to the way the synthesis offers a united whole with a multifaceted yet coherent teaching. The text contains two main strata, J-E and P, united in one text through "a pattern of linkage whereby priestly compilers or editors enmeshed JE and P, using well-placed interpolations in the process ... what some have called 'braiding,'" in editor Baruch A. Levine's description in the *Anchor Bible* volume on Numbers.[137] Levine breaks down the final text into the following set of original sources: "JE—Num 16:1-2 (rewritten by P), 12-15, 25-34 (with several priestly insertions)," and "P—Num 16:3-11, 16-24, 35, and chap. 17."[138] (On that note, chapter 17's ordeal of the sprouting rods, which exclusively concerns priestly rather than political power, is not examined in this analysis.)

The different sources, furthermore, take up different concerns. Levine offers a compact yet comprehensive breakdown of these concerns that is worth quoting at length:

> In JE's version the issue is the leadership and authority of Moses ... Moses claims that God has commissioned him to lead the Israelites and that in opposing him the insurgents were virtually rejecting God. He insists on the fairness of his leadership ...
>
> The various priestly materials incorporated in Numbers 16 and 17 transform the challenge to Moses' authority, which had been instigated by several Reubenites, into a protest by another levitical family against the exclusive right of Aaron's family to the Israelite priesthood ...

[137] Levine, *Anchor Bible,* pp. 405-06.

[138] Levine, *Anchor Bible,* p. 405.

> The lines of textual demarcation between JE and P in Numbers 16-17 are quite distinct, despite their linkage. JE never mentions Aaron, for instance, nor does it contain any references to the Levites as such. The only overlap pertains to the names of Korah, Dathan, and Abiram (cf. Num 16:1, 24, 27, 32) ... [but] the names of Dathan and Abiram were inserted into priestly passages, and that of Korah into JE, as part of the enmeshing process ...[139]

Robert Alter notes these further differences between the sources:

> As the two stories twine around each other, it emerges that there are two different places of confrontation—for Korah and his people, the sanctuary ("before the LORD"), where the trial of the fire-pans occurs; and for Dathan and Abiram and their followers, the entrance to their tents. And there are also two different modes of destruction—a consuming fire engulfs the Levites while the Reubenites are swallowed up by the earth.[140]

What does the final redacted text achieve by uniting these two sources into one? It takes two texts that deal with demagoguery and rebellion, involving different branches of power yet analogous, and blends them into one story that offers a powerful united comment on demagoguery and rebellion in public life, one whole text that is more than the sum of its parts. Firstly, the story shines a light on demagoguery not as a matter of one literal story and its setting to the exclusion of all other contexts, but rather, as an underlying phenomenon that can take multiple forms and can arise in any given setting in which leadership takes place; no context is inherently immune to it. Secondly, the doubled narrative emphasizes demagoguery not as something that happened in just one instance or one discrete set of instances, but as a recurring phenomenon across time in human life. The phenomenon, the united narrative suggests, really does happen, it

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[139] Levine, *Anchor Bible,* pp. 405-06.

[140] Alter, *Hebrew Bible,* on Numbers 16:1.

happens more often than one may think, it is more likely than one may think, and it cannot be underestimated as a negligible risk. By grouping these two examples of demagoguery together, the redacted text speaks to the underlying phenomenon itself.

When the stories have common features, the unified text emphasizes these as core features of demagoguery — features that are shared across instances and settings of demagoguery as an underlying phenomenon, that are telltale signs of it, and that are among its most central, potent, and destructive features. For example, both Korah and the Dathan-Abiram band are introduced to the reader with descriptions of their high-pedigree ancestry, in a way that indicates that this rebellion is one by the semi-powerful to get more power for themselves, as will be discussed in detail below. The two accounts of high-status descent are so similar, or at least were easy enough for the redactor(s) to make similar, that they intertwine naturally. Later in the story as we will see these figures make starkly different, populist spoken appeals — indicating that their rhetoric is a façade over their true self-serving purposes. By doubling this element in the story, the redacted text emphasizes the power and the danger of this feature of demagoguery and its identity as a telltale sign of demagoguery.

Furthermore, by combining these two accounts, the redacted text takes the distinctive features and topics of each and applies them to each other, creating not only a single narrative and teaching but an account that is deeper and richer beyond a mere addition of two stories rather than one. Levine writes, in chronological terms, that "[t]he various priestly materials incorporated in Numbers 16 and 17 transform the challenge to Moses' [political] authority ... into a protest by another levitical family against the

exclusive right of Aaron's family to the Israelite priesthood,"[141] but from the perspective of the final redacted text one could just as much say the reverse — the blending of the stories takes the original Korah strand, pertaining only to religious power, and applies it to a struggle for political power. Among the most significant consequences of this blending is that Korah's masterful, artfully-crafted demagogic pitch, originally from a purely-priestly story, becomes a piece of political demagoguery as well. If not for the combination, the political story's "grievances" would merely "pertain to the perils of the wilderness and to the delays in arriving at the Promised Land ... like any of several other challenges to Moses' authority recounted in Exodus, Numbers, and Deuteronomy."[142] It is Korah's demagogic pitch, by all appearances on behalf of "the whole entire community" and concealing self-serving motives, that makes this story most distinctive and significant, and it is the union of the disparate sources that makes this demagogic pitch political as well and not priestly alone. It should come as no surprise that the gritty realism of how human power politics work is evidenced in the Korah story even though it was originally about religious power, because it was written precisely by priestly writers, for whom questions of who did and did not get priestly power were professional and national business of the first order; they render the story with depth and drama accordingly. In doing so, they offer not only a teaching that is well-matched to the political context of the Dathan-Abiram story, but that ultimately speaks, as the Dathan-Abiram story does as well, to the underlying phenomenon of demagoguery in human power politics, regardless of the genre of office that is being contested.

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[141] Levine, *Anchor Bible,* pp. 405-06.

[142] Levine, *Anchor Bible,* pp. 405-06.

The original Dathan and Abiram strand, meanwhile, supplies a number of crucial elements as well. These include the public setting of a large crowd — the listing of large numbers of people is in verses 1 and 2, from the Dathan and Abiram source — which entails a much greater challenge to Moses and Aaron in the final redacted text than a small group would have done, as we will see. The story's signature conclusion in which the mouth of the earth swallows up the rebels, with the scene's cinematic drama and powerful symbolism vividly conveying to the audience what is at stake, also comes originally from the Dathan and Abiram story, and potently magnifies the final package. The dialogue of each main actor also emphasizes a different problematic kind of speech, as we will see as well. In all these ways, the final redacted text of the Korah story that enters the final redacted Torah is a powerful literary and political narrative in its own right, a composite whole yet a whole nonetheless, and not only merits being understood as such but has a great deal to teach us if we read it as such. (Accordingly, the analysis below will treat the final redacted text as a literary unit, except where specifically commenting on the disparate original sources and redaction process.)

What are we to make of a narrative whose plot and characters together present a potent ethical teaching and a rich emotional experience even as the seam lines of the original sources are readily apparent? Robert Alter offers an answer in his introduction to Genesis, worth quoting in near-full as a direct case for the coherence and power of this genre of writing and experience of reading:

> [T]he edited version of Genesis—the so-called redacted text—which has come down to us, though not without certain limited contradictions and disparate elements, has powerful coherence as a literary work, and ... this coherence is above all what we need to address as readers. One need not claim that Genesis is a unitary artwork, like, say, a novel by Henry James, in order to grant it integrity as a book. There are other instances

> of works of art that evolve over the centuries, like the cathedrals of medieval Europe, and are the product of many hands, involving an elaborate process of editing, like some of the greatest Hollywood films … [And] the redactors had a strong and often subtle sense of thematic and narrative purposefulness in the way they wove together the inherited literary strands …
>
> It is quite apparent that a concept of composite artistry, of literary composition through a collage of textual materials, was generally assumed to be normal procedure in ancient Israelite culture.[143]

For all the reasons discussed above, the Korah and Dathan-Abiram joint narrative is thus best understood as such a case of a deliberate "collage" constructed through "composite artistry" into a single text whose effect on and teaching for the reader or listener is united, even if its original fault lines show. Alter's theory of Genesis gives us an ideal map to this reading experience (though ironically Alter himself does not see the Korah story in particular as a sufficiently unified final text).[144] Per Alter on Genesis, we begin with the insight that the technique of collage, again up to and including contradictions, apparently did not bother original Israelite audiences. This idea rests on

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[143] Alter, *Hebrew Bible,* in "Genesis," at "Introduction."

[144] Alter writes: "This is a rare instance in which the editorial orchestration of literary sources, instead of producing polyphonic complexity, generates repeated dissonance … Perhaps this odd weaving together of the two rebellions was intended to suggest that political and sacerdotal power are inseparable (an idea that might have appealed to Priestly editors), but from a modern perspective it makes peculiar reading" (Alter, *Hebrew Bible,* on Numbers 16:1).

Note that Alter's objection to the final redacted narrative as a literary unit is on aesthetic grounds: "dissonance," "odd," "peculiar." However, the substance of each story does indeed speak to the other, not because these two different forms of power, political and religious, should be inseparable, but because these two stories about one topic, demagoguery, are connected by their both depicting instances of the same underlying phenomenon. At least in the view of this analysis, it is the two source documents' shared depiction of this intense and disturbing political phenomenon that makes the final redacted text, both in its ethical and political teaching and its emotional reading experience, powerful and meaningful.

the even more fundamental point that it is not that the original audiences were not smart and could not tell there were disparate sources and contradictions in what they were hearing; rather, from the very fact that they told stories in this way, we can detect that they found this method of telling stories meaningful and embraced it as a genre, with its terms and its pros and cons as any genre has. As ancient as this genre is, its sense of unity amid disunity could be described as to some degree proto-postmodern; consider for comparison Kurt Vonnegut's description in *Slaughterhouse-Five* of storytelling via disconnected episodes: "There isn't any particular relationship between all the messages, except that the author has chosen them carefully, so that, when seen all at once, they produce an image of life that is beautiful and surprising and deep."[145] With this foundation set, we must derive that for those who redacted the final text and those who heard and read it, the unified Korah and Dathan-Abiram story was meaningful, illuminating, and, simply put, worth listening to and reading. The apparent disunities can be jarring, yet it seems that this drawback of the genre was one that the ancient audiences were willing to accept to gain the advantages of telling the story this way. The significant question for us to ask, then, is: What significance did they find in this story? The unified story's insights on demagoguery provide far more than ample significance to find in one compact text, and attest to why this story mattered to them and why it should matter to us.

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[145] Kurt Vonnegut, *Slaughterhouse-Five,* 1969, Kindle Edition, p. 67.

The opening verse of Numbers 16 begins the Korah narrative with a piquant choice in how it first describes these characters, how it frames for us as the audience who these characters are, and what the narrative is saying thereby about the nature of this apparently-populist movement. The verse begins laying the groundwork for ultimately showing us a movement that uses populist rhetoric in order to conceal, and indeed to advance, its purposes of seeking power for raw self-interest's sake. The narrative does so by beginning with these figures' high-born lineage: "And Korah son of Izhar son of Kohath son of Levi took up,[146] and with him Dathan and Abiram sons of Eliab, and On son of Peleth, sons of Reuben…" (verse 1). Korah's line goes back to Levi, the progenitor of priestly power. Dathan and Abiram's line goes back to Reuben, who was the firstborn and thus by convention would have been the progenitor of political power.[147] No text emphasizes that convention's strength in this era and region more than the Torah, with Genesis' intense narratives in which firstborns are supposed to inherit the right of primogeniture but are passed over in favor of a younger child[148] — including Reuben himself, whom Jacob explicitly passes over in favor of the fourth-born, Judah.[149] This stage of the Biblical narrative shares in this rejection of primogeniture in that Moses too does not descend from Reuben; Moses descends from

[146] The rendering "took up" is adopted here from Robert Alter's *The Hebrew Bible: A Translation with Commentary* (2018), where he gives the following explanation for it: "The function of the verb is nevertheless not entirely clear: the verb 'to take' is transitive and should have a direct object but none appears in this sentence … This translation replicates the ambiguity of the Hebrew" (Robert Alter, *Hebrew Bible,* on Numbers 16:1).

[147] Robert Alter, *Hebrew Bible,* on Numbers 16:1.

[148] See, e.g., the emphasis specifically on worldly power and preeminence in Isaac's blessing for the firstborn, intended for Esau and via the famous bait-and-switch given to Jacob (Genesis 27:28-29).

[149] Genesis 49:10.

the second-born Levi,[150] and Moses' authority comes not from primogeniture but from God's designating him for leadership and from the people's trust in him when he brings their liberation.[151]

The Korah narrative, by choosing the detail of high-born lineage to tell us about these characters first and foremost, is shining a light on this detail as the most significant one to know about them, thus signaling that this factor is what motivates their actions. The narrative emphasizes this factor further through noting the figures' original ancestors among Jacob's twelve sons as well as all the intermediate relatives between them and the descendants. For a patronymic name, one would need only the immediate father; to indicate the original ancestor, no other names would be needed; this text includes all of the above, creating an intensive impact for this list of names beyond what is necessary to deliver information ("And John D. Rockefeller III, son of John D. Rockefeller II, son of John D. Rockefeller, took up..."). The Torah is emphasizing this factor even more considering that its original audience comprised not readers but listeners; as long as this list of names is for a reader glancing through it, the list is that much longer for a listener hearing each name read one by one, leaving the listener with a clear sense of how weighty the factor of lineage is in how we are supposed to understand these characters. The famously-pithy Torah prose's diverting so many words to this list of lineage creates an effect almost of limited third-person narration in which we as the audience see the world the way the characters do (as discussed earlier regarding the Torah's subtly showing us how Pharaoh views the Children of Israel as

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[150] Judah will ultimately be the ancestor of the Davidic dynasty; the rejection of primogeniture is thus shared across the stories from Jacob and the twelve sons to Moses to David, though Moses and David differ in which non-firstborn son they descend from.

[151] Exodus 14:31.

animalistic in their fertility): we get a sense that Korah thinks of himself as Korah son of Izhar son of Kohath son of Levi, and acts like it. In all these ways, we are meant to infer that these figures are motivated by personal power. They already have a great deal of it; they see themselves as by lineage entitled to much more of it, and that is what they are seeking to get. These motivations, as we will soon see, are not their stated motivations, but they are nonetheless their actual motivations — which also makes the point that those two things can in fact be different, that there can be such a thing as a gap between, on the one hand, populists' stated goals and reasons, and on the other hand, not just a less-varnished account but a wholly different set of objectives and motivations.

The added phrase in this analysis' English translation, "and with him…," to describe the other leaders of the rebellion besides Korah himself, is borrowed from Robert Alter's translation approach. Alter frequently notes Biblical Hebrew prose's recurring use of the tool in which a sentence has multiple subjects but a singular verb, indicating that the first named figure is the initiator and the other(s) are more in a role of going along with the plan. Alter accordingly adds "with him [the initiator]" or "with her" in such places to make this effect clear in the English: we see this effect in the Hebrew, and Alter's matching English addition, for example when Miriam is the initiator of the gossip with Aaron against Moses and Zipporah,[152] when Deborah is the initiator of her and Barak's poetic victory song,[153] and when Jonathan is the initiator of his pact with David.[154] The Torah's Hebrew uses this tool here, with the verb, "to take [up]," in the singular, "*va-yikach,*" despite the list of several names that follows

[152] Numbers 12:1; Alter, *Hebrew Bible,* on Numbers 12:1.

[153] Judges 5:1; Alter, *Hebrew Bible,* on Judges 5:1.

[154] 1 Samuel 18:3; Alter, *Hebrew Bible,* on 1 Samuel 18:3.

Korach's, and so this translation adopts Alter's English technique here.[155] The story thus identifies Korah as the initiator and prime leader of this uprising, even among the company of the four ringleaders named in this verse, let alone the much wider circle of allies they will amass in verse 2. In so doing, the story also identifies at work here the phenomenon in which one person, if sufficiently driven and rhetorically talented (as we will see), can bring many people to his side, and thereby, in stages that grow in succession and can do so quite swiftly (by the middle of verse 3 Korah is already frontally challenging Moses), such a figure can amass a dramatic amount of power and transform the political landscape of the nation. Such a phenomenon is in a very specific, intriguing sense "single-handed": by the time the major shockwaves come, many people are involved, but it takes only one person to initiate the entire sequence of events. The Torah's text is highlighting this feature of the nature of populism as characteristic of this form of power, as exploitable for harmful and deceitful purposes, and as worthy of skepticism.

With the conclusion of the first verse we now have the full list of the instigators of this insurrection,[156] and in the next verse we will see them begin to act, but in addition to the who and the what of the narrative, another question arises: When are these figures initiating their rebellion and why now of all possible times? Ramban offers an answer to this question that not only situates this episode in the Torah's broader plot but also powerfully illuminates what the Torah is showing about how a demagogue chooses their timing and what that says about the nature of demagoguery as a form of

[155] Alter himself does not use this English technique here, but the feature of the Hebrew is the same.

[156] That is, the main list of the redacted text's combination of the two original sources and their respective figures.

political movement. Beginning by situating the action in the Children of Israel's sojourn in "the wilderness of Paran" (the location noted a few chapters previously in Numbers 12:16), Ramban describes Korah's jealousy and anger, and then offers a theory as to why Korah chose this stage of the people's journey to launch his plan, in a mapping of Korah's state of mind onto the timeline of national life that is worth quoting at length:[157]

> Now as long as Israel was in the wilderness of Sinai no evil happening befell them ... {The people} loved Moses as [they loved] themselves, and they obeyed him, so that had anybody rebelled against Moses at that time, the people would have stoned him ...
>
> But when they came to *the wilderness of Paran* and [some people] were burnt in Taberah, and many died in Kibroth-hattaavah, and when after sinning [in the matter of] the spies Moses did not pray on their behalf, so that the decree against them was thus not annulled, and the princes of all the tribes *died by the plague before the Eternal,* and it was decreed that the whole people would be consumed in the wilderness *and there they shall die*, then the mood of the whole people became embittered, and they said in their hearts that mishaps occur to them through Moses' words.
>
> Therefore Korach found it an opportune occasion *{"makom"; literally, "And so Korah found a place"}* to contest Moses' deeds, thinking that the people would [readily] listen to him.

Here, Ramban makes the potent, illuminating point that the timing of the incident in the narrative is not just a fact in its own right but reflects on Korah and his band's political strategy. Ramban observes that, so long as the people are content with Moses' leadership, Korah and his band indeed do not contest it. This avoidance of contest suggests both cowardice on the rebels' part and a hint that even they had at least some awareness that their case was specious except in terms of their own raw self-interest; otherwise, one would act because the action was needed, not because the timing was expedient, and one would not fear the task of making one's case to people. But once the people are already dissatisfied, about something entirely unrelated to the raw self-

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[157] Sefaria translation, available at <www.sefaria.org>, including its bracketed additions and its italicizations to indicate Ramban's Torah quotations; brackets of "{" and "}" indicate my additions, and paragraph breaks added by me -NL.

interest of Korah and his band, the latter exploit the opportunity to launch their insurrection, apparently aiming to claim people's allegiance based on completely unrelated concerns. Korah and his allies, thus, are opportunists; their true objections are entirely separate from what people are in fact dissatisfied about, but they take advantage of people's dissatisfaction to make a grab at power for themselves. Meanwhile, societal dissatisfaction and its continuing on unaddressed creates fertile ground for demagoguery, and a demagogue can exploit it successfully even if their agenda is specious. All of these points constitute telling revelations about the nature of demagogues and demagoguery, adding to the Torah's skepticism of this form of movement for political power.

The chapter's second verse shows Korah's movement growing in members and power both quantitatively and qualitatively, with several potent phrases adding significantly to the narrative's depiction of demagoguery, vividly painting how demagoguery grows and with what consequences. The verse reads: "and they arose before Moses, and men from the Children of Israel, fifty and two hundred: chieftains of the community, those called for convening, men of renown" (verse 2). The first of these key phrases is, "from the children of Israel." Whereas prior adversaries like Pharaoh and Amalek have been external threats against the Children of Israel, this word choice emphasizes, as the whole Korah story makes manifest, that corruption or abuse of power can happen within the people as well — that it is not just something others from the outside can do to a group but that fellow group members can do to one another. The phrase is particularly emphatic because it does not need to be there to relay information. There is no one else present but the Children of Israel, and indeed the previous chapter of the Torah, Numbers 15, is entirely intra-Israel and comprises mostly laws such as

those of various sacrifices and the *tzitzit,* so there is no need to specify that these people are members of the Children of Israel because everyone in the scene fits that description. Indeed, the previous chapter even includes a small narrative episode, that of the person gathering wood on Shabbat, that not only takes place intra-Israel but even begins, "And [while] the Children of Israel were in the wilderness..."[158] — adding to the superfluity of repeating "the Children of Israel" here if not for emphasis. Moreover, the term is not being used to indicate plebeian members of the people, because, as we are about to see, these people are in fact chieftains (granted, they are not Kohanim or Levi'im, the priests and the Levites, but the same could be said of the descendants of Reuben whom we have already seen enter the narrative in verse 1). The addition that they are people "from the Children of Israel" thus has a sense of, "Et tu, Brute!"[159] — even figures from within the people can do such a thing to the people and to their fellow members in it. This observation represents a deep piece of the nature and consequences of demagoguery, and in particular differs from prior figures like Pharaoh and Amalek and thus adds a powerful dimension to the Torah's overall gallery of forms of power and its skepticism of each and of all on the whole.

The narrative's next pungent term is its notation of 250 men: the four ringleaders, Korah with Dathan and Abiram as well as On, have both amassed such a large following and are bringing them all to confront Moses and Aaron. One does not come to an ordinary, peaceable debate or discussion of grievances with an array of 250 men in tow. This detail reveals that their plan is not just to register protest but to overthrow Moses and Aaron by force. Their approach to the situation is that of a power

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[158] Numbers 15:32.

[159] William Shakespeare, *Julius Caesar,* 1599, Act III, Scene 1, line 77.

play, rather than debate or any peaceable, verbal form of doing political business. Their proposal to Moses and Aaron is modern English's proverbial "offer they can't refuse." Note in particular that 250 men is, by a formulaically neat 50, just over half the basic unit of an army, 400 men, as we see in the cases of Esau and of David.[160] The four leaders' band of 250 is thus a semi-army. It is not a stretch of the imagination to envision that the instigators may have tried to get 400 and failed, with the people not fully standing with them but not roundly, overwhelmingly opposing them. The rebellion's instigators thus lack the people's full support and a full-size army, and accordingly ultimately fall, but along the way they wield just enough force to do real damage to the tranquility and unity of the nation.

The presence of a mass of 250 people along with the leaders adds not only the potential for violence to this scene but also a public dimension. Korah does not approach Moses for discussion privately, or privately propose a public parley, but catches him apparently unawares in front of hundreds of people. In doing so, Korah and his band are publicly embarrassing Moses, seizing the attention of the public square through the large-scale action and drama of their gambit, creating a situation in which they can act according to their preferred script but Moses will have no time to prepare his preferred response, causing events to start publicly spiraling quickly before Moses will have much time to control them, and doing all of the above as part of a frontal challenge to his very leadership — all of which are tools of seizing power rather than peaceable dialogue and fair play. Given that the overall setting of the story is the encampment in the wilderness, a comparatively small-scale and unified setting, it is

[160] Genesis 32:7; 1 Samuel 22:2.

hard to imagine that swathes of the broader public would not swiftly become aware of what is going on, creating an even larger public dimension of the showdown. Sforno catches the power-play significance of this public context, deducing from the public setting the following details, elaborate almost to the point of midrash, laying out what the scene must have been like:

> ... [It was] at a time when before Moses there were a number of people from the Children of Israel coming to have their cases judged. And those same 250 convened there as if walking in their innocence [i.e. minding their own business] to Moses to present themselves to him — such that when Korah, Dathan and Abiram afterward assembled against Moses and Aaron, they would all be there, as one, agreeing with the words of those assembled [i.e. the instigators] before those same people from the Children of Israel who were already there. And they chose a time when there would be a great deal of folk there, so as to publicize [the rebellion] and to spread its voice through the camp, in order to multiply those rising up with them.[161]

Sforno potently evokes the way by staging the confrontation in public, Korah and his band are artificially creating a public spectacle that is gripping in its presentation and that makes their group and cause seem more like a mass movement than it really is (as if everybody there, completely unbiased sources, just happened to agree with Korah's wise words as soon as they left his lips!), and which, being so gripping and so public as to make the news spread quickly, multiplies the band's numbers rapidly. All of these factors, again, amass power to Korah's side, toward the goal of topping Moses and Aaron, but are unconnected from any merits of his cause, and in that sense, add to his power play — in this case not through violence but through skillful political showmanship.

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[161] Sforno on Numbers 16:3.

Finally, the verse presents a trio of two-word descriptions of the kind of people whom Korah and the other instigators have recruited to their side: *nesi'ei edah, kri'ei mo'ed,* and *anshei shem,* which I translate respectively as "chieftains of the community, those called for convening, men of renown." Each is a specific, distinct term to indicate prominence, and each adds to the narrative's teaching about the workings and consequences of demagoguery and the accordant need for skepticism of this form of movement for power. To understand the precise contours of each of these terms, let us begin with Baruch A. Levine's description of the first two terms in the *Anchor Bible:*

> ... [They] derive from different literary traditions. Priestly writings often mention "chieftains of the community" (Exod 16:22; Num 31:13; 32:2; Josh 9:18) ... This titulary was most probably introduced by the priestly compiler, who was also responsible for introducing the name and lineage of Korah in v 1 ...
>
> By contrast, *qerî'ê mô'ēd* is a unique titulary, though we do find *qerî'ê hā'edāh* 'those called in the community' (Num 1:16; and Num 26:9, in a reference to this incident) ... [and] [i]n Ezek 23:23: *qerû'îm*, the normal form of the passive participle, appears together with other known titles for "governor" and "commander."[162]

Levine thus demonstrates that "chieftains of the community," to begin with the first of these terms, describes these people in their capacity as leaders. We see throughout the rest of the Torah that the *nesi'im* are leaders of whom there are several but are still prominent, neither small and elite in number nor many to the point of anonymity. For example, in the dedicatory offerings brought by *nesi'ei Yisra'el* or *nesi'ei ha-matot,* the "chieftains of Israel" or "chieftains of the tribes," in Numbers 7, we see that there is a *nasi* for each tribe, so (at least) twelve, and we see the prominence of the role, in that

[162] Levine, *Anchor Bible,* pp. 411-12.

each represents his whole tribe. The functions of *nesi'im* seem to be sundry: in Exodus 16:22, *kol-nesi'ei ha-edah,* "all the chieftains of the community," report up the chain to Moses about the manna; in Numbers 32:2, *nesi'ei ha-edah,* "chieftains of the community," are part of the parley that Reuben and Gad have with Moses about settling in Transjordan; and the fact that the Torah includes the varying terms *nesi'ei Yisra'el, nesi'ei ha-matot,* and *nesi'ei ha-edah* leaves some lack of clarity about the precise structure. What we do know from the above examples is that they had significant numbers combined with significant active roles, and that is a powerful combination. By recruiting these figures to their side, Korah and the other instigators have made a plum acquisition in terms of influence, manpower, and credibility. Furthermore, the very name *nasi,* from the root *nun-sin-alef,* to lift up, signals height of power, loftiness, and presiding over those below (hence in modern Hebrew *nasi,* "president"). The very diction indicates the growth in power that the rebellion has just experienced (and this narrative will make the most of this word root, as will be discussed more below).

The third of these terms, "*anshei shem,*" "men of renown," (I will discuss the second term last as it is the most complex), describes these figures specifically in their capacity not as leaders but as people who are famous and admired. Given that literally "*shem*" means "name," the clear figurative sense here is that these are figures of great names. This is the case as well when "*anshei ha-shem,*" "the men of renown," appears in Genesis 6:4, a verse Levine cites in reference to this verse.[163] The Genesis verse is clearly describing heroic, lionized figures, the literally antediluvian "heroes of yore" of the

[163] Levine, *Anchor Bible,* pp. 411-12.

Torah's known universe of human existence.[164] Not only does the Genesis usage clarify the Numbers usage, but the Numbers usage is adding color to its picture by alluding to the Genesis usage.[165] This allusion adds the connotation not just of fame but of a legendary heroic quality entailing honor and worth — a connotation that the Korah writers thus summon to describe these individuals who join Korah's band.

Kri'ei mo'ed remains ambiguous, as "a unique titulary" in Levine's phrase with little else intra-Biblically to gloss it; what exactly *mo'ed* refers to and what it means to be one of the people who composes it remain without exact specification.[166] The best inference is that the lack of exact specification is itself part of the description: i.e. the

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[164] Robert Alter's rendering from the phrase, "*hemah ha-giborim asher me-olam*" (Alter, *Hebrew Bible,* Genesis 6:4). This verse is the same one that begins, in the time-honored and proverbial King James rendering, "There were giants in the earth in those days…"

[165] The folkloristic nature of the "giants" passage, the crabbed form in which it comes down to us, its mythological character, and its stark difference in character from most of Genesis suggest a very old text, and thus one that the Korah authors would likely have known. Alter, *Hebrew Bible*, comments on Genesis 6:1-4.

[166] Levine writes, "The present verse may represent the only explicit reference to the existence of a body known as *mô'ēd* in ancient Israel" (*Id.* at 412). As a matter of inference via the methodology of what logically is more or less likely, however, it seems unlikely indeed that "the existence of a body" of such a leading and famous role would be given "explicit reference" just once in the Biblical corpus. Rather, as in the famous monarchies of Israel and Judah, or as in the gates as a locus of judicial proceedings (e.g. in Genesis 19, 2 Samuel 15, and Ruth 4), if such a leading body existed it would surely be relevant to mention numerous times and the reader or listener would hear about it accordingly — since this is not the case, the lack of any mention of such a body suggests that this verse, too, is doing something other than denoting "the existence of a body" by "explicit reference."

Levine continues the comment by adducing instances of *mo'ed* to refer to divine councils in Yeshayahu 14:13, Ugaritic literature, and the Balaam inscription from Deir 'Alla, Transjordan (Levine, *supra,* at 412). But from use of the term to refer to divine councils, we cannot infer the existence of a specific human institution; if anything, divine power and rule are pointedly very different from human ones. Levine concludes, "It is probably that *qiryat mô'adēnû* 'the city of our assembly' in Isa 33:20 refers to Jerusalem as the seat of the national âssembly *[sic]*, though a less technical interpretation of that verse is also possible" (*Id.*). A less technical interpretation is indeed the sounder one, again because of the lack of other evidence in the Tanach, but also from the evidence within the verse, where the contrast is with foreign *am,* folk (the word appears twice in the verse), and so the reference, per parallelism, would be to the folk of Judah, not a governing elite and their institution (hence the better NJPS rendering of this phrase, not "the city of our assembly" but "our city of assembly," i.e. our nation's city where, when people congregate, they come to do so).

term is describing something that does not in fact have a precise or fixed definition — not a fixed institution, in that cases, but an activity, that of convening. This interpretation is consistent with the definition in Biblical Hebrew of *mo'ed*, which can refer to either "appointed time, place, meeting" ("time" as in the use of the word to mean "holiday"); across all cases the word comes from the root *yod-ayin-dalet,* "appoint."[167] (Hence in modern Hebrew "*ya'ad,*" "destination," i.e. appointed place.) Per this interpretation, what this epithet is showing us is that when from time to time in national life prominent people convened or were convened for parleys (*mo'ed*), these individuals were among those called (*q'ri'ei*) for the occasion. The plain term "called" suggests people who are called on a regular basis, not only in a partial set of circumstances, and if they need to be called, then it is not farfetched to envision at least some of them as *sine qua nons* of making the parley complete and decisive. In a certain way this description outside of a fixed institution emphasizes these figures' influence more than a title of office would; these figures are brought in not merely because their office formally requires it, but because the figures themselves are needed in order for the parley to succeed. They are in modern English parlance go-to figures, the equivalent of a politician's list of people he needs to call in order to make a plan happen. Thus, the key quality that emerges from this epithet is distinct from the quality of being leaders, as we get from "chieftains of the community," and the quality of fame, as we get from "men of renown" — here, the key quality we glean is the quality of being influential.

When we put these three epithets together, "chieftains of the community, those called for convening, men of renown," we find a veritable kaleidoscope of different ways

[167] Brown, Driver, Briggs, *A Hebrew and English Lexicon of the Old Testament*, 1898, entry for "*mo'ed*."

to be prominent: these are people who bear presiding power (the first title), who are influential (particularly the second), who are famous and admired (the last), who are numerous (all three titles) — and on top of all these elements, the very use of not one but three epithets as a stylistic tool emphasizes the power of these figures. These details offer a number of gleanings. First, for the four ringleaders to win over this bloc of allies is a major advance given the power these 250 people have. This sense of the freighted nature of the rebellion's membership's high status is registered in the classical commentaries: Sforno interprets Moses' replying to the rebels a few verses later, "*Rav lachem, b'nei Levi,"* literally, "Much to you, children of Levi" (in this case idiomatically meaning, "You have too much!" as Moses throws their own charge back in their faces), to mean, "[A] large thing are you casting upon yourselves, for the Eternal One will be more furious at you because you have already been chosen for His service."[168] Bechor Shor makes a similar comment on the same verse: "You, Levites, have done wrong more than the others, for the Blessed Holy One chose [you] ... but you are opposing Him."[169] Though both are interpreting specifically Moses' words addressing the Levites, the insight applies to the high station of all the rebels, and given the story's decision to intertwine two originally-separate sources and their accounts of rebellions into one unified, redacted text, it seems wise not to excessively partition Moses' response in one case from the rest of the narrative. What these commentators see is that the status these figures already have gives them a responsibility not to join a rebellion, and it makes their decision to join the rebellion worse in proportion to the height of their stature. One might add that part of their responsibility entails their influence with the people: had

[168] Sforno on Numbers 16:7.

[169] Bechor Shor on Numbers 16:7.

these figures tried to put a stop to Korah and the other instigators, the people might well have listened; instead, by joining the rebellion, they give it more credibility, and transmit their influence to the instigators for use in winning over the rest of the people. (Rashi makes this observation about the power and responsibility of stature to persuade others either to adopt a right plan or an ill one in Genesis, discussing the fact that Judah uses his stature among the brothers to persuade them to sell Joseph into slavery, not to spare him.[170]) We thus see a powerful element of how demagoguery works: it happens not in a vacuum, but in the context of the other leaders of the political landscape, who have the power and thus the responsibility to stop such a malignant movement, and who just as much have the power, by going along with it, to make it stronger.

We also see, in the fact that these 250 people have their own high status and power prior to this rebellion, a window into their rationale for joining it: like Korah and the other instigators as we have seen, these are people who already know the taste of power, and the implication is that they are seeking more. Thus far these figures have served in a broad national leadership apparatus under Moses and Aaron, but now here come four figures prepared to capture the power of the very top offices and presumably reward their supporters; the implication is that this personal reward, rather than a cause of political good on the merits, is what these 250 joiners are seeking. The narrative thus emphasizes further with the 250 new members what it has showed with the initial instigators: one of the dangers of populism is the way it opens the door, via vigorous challenge to leadership, for people who are simply challenging the status quo in order to

[170] Rashi on Genesis 38:1.

increase their personal fortunes, at the expense of what in fact is right on the merits and benefits the good of the people and not just themselves.

Finally, the addition of this large new bloc of allies indicates the rebellion's growing in stages, progressively and surprisingly swiftly. The narrative furthers this sense in the way the third verse begins: "And they assembled against Moses and against Aaron…" (verse 3). As much as the prior verse's phrase, "rose up before *[lifnei]*," indicates literally an uprising, this verse's phrase, "assembled against *[al]*," is more dramatic still. The move from "before" to "against" indicates a more adversarial, combative posture, and the use of "assembled" sets a scene that is concrete, large-scale and explicitly face-to-face. The rebellion is now pushing more forcefully, in larger numbers, and the stakes are growing higher. These two verses come from the narrative's two different original sources (e.g. verse 2 has only Moses whereas verse 3 also has Aaron) but the redaction of the two together in this sequence creates the effect of an escalation. The text is showing in this way just how much and just how quickly a demagogic movement of this nature can escalate.

Now, after two and a half verses — a long introduction by the Hebrew Bible's extremely pithy standards, to show us these characters and their movement in vivid color — we hear Korah and his band speak for the first time. Their rhetoric, and its contrast with what we have learned about them so far, provides striking revelations into how demagoguery works, in particular what it puts forth for public consumption, what it conceals, and why. The verse continues: "…and they [Korah and his band] said to them [Moses and Aaron]: 'You have too much! For the whole entire community is holy, and among them is the Eternal One, and for what reason do you raise yourselves up over the

assembly of the Eternal One?" Having seen thus far a movement based on figures of high-pedigree lineage and powerful roles, the amassing of a semi-army, and a frontal confrontation with Moses and Aaron, all indicating a power play, we now find a rhetorical argument that is completely different: one that argues from the status and deserts of the whole people. "For the whole entire community is holy, and among them is the Eternal One" — their argument and rhetoric emphasize the people in its entirety and not just the few ("the whole entire community," "among them," "the assembly"), and the high status it has and the power that is rightfully theirs ("is holy," "is the Eternal One"), and on this basis challenges the status quo of Moses and Aaron's leadership ("for what reason do you raise yourselves up over…?"). In so appealing to the status and power of the whole people and thus challenging the leadership, Korah and his band's argument and rhetoric are, in modern terms, populist.

Because the narrative has gone to such lengths to portray these characters and their motivations prior to this point, now when we come to their rhetoric, we see it as a front and as self-serving. The narrative creates a powerful effect in which we see the gap between the rebels' populist rhetoric and their self-dealing purposes, and we see the way they are using the former to conceal the latter. The Torah is teaching that one of the features of populism is that its rhetoric of defending the whole people is vulnerable to being exploited precisely by figures who are pursuing only their raw self-interest as a façade for that agenda. This vulnerability makes even populism worthy of skepticism as a form of movement for power. Furthermore, note the Torah's use of the literary method of sheer portrayal of events, of show-don't-tell, rather than dictating an opinion about them. The Torah does not say, "But Korah was lying"; it simply shows us who Korah and the rebels are, according to the factors it deems most significant for us to know about,

and then it shows us Korah and the rebels speaking. By doing so, the Torah puts us as the audience in the standpoint of the ordinary members of the nation watching these events unfold, the "people from the Children of Israel" whom Sforno envisioned, who, true to real life, have no absolute editorializer telling them who is really lying and who is telling the truth, but must watch and listen to all sides and decide for themselves. Through putting us in their standpoint, the Torah is adding a powerful dimension to its portrait of demagoguery — namely, that it unfolds such that ordinary people do not necessarily know who to trust and must figure that out on their own — and the Torah immerses us as the audience directly in this experience. In doing so, the Torah implicitly points to this dimension as not just a feature but a vulnerability of populism: the risk of people mistakenly deciding to trust a demagogue, or, conversely, the fact that not everyone will be able to trust a true populist out of fear that they are really a demagogue, makes populism as a form of movement for power inherently unreliable, adding to the case for skepticism about it.

A classic midrash evokes vividly the way Korah and his band use rhetoric in this expedient way, creating a façade of righteous defense of the truth precisely over their own raw bid for power. Taking as its jumping-off point the placement just before the Korah narrative of the laws of the *tzitzit*, the ritual tassels, including their characteristic blue dye, on the corners of the *tallit*, the ritual shawl, Midrash Tanchuma envisions this scene just after Moses gives the laws of *tzitzit*:

> Korah jumped up and said to Moses, "You say, 'And they shall place on the *tzitzit* [blue dye], etc.' – but for a *tallit* that is completely blue, what is the law that it shall be exempt from the *tzitzit* [and their blue dye]?" Moses said to him, "It is [still] required to have *tzitzit.*" Korah said to him, "A *tallit* that is completely blue does not exempt itself, but [only] four strands [with blue] do exempt it?" *[Korah then brings a second challenge of*

> *this nature concerning* mezuzot*]* … He [Korah] said to him [Moses]: "You were not commanded about these things — you have fabricated them from your own heart!"[171]

Korah asks questions here not for the purpose of sincerely trying to learn the answers, but to contrive a scenario in which he can catch Moses in supposed contractions. What he is building toward, as we see at the midrash's end, is the charge that Moses is not actually transmitting commandments from God to the people and is not leading legitimately. The concocted nature of Korah's challenges shows that Korah has not truly become convinced of this notion in good faith based on the merits of the situation, but that Korah wanted to make this charge from the beginning, for his own self-dealing, and then set out to contrive the evidence. Korah also contrives questions that turn out to be parables for his own populist case against Moses — as Avivah Gottlieb Zornberg parses the tenor of his metaphor, "in the face of the oceanic holiness of the people, how can you insist on the *difference* of a particular man, or a particular family, or symbolic object?"[172] While this scene is an independent story the midrash is adding to the Torah text, the midrash nicely catches the way Korah's language within the Torah text is language precisely of this nature: language said not to make statements that are true on the merits, but for the purpose of getting what the rebels want, and creating a façade that obfuscates their true goals. Moreover, the classic nature of this midrash in Jewish tradition makes this midrash part of the Korah narrative's Jewish reception history in its

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[171] Midrash Tanchuma, Korach, Siman 2, S. Buber Recension via Sefaria, my translation.

[172] Avivah Gottlieb Zornberg, *Moses: A Human Life*, 2016, Apple Books edition, p. 129.

own right.[173] The midrash thus places further weight on the Torah text's portrait of Korah as exploiting populism for his own self-aggrandizing purposes.

The alternative reading of the narrative would be that Korah and the other instigators' words are sincere, that they genuinely are arguing from the rightful status and interests of the whole people, and that they are in fact true populists. It is not impossible to argue for this reading, but it is ultimately less convincing. A key reason why, in addition to the opening verses' depicting a power play before the rebels begin to speak, is the problems internal to their speech even if their speech were all we knew of them. When Korah and his allies use not one but two adjectives to emphasize the breadth of the people — "the *whole entire* community" (emphasis added), "*chol ha-edah kulam"* — they are exaggerating the populist-ness of their point. For comparison, even during the revelation at Mount Sinai, the ultimate moment in which all the people are present, the Torah text uses just one modifier to make the point, simply describing "all the people," indeed using this formula twice and so clearly standing behind it (in the Hebrew, "*chol ha-am*" or "*kol ha-am*" depending on the verses' grammar).[174] The text is suggesting when Korah and his allies exaggerate their rhetoric that they do not actually mean it and, precisely because they know they do not mean it, they feel they must exaggerate it to make it convincing; they "doth protest too much."

Moreover, Korah and his allies describe Moses and Aaron as "raising themselves up over," *"titnasu al,"* the people, a choice of words in Biblical Hebrew that rings false

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[173] A reference to the "*tallit* that is completely blue" even appears in the rendition of the Korah story by Israeli sketch comedy television show *Ha-Yehudim Ba'im (The Jews Are Coming)*! (*Ha-Yehudim Ba'im,* Season 2, Episode 4, *Ha-Arutz Ha-Rishon (The First Channel)* (now called *Kan 11*), 2016).

[174] Exodus 19:8; Exodus 24:3.

against Moses and Aaron because it implies a charge of arrogance. We see the same verb used to indicate haughtiness or presumptuousness, for example, when Adonijah tries to seize the kingship from his elderly, infirm father King David. (The King James Version evocatively signals this dual meaning of lifting and arrogance through its rendering in which Adonijah "exalted himself"; Robert Alter presents this double-meaning in modern English by translating the verb as "was giving himself airs.")[175] Whatever one's opinion of Moses and Aaron's system of leadership, arrogance is an odd charge to level against two leaders who did not even seek their jobs: Moses was designated by God over his own objecting so manifestly and repeatedly as to annoy even God, and Aaron initially entered leadership simply to give the slow-of-speech Moses a partner in his brother.[176] Lest one think things have changed since those early days, within the Book of Numbers only five chapters previously we have the story in which Eldad and Medad, two ordinary members of the people, start prophesying without authorization, and Moses, handed a politically-smooth way to shut them down (Joshua proposes forcing them to stop), explicitly gives his approval of this popular outbreak of prophecy: "Would that all the Eternal One's people were prophets, that the Eternal One would place Divine spirit upon them!"[177] Given the peculiarity of the charge as a match for Moses and Aaron, what makes much more sense is that the charge's true match is with Korah and his allies: they are projecting onto their opponents precisely the transgressive, self-aggrandizing approach that they are in fact taking. The Torah is summoning the reality that people sometimes "find themselves speaking beyond their conscious knowledge," "[a]s in what

[175] 1 Kings 1:5.

[176] In the narrative of the Burning Bush, Exodus 3-4.

[177] Numbers 11:26-29.

we now call the Freudian slip," as Avivah Gottlieb Zornberg, drawing on the midrash, writes about the Korah story, in her case referring to his fellow rebels Dathan and Abiram.[178] Through these characters' speech about others, the Torah is showing us a bit more about their own selves. At the same time, in adding charges without a plausible basis in fact to their case, Korah and his allies are also apparently adding charges simply to make their case weightier, and, one might infer, more appealing to people through being a more dramatic case, or appealing to more different people through the addition of a different argument. The infection of deceit into the charge of arrogance is particularly damning for the reliability of populism as a form of movement for power because the form if rightfully used has the precise purpose of defending the worth and interests of all, should there be a ruling elite that cares only for some or for themselves, and that elite may well be arrogant in a way that informs harmful policies (as in such famous examples as, "Let them eat cake"). If this charge cannot necessarily be trusted, if it can be used against genuinely humble leaders as a smoke-screen for a clique's raw power grab for themselves — which is in fact arrogant — that dark truth adds potently to the Torah's case for skepticism of the form of power of populism.

Let us now consider one feature of Korah and his allies' speech that is especially disturbing, both in how they use language for the sheer purpose of acquiring supporters and power rather than making statements that are true, and in how these very same statements appear on the surface to be precisely about the good of all and even piety,

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[178] Referring to Dathan and Abiram's declaration, "We will not go up!" Zornberg, citing Numbers Rabbah 18:8, writes: "Here, our midrash makes a startling interpretation: 'They were tripped up by their own mouth; there is a covenant made with the lips.' Dathan and Aviram find themselves speaking beyond their conscious knowledge. As in what we now call the Freudian slip, their words run away with them: refusing to *come up*, they will very shortly find themselves on the way *down* to the underworld. Unwittingly, they foretell their own macabre fate." Zornberg, *Moses,* p. 130.

adding to the concern in populism that even its most benevolent-seeming rhetoric can be precisely what a demagogue is exploiting. This feature of the rebels' rhetoric is their allusions to earlier phrases in the Torah — and here we come to the *locus classicus* of the Buber-Wolf understanding of holiness as a "task" to engage in and not a "fact" that can be acquired, the original portrait that presents a *mise en abyme* for the Torah's broader fundamental teaching about political life. When Korah says, "For the whole entire community is holy," we find, as Robert Alter comments, that "Korah and his followers throw back in Moses's face the idea he has transmitted to them that all Israel should be 'a kingdom of priests and a holy nation,'" as God says at the beginning of the revelation at Mount Sinai."[179] When Korah continues, "and among them *[u-vetocham]* is the Eternal One," he is quoting the Book of Exodus again, in this case God's words about the Tabernacle, "And they shall make Me a sanctuary, and I shall dwell among them *[betocham]*"; in English the allusion may sound slight but in the original Hebrew the allusion is palpable, particularly given that this phrase is the first and most ringing description of what the Tabernacle is for (to this day the phrase can frequently be seen on congregations' walls).[180] Both phrases, "a holy nation" and "among them" (i.e. the people), powerfully evoke a sense of holy as popular rather than elite, of all the people and not just some. Since both phrases come from the Children of Israel's own earlier encounters with God via Moses' teaching — that is, from the Torah, as lived in real time by the Children of Israel themselves — the quotations are pious, by all appearances only the very most proper and lofty. And since they come specifically from Moses' teaching,

[179] Alter, *Hebrew Bible,* on Numbers 16:3, citing Exodus 19:6.

[180] Exodus 25:8.

as opposed to, say, Abraham or Jacob, Korah and his allies are portraying Moses as hypocritical and portraying themselves as merely holding Moses to his own standards.

On closer inspection of Korah and his allies' words, what we find is that they are not quoting but misquoting these earlier passages in the Torah, and in both cases in a specific way that vividly show what is wrong with their conception of political life. In both cases Korah and his allies delete verbs from the original phrases, epitomizing their notion that holiness, leadership, or power are "facts," nouns, that one can acquire and possess simply for one's own self-interest, rather than "tasks," activities, verbs, that must be engaged in rightly and can be engaged in wrongly. The first of these two quotations, about the whole people's holiness, is parroted back by Korah as "the whole entire community is holy," but in fact in the original passage God says the following to the people via Moses at Mount Sinai:

> And now, if you will heed, heed, My voice, and keep My covenant, then you will be to Me a treasure from all the peoples. Indeed, to Me is all the earth, but you, you will be to Me a kingdom of priests and a holy nation.[181]

This verb-rich passage puts forth a very different vision than that of Korah's misrepresentation of the passage. Here, being a holy nation is represented by a verb, "will be," "*vi-h'yitem*" and then "*tiheyu.*" As a verb, it is a process, an activity, something one engages in; one might say, borrowing the locution, "he not busy being born is busy dying," penned by Bob Dylan, that one must be "busy being holy."[182] Holiness is not a quality one can simply possess, like, say, height or eye color, or a commodity one can

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[181] Exodus 19:5-6.

[182] Bob Dylan, "It's Alright, Ma (I'm Only Bleeding)," on Dylan, *Bringing it All Back Home,* 1965.

simply own, like a necklace or a house, or indeed the statues of idolatry that the Torah so passionately opposes. The fact that the verb is in the future tense emphasizes this sense of holiness as perpetually a process: one must always be engaging in it in any given moment to become it a moment away, and once one has done so the process of doing so begins anew, continuously. The future tense also emphasizes that, though the verb "to be" can be a verb of merely describing the qualities someone possesses, e.g. "she is tall," this is no such case of the verb "to be" — this case refers to a process, just as when someone says, "she *will be* tall in the future," they are referring to the process of growing. What is even more striking about the passage's vision of holiness is that it comes with two other verbs, "heed, heed, My voice"[183] and "keep My covenant," which point to all the actions that the laws about to be revealed will lay out, and being a holy people is placed after these verbs as part of an if-then statement. Not only is being holy an activity, but it is the conditional result of other activities! The only way to be a holy people is to *do* what is holy. If one wants to be holy, one must do what is holy; if one stops doing what is holy, then one loses that quality of holiness, until one starts doing what is holy again.

This fundamental truth about holiness, and indeed, about political power as well, is what Korah and his allies do not understand, and the very language they use to borrow the original passage actually changes it to create the impression that their understanding is God's and the Torah's when it is not. When Korah and his allies quote the original passage as, "the whole entire community is holy," they are deleting the

[183] The text even uses the emphatically doubled verb formulation of Biblical Hebrew prose, *shamo'a tishme'u*, to underscore the point.

future-tense verb, “will be,” and changing holiness into a quality that the people, in their telling, simply possess, akin to saying the whole entire community is tall or brown-eyed. The deletion is even more stark in the Hebrew because in the present tense, Biblical Hebrew, like the modern language, has no copula, i.e. form of the word “to be” connecting the subject with the description of the subject. So in the Hebrew, Korah and his allies delete the future-tense verb and replace it with nothing: they simply say, “*ki chol ha-edah kulam kedoshim*,” literally, “for all the community entire holy.” We see Korah and his allies make the same distorting move in the allusion they make when they say, “and among them is the Eternal One,” “*u-vetocham YHVH,*” again with no copula — in the original verse, “And they shall make Me a sanctuary, and I shall dwell among them,” there is a verb and specific process in which the people are supposed engage in order to find God’s presence, and God’s presence too comes in the form of a verb and activity, dwelling, rather than simply being a noun and commodity that one even could possess in the first place.[184] Korah and his allies’ notion of holiness as a noun, as a “fact,” is central to their entire agenda. Let us return to Buber’s way tracing the consequences of this notion: “For Korah … [t]he people was holy just as it was, and all those within it were holy just as they were,” “so why should there be further need of ways and choice?”[185] If holiness can be acquired for oneself and possessed, and the people had already done so and possessed it “just as they were,” then there is no need for further concern about right versus wrong “ways and choice.” If each person possesses this

[184] Rabbinic Judaism and Rabbinic Hebrew would later register this idea, that even within the supposed noun of God’s presence what is really there is a continuing perpetual activity, through the word for God’s Presence, “*Ha-Shechinah*”: the word is not an ordinary noun but a gerund, a noun-ized version of what is in fact a verb, the very same verb as in this Torah verse — the word thus means, “the Dwelling.”

[185] Buber, *Moses,* p. 264.

quality, like a crown with an identical copy on each person's head, then that takes away the justification for Moses and Aaron's being leaders of the others. If leadership and power, too, are commodities like holiness that one can acquire and possess, then it is possible to conceive of seeking it and seizing it for the sheer purpose of possessing it, for one's own raw self-aggrandizement, and that is precisely what Korah and his allies are doing in this rebellion. Their populist rhetoric is the cover under which they pursue their true purposes. And even their rhetoric on its face has problems that tip off a careful examiner to their true purposes — "[t]he problem inherent in the surface of things, and only in the surface of things, is the heart of things," as Leo Strauss wrote, in what Seth Benardete called "his golden sentence."[186] The Torah text is thus shining a light on this mistaken fundamental conception at the heart of demagoguery.

In showing us the false, harmful nature of Korah and his allies' appeal that "the whole entire community is holy," the Torah shows us very specifically what harmful rhetorical tools they are using in this rallying cry. First, since they are saying it for expediency, to conceal their self-aggrandizing purposes and to grow in followers and power — recall Sforno's insight that the gambit's public nature shows that it is the rebels' specific plan to make word travel fast to win over more members[187] — what becomes clear is that the genre into which this appeal falls is flattery. The Torah is emphasizing this genre of language as a danger of demagoguery, and, in turn, as a reason to be skeptical of the form of power of populism: even the seemingly-righteous

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[186] Leo Strauss, *Thoughts on Machiavelli* (Chicago: The University of Chicago Press, 1958), p. 13; Seth Benardete, "Leo Strauss' *The City and Man,*" *The Political Science Reviewer*, Hampden-Sydney, Va., Vol. 8, (Fall 1978), p. 1.

[187] Sforno on Numbers 16:3.

genre of the defense of all the people's worth and rights is one that a malignant actor can skillfully turn into a way of falsely praising people in order to manipulate them, to treat them too as "facts" to be acquired and used to get what one wants. Second, in the fact that Korah's appeal entails quoting material earlier within the Torah itself, through the figure of Korah the Torah is revealing the potential for unscrupulous actors to exploit not only righteous-sounding language in general but specifically holy writ. The Torah itself within its own text shows us the first political figure to misquote scripture for their own self-dealing.

A few more features of Korah's language are worth noting as revealing characteristic tools of demagoguery that the Torah highlights for concern. Korah speaks in the language of all-or-nothing blanket statements. His appeal that "the whole entire community is holy," just as it is based on "fact" rather than "task," is based on an all-or-nothing mentality, as opposed to multiple realities that are each partially true or simultaneously, conflictingly true, or aspirations partially fulfilled and partially yet to be, or anything else that involves nuance and complexity. Korah's black-and-white-ism is of a piece with his notion of "fact" rather than "task," because facts and absolutism are more amenable to each other — it enables one to argue that someone either has the thing or does not, or that these people have it and those people do not. The notion that no person or nation could really be entirely holy, or for that matter entirely unholy,[188] is foreign to the categories in which Korah sees the world and speaks. As Zornberg writes:

> Korach speaks a rhetoric of totality: "All the community are holy, all of them . . ." ... without nuance or conflict or difference. This claim contains enough truth to be

[188] Cf. "Behold the gates of mercy / In arbitrary space / And none of us deserving / The cruelty or the grace" (Leonard Cohen, "Come Healing," on Cohen, *Old Ideas,* 2013).

> persuasive: the camp of Israel is *potentially* holy ... But the totality of the rhetoric signals demagoguery. Such a language leaves Moses *speechless*—prostrate, mouth in the earth ... The rebels have, effectively, put an end to language.[189]

In portraying Korah's all-or-nothing language and mindset, the Torah text emphasizes first of all the danger of such an approach in that it is not accurate. Through its absolute statements, it also precludes giving consideration to different ideas, which thus shuts down debate and the ability to talk about problems among people with different views, a problem that as Zornberg shows is symbolized by the rebels' leaving Moses speechless, as we will see in the next moment of the narrative. The Torah suggests too the danger of this absolutism as a factor that, through the sheer energizing intensity of an absolute belief in one thing, without the accuracy of nuance as a guardrail, can potentially spur an actor to drastic, damaging deeds like the rebels' attempted overthrow of Moses and Aaron. Finally, these same factors that make absolutism harmful also make it appealing — it is quickly absorbed, it is easily understood, it is energizing and motivating, and it can empower the flattery of "facts," allowing one to believe that one's group is entirely x good thing and completely without y bad thing. Korah and his allies' initial success in their power play, with this factor playing the double role of both causing harm and gaining more followers and power with which to cause more harm, presents a strenuous warning to the reader against this kind of absolutism.

Korah and his allies' totalistic approach dovetails with his dependence on short, pithy statements. We see this reliance in such phrases as, "You have too much!" — in the Hebrew just two short words, *"rav lachem*," — and "the whole entire community is holy"

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[189] Zornberg, *Moses,* pp. 128-29.

— in the Hebrew just four words, "*chol ha-edah kulam kedoshim.*" Because totalistic ideas are simple, they can be easily packed into such short phrases. Because they are categorical declarations that do not entail evidence, they can be said swiftly because omitting evidence cuts down significantly on length. By contrast, when Moses gives his full response to Korah and his band, it is significantly longer, and is not rhythmically immediately appealing to the gut, because Moses cites specific pieces of evidence of the record of the roles and status that Korah and his band already enjoy, such that they are specious in wanting the very top jobs.[190] Korah's language, in modern terms but precisely its nature and function in the original text, comprises sound bites and slogans. As with an all-or-nothing perspective, the same factors that make this kind of language potentially harmful, in that oversimplification and lacking evidence make the language shorter, are also what make it potentially very successful. The compact, swift nature of phrases like Korah's makes them energizing to say and energizing to hear, like a chant. It also makes such phrases easy to learn, and thus powerful for spreading a message and gaining followers and influence. Thus, as in Korah's totalism, so too in his sloganeering, we find that what would be a positive feature of populism — a message that reaches, energizes, and can be embraced by everyday people and all people — can be corrupted by a malignant figure into a tool for expressing and spreading precisely ideas that are harmful, and a tool that precisely strengthens such a harmful movement.

Finally, when Korah and his band conclude, "and for what reason do you raise yourselves up over the assembly of the Eternal One?" they bring God's name, YHVH, into their argument; they emphasize it by making it the final word; they position God

[190] Numbers 16:8-11.

with the “assembly” of the people; and they position Moses and Aaron, in being adversarial to (“over,” “*al,*” also translatable as “against”) the people, as being adversarial to God. The notion that Moses and Aaron are against God is to say the least unfounded and against the manifest accounts of literally book after book of the Torah thus far, to the point of absurdity (this is not to say that Moses and Aaron do not make mistakes, but the Torah has no notion that making mistakes means that one is against God). The implication that Moses and Aaron are against God is not only absurd but also not necessary for the point Korah and his band are making; it would be enough to end their sentence one word (in the Hebrew) earlier, “...over the assembly,” instead of, “...over the assembly of the Eternal One.” The reason Korah and his band add this attack, then, since it is neither true nor necessary for the point, is to add to their rhetoric the one thing this attack accomplishes: it is dramatically, emotionally high-stakes. By alleging that Moses and Aaron have committed nothing less than wrongs against God’s own Self, Korah and his allies appeal straight to the instinctive, simple-sentiment reaction core within people, in a way that leads people to react without making recourse to reason —the appeal is to the gut rather than the heart or mind, in modern American figurative terms. By leveling such a high-stakes imputation, again hand in hand with the all-or-nothing approach we have seen in them so far, Korah and his band are also painting Moses and Aaron not merely as doing something worth disagreement or even something harmful but as enemies at the highest level: the effect is one of near-literal demonization, that is, saying that they are against God. And this approach also has the effect of implicitly justifying a response of an equally high dramatic impact (“desperate times call for desperate measures”), and leading people to endorse it by doing so without making recourse to reason first — precisely such a measure is what Korah and his allies

are pushing for in seeking to topple Moses and Aaron. This capacity to demonize, and to incite people to adopt extreme accusations and to endorse extreme measures, thus becomes a prominent part of the Torah's portrait of demagoguery, and its skepticism of populism for what populism can be corrupted into by a corrosive figure.

This analysis focuses most in depth on the speech led by Korah because of his heightened significance. The redactor(s) of the final narrative signal him as the main figure through their use of the singular-verb opening phrase, "And Korah took up," and the redactor(s) further emphasize the speech Korah leads by placing it at the start of the rebels' confrontation with Moses and Aaron.[191] This speech is how the rebels want people to understand the situation, and it is what they think is their strongest argument for winning over supporters, the one they want to spread across the people like wildfire as Sforno envisions the scene. In the modern American courtroom sense, this speech is their opening argument. Moreover, when Korah's fellow ringleaders Dathan and Abiram later give a speech as well, it shares key features with the speech Korah leads. They too, for example, rely on sound bites or slogans, for the same reasons and with the same consequences as Korah's use of the tactic. In Dathan and Abiram's case, their slogan is, "We will not go up!" i.e. continue on the journey following Moses and Aaron — it is two short, blunt words in the original Hebrew, *lo na'aleh,* and they say it at the start and again at the end of their speech, giving the whole speech a snappy sense of closure and a powerful rhythmic thrust. (Dathan and Abiram's speech is to Moses in private, but from

[191] The reception history of the narrative in Jewish tradition has also emphasized Korah as the rebellion's primary figure, further amplifying Korah's significance beyond that of the other rebels; in Pirkei Avot, for example, the Talmudic rabbis describe the rebels as "Korah and all his community," with the other ringleaders Dathan, Abiram and On described in terms no different from the rebellion's 250 sundry fellow members (Pirkei Avot (Chapters of the Ancestors) 5:17).

the snap-shut, scripted sound of their speech and the rebellion's overall public nature it is not far-fetched to sense that they are saying to Moses what they are saying to everyone else, and in that sense even warning Moses, "This is what we are telling the people and it is working.")

Yet there is one respect in which Dathan and Abiram's speech differs from Korah's and it is worth pausing to examine it: their use of cruelty. Dathan and Abiram say to Moses, in the middle section of their speech between their opening "We will not go up!" and closing reiteration of it: "Is it too little that you brought us up from a land flowing with milk and honey, to put us to death in the wilderness, that you would even rule over us with your rule?" (verse 13). They know exactly what they are doing when they say this line: they are summoning the beloved phrase within the Torah for the Land of Israel and using it to describe Egypt, the land from whose slavery Moses has led them out to go live freely in the Land of Israel. Even by the standards of incendiary language, this statement is a low blow. It is designed deliberately and apparently to devastate Moses, to make him feel that he has simply failed in the entire purpose of his leadership, and to humiliate him by subjecting him to such low treatment. And the phrase has no other purpose; even if for argument's sake one is going to make the argument Dathan and Abiram make, one could simply take out "from a land flowing with milk and honey" and the rest of the statement has the same practical meaning as before. Korah does not have any barb of such a deeply low nature; even the insinuation that Moses and Aaron are against God is not this frontal nor so specifically calculated with such vivid detail to abuse Moses personally. The fact that Dathan and Abiram invest energy in rank cruelty in this way suggests that on some level they relish it for its own sake. It also suggests that they are betting that this cruelty will be to their political advantage, by implication

because others will relish it as well and it will rouse people and attract them to the cause. Korah's approach, by contrast, is smooth-tongued and on the surface positive, egalitarian, and empowering. It is less of an immediate slash-and-burn approach, yet in some ways more dangerous precisely through deploying weaponized rhetoric in a form that is subtler, more seductive, and hard to spot and in that respect hard to stop. The Torah is showing us through Dathan and Abiram another form that demagoguery can take that is different from that of the character of Korah but still part of the nature of demagoguery; through his two fellow ringleaders, the Torah ensures it is still part of its portrait of how demagoguery works and how damaging its consequences can be.

In all these respects, we see thus far in the narrative a potent portrait of the core nucleus of demagoguery. Korah and his allies deploy populist rhetoric even as their substantive undertaking is a raw power play. They use the former to conceal their true purposes and to further them. Using a defense of "the whole entire community" as a mantle, Korah and his allies are treating as "facts," to own outright or to seek to do so, power, people, and language — power, in trying to seize it illicitly, for the sheer purpose of their own self-aggrandizement; people, in designing a gambit to manipulate others into supporting them, in selling people on false populist pretenses, and in willingness to use violence against Moses and Aaron; and language, in deploying language as a tool of expediency instead of statements that are supposed to be true. Korah's treating language this way and treating people this way overlap in that he is willing to use language for the sheer purpose of rallying more people to his side and obtaining the power that comes with doing so; this approach is both the opposite of using *language* honestly and the opposite of speaking to *people* with words that they can trust are true and are what one actually means. The highly public, dramatic nature of Korah's gambit also represents a

kind of seizure of the public square, treating the public life, attention, and business of the people as a "fact" to be owned and used in one's bid for power. Korah and his band exploit this national-scale attention-getting showdown to the fullest with the public-consumption quality of their language. With their rhetoric carefully crafted and polished, in today's parlance camera-ready, to win over the rank-and-file populace, Korah and his allies have matched their language to make the most of their setting and vice versa, taking over national life with an approach of seizure and force that is in its own way as powerful as the incipient violence that their mass of people wields. In all these ways, the Torah details reasons to be skeptical of even populism, in that a malignant actor can exploit it for ill, self-dealing purposes and turn it into demagoguery, and in its skepticism of this form of movement for power, the Torah adds to its overall skepticism of human power in all its forms.

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The next element in the narrative of Korah is the response by Moses and Aaron, one that gives the Torah's portrait of demagoguery more definition by contrast, and one that encapsulates the Torah's teaching of what rightful use of power is and gives and illustration of those who uphold rightful definitions of power repelling those who do not. While this chapter focuses primarily on the Torah's portrait and diagnosis of demagoguery and accordant skepticism of populism, let us now turn to the response to the rebels by Moses and what it signifies, before turning to the narrative's conclusion and how it amplifies the Torah's teaching about demagoguery in the Korah narrative. The first way the text depicts Moses' reaction is with this description: "And Moses heard

and fell on his face" (verse 4). Moses's instant reaction is one of humility — in apparently beseeching God for help; in clearly demonstrating fear, and not assuming that he should or even can necessarily strongarm his way out of a tough situation; and in falling down to the ground, a powerful symbolic image of humility and self-abasement. The gesture also directly, wordlessly, and primally rebuts Korah's accusation: Korah and his band accused Moses and Aaron of illicitly raising themselves up ("*titnasu*"); the next thing we see is Moses falling down to the ground, the exact opposite, putting the lie to the terms of Korah's charge.

Moses' instinctive initial reaction is the ultimate honest and authentic reaction of a humble leader about whom such accusations are not true, more than if he directly responded to Korah's words with words of his own. Moses does not defend himself because he has nothing about which to be defensive, and because it would never even enter his mind that he might commit the kind of offenses of which Korah has accused him. His reaction is literally "*speechless,*" as Zornberg observes, to the point that it is almost as if it takes Moses a moment to even discern what Korah is talking about. (Compare with, in Shakespeare's *Much Ado about Nothing,* the moment when Hero is falsely accused by her fiancé Claudio of sleeping with another man: Hero barely defends herself precisely because it would never even enter her mind that such a thing might be true; she is simply worried about Claudio's health and why he would utter such a far-fetched thing, saying to him, "Is my lord well, that he doth speak so wide?"[192]) Thus, in the very gesture of Moses' initial response, we see a figure who responds and who leads with candor for candor's sake rather than artificial showmanship for raw self-interest's

[192] William Shakespeare, *Much Ado About Nothing,* 1600, Act IV, Scene 1, line 62.

sake, and a figure for whom leadership is not simply about his own self and personal fortunes.

As Moses prepares to respond to Korah, we find the following phrase: "And he spoke to Korah and to all his community *[ve-el-kol-adato]*, saying…" (verse 5). The narrative's use of this term indicates the high stakes of Korah's gambit and its damage, already at this early stage of it, to the nation. We hear frequently in this story and from Korah about the "*edah,*" the "community," of the people, a classic term for the people as a unit in the Torah's Hebrew.[193] Now it becomes clear through the narrator's description that Korah and his followers — previously described as a list of people, i.e. still Israelites in fundamental good standing though making problematic choices — have now, through their uprising against the people's leaders, actually broken off into an *edah,* a national-level unit, of their own. This word choice attests to the growing cohesion and muscle of this group, with a single collective noun now befitting them; to their having severed themselves from the *edah* of the Israelites and created a separate, rival *edah*; and to this moment as a kind of point of no return, creating a new dynamic of *edah* versus *edah* between the people and the rebels. Robert Alter emphasizes the way the text evokes this dynamic by using this same Hebrew noun for *both* the people and the rebels, writing that *edah* "is the term regularly used (as in 'community chieftains' in verse 2 *[nesi'ei edah]*) to indicate the legitimate organized collective of Israelites, and the point is that Korah has deflected a legitimate collectivity, the *ʿedah*, into a mutinous break-off group."[194] The narrative shows us deftly and vividly what a demagogue can achieve and

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[193] Cf. Leviticus 19:2: God tells Moses to speak "*el-kol-adat-b'nei-Yisra'el,*" "to all the community of the Children of Israel."

[194] Alter, *Hebrew Bible,* on Numbers 16:5.

what is at stake in demagoguery: what was before growing unrest is now a confrontation between two national-level collectives, and thus an insurrection or even minor civil war.

Now Moses begins to speak and to unveil his political response to the situation, which represents both his commitment to using power rightfully and his urgent practical need to repel Korah's rebellion, and in examining Moses' response we thus learn a great deal about each of these two causes. In particular, Moses uses the strategy of expressing a vision of rightful use of power and holding Korah and his band accountable to this standard to claim the high ground in the rapidly changing battleground of the public square. Moses' first dialogue is: "'[In the] morning, the Eternal One will make known who is His and the holy and He will bring [them] close to him, and whom He will choose He will bring close to him" (verse 5). In emphasizing that God will reveal who is God's, Moses's word choice here levels a direct and potent rebuttal to Korah. Korah's accusation to Moses and Aaron was, "*Rav lachem,*" "You have too much," or literally, "Much to you," evoking, as we have seen, that Korah understands power as a "fact" to be possessed, believes Moses and Aaron have too much of it, and seeks to take it for himself. Moses flips on its head not only Korah's accusation but his entire conceptual framework of the situation. Moses does not counter Korah on the basis of what he, Moses, does or does not have; Moses frames the situation in terms of "*ve-yoda* <u>*YHVH*</u> *et-asher-*<u>*lo*</u>," "*the Eternal One* will make known who is *His*" (emphases added) — i.e. what belongs to *God*, not what belongs to Moses or any other human being. Moses' response thus both counters Korah's vision of what human power is for and illustrates Moses's own vision. At the center of Moses' conception of human power lies God as the ultimate rightful possessor of all power, and so the question is who is God's — that is, who is chosen and delegated for executing this power, not power that

any person can possess and not power for the leader's own raw self-interest. Moses is conveying, and the Torah is putting forth, an understanding of political life in which power is not for one's own personal sake or self-aggrandizement, but is merely to be executed in keeping with God's ultimate underlying authority and program for human life. Here we return to the Buber-Wolf notion of "fact" versus "task." Where Korah wrongly uses the "fact" paradigm," Moses understands the true paradigm of the "task": executing power and carrying out leadership for God's own sake, far greater than one's own; and, by implication, without limitless latitude to use one's power, since one does not truly own it in the first place, but executing it according to the merits criteria that God commands.

Moses is now about to announce the narrative's clinching plot device of trial by physical test, one that involves the rebels' bringing incense and ultimately being consumed by divine fire, as well as standing apart as one *edah* with ultimately the mouth of the earth opening up and swallowing them (the two different trials represent the two different original source strands). Though these trials themselves are arational and phantasmagorical, the way the characters relate to the trials and to each other therein remains potently politically realist. In terms of narrative construction and as a plot device, and in terms of how modern readers might understand this part of the narrative, the trials are, to borrow the term popularized by Alfred Hitchcock, akin to a MacGuffin, the paradigmatic sought-after secret briefcase, chest of jewels stolen by the bandits, and so on: it almost does not matter what the contents of the thing are; what matters is the way the characters relate to the thing, the way the characters relate to each other because of the thing, and what plot and character development are shown to

the audience thereby.[195] One might alternately compare the trials to a plot device in the most high-quality science fiction, in which what the characters do within the fictional universe is what matters, not how realistic the fictional universe is itself. It would thus be a mistaken reading of the narrative to characterize it as a mere magical tale because of the magical nature of its trials. The way the characters act within the plot of the narrative is what yields its political teachings.

We see the characters' realism surrounding the trials immediately in that Moses begins his proposal of a trial by satirizing Korah and the rebels. Moses continues, "This, do: Take yourselves fire-pans, Korah and all his community…" (verse 6). The Hebrew switches from second-person to third-person in the middle of the verse, just as this English rendering does. Moses is referring to Korah in the third person while addressing him, as if speaking to a leader so powerful that he dare not address him directly, or an imposing physical institution like some sort of palace. Moses is also referring to Korah and his rebels as if they actually are an *edah,* a community, in their own right, though Moses clearly does not recognize them as legitimately such. These descriptions refer to Korah and his band grandiosely and contrast their high self-image with reality in a way that, through being trenchant and outright funny, undercuts Korah's claims to seriousness and thus to power and legitimacy. (In contemporary English, imagine the rebels proclaiming that they now constitute the Republic of Korah, and Moses responding, "Okay, listen, 'Republic of Korah…'") Moses continues by laying out the terms of the trial, and concludes with another satirical note: "*You* have too much, sons

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[195] See, e.g., "Writing 101: What Is a MacGuffin? Learn About MacGuffins in Film, Literature, and Popular Culture," *MasterClass,* September 29, 2021, <https://www.masterclass.com/articles/writing-101-what-is-a-macguffin-learn-about-macguffins-in-film-literature-and-popular-culture#2-different-uses-for-a-macguffin>.

of Levi!" (verse 7). As Robert Alter comments, "Moses is obviously flinging their own initial words of complaint against him (verse 3) back against them."[196] By throwing Moses' opponents' own charge — "you have too much" — back in their face, Moses simultaneously lampoons them, comes across cleverly, shifts the charges over to them, and defends himself. Given the showdown now unfolding, the charge of "too much" has an added connotation along the lines of, "you all are in over your heads"; "you asked for trouble and now you will get more than you can handle." Notably, the chiastic structure in Moses' speech — first a riposte, then laying out the trial, then ending as he began with a riposte — adds to Moses' satirical flourish and power.

The midrash registers the potently punchy nature of Moses' response; Numbers Rabbah describes Moses as having "struck with a stick."[197] Though Numbers Rabbah uses this phrase critically of Moses,[198] Moses' verbal stick-striking here, given that he did not ask to face a rebellion and is now in genuine danger of his leadership's falling, might be better understood as a tool he is using to respond to demagoguery. As we have seen, Moses has not changed his commitment to rightful use of power according to the "task" of service to God. The question is how best to express this vision in the public arena and make it in fact prevail against a genuine threat from a figure who is seeking to seize that power wrongfully. To do so, Moses responds to Korah not just with a potent plan and expression of his ethics but with the rhetorical snappiness of a modern political

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[196] Alter, *Hebrew Bible,* on Numbers 16:7.

[197] Numbers Rabbah 18:18.

[198] The full midrash reads, "The Holy One, blessed be He, said to Moshe, 'You have struck with a stick, and you will be struck with that with which you struck. You said *[to the rebels]*, "It is enough for you *[in my translation, "You have too much!" -NL]*. And tomorrow you will hear, "It is enough for you" *[i.e. do not keep asking to enter the Promised Land]* (Deuteronomy 3:26)" (Sefaria translation).

debate[199] or battle rap.[200] These moments suggest, in dealing with opponents trying to speciously tear leadership down and illicitly claim power as their own, a response not only of frontal opposition and an expression of true leadership ethics, but also of amplifying this response's power with satire. The suggestion is even of speaking at least some subset of one's opponents' language on the rhetorical level, for example humor, to neutralize their tactical advantage and surpass them in what they themselves are using to win people over, while on the level of principles remaining unwavering. Precisely through Moses' having "struck with a stick," he diminishes the rebels' stature, portraying them not only as unethical but as small and literally laughable.

In the next four verses, beginning, "And Moses said to Korah," i.e. to Korah and not the entire public square — though Moses will address "sons of Levi," suggesting a private parley that includes a subset of Korah's band but away from the rest of the people — Moses gives a second speech that builds on the elements of his response thus far, emphasizing in particular the work of restoring candor to the way language is being used. The verses read:

> 8. And Moses said to Korah, "Listen, pray, sons of Levi:
> 9. Is it too little for you that the God of Israel has distinguished you from the community of Israel, to bring you close to Him, to serve in the service of the tabernacle of the Eternal One, and to stand before the community to minister to them?
> 10. And He brought you close, and all your brothers the sons of Levi with you. And you seek even the priesthood?
> 11. Therefore, you and all your community who have convened against the Eternal One — and Aaron, what is he that you groan against him?"[201]

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[199] The speech's envelope structure in particular calls to mind, "Senator, I served with Jack Kennedy, I knew Jack Kennedy, Jack Kennedy was a friend of mine. Senator, you're no Jack Kennedy" (1988 United States Vice Presidential Debate, excerpt available at <https://www.youtube.com/watch?v=QYAZkczhdMs>, quotation from response by Lloyd Bentsen to Dan Quayle).

[200] See, e.g., Lin-Manuel Miranda, "Cabinet Battle #1," "Cabinet Battle #2," in Miranda, *Hamilton: An American Musical,* 2015 (in which battle raps are used precisely to portray political debates).

[201] Numbers 16:8-11.

Moses begins by again satirizing the rebels, throwing back at them an "antithetically reversed" version of their original rallying cry, "You have too much!" through his phrase now, "Is it too little…?"[202] This new riposte however bears more political substance than its predecessors: Moses is flipping Korah's framing of the situation as one of Moses and Aaron's having too much power, and moving the focus to the reality of the large, more-than-sufficient amount of power Korah and his Levite allies already have (verses 9 and 10). This reality dispels the smoke and mirrors of Korah's framing of the situation. Moses also thus shines a light on the actual factor that has begun this crisis, that Korah considers himself to have too little power — this opinion of Korah's is what Moses is questioning by saying, "Is it too little…?" and in doing so, Moses emphasizes that this is precisely what Korah thinks, that what he has is too little. Through Moses, the Torah is putting its weight on the value of restoring the way language is used back to candor as part of responding to demagoguery and its reliance on exploitation and distortion of language.

Having noted the way Korah brought God into his speech for demagogic purposes, framing the contest as one of the highest possible stakes against an enemy worthy of near-literal demonization and appealing to the gut in order to expand his influence and power, let us now consider for comparison the way Moses refers to God in his speech. Most significantly, Moses refers to God as "the God of Israel," *"Elohei Yisrael*." Now, for the first time in the story, after all its references to "community" and "assembly," "*edah*" and "*kahal,*" at long last we hear the word "Israel." Moses is reminding Korah and his band that there is such a thing as the whole nation, and that is

[202] Alter, *Hebrew Bible,* on Numbers 16:7.

where God is in this equation — on the side of the genuine good of the actual entire people, not a concocted version thereof and not just one person or faction's self-interest. God as the ultimate power delegates power for the purpose of genuine service on behalf of the actual entire nation in this way: "the God of Israel has distinguished you ... to bring you close to Him, to serve in the service of the tabernacle ... and to stand before the community." And this service, by nature, is about carrying out "tasks" of such genuine service on behalf of the entire nation: "to serve," "to stand," and to come "close" to God in doing so. Moses thus vividly lays out the vision of leadership as "task" and not as "fact." His doing so, over against Korah's self-dealing "fact" approach, represents a major teaching with which the Korah story leaves the reader or listener. This vision also makes Moses not simply one party in a power struggle with the advantage of being the incumbent, but a leader whose case is based on right over wrong while his adversaries' motivations are raw personal interest. Moses is standing up not only for his own personal side in the dispute, but for right itself as a factor that normatively ought to be decisive in politics, and Moses's ultimate victory is in this way a victory for right itself.

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Let us now turn to the Korah story's iconic conclusion, the scene staged in full Cecil B. DeMille fashion, and the political significance of the imagery with which the story leaves us:

> And it was ... that the ground that was under them [the rebels] split, and the earth opened its mouth and swallowed them and their households and all the people who were with Korah and all their possessions, and they and all that was theirs went down alive into She'ol [the netherworld], and the earth covered over them, and they vanished from

> out of the assembly. And all Israel that was around them fled at their voices, for they said, "Lest the earth swallow us!"[203]

The key question here is not one of whether this scene "literally happened"; rather, what we find here is a literary image chosen by this writer to portray the rebels' downfall, and a highly unique image chosen specifically for this purpose rather than inserted as a stock plot point.[204] This image is meant to show us something about the nature of Korah's movement, and the most important question for us as readers to ask is what it is showing us. The writer's decision to choose such a startling, singular image for the final fate of this particular movement suggests a sense that the image matches and acts out something about the essence of the movement. The scene is thus a literary symbol, and portrays figuratively the punishment that fits this crime, and thus helps us to better understand the crime itself and the damage it has caused. Compare with, in *The Odyssey*'s climactic fight in the great hall, Odysseus' approach of slaying suitors in ways that symbolize their crimes, beginning with shooting an arrow through Antinous' chin precisely as he is drinking Odysseus' own wine.[205] The midrash sees this significance in the image: noting that Dathan and Abiram's call is not, for example, "We will not go" or "We will not come" but specifically "We will not go up," Midrash Tanchuma observes, "Just as they spoke, so did they die: 'And they and all that was theirs went down alive to

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[203] Numbers 16:31-34.

[204] The uniqueness of this image in Biblical literature is recognized in the text's reception history as early as Pirkei Avot, in which the Talmudic rabbis imagined that this mouth of the earth must have been created during the Creation process prior to existence as we know it, along with, e.g., the manna and Noah's rainbow, because the mouth of the earth is so singular and extraordinary as to be beyond any process having to do with this world (Pirkei Avot 5:6).

[205] Homer, *The Odyssey,* Book XXII.

She'ol.'"[206] Zornberg casts the measure-for-measure dynamic of the Torah and the midrash in psychological terms:

> Perhaps they are not so much foretelling as *testifying* to the course they are already set upon. Rejecting language, refusing to treat with Moses, they are already turned toward death. The biblical motif of 'the silence of the grave' is implicit here ... In choosing not to respond to Moses' call, the rebels have refused language; they have chosen death over life. If they will not *come up*, they are already on the way down to the silent shades.[207]

In Zornberg's vision, it is not just the rebels' type of death that symbolizes their wrongs; it is that the rebels' wrongs, shunting aside honest language and human interaction in favor of trying to seize power, already entail a kind of rejection of life itself. Their final fate concretizes the destruction that has already been their project all along.

To continue the measure-for-measure approach of the midrash and Zornberg into the domain of political significance, we might examine how the rebels' fate reflects their wrongs in the following way. Korah and his fellow rebels have sought power for their own raw self-interest. They exploited language in order to deceive people, incite them, acquire them as supporters, and ultimately exploit them too, using them as tools for their power grab. They have threatened violence, including against the people's leadership. They have divided the people into two rival national-level camps, to the point of insurrection and borderline civil war. In doing so, Korah and his band sunder the ground that underlies all of society. The Torah conveys this teaching through its symbolic image in which precisely this ground opens up and swallows up the rebels. They fall down to the netherworld through precisely the kind of rift they themselves opened up in the life of the nation. They have done this damage to the nation thinking it

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[206] Midrash Tanchuma, Korach, Siman 3.

[207] Zornberg, *Moses,* pp. 130-31.

would win them the top echelon of power and certainly would not hurt them; now it is they who fall into and perish in precisely this abyss.

In this sense, Korah is seeking to seize and own as "facts" more than power, people, and language. He is seeking to own, and to sunder, discourse — not just his own language, but the shared process of multiple people speaking, pursuing goals, making arguments, listening to each other, responding to each other, coming to understandings, and making decisions, ultimately on the level of society itself, through the sum total of all such interactions, and through those that take place on the public stage and the level of leadership with its bully pulpits. We see the way Korah and his allies open a fundamental rift in the society's discourse as soon as they first confront Moses and Aaron. In confronting them through the medium of speech, Korah and his allies appear to engage in a debate with them, but they approach this debate not just with different views but in speciousness. They seek only their own raw self-interest, not a result that is good on its merits, including for people other than themselves (even accounting for disagreement about what such a result might be); they speak not for the purpose of making true statements but for increasing their own power; and they are ready to use force to get what they want without regard for the damage it will entail. This speciousness puts up a blockade to shared dialogue about how to solve problems. One cannot even trust that the other side is using words to convey statements that they mean or are true, a fundamental building block of any political or legal communication and agreement.[208] There is no shared goal even on the most general level, i.e. a result that is

[208] See Robert Howse and Noah Lawrence, "Preliminary Observations on the Treaties in Thucydides' Work," in *In Search of Humanity: Essays in Honor of Clifford Orwin,* ed. by Andrea Radasanu (Lexington Books, 2015).

good on its merits and not just for oneself, such that there can then be debate at all about how to reach that goal. There cannot be an actual exchange of ideas in which the best idea wins if one side, should it lose on its idea's merits, is prepared to use force to triumph anyway. And Moses cannot make up for these deficits unilaterally; with his opponents blocking such a dialogue on the most basic level, they have corrupted not just their own language but the discourse between them and Moses.

With Korah and his band's having thus made even basic genuine dialogue impossible, it is darkly fitting that, when Moses makes his full speech of reply to Korah and others of the rebels, they say nothing in reply.[209] The discourse between them is sundered and gone. The midrash catches this telling omission; Numbers Rabbah observes, "Moses [tried to] appease Korah, but you do not find that he gave him any answer," and envisions Korah as knowing that if he actually engages in dialogue with Moses, Moses will convince him to call off the rebellion and reconcile: "[Korah] said [to himself], 'If I answer him, I know that, since he has great wisdom, he will now overwhelm me with his words and seduce me into being reconciled with him against my will. It is [hence] better that I not respond to him.'"[210] Korah has sundered the discourse and is deliberately leaving it destroyed. As Zornberg writes, commenting on this midrash, "Perhaps it is language itself that he senses as treacherous."[211] Korah knows that if the two repair the fundamentals of dialogue, if they speak together with the very basics of honest statements, seeking a result that is good on the merits, and not

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[209] Moses finishes his speech in Numbers 16:11, and in verse 12 the narrative continues to its next scene with no response by Korah and those with him.

[210] Numbers Rabbah 18:9.

[211] Zornberg, *Moses,* p. 130.

resorting to force to block the better idea from winning, then Korah will end up ceasing his power grab, as all along it had no genuine, legitimate purpose. Korah decides to make his power grab the one thing he will not cease pursuing, and leaves the discourse sundered in order to do it. It is in this sense that basic discourse, the fundamental ability to talk honestly about how to solve problems without fear of threat of force, is the ground that underlies society itself. Korah and his rebellion treat this basic discourse as something they can seize for themselves and destroy in order to get the top echelon of power for themselves. It is this sundering in the underlying ground of society that is made physically manifest in the story's concluding image, and just as Korah and his fellow rebels open it up for their own gain, it is through precisely this abyss that they are lost. And their blockade against basic constructive dialogue is what Korah and his fellow rebels are ultimately remembered for in Jewish tradition's reception history of the narrative: Pirkei Avot names "Korah and all his community" as its definitional example of a "dispute" that is "not for the sake of Heaven," over against the definitional example of a "dispute that is for the sake of Heaven," "*machaloket she-hi le-shem Shamayim,*" that of Hillel and Shammai, the iconic scholars and schools of thought of the very early edge of the classical rabbinic era who were rivals in their positions on every issue but shared in the fundamental enterprise of debating issues sincerely, peaceably, and on the merits.[212]

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[212] Pirkei Avot 5:17.

In all these ways, the Korah narrative presents a powerful portrait of demagoguery; in it, a case for skepticism of populism as a form of movement for power, able as it is to be corrupted into demagoguery; and therein, in turn, a further dimension of the Torah's skepticism of human power in all its forms. Korah seeks to own as "facts" power, people, and language, exploiting them for his own self-aggrandizing purposes rather than engage in the "task" of relating to them rightly. He uses precisely the rhetoric and posture of populism, seeking to challenge the existing leadership from the outside on the basis of the worth and interests of all the people and not just some, both as cover for his self-dealing and to further his self-dealing by gaining more followers and power — even misquoting earlier passages of the Torah itself. Korah is willing to obstruct the fundamental discourse of national life in order to seize the top echelon of power, to the point that it becomes impossible to have a basic conversation about how to solve problems. And Korah integrates the threat of violence, in the form of the semi-army he brings in tow to Moses and Aaron, directly into his movement. As he and his followers break off into a rival *edah* or national-level unit, they escalate their unrest to the level of an insurrection and bring the nation to the brink of civil war. In Moses, the Torah shows us a leader of a polar opposite nature, who understands leadership not as a "fact" but as a "task," to be engaged in for the purpose of service on the merits according to God's delegation of power and expectations for how it is to be used. We see how Moses on the level of rhetoric borrows slightly from Korah's repertoire, using sharp humor to diffuse him, while on the level of principle remaining unwaveringly committed to the model of "task" and not "fact," illustrating how a leader committed to rightful use of power might repel one who seeks it wrongly. Ultimately, as the mouth of the earth swallows up the rebels, the Torah suggests symbolically that this same underlying rift

they were willing to open up is now what has engulfed them. All these ways in which Korah exploits populism, corrupting it with deceit, aggression, and self-aggrandizement, present a powerful teaching of skepticism about populism as a form of movement for power, and skepticism about the very enterprise of human political power itself.

Korah's approach to power bears certain differences from Pharaoh's, such as not singling out one group on an ethnic, national, or religious basis. What is most startling and revelatory, however, when one considers the two narratives in light of each other, is that Korah's abuse of power is as similar as it is to Pharaoh's, as both seek to own and exploit as "facts" power, people, and language, but Korah commits his abuse through a form of movement for power that is in each respect the opposite of Pharaoh's. The Korah narrative adds these forms of power, too, to the Torah's gallery of forms of human power about which to be skeptical. Lest one think only a monarch can abuse power, the Korah narrative shows that even a populist, explicitly claiming to represent all the people, can abuse power. Lest one think only a current chief executive leader can abuse power, the Korah narrative shows that even an outside challenger can abuse power. And lest one think a leader can abuse power only in their treatment of a foreign group or a minority, the Korah narrative shows that one can abuse power even internally within one group and its system of governance — or, from the point of view of that given group, lest one think only a foreign aggressor can abuse one's group from the outside, the Korah narrative reveals the abuse of power that members of one's own group can commit against each other. In each case, if one thought that Pharaoh's forms of power themselves represented the problem of abuse of power, and that the opposite of each of Pharaoh's forms of power thus represented solutions, the Korah narrative demonstrates that this is not the case. These opposites of Pharaoh's forms of power, too, can be

corrupted and misused and abused. These too are not permanent solutions to the problem of abuse of power, and so we see that there is no such thing as a permanent solution to this problem. The only way to ensure that power is used rightly is in fact to do the work of using power rightly — a model that cannot be permanently installed through any one form of power, but which must be done each day in each decision and the next day again.

Even through simply adding a second example of abuse of power on top of Pharaoh's example, what the Korah story really reveals is not merely a second example on top of a first, but a tendency that goes beyond one example and therefore goes beyond two examples as well. One example alone might arguably be limited to its facts and containable within one paradigm, but once we have a second, we know the phenomenon pertains to more than one instance and so it will not stop at two either. The revelation is like the way that a family's having a second child who is different than the first teaches not only a lesson about this second child, but the lesson that all the children the family might have will be different from each other. Korah reveals the fundamental multiplicity of ways that power can be abused beyond any one form alone, even through its addition of a second example on top of the example of Pharaoh, let alone an example that comprises each corresponding opposite feature of Pharaoh's forms of power. The Korah narrative thus shows that abuse of power arises not from any one form of power alone but from the human tendency to abuse power.

This being the case, just as no one form of power causes what is actually an underlying human tendency, no one form of power permanently removes the source of abuse of power because that source is an underlying human tendency. Human leaders can realize it within any form of power; some may be easier to exploit or more

vulnerable than others, but none removes the problem's source or makes it impossible to act on it. What we see is that to identify any one form of power as the permanent solution to abuse of power, such that one can rest assured that abuse of power will not happen within one's system, is in a certain way to treat rightful use of power as a "fact" — not in the sense of seeking to own it for one's own self-gain like Pharaoh or Korah, but in the sense of thinking of rightful use of power as something that can be installed, will remain by itself, and can be enjoyed permanently. What becomes vividly clear when the Korah narrative is added to the Pharaoh narrative is that the only way to ensure rightful use of power is not through any one "fact," but through engaging in the "task" of working each day for power to be used rightly.

Chapter Four:
Jethro and Moses

When Jethro, priest of the people of Midian and Moses' father-in-law, advises Moses on how to govern the Children of Israel — specifically judicially, in how to provide for the judgment of each case among the people — we again see, as with Pharaoh and Korah, a specific form of power emerge. Here, by contrast, we find a case of power used rightly. The Torah lays out in detail what this rightful use of power looks like, and the framework has six fundamental principles. These are: 1) Sovereignty lies with God, and thus not with any person. 2) The source of laws is also God, as is the ultimate court of last resort, thus setting out parameters of a divine form of natural law for the human legal system, while also entailing a potent role for human interpretation and application. 3) The heart of Jethro's framework is a judiciary, based on rule by laws. 4) Judges are chosen by criteria of ethics and substantive justice. 5) The judiciary works separately from, and thus without interference from, other groups in society, and, to a significant though not total extent, different powers of public rule are separated among different groups of people — in modern terms, an independent judiciary and separation of powers. 6) The framework entails a system of lower and higher judges. These principles combine into two broader arch-principles that govern the system: laws, and genuine, contestable but not biased or specious interpretation and application of laws, form the basis for making decisions — in modern terms, the rule of law (principles 3, 4, and 5); and power is spread out among different people and branches throughout the regime, such that no one person or group possesses unlimited power, and based on a fundamentally limited extent to which any one person or group is right in their decisions, with God alone being unlimited in these respects (principles 1, 2, 5, and 6).

The first of these arch-principles is aptly described by the goal, “a government of laws…” and the second, by the goal, “…and not of men,” the two halves of the classic governing proposition of John Adams in the Massachusetts Constitution that he drafted in 1779 and that was ratified in 1780.[213] Thus, Jethro’s plan amounts to a form, embryonic yet with many of its core principles’ potently present, of what today would be called a liberal constitution.[214]

In its provisions, we find that the form of rule that the Torah enjoins is one whose core features — carrying out laws, carrying them out according to criteria of justice such as honesty, carrying out one’s office with one’s piece of power but not possessing power outright, carrying it all out within parameters of right and wrong beyond what any one human being can set — are all “tasks” and not “facts.” They are the antithesis of the quest to own power, people, and language as “facts” as we saw in the narratives of Pharaoh and Korah, and just as they portray abuse of power, so too Jethro lays out how power can be used rightly. Ultimately, as we will discuss more at length in the conclusion, by choosing power as “task” as its positive portrait of political life and enjoining this model, in this kind of optimism the Torah shows its skepticism, and in this kind of solution the Torah shows us even more fully the problem. The problem as we have seen is the human tendency to abuse power, to treat power, people, and language as mere “facts” to be used for one’s own raw self-interest. Insofar as the

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[213] *The Report of a Constitution or Form of Government for the Commonwealth of Massachusetts*, October 28-31, 1779, *National Archives,* <https://founders.archives.gov/documents/Adams/06-08-02-0161-0002#PJA08d168n1>; see also “John Adams & the Massachusetts Constitution,” *Massachusetts Court System,* <https://www.mass.gov/guides/john-adams-the-massachusetts-constitution#-the-massachusetts-constitution->.

[214] I use the term “liberal” here as in liberal democracy versus other forms of regime, not as in left-wing versus right-wing in a policy sense, as discussed in the introduction as well.

solution is the task of using power rightly, the solution does not end the problem, because the task never concludes. Tasks only exist in their being done; ceasing the task means ceasing the solution; the only way to perpetuate the solution is to continue to do the task. Yet it is possible to do precisely that, and in the fact that it is indeed possible to use power rightly in each decision and again in the next one, not easy and not assured but possible, the Torah in the paradigm of Jethro offers small but sturdy reason for optimism and a plan for how to translate it into practice.

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The Torah's teaching about political power in the Jethro text, as in the cases of Pharaoh and Korah, is embedded intriguingly and significantly in a narrative. We find Moses attempting to judge the cases of the entire people by himself. His hours sitting as judge span the entire day; he is bogged down in this pursuit without end and the people are waiting *ad nauseam* for their cases to be resolved.[215] Moses judges according to "the laws of God and His verdicts," per his dialogue, and thus not in order to hoard decision-making power for himself to use at his pleasure, as with Pharaoh and Korah.[216] It appears that Moses simply cannot conceive of another way to carry out the judgment of the people's cases, either out of a sense of his own duty, his unique prophetic ability to channel people's coming "to inquire of God" (also per his dialogue),[217] or given that having lived only in Egypt and Midian he has never seen any other model of leadership

[215] Exodus 18:13-14.

[216] Exodus 18:16.

[217] Exodus 18:15.

before. We see the dilemma's roots in the sheer horizons of what Moses can conceive of in the human, almost humorous detail, as Propp points out in the *Anchor Bible,* that when Jethro asks Moses why he is doing what he is doing and "why are you sitting [as judge] alone...?" we find that "Moses misses the emphasis in Jethro's question," answering "why the people come to [him]" when in fact Jethro understands that piece of the situation perfectly well; Jethro is asking "why Moses has no assistance."[218] Jethro says to Moses, in vivid personal terms spoken by a father-in-law and making clear that we are reading narrative: "The thing you are doing is not good. You will wear out, wear out, both you and the people that are with you. For too heavy for you is the matter. You cannot do it alone."[219] As he continues to speak, "Now, listen to my voice, I will advise you, and may God be with you!..." we find Jethro unveiling a five-verse set of principles to Moses that compose a framework for a judiciary through which he must provide for the judgment of the people's cases instead of acting alone. In doing so, Jethro and the text with him jump from narrative to law, then back to narrative as Moses immediately and wholly implements Jethro's proposal,[220] and the two types of material together make up the chapter's nomos. The text itself reads smoothly — it is in all likelihood from a single documentary source, the E source[221] — but where we see, if not discontinuity, then certainly striking shifts, is in the lines where narrative shifts into law and law back into narrative. Jethro, unlike Pharaoh or Korah, presents not only one particular

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[218] Propp, *Anchor Bible,* p. 631, on Exodus 18:15.

[219] Exodus 18:17-18.

[220] Exodus 18:24-26.

[221] Jeffrey H. Tigay in the *Jewish Study Bible*, citing that "Moses' father-in-law was called Reuel in that episode [where he first appears] (2.16–22, from J)," deduces that "this episode is drawn from a different source; the predominance of the name 'God' ('elohim') here and other details indicate that it is E" (Tigay, *Jewish Study Bible,* comment on Exodus 18:1-27 (general comment at the beginning of the chapter)).

program in the midst of a narrative portraying an overarching form of power, but an explicit, point-by-point language laying out precisely a form of power. Nonetheless, the Torah presents this framework for rule within a narrative, as in the cases of Pharaoh and Korah.

The first question in a legal-political analysis of the Jethro text is: Why? The Torah's decision to embed this constitution within the recounting of Jethro's visit to Moses and the people, and the legal and political significance of this literary choice, presents a masterclass in the art of nomos and narrative. The teachings that this choice yields begin with the fact that the Torah is making a deliberate choice to recount in this way the origin story of the constitution of the judiciary of the Children of Israel. Firstly, it is unclear if this episode is or is not historical. Propp writes that one possible piece of proof of historicity is the shocking choice of a priest of Midian, an enemy nation (on which more in a moment), as a constitutional founding father of the Children of Israel, because no one would invent a national narrative so shocking: "The force of this argument cannot be gainsaid, but neither can the dearth of evidence."[222] Regarding the framework's hierarchy of judges, entailing "chiefs of thousands, chiefs of hundreds, chiefs of fifties, and chiefs of tens," Robert Alter observes: "[T]his neat, numerically divided judicial organization has the look of a military command structure. Scholars have noted that it is far better suited to the royal bureaucracy of the First Commonwealth period than to the rough-and-ready conditions of nomadic life in the wilderness."[223] Accordingly, we see this kind of judiciary at work in the Former

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[222] Propp, *Anchor Bible,* p. 635 ("The 'Midianite Hypothesis' imputes to Jethro and his people a crucial influence upon formative Israel [citation omitted] ... How else could tradition have ascribed so great a role to Jethro, were it not historical fact?").

[223] Alter, *Hebrew Bible,* on Exodus 18:21.

Prophets, for example in the Absalom story, where we see the judiciary's center in Jerusalem,[224] and in the story of Naboth the Jezreelite, where we see a lower, decentralized local court, as Propp observes.[225] Thus, in all likelihood when we read Jethro's constitution for a judiciary what we are reading is in fact ancient Israel's constitution for its judiciary.

The Torah's portraying out of all people Jethro priest of Midian as the progenitor of this constitution is thus no formulaic detail but a deliberate, significant choice. If the episode is not historical, why craft this specific origin story for the judiciary of ancient Israel? If the episode is in fact historical, why keep Jethro in the story, given the Torah prose's famous terseness and Midian's enemy status; why not simply relate the details of the judicial framework, like one of the censuses in the Book of Numbers or one of the lists of royal cabinet members we see in the Books of Samuel and Kings? One reason, one significant effect of placing this judicial constitution in Jethro's mouth and Jethro's story, is that it creates a powerful argument *a fortiori* against any one figure concentrating too much power in their hands or wielding power with too few limits: if it is "not good" even when the peerless founding liberator and lawgiver Moses does it, how much more so any ordinary leader or group. Portraying this form of rule's origins this way also presents it as supremely age-old and fundamental, in that its origins go back in

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[224] 2 Samuel 15:2-6 (here, despite Jethro's best efforts to delegate power and spread out the caseload, and emphasizing the importance of endeavoring to do so, the narrative turns on the apparent lack of enough judges to hear people's cases expeditiously enough, a problem that Absalom exploits demagogically — the Samuel text thus emphasizes within the history of ancient Israel the importance of fulfilling the tasks of rightful use of power, as even within the Hebrew Bible itself people can and do fall short in continuing to fulfill them, with disastrous consequences).

[225] 1 Kings 21:8-14; Propp, *Anchor Bible,* pp. 634-35 (here, similarly, the case when put in dialogue with Jethro's framework emphasizes the importance of endeavoring to preserve "truth" and eradicate "ill-gotten gain" in the judiciary (Exodus 18:21), as even with the emphases of this framework, the Naboth case goes in the opposite direction along the axis of "truth" and "ill-gotten gain").

time and in the formation of the nation even beyond Moses; the advice of this form of power is the advice that even Moses had to receive from an elder.

We also observe the surprising fact that Moses, the ultimate leader who receives commandments from God, receives this charge not from God but from a fellow leader. This portrayal emphasizes the concept of power as "task" rather than "fact," in that even a rightful way to use power is not itself a *per se* positive commandment from God, but a prophylactic practical proposal for how one might go about applying the laws and operationalizing the values of justice that come from God. This framing suggests that Jethro's constitution is not a *per se* deed one must do or "fact" one must establish but a proposed best set of "tasks" to carry out power, and it suggests accordingly an openness to other plans if their tasks get the right results as well or better (as opposed to, say, matzah, which is a *per se* requirement and necessity as part of Pesach and cannot be replaced with another food). Yet though this framework for rule comes from a fellow human leader, it still bears a religious quality both through its very appearance in the Torah and through its coming from, specifically, a fellow priest who worships the same God as the Children of Israel and declares the plan to be a charge from God.[226]

Jethro's priesthood brings us to the fact that the text's portrayal of Jethro as the one presenting the Children of Israel's judicial constitution also adds powerfully to the text's sense of the universal validity, wisdom, and indeed necessity of this type of regime. Jethro is the priest of a different people. At the end of the episode he goes back to his own land, even though in a delayed reveal by the Torah we ultimately learn that Moses offered and even asked for him to come journey onward with the Children of

[226] Exodus 18:23.

Israel, emphasizing through the stakes of this choice the strength and continuity of his ties and responsibility to his own people as their priest.[227] We find in Jethro a figure who reveres the same God as the Children of Israel, but as part of a different nation and through a different set of practices than what the Torah delineates; we find such figures periodically in the Hebrew Bible.[228] Midian, significantly, is not just any foreign nation, but will go on to be an enemy of Israel, figuring as the chief antagonist of the story of Gideon in the Book of Judges.[229] This being the case, the Book of Exodus makes a very intense decision — acting "[r]emarkably," in Tigay's words; Propp in the *Anchor Bible* goes further, writing, "It is astonishing" — when it makes a priest of Midian the progenitor of the constitution of the judiciary of the Children of Israel.[230] The Torah is using the maximal case of foreignness to make a point of maximal universality: if this vision is expressed not only by a leader from a foreign people but an enemy people, and it is as right in the eyes of their priest as it is for the founding lawgiver of the Children of Israel, it must be right and universal on an ultimate, unsurpassable level. We see the Hebrew Bible take a similar approach to portraying universality in the Book of Jonah, in which the people of Nineveh, the capital of the imperial arch-threat Assyria, are precisely the ones who find God's forgiveness when they sincerely repent (as Robert Alter comments, "To send a Hebrew prophet to Nineveh would be rather like sending a Jewish speaker to deliver moral exhortation to the Germans in Berlin in 1936"[231]). In all

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[227] Exodus 18:27; Numbers 10:29-32.

[228] Such as Melchizedek (Genesis 14); Rahab, the prostitute in Jericho (Joshua 2); Naaman, the Aramean general (2 Kings 5); and the sailors and the Ninevites in the Book of Jonah (Jonah 1 and 3).

[229] Judges 6-8.

[230] Tigay, *Jewish Study Bible,* on Exodus 18:13-27 (general comment at the beginning of this pericope); Propp, *Anchor Bible,* p. 635.

[231] Jonah 3; Alter, *Hebrew Bible,* on Jonah 1:2.

these ways the narrative here vividly expands the color and contours of Jethro's legal proposal, and together they form a deeper nomos than either would by itself, vividly expressing the Torah's vision of the essential, universal justice and indeed necessity of using power as a "task" and not a "fact."

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Jethro now lays out an entire plan for the judgment of the people's cases, in which we see his framework for a judiciary and his embryonic liberal constitution. Here is the full text of Jethro's five-verse framework, which I will then analyze verse by verse and principle by principle:

> 19. "...Be you for the people across from God, and bring you the matters to God,
>
> 20. and alert them to the laws and the verdicts, and make known to them the way they shall walk and the deeds they shall do.
>
> 21. "And you — seek out from all the people:
> people of valor,
> who fear God,
> people of truth,
> who hate ill-gotten gain.
> And place upon them [the people] chiefs of thousands, chiefs of hundreds, chiefs of fifties, and chiefs of tens.
>
> 22. And they shall judge the people at every time. And it shall be that every great matter they shall bring to you, and every small matter they shall judge. And it shall lighten from upon you, and they shall bear it with you.
>
> 23. If you do this matter — and God commands you so — you shall be able to stand, and as well all this people shall come to its place in peace."[232]

[232] Exodus 18:19-23. (The rendering, "ill-gotten gain," for *betza,* or in this grammatical form *vatza,* is adapted from the New Jewish Publication Society translation; the nature of this word will be discussed more below. The rendering for the concluding phrase, "all this people shall come to its place in peace," for the literal "all this people upon its place will come in peace," is adapted from Alter's translation of this phrase.)

In the opening two verses of Jethro's proposal, "Be you for the people across from God, and bring you the matters to God, and alert them to the laws and the verdicts..." we find, first of all, that the foundation of Jethro's plan is that sovereignty lies with God; accordingly, no person is actually the source of power or possesses power outright. We have seen this vision of God's sovereignty revealed in the Torah thus far, as in the emphasis in the Exodus story on the imperative that even the mighty Pharaoh must "know" God, as we saw in our discussion of the Exodus story earlier. Jethro not only preserves but emphasizes this fundamental principle: God is the central, ultimate source of power of existence. God is the ultimate figure to whom "matters" must be brought, and the ultimate setter of "laws" and "verdicts" (the specifics of which we will examine more in a moment). Moses represents the people ("Be you for the people") and interfaces for them with God, "across from God," *mul ha-Elohim,* literally "opposite God." The vivid special metaphor is an unusual turn of phrase — to the point that Rashi feels obliged to gloss it, as giving Moses the role of "delegate *[shaliach]* and go-between *[melitz]*[233] between them [the people] and the Omnipresent One, and inquiring about their cases with Him."[234] The effect of this specific metaphor is to put God at the center of the system's conceptual understanding, with all else branching out from there. Jethro thus also denotes that just as God is the ultimate, central figure, no person or group of people is. Even Moses the great liberator and lawgiver is ultimately a delegate and go-between who simply plays a role, however grand, in the system; how much more is this the case for every other figure in the regime. In this sense of God as the sole sovereign of

[233] The same word as the word in the Joseph story for "interpreter," the palace's real-time translator between the Hebrew brothers and the mysterious Egyptian viceroy whom they do not know in fact understands Hebrew (Genesis 42:23).

[234] Rashi on Exodus 18:19.

the system and human figures as carrying out roles within it, we also find our first instance in Jethro's framework of human power as "task" and not "fact." Only God possesses power outright. All human figures' relationships to power are ones of carrying out tasks, as we see in the role of Moses as "delegate" and "go-between" in Rashi's summative words, and, in the Torah text itself, in Moses' duties ("bring you the matters," "alert them [the people]") and his purposes (being representative "for the people," relaying God's "laws" and "verdicts"). Even Moses cannot truly own power, nor can he use it limitlessly simply for his own sake or purely as he pleases, as we saw Pharaoh do, but rather, since Moses is carrying out roles, he by definition cannot go beyond what these roles entail, and since God is the supreme power, it is God who sets these fundamental parameters ("laws" and "verdicts"). From the very beginning of Jethro's framework, and, to heighten the point, even for Moses himself, God's sovereignty means that human power takes the form of a "task" to engage in, not a "fact" to own for oneself.

In the text's evocation of God's sovereignty, we also find a specific example of narrative interacting with law to make nomos. We see Jethro emphasize God's sovereignty even before Jethro and Moses' tête-à-tête about governance, when Jethro first comes to greet his family and the people. Moses gives his father-in-law an update on what the people have experienced since they last saw each other — namely, the Exodus from Egypt (to say the least something to write home about)! — and Jethro responds with a spontaneous blessing, whose compact phrases and parallelisms scan as Biblical poetry,[235] spanning verses 10 and 11:

10 Blessed is YHVH

[235] See, e.g., Alter, *Art of Biblical Poetry,* chapters 1-3.

Who rescued you
From the hand of Egypt
And from the hand of Pharaoh,
Who rescued the people
From under the hand of Egypt.
11 Now I know
That great is YHVH
Beyond all the gods,
Through their [the Egyptians'] very plan
For harming them [the Children of Israel].[236]

Jethro's poem presents, first, an emphatic recognition and indeed celebration of God's acting in history, with an ethical and political dimension, i.e. rescuing one nation from another and its ruler, and second, on that basis ("through their very plan" and comeuppance), a similarly profound recognition of God, YHVH, as the sole supreme power in the universe.[237] As noted by scholars such as Alter, Propp, and Jeffrey H. Tigay, writing in the *Jewish Study Bible,* Jethro's recognition of God here takes the principle that God is the sole supreme power of existence and solely can and must be recognized as such, as has emerged triumphantly in the Exodus story, and emphasizes it deeply; Jethro's words are "a perfect confirmation of the reiterated theme in the Exodus story that the LORD's great acts against Egypt will demonstrate His supremacy over all other imagined gods" (Alter), "a further fulfillment of the LORD's aim that all come to know His name and acknowledge Him" (Tigay).[238] Summing together this sense of God's supreme power, as Jethro proclaims in his poem's second verse, with this sense of God's ethical and political presence in the world, as Jethro proclaims in its first verse, we find that Jethro is acknowledging God as the ultimate sovereign.

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[236] Exodus 18:10-11.

[237] Not necessarily the only god; as Tigay points out, Jethro does not renounce the existence of all other gods; but nonetheless the one and only supreme god (Tigay, *Jewish Study Bible,* on Exodus 18:11).

[238] Alter, *Hebrew Bible,* on Exodus 18:11; Tigay, *Jewish Study Bible,* on the same verse.

In the Exodus story, too, it was specifically God's sovereignty as the sole ultimate power of existence, not only God's supremacy in a religious sense ("over all other imagined gods"), that was made manifest. God triumphs not only over Egyptian cultic priests or Pharaoh-cum-god, but specifically over Pharaoh *qua* the ultimate powerful executive leader and his massive program of enslaving the Children of Israel. "Israel, Egypt and now Jethro must know [YHVH's] might, not just intellectually but experientially," Propp writes.[239] Note that what God displays in the Exodus narrative is not might alone but an ethical imperative, objecting to the suffering of slavery, and a political quality, the ultimate leader going *mano a mano* with the tiny-by-contrast Pharaoh, and so, these qualities taken together, what we have is the sovereignty of God. Jethro here emphatically adds his endorsement to this principle and expands its power in the text, and the very word choice makes this building of momentum clear: just as Pharaoh refuses to "know" God, Jethro, conversely, explicitly declares his recognition of God using the same root word, "Now I know."

As a Midianite priest, Jethro, like Pharaoh, is part of a different nation than the Children of Israel, an element that adds to the text's emphatic replacement of Pharaoh's literally self-centered vision of politics with God's, and underscores the universality of God's sovereignty, as discussed above. And the fact that Jethro's recognition of God's sovereignty takes the form of a poem gives it a grand foundational quality, laying out a basis on which the rest of the chapter will build. By the time we ultimately come to Jethro's practical framework for rule, it comes as part of a narrative that emphatically portrays and conveys God's sovereignty; this vision of God's sovereignty fundamentally

[239] Propp, *Anchor Bible,* p. 630, comment on Exodus 18:11.

informs the entire practical framework that is to come; and the latter, in turn, turns the former into concrete practice. The narrative informs the framework for rule analogously to how the U.S. Constitution's articles and amendments are informed by its Preamble and by the Declaration of Independence, which also portrays humanity's political life by pointing to "their Creator" as the ultimate source at the center of it, from which in turn people are "endowed…with certain unalienable Rights" and "among these are Life, Liberty and the pursuit of Happiness."[240] In each case, we find, using precisely Robert Cover's original examples: "For every constitution there is an epic, for each decalogue a scripture."[241]

We also find, when Jethro says that Moses after consulting with God will "alert them [the people] to the laws and the verdicts," that the status of God in this system includes being the source of laws. The judges of this system will have the power to apply laws, but not to make them (a distinction that also has significance in terms of separation of powers, as we will see more below). No other kind of laws or source of laws appears in Jethro's framework for rule. Within the Torah narrative's context this principle of God as source of laws has a particularly powerful cast, one that helps us understand what significance we are meant to see in this principle. We have just come out of the political setting of Egypt, in which Pharaoh had limitless power to make laws, to turn his will into law through mere say-so, including laws of the most damaging, biased, oppressive variety, as we saw in our discussion of the Exodus story. In that sense, Pharaoh's regime was in modern terms an absolutely unbridled regime of positive

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[240] "Declaration of Independence: A Transcription," *National Archives,* <https://www.archives.gov/founding-docs/declaration-transcript>.

[241] Cover, p. 4.

law: nothing restricted Pharaoh's power to posit a law and on that basis render it law. The Torah's response is a profound form of natural law. Not only are there laws whose authority is beyond what humans posit, not only is there a source beyond all human beings that has the power to ordain such laws, but indeed only that source has this law-ordaining power and these are the only laws. This source is God, and so the Torah puts forth a Jerusalem form of natural law, in the sense of Jerusalem and Athens, revelation and reason, as discussed in the introduction.[242] Pharaoh could declare a law without any restrictions on what the substance of the law might entail, but what we find in this system is that laws reflect a divine conception of justice to which human beings may not rule to the contrary.

This approach does not mean that human beings have no power, either, nor does it mean that even God enjoys absolutism in practical temporal power. The judge's role entails precisely the power to interpret the law, which by implication will sometimes even entail novel, creative interpretations. This principle is made more explicit later in the Torah in Deuteronomy as Moses prepares the next generation to enter the Promised Land without him[243] (and becomes dramatically expanded and treasured in Rabbinic

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[242] For a further discussion of such a Jerusalem type of natural law and what it might look like, see, e.g., Steven B. Smith, *Reading Leo Strauss: Politics, Philosophy, Judaism* (Chicago: The University of Chicago Press, 2006, Kindle Edition): e.g. "Early readers of [Strauss'] *Natural Right and History* like Walter Lippmann saw in the book a support for the belief that the growing debility of modern democracy was due to its loss of faith in the natural law" (p. 3); "Whatever the differences between ancient philosophy and the Bible ... [i]t was ancient political philosophy's understanding that 'evil cannot be eradicated' from the soul and that 'one's expectations from politics must be moderate' that allowed it to escape the 'fanaticism' of destruction [footnote omitted]. All of the revolutionary movements of our day, on both the Left and the Right, can be traced back to the Enlightenment's forgetfulness of this and other such pieces of prudential advice ... The crisis of the West reveals itself today as the attempt of modern philosophy or the Enlightenment to vanquish, once and for all, the claims of revealed religion" (pp. 28-29).

[243] Deuteronomy 17:8-10.

Judaism).[244] Ultimately, novel judicial interpretation goes in tandem with the institution of the Israelite monarchy as a source of human-made political decisions and laws.[245] At that point, the role of divine laws becomes one in which they still exist, but they are now complemented by human positive laws, yet divine law places limits on how far human positive laws can go — we see this role of divine law as permitting but circumscribing human politics in Deuteronomy as well[246] — and so the Torah's divine form of natural law continues to set fundamental parameters for the system. Jethro's system thus sets out a fundamental paradigm of divine natural law, gives a potent yet not limitless role to human agency, and places the two in a dialectic tension in which human agency is limited but not impotent, potent but not limitless.

Note that similarly this part of Jethro's framework indicates that God will be the source not only of laws but of the verdicts in the highest, most difficult cases, as the ultimate court of last resort beyond Moses when even Moses cannot reach a decision (more on the hierarchy of judges in a moment). When Jethro says, "bring you the matters to God," we find that the iconic multi-purpose Biblical Hebrew word *devarim,* literally "words" and translated here as "matters," refers to the cases people bring, since that is the last topic Moses was discussing when Jethro began his proposal. Rashi accordingly glosses the term as "*divrei rivotam,*" "the matters of their disputes."[247] Jethro then says, in turn, "and alert them [the people] to the laws and the verdicts." The

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[244] As in the aforementioned Talmudic narrative of the Oven of Achnai, featuring God's own Self watching the rabbis interpret halachah over against explicit revelation, and smiling and saying, "My children have triumphed over me, My children have triumphed over me" (Bava Metzia 59a-b).

[245] See, e.g., King Solomon's construction of the Temple (1 Kings 5-7); King Jehoash's reform to the system for Temple donation money (2 Kings 12).

[246] Deuteronomy 17:14-20.

[247] Rashi on Exodus 18:19.

Hebrew words *torah* and *torot,* "teaching" and ultimately becoming the name of the Torah itself, can also refer to verdicts as in court decisions, as Hebrew Bible scholar Benjamin Sommer has argued,[248] and that is the best understanding of *torot* in this case, as it describes the result of Moses' bringing the cases to God (and as the verse pairs *chukim* and *torot,* i.e. the laws and the result of applying the laws). Sforno describes these cases as ones whose questions entail "that which you have not heard [before]."[249] In this sense, too, Jethro's system is bounded by parameters of divine justice, by of a Jerusalem form of natural law, not only in legislation but also in judicial decisions; the true court of last resort is God's own Self, and human legal decisionmaking both enjoys the powerful role of filling the rest of the system yet exists within the parameters of God's divine decisions from the system's top. And indeed, this process of Moses turning to God when even he cannot decide a case is precisely what we see when disputes of this nature arise later in the Torah — such as, as Sforno highlights, the ordaining of Pesach Sheni and the inheritance case of the daughters of Zelophehad.[250]

The placement of God at the top of a system of human judges as the ultimate court of last resort again emphasizes the dialectic between the divine and human roles, and the nature of Jethro's constitution as one in which power takes the form of "tasks" and not a "fact." With human judges placed throughout the system, the majority of this framework's operations are powered by human decision-making. Yet there is an acknowledgement that there is a limit on the ability of any one human being to know

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[248] Benjamin Sommer, "The End of Days in Isaiah: Coming Soon (and Still Waiting)," lecture via webinar in the series *Times of Crisis and Possibility*, The Jewish Theological Seminary, July 20, 2020, <https://www.youtube.com/watch?v=GEnpCFVnTAU>.

[249] Sforno on Exodus 18:19.

[250] Sforno on Exodus 18:19, pointing to the pericopes in, respectively, Numbers 9:6-14, 27:1-11.

what to do or to be right in their decisions — hence the need for God at the very top of the entire chain, for instances when no human being can discern any right resolution of a dilemma. This factor is also what necessitates the process of appeal up the chain, for instances when a party believes a given judge has gotten the decision wrong and seeks a judge at the next rung who will get it right, as we will see more in a moment. What constitutes justice under law, per the Torah, is not the "fact" of any person or people who are *ipso facto* right in their decisions, but the "task" of engaging in legal decision-making, and that is a task in which any given person or people may do a comparatively better or worse job, and so the only way such rule will be right is through doing and continuing to do the work of engaging in the task rightly.

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As for Jethro's describing how this plan will take shape in practical institutional form, we find that his framework has at its heart a judiciary; the Torah's decision to home in on, of all institutions, a judiciary as a praiseworthy institution for governing the people's affairs is not to be taken for granted. The significance of this decision comes into sharper focus when Jethro says in the second verse of his framework, "alert them to the laws and the verdicts, and make known to them the way they shall walk and the deeds they shall do."[251] In the way the plan prioritizes a judiciary and laws, we find the bedrock factor that cases are to be decided according to laws that are binding and applicable across all cases on a neutral, impartial, and consistent basis, as opposed to

[251] Exodus 18:20.

arbitrariness or partiality depending on who the judge is, who the parties are, the personal pleasure of the judge, or legally-meritless influence or pressure by one of the parties — the principle of, in modern parlance, the rule of law. Laws are the bases for decision-making in this plan; judges make decisions according to them and are not free to make decisions based on whims or their own personal pleasure; out of all institutions to champion and put at the center of his ideal framework for rule, it is this that Jethro chooses. The very etymology of the Hebrew word "*chukim,*" "laws," emphasizes this sense of consistency and the neutrality that comes with it; the word's root, *chet-kuf-kuf,* refers to engraving or chiseling on stone or another such material, indicating the laws' consistency like that of stone engraving.[252] These laws are, literally in the word's etymology, set in stone. Moses is judging the people's cases on precisely this basis in the status quo when Jethro presents his intervention — "I judge between a person and their fellow and I make known the laws of God and His verdicts"[253] — and for all that Jethro changes, he preserves the crucial factor of law as the basis for making decisions. The text emphasizes Jethro's emphasizing and enshrining this factor through his using near-word-for-word the same language as Moses to describe it: "alert them to the laws and the verdicts…," the same nouns Moses used, and this time with no modifier ("of God") reflecting that Jethro is referring to the same ones Moses mentioned before; "…and make known to them…," the same verb Moses used.[254]

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[252] *Even-Shoshan Dictionary, Renewed and Updated for the Twenty-First Century* (The New Dictionary Ltd, under license to Oxford University Press, 2004, 2015; edition of Apple MacOS' Dictionary application), entry *chok*, entry *chet-kuf-kuf*.

[253] Exodus 18:16.

[254] Exodus 18:20.

Jethro especially enshrines a particular safeguard on decision-making based on law: the people's having knowledge of the law. We see this when Jethro preserves the practice of Moses' *making known* to the people what the laws and verdicts are, literally the causal verb form of the root *yada,* "to know," *hodati* when Moses says it in first-person grammar and *hodata* when Jethro uses it in the second person. In fact Jethro strengthens this practice, adding the verb *hizhartah,* "alert" or more literally "warn." The purpose here is not a ritual but in fact disseminating knowledge of the laws; Ibn Ezra signals this point through glossing Jethro's dialogue as, "You will have to instruct them and teach them [about] the [laws that are in] doubt," i.e. the goal is truly to ensure certainty by the people of what the laws are.[255] A state in which the people know the law has the effect, if imperfectly then nonetheless potently, of safeguarding decision-making based on the laws, because if the people know what the laws are, they will not accept judges' making decisions that in fact go against the law or are extra-judicial, with blatant arbitrariness or favoritism, or based a biased or specious interpretation that is in fact no interpretation of the law at all. People will know that the judge has done so and be able to object, potentially making it impossible to force such a ruling on the people — precisely this result happens in the Book of Samuel when Samuel appoints his sons as judges but "they were bent on ill-gotten gain *[ha-batza]* and took bribes and bent justice," and the elders of the people reject them and ask Samuel for a king instead.[256]

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[255] Ibn Ezra on Exodus 18:20 (in the full comment Ibn Ezra writes that Jethro limits the amount of teaching by Moses only to those laws that are in doubt as part of Jethro's overall goal of lightening the burden on Moses; the same factor that makes it a burden to teach all the laws to the community also makes it significant that even as Jethro tries to reduce the burden, he is not completely relieving Moses of teaching duties so to speak — at a minimum Moses absolutely has to teach the laws in doubt even though it is still burdensome, which shows just how necessary it is in this framework for the people to know the law).

[256] 1 Samuel 8:1-5 .

The people's knowledge of the laws similarly makes ex post facto laws immediately apparent as an unjust ruse. Not only can such an objection stop unlawful rule that is underway, but it is also a deterrent against a judge's attempting it to know that this result can ensue, that they cannot necessarily "get away with it." (We will also see this emphasis on ensuring truth and opposing bias in Jethro's criteria for judges; there, the same Hebrew word for "ill-gotten gain," the one that later describes what Samuel's sons do, is explicitly prohibited.)

This factor does not mean there will not be sincere disagreement about how to interpret and apply laws. The legitimacy of good-faith disagreement is reflected by the appeals process in the chain of multiple levels of judges (on which more in a moment), providing the opportunity to have one's case heard by another judge and thus suggesting good-faith disagreements among judges.[257] Legitimate disagreement in interpretation is also suggested by the text's invocation of "great" and "difficult" cases that move up the chain of the judiciary because of their difficulty.[258] If a case can be so difficult that a qualified, installed judge, albeit at a lower rung, cannot solve it, then it is likely a case that is legitimately open to more than one good-faith opinion about how to resolve it. But it is another matter entirely for a judge to interpret a law in a biased or specious way or to rule extra-legally altogether, and the emphasis first by Moses and then even more so by Jethro on ensuring that the people know the law presents a check on the ability to judges to succeed or even attempt such rule by fiat, and thus strengthens the rule of law in the system.

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[257] As opposed to cases of outright blunders, which happen but presumably are sufficiently rare not to dictate how the entire structure of the judiciary should be set up.

[258] Exodus 18:22, 26; we will see more about how this process works below as well.

Another factor that makes up the rule of law in Jethro's framework is the presence of a standing judiciary, made possible through Moses' delegating power to so many judges: "And they shall judge the people at every time."[259] By having the judiciary be continuously staffed and active, we see right away that Jethro's plan prevents any discontinuity in time in which the rule of law does not apply to the society, a possibility of such horror as to render a supposed rule-of-law system nothing of the sort.[260] What is less clear on a first read, and more significant because this result is crucial yet would otherwise be in doubt, is that this standing judiciary not only covers time continuously in a general sense but provides coverage of each case no matter when it arises, and coverage for each person no matter when they suffer harm. Ramban explains this connection in his comment on this verse, in an insight of such power and vividness of prose as to be worth quoting in full:

> The meaning thereof is that [Jethro is saying] "when there will be many judges available, the oppressed one will go to the judge at any time he desires and he will find him ready [to listen to his grievance]. He cannot come near you [i.e., Moses] at any time because of the great multitude of people before you and on account of your many preoccupations. The result of this is that many of them will rather tolerate the violence committed against them because they have no opportunity to tell it to you. They do not want to abandon their work and affairs to wait for a free moment when they will be able to approach you." This is the sense of the expression, each one *shall go to his place in peace* [a few verses later in verse 23]. At present, because they cannot come near for judgment at all times, they will not rest in peace, since this opens a door for unjust people to commit violence and for oppressors to cause contention.[261]

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[259] Exodus 18:22.

[260] As in the 1967 episode of the original *Star Trek* portraying a civilization that enjoys perfect tranquility except for the occasional "Festival" when the populace commits all manner of crime and violence (Robert Vaux, "Star Trek: How a Classic TOS Episode Influenced The Purge," *CBR.com,* June 22, 2021, https://www.cbr.com/star-trek-tos-influenced-purge/, describing as well how the 2013 movie *The Purge* borrows this plot device).

[261] Ramban on Exodus 18:22, Sefaria translation.

Ramban illustrates the way a standing judiciary's goal is not merely coverage of each specific day and time, but a fundamental state of society in which, as part of how society works, when someone is wronged, they can seek redress. Ramban powerfully interprets Jethro's concluding phrase, "all this people shall come to its place in peace," as not only a final rhetorical flourish but substantively indicating precisely this meaning: in the universal knowledge that when people are wronged they can seek redress, we find a deterrent against potential wrongdoers (as opposed to "a door for unjust people to commit violence") a reassurance regarding potential victimization (enabling one to "rest"), and these factors together bring a society to a state of peace. Ramban's evocation of peace as such a state, and the way a continuous judiciary enables it, both emphasizes the significance of power as a "task" and not a "fact" in the judiciary's operations, and the way the fruit of these operations, domestic peace, itself takes the form of a task — that is, the transpiring of what each person does, knows, and can expect to happen or not to happen as they go about their lives, and the overarching state of affairs that arises from the sum of all of the above.

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We now come to Jethro's proposal's central factor, literally appearing in the center of the five verses of his plan (verse 21 of 19-23), which is his set of criteria for choosing judges, and they are criteria of ethics and substantive justice: "people of valor, who fear God, people of truth, who hate ill-gotten gain."[262] In these criteria, too, we find

[262] Exodus 18:21.

a matter of "task," criteria pertaining to what one does, criteria that are only true about oneself if one does them, that cease to be true if one stops doing them. The opposite, criteria of "fact," are the kind that, if born with them or having acquired them, one possesses them forever, such as inherited family line, age, prior service, having attained a certain rank for example in the military, or others of this nature. The substantive criteria are clearly meant to be illustrative rather than exhaustive (one would need more than four); these represent the kind of bases on which to choose judges. The Torah especially emphasizes these criteria for judges in that these four terms scan as Biblical poetry — each is a term with two words and 3-5 syllables, and the terms are parallel to each other, with an ABAB structure of "people of [noun]" followed by "[verb] of [noun]," and with each A and B glossing each other as well.[263] Inserting the grand, stirring cadences of poetry here, a recurring emphatic tool of the Hebrew Bible,[264] elevates for the reader, and even more so for the listener, the significance, seriousness and stakes of these criteria.

We first find "people of valor," *ish chayil*, a word whose martial sense indicates courage. The word's most literal meaning has a military definition, meaning "force" as in either "strength" or "army," but the word also has figurative meanings that preserve this connotation of intense feats. Ramban writes of this term, "This means men who are capable of leading a great multitude of people ... and it does not apply only to soldiers going forth to war." He cites uses of "*chayil*" with various pacific meanings, for example

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[263] See, e.g., Alter, *Art of Biblical Poetry,* chapters 1-3.

[264] Alter, *Hebrew Bible,* on Exodus 40:35 ("As is the rule in most literatures, when prose seeks grand effects, it tends to approximate the formal shape of poetry (compare Melville's repeated use of iambic cadences, coupled with Shakespearian diction in *Moby-Dick*)").

in Ezekiel, referring to the great array of dry bones he brings to life, in Joel, referring to the vigorous fruitfulness of a tree or vine, and in Deuteronomy and Isaiah, referring to great wealth (in Isaiah the riches are even carried on donkeys) — all meanings more akin to "greatness." Applying this meaning to the judicial context, Ramban concludes:

> Thus an *ish chayil* in the administration of justice is one who is wise, alert, and fair; in war, an *ish chayil* is one who is strong, alert, and who knows the art of arraying forces in battle. A woman also is an *eisheth chayil (a woman of valor)* when she is alert and knows how to conduct the management of a home.[265]

Ramban thus applies *chayil* in the sense of "greatness" to the context of justice and yields the qualities of being "wise, alert, and fair," as the parallel qualities to being "strong, alert, and who knows the art of arraying forces."

Ramban's homing in on the qualities of being "fair" or "upright," *yashar,* and "alert," *zariz,* dovetails with the second line of Jethro's description: "who fear God." Given these four lines' scanning as a Biblical poem, the line "who fear God" is by implication glossing "people of valor," and thus it indicates in what respect judges should be valorous: in fearing God — and, by implication, only God, and no person, that is, not skewing a case in favor of any person. In just this way Tigay defines "who fear God" as meaning people "of conscience," observing that the midwives Shiphrah and Puah are said to fear God when they save the baby boys of the Children of Israel and refuse to follow Pharaoh's order to kill them.[266] The two terms put together, "people of valor / who fear God," thus indicate a need for people who have an intense, indeed warrior-like dedication to impartiality, ruling justly under the law and not according to bias, influence, or pressure.

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[265] Ramban on Exodus 18:21, Sefaria translation ("*eisheth chayil*" is with reference to the classic poem beginning in Proverbs 31:10).

[266] Tigay, *Jewish Study Bible,* on Exodus 18:21, citing Exodus 1:17.

The third term, “people of truth,” is notable for several factors. First, it has such a crystal-clear meaning in its plain text, or in the Hebrew term for such exegesis *p’shat*: judges do indeed need to be committed to truth; it is a low bar to clear and an utterly indispensable one. The effect of this compact, straightforward term — by contrast with, for example, the phrase “who fear God,” evoking awe and a bit of mystery — is the gale-force power of its clarity and directness. This power emphasizes how absolutely necessary the truth is in judgment, and how much is at stake in it. The sheer plainness of the term also suggests that the primary problem when it comes to people who are not “of truth” in legal decision-making is not that people do not know that what they are doing is wrong, the rule being so simple, but that they are willing to do it anyway, and the urgency and stakes of truth must be blared with a clarion call all the more in response.

What is most potent and revelatory about “people of truth” is its glossing, synonymous parallel term in the Biblical poetry of Jethro’s criteria. We might expect, if not literally “who hate lies” in order to add beyond mere reiteration, perhaps “who hate false witness” (foreshadowing the Ten Commandments) or “who hate evil” or “who hate evil words” (assuming that “hate” is the verb, and we do see “those who love YHVH hate evil” in Psalms).[267] But what we find is “who hate ill-gotten gain.” The most interesting part of Jethro’s criterion, “people of truth,” is what he matches it with, and what he thereby positions as opposites of each other: truth and ill-gotten gain. Positioning two things as opposites that one would not associate that way, to spark one’s thinking about what would make these two things opposites, is a potent, vivid writing tool (in the Talmud, similarly, we find the colorfully adjective-juxtaposing statement, “Our sages

[267] Psalm 97:10.

taught: A person should always be humble like Hillel and should not be prickly like Shammai").[268] The implication in Jethro's juxtaposing "truth" with its opposite in "ill-gotten gain" is that there is not a general array of equally-likely reasons why judges might rule based on falsehoods, nor should the response simply be to look generally for truthful people or insist generally on truth's importance — there is one very specific reason why judges might rule based on falsehoods, namely, what is in it for them, and so passionate opposition, to the point of "hate," of ill-gotten gain is an absolutely essential criterion for finding the right judges, as the most significant step for preserving truth itself in court.

Why does Jethro use the word *betza,* or in this grammatical form of the word, *vatza,* translated here as "ill-gotten gain," for this criterion, and not the more ordinary word *shochad,* "bribe," which we see elsewhere in references to ethically-clean judges, including just a few chapters later within Exodus?[269] As a word for a category, *betza* is more general than the specific word for "bribe," as its root can also refer to accomplishing (hence in modern Hebrew *mivtza,* "operation," as in a military operation), and so *betza* covers a broader array of forms of self-dealing than the word for "bribe" (lest a judge say, "Well, technically this isn't a bribe…"). The word's sense of stakes and emotional freight is also starkly different because *betza* is also the word Judah uses to make his pitch to the brothers to sell Joseph into slavery. "What is the gain *[betza]* if we kill our brother and cover his blood? Come and let us sell him to the

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[268] Shabbat 30b ("humble" is *anvetan,* straightforwardly; "prickly," or more figuratively "impatient," is *kapdan,* which seems to be cognate with *kipod,* porcupine!).

[269] Exodus 23:8 ("And a bribe you shall not take, for a bribe blinds the clearsighted and twists the words of those in the right").

Ishmaelites," Judah says.[270] Judah's dialogue and Jethro's dialogue are the only two places where this verb root appears in the entire Torah. For the listener, the implication is that when a judge takes ill-gotten gain, what is at stake is nothing less than the original children of Israel selling their brother into slavery. And for the judge, this association in the word remains a powerful warning. It is precisely this wrong, *ha-batza,* that the sons of Samuel commit in skewing justice, as noted above, leading the people's elders to demand that they be removed from their judgeships and replaced with a king.[271] When they do, we see precisely the prohibition in Jethro's framework and the association with Judah's crime take form in direct action.

Ultimately, in each of these criteria we find a task and not a fact. We find an attribute that is true of oneself only because one does it, and that only stays true about oneself only if one keeps doing it — as opposed to an attribute that one can simply own outright forever. The poem of criteria's very language emphasizes this quality of task in the fact that each A term of the poem presents a noun, "people of [x]," followed by a key verb, "who [verb] [noun]." This diction epitomizes with diamond-like compact brilliance the Torah's teaching that power is on principle and ought to be treated as a task and not a fact. The only way to stay the right kind of person, the right personal noun, in one's use of power is through the right verb, through engaging rightly in the tasks of power.

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[270] Genesis 37:26-27 (note that in this verse I translate "*betza*" simply as "gain" because of course Judah himself does not think it is ill-gotten!).

[271] 1 Samuel 8:1-5.

Moving forward in Jethro's plan, we find a system in which in crucial and fairly far-reaching respects, the judiciary is independent and powers of rule are separated out among different groups. The judges cannot be controlled by any other power in their decisions. No figure from any other domain, for example a priest or a military officer, is listed as part of this system of judges or as playing a role in its decisions. Rather, the judges are described without any other role than that of judgment. In Jethro's description, "And you — seek out from all the people," Moses is searching from scratch for the most qualified people, indicating that he is not simply tapping an existing set of notables and giving them an additional portfolio.[272] The Hebrew emphasizes this point through the verb *techezeh* ("seek out"), from the root *chet-zayin-hei,* a high-register synonym for "see," as in *chazon,* "vision," in the Prophets,[273] here conveying a sense of an arduous, full-scale search with the highest stakes. And the existence of a standing judiciary "at every time," as discussed above, suggests judges for whom the judiciary is now their vocation and daily task, not an additional power on top of other roles. Since the judges are separated out from the rest of the regime, this factor also means that the judges cannot make laws, but only apply laws, while the laws themselves come from a

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[272] Tigay writes of the "chiefs of thousands, chiefs of hundreds, chiefs of fifties, and chiefs of tens": "These are military ranks, consistent with the fact that the Israelites are organized as an army (12.41 n.) and have just fought a battle (17.8–16)" (Tigay, *Jewish Study Bible,* on Exodus 18:21). Tigay adds, "Military officers sometimes held judicial responsibilities in the ancient Near East," but the sheer use of the naming convention from military ranks and jurisdictions of the same size as military units does not mean that the same people staff both institutions.

Alter, by contrast, infers from this similarity of nomenclature and hierarchy of jurisdiction not who is involved in this judiciary but when it took place: "The Hebrew for 'chief,' *sar*, is usually a military term ('commander'), and this neat, numerically divided judicial organization has the look of a military command structure. Scholars have noted that it is far better suited to the royal bureaucracy of the First Commonwealth period than to the rough-and-ready conditions of nomadic life in the wilderness" (Alter, *Hebrew Bible,* on Exodus 18:21).

[273] See, e.g., Isaiah 1:1, introducing the book as *Chazon Yeshayahu,* "The vision of Isaiah."

separate source, i.e. God's revelation to Moses. The respect in which we do not see an independent judiciary and separation of powers is that Moses makes up a one-person court of second-to-last resort (just before God's own Self) while remaining the executive leader, for example serving as commander-in-chief of military campaigns,[274] and while receiving legislation from God. Even then, however, in the Biblical imagination Moses is not a legislator but truly a receiver of laws from the ultimate independent source, God, as discussed above. Moreover, the entire priestly system is separated apart from the system of political and legal rule, and instead is headed by Aaron as the high priest, who, in turn, has no temporal authority: "The effect of this principle was to *secularise power*," as Rabbi Jonathan Sacks wrote.[275] By keeping each type of power and those who carry it out relatively separate from each other, this framework for rule better ensures that each kind of power is carried out without interference or bias from the other branches, but according to the merits criteria of the task for the sake of using power this way.

Jethro's plan also entails a system of lower and higher judges. One axis up which the system moves is the population size under one's jurisdiction: hence we have "chiefs of thousands, chiefs of hundreds, chiefs of fifties, and chiefs of tens.[276] Another axis is difficulty of cases: "every great matter they shall bring to you, and every small matter they shall judge," Jethro says — when Moses fulfills Jethro's plan a few verses later, the text changes "great" to "difficult," as if to clarify and emphasize what kind of greatness

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[274] From the Children of Israel's first war after freedom from Egypt, against Amalek in the episode just preceding this one (Exodus 17:8-16) to the people's last war before Moses' death (Numbers 31).

[275] Jonathan Sacks, "Tetzaveh: The Counterpoint of Leadership," in Sacks, *Lessons in Leadership: A Weekly Reading of the Jewish Bible,* 2015, p. 109.

[276] Exodus 18:21.

brings a case up the hierarchy and how the judiciary hierarchy defines greatness in a case.[277] Here again we see the system's use of genuine merits criteria, as in Jethro's criteria for choosing judges. Rather than defining the greatness of a case based on the social status of the parties, how much property is at stake, or other factors of this nature, the text defines a great case as a difficult case. All cases of a given level of legal simplicity or difficulty are thus treated equally regardless of the social status or wealth of the parties. And the system again puts at its center not "facts" like social status and wealth, but the "task" of deciding a case rightly, and the more difficult it is to do so — it is on that basis that one case is greater than another.

Who determines whether a case is great and who moves a case up the hierarchy? Given Jethro's phrase, "they [the judges] shall bring to you," per his strictly plain text it might be only the judges who play this role, automatically able to transfer their jurisdiction over a case up to the next level of the judiciary on the grounds that the case is too difficult for them to resolve. It is not a stretch to infer further that the parties could also play this role, and that a party's bringing a case up to the next level of the judiciary is a sign of a difficult case because if a party has grounds for objection to their verdict, then the case must have a fair amount of merit on each side, multiple issues in play according to which the case might well be resolved one way or the other, or other complexities of this nature.[278] Sforno interprets this verse in just this way, reading it as Jethro laying out to Moses a system of appellate courts:

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[277] Exodus 18:22, 18:26; the later verse's description reads in full, "The difficult matter they brought to Moses, and every small matter it was they who judged."

[278] Sforno addresses the concern that such a system might lead to overlitigation in his comment a few verses later on Jethro's promising a system in which the people can "go on in peace," writing: "seeing that the knowledge of the law will be widespread in so many lower courts, every litigant will know that the

> For indeed, since there shall be four levels [of judges], each higher than the one before, it shall be that [a judge of] the first [level] will judge a small matter, and a party who objects to their legal decision will object to the [level of judges] greater than [the judge who just rendered this decision], and from the second [level] to the third, and from the third to the fourth, and through such, there will be fewer [cases] coming before you [Moses] for judgment.[279]

In this interpretation, Jethro's system of multiple judges not only entails more people to handle the caseload and less of a burden for Moses, but actually provides a new substantive feature in the form of an appellate system that gives parties more than one chance to have their case heard, more than one judge to hear it, and the specific opportunity of reconsidering a verdict to which one objects. The system thus takes the merits criterion of the difficulty of a case and the "task" of judging it rightly and provides precisely the tools that these imply: tools to consider a difficult case again in case it is too difficult for a first hearing to resolve the case alone.

What the system of lower and higher judges has in common with the separation of powers and independence of the judiciary is the presence of more than one person. By stark contrast to the Korah rebellion, with only four figures at the top who seek to break all limits on power, and even more so Pharaoh, who operates alone as an all-powerful executive, Jethro's plan for Moses centers around including and delegating to many judges. Different kinds of power are assigned to different groups of people, i.e. different branches of the regime, going horizontally across the regime. It is an intra-judiciary version of this principle to have different parts of the judiciary's power allotted to different judges at different lower and higher levels within the system, going vertically up and down one branch. As Sforno points out, when Jethro says to Moses to "seek out"

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judgment he received was true and impartial. They will therefore not continue to constantly appeal such judgments" (Sforno on Exodus 18:23, Sefaria translation).

[279] Sforno on Exodus 18:21.

and by implication choose and appoint judges, “in these three matters you must be [conducting them] yourself, no counterpart for you will be necessary, but in matters of specific legal decisions, it will be necessary to have chiefs of thousands, chiefs of hundreds, and so on.”[280] The existence of multiple rungs of judges limits Moses’ power vertically within the judiciary, and the naming of the powers vested only in Moses emphasizes by contrast the other powers that are spread out among numerous figures, just as the separate branches of this government each limit each other’s power going horizontally across the system. In not one but two different ways power is spread out among different people. No one person or group can own power outright, but rather each person and each group takes on specific pieces of power and its roles. In that sense, again we see that in this system, power takes the form of not of a “fact” for any one person or group to possess, but of “tasks” that are spread across many different people, who receive power for the sake of carrying out the tasks themselves rightly.

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In all these ways, in Jethro’s constitution for the judiciary of the Children of Israel, the Torah presents in embryonic form what today would be called a liberal constitution. The notion of such limits pertaining even to the power of Moses, the great founding liberator, lawgiver, and leader through the wilderness, again emphasizes the need for limited power for any person or group. Despite the modern coinage of terms such as the rule of law and separation of powers, the substance of these terms appears in

[280] Sforno on Exodus 18:21.

early yet vivid fashion in Chapter 18 of the Book of Exodus. And indeed, though these terms are far newer than Biblical Hebrew, it is not retrojecting to use these terms to describe the Torah's paradigm; rather, it was precisely the founding figures of early modern and modern liberal government who drew on the visions of the Hebrew Bible, as we saw in our discussion of Eric Nelson's *The Hebrew Republic* earlier. Given Pharaoh and Korah's alarming treatment of power, people, and language as "facts" to be possessed and used at one's pleasure, and their rejection of the notion of power as a "task" to carry out rightly for the sake of doing so, we find in Jethro's constitution the precise corresponding converse case, and, as the modern Hebrew expression has it, a *chavayah metakenet,* a "repairing experience." The fact that this solution lies in the form of tasks on one level underscores the Torah's skepticism about human power, because the solution, such as it is, lies in people's in fact carrying it out it and continuing to do so — a chancy proposition at best when the entire amply-evidenced reason for skepticism about human power is the human tendency not to carry out power rightly but to abuse it. But just as the Torah's optimism contains skepticism, its skepticism contains optimism, because these tasks of rightful power are ones that human beings can, in fact, do. What is necessary, then, is for human beings to marshal all their resources, above all vigilance, to ensure that they do in fact carry out the tasks of power rightly.

Conclusion

In all these ways, we find in the narratives of the Torah a powerful, comprehensive and illuminating teaching about political life. The Torah is skeptical of human political power in all its forms. Each case of abuse of power, in each form of power through which it is done, adds to the Torah's gallery of narratives and case studies and to the Torah's skepticism of human political power itself. The Torah propounds a candid awareness that human beings have not only an option but an inclination to abuse power, and the Torah emphasizes for particular concern the inclination in human beings to seek to own power, people, and language as "facts" to possess outright and exploit for one's raw self-interest, instead of engaging in the "task" of how to use power, treat and govern people, and use language rightfully. In Pharaoh we see a monarch who uses the power of his office as the highest executive leader of his country to use power completely without limits to carry out a program based simply on his own biased, baselessly denigrating personal perception of the Children of Israel rather than being based in fact or any actual rather than specious good or benefit. He uses people, that is, the Children of Israel, as absolute objects — singling them out, intentionally subjecting them to suffering, enslaving them, expropriating them for raw labor, and ultimately beginning a genocidal campaign to drown the baby boys of the people. And Pharaoh profoundly exploits language, molding it to his own purposes of raw self-gain rather than speaking with basic honesty; his explicit statements are based purely on bias, and he conceals a great deal, his very plan of enslavement, through euphemism. Lest one think, from the Torah's narrative of the assault by Amalek, that the problem with power lies only in the form of wordless raw brutality that Amalek

epitomizes, we find in the narrative of Pharaoh a leader who uses speech with utmost mastery and uses it precisely to further his abuse of power. One might think, similarly, that the problem with power lies only in the forms of power that Pharaoh epitomizes: a monarch, acting as the highest executive leader of the land, abusing his office, that is, tyranny; a leader from one ethnic, religious, national group oppressing a different group. But we find in the Korah narrative that abuse of power, exploiting power, people, and language for one's own self-aggrandizement, can come even in the precise opposite forms of power — an outside challenge to the status quo arguing from the worth and interests of all and not just some, the many and not just the few, that is, populism, exploited and corrupted into demagoguery; and a leader within a group or society inflicting this abuse against fellow members of the same society.

In the narrative of Jethro and his constitution for the judiciary of the Children of Israel, we find a case study in rightful use of power, based precisely on engaging rightly in the "task" of using power rather than treating power as a "fact" to own and use without limits and for one's own sheer self-gain. We find such factors as the rule of law, that is, engaging in the task of applying the laws, without bias or partiality simply based on the identities or personal pleasures of the judge or the parties, allowing space for legitimate disagreement but not specious distortion. We find merits criteria of justice for choosing judges, such as rejection of "ill-gotten gain": criteria one has to do in order for them to be true of oneself, as opposed to facts one can possess outright, like family line, proximity to the leader, or having attained a certain title for example in the military. And underlying it all we find that sovereignty lies with God, and not any human being or group of people, such that human beings can have power in order to carry out the tasks

of their offices, but for the sake of those tasks and for serving the Divine conception of justice, not for one's own sake.

But the very fact that Jethro's proposal entails tasks that one must do and continue to do shows it to be the kind of solution that ratifies the reality of the problem — that is, not truly a solution, in that the problem does not go away. The Torah's vision of rightful use of power, being in the form of tasks and not facts, exists only if it is done, and remains only so long as it is done. Yet what we see in the narratives of Pharaoh and Korah is precisely a deep and abiding skepticism that people will, in fact, continue to engage in the task of rightful use of power, precisely because a task exists only in its being done; once begun it does not necessarily stay in place, but rather it is an open question each time if people will engage in the task rightly; and people have an inclination precisely to do so wrongly. Precisely as the Torah shows what rightful engagement with the tasks of power can look like, it shows its skepticism that human beings can indeed keep power in the form of a task and not exploit it as a fact.

How then to maintain rightfully engaging in the tasks of power? The Torah's teaching implies a number of answers, and the first answer is vigilance. Vigilance arises naturally from the fundamental idea that power is and ought to be used as a task and not a fact, that the solution to abuse of power lies in continuing to engage in power's tasks rightly. If one slacks or ceases to engage in the task, then the solution too will fall short and ultimately fail. Therefore, one must remain watchful, alert, and monitoring to ensure that one's leaders and society are, in fact, engaging in the task rightly and not slacking or ceasing. The thought that rightful use of power is now set in place, that whatever else might now happen could not be that bad — any thought that leads to no longer watching actively to ensure power is being used rightly — creates precisely the

vulnerability to power's being used wrongly. It makes possible a situation in which actors are either abusing power or not stopping, out of not noticing, others' abusing power. Assuming that rightful use of power will succeed, and no longer scrutinizing use of power to ensure so, has the precise effect of enabling rightful use of power to fail and abuse of power to take place. Skepticism that rightful use of power might fail is exactly what leads to watching to ensure that it succeeds.

Second, the Torah's teaching sounds a call not to consider any one form of power to be the solution to the problem of human abuse of power. For the Torah, there is no putting one form of government up on a pedestal. To do so would, first of all, misread the problem of abuse of power. The fact that abuse of power can take place within any different kind of power, whether by a presiding chief executive or an outside populist challenger, whether by wordless brutality or masterful deployment of speech, whether by an oppressor without or a corrosive figure within, suggests a trend, a tendency, about abuse of power, and it is not that we simply have not found the right form of power yet. It is that there is no single form of power that is always right, that abuse of power does not pertain to forms but to how human beings act within the forms in which they live. One can design a system of power to have comparatively stronger structural factors to resist abuse of power — the limitlessness of absolute monarchy, for example, gives abuse of power a particularly smooth path — but removing the problem of abuse of power is not something that one given form of power can do, or that is even possible as a solution that will stay put by itself perpetually.

This deeper impossibility leads to a deeper reason why no one form of government can permanently solve the problem of abuse of power. The approach of thinking that there is such a thing as a form of government that can eradicate abuse of

power, in its own way, makes a “fact” out of that form of government - even if well-intentioned it mistakenly treats something human beings have created as inherently, *ipso facto*, solving problems that in reality can be solved only by human beings’ not doing the wrong behavior of the problem. The approach treats a human creation almost like an idol, as possessing righteousness and justice in and of itself. Even if put forward out of a sincere sense that we have finally in fact found the one ideal form of government that cannot be abused, what this approach does is that it creates precisely vulnerability to abuse of power by leading to the thought that we have eliminated the risk thereof. The principle that no one form of government eradicates abuse of power has analogical corollaries that no one era and no one place or country ipso facto eradicates abuse of power. Here too, abuse of power lies in people committing it, and the only way to avoid abuse of power is to ensure and to continue to ensure that people are not in fact committing it. The Torah teaches that, short of the messianic world, history cannot be ended, but it can be made better; thinking history has ended is a sure way not to be on guard and to let it get worse.

This teaching suggests a very specific kind of case for republican democracy. It is not a simplistic (or anachronistic) one in which the Torah endorses democracy or any particular iteration of it outright, as if, had Moses lived half a millennium later in Athens or three millennia later in Philadelphia, we can know that he would have said some involved were completely right and others were completely wrong and who they would be. Neither, however, are democracy and the Torah to be equally simplistically treated as opposites that are on principle foreign to each other simply because they are from different times and places. Rather, we find two ways in which the Torah’s teaching indicates a case for democracy. The first is that Jethro’s constitution comes quite close

to modern liberal democracy, being undergirded as it is by the rule of law, an independent judiciary, separation of powers (at least as far as Jethro's constitution goes in this regard), the principle that no person possesses sovereignty or absolute power, and parameters for positive law set by natural law, which in modern governance take the concrete forms of constitutional law and civil rights as well as human rights (however much the practical power of human rights law remains incomplete as of the 21st century). The main ways in which modern liberal democracy differs are in choosing executive and legislative leaders through elections, and complete rather than the partial separation of powers of Jethro's constitution. These are core differences, yet the core similarities should not be understated. Given that the early modern and modern founders of liberal democracy drew deeply and deliberately on the Hebrew Bible, per Eric Nelson's *The Hebrew Republic* as discussed at the outset of this project, not only should these core similarities be seen as significant but they should be considered no surprise; it is a bit akin to seeing how well *Romeo and Juliet* foreshadows *West Side Story.*

Secondly, and this is where the Torah's case for democracy diverges most strikingly from conventional modern liberal democracy, the Torah does not endorse democracy as the ideal system of government, not because it did not know of democracy but because the Torah does not consider there to be any such thing as the ideal system of government. Given the Torah's skeptical, justice-centric understanding of political life, it suggests a case for democracy based on democracy's being the system that is comparatively best at upholding the understanding of power as a task to be used rightly according to God's vision of justice and not a fact to be seized by any person. The way that all the features of Jethro's constitution are designed to accomplish this goal as we

have seen, combined with similar purposes in the institution of elections — that the people can choose leaders based on what they pledge to do, that the people can replace them based on what they in fact do once in office — presents a potent case for democracy as best fulfilling the terms of rightful political power as the Torah conceives them. And, in the absence of being able to literally consult with God, as the Torah envisions Moses doing, a next-best approach, a closest approximation of justice, is needed, and democracy through all these tools provides the best way to achieve it.

But if that is the case for democracy, and not an endorsement of it as the ideal form of power or there being such a thing as an ideal form of power, then all the advantageous features of democracy are things that people must in fact do, the tools of democracy are tools that people must in fact use, the tasks of power under democracy are tasks that people must in fact engage in. Otherwise, even democracy, so long as it is operated by human beings, so long as the messianic world has not yet come, does not change the fundamental dynamic in which the best way to allow abuse of power is to think that we have eradicated it and to cease being vigilant about it. Even in democracy, it is vigilance to keep abuse of power at bay that ensures that it indeed remains kept at bay. Leo Strauss encapsulated this vision in the pithy principle, “We are not permitted to be flatterers of democracy precisely because we are friends and allies of democracy.”[281] The Strauss scholar Steven B. Smith interpreted this notion: “This was clearly intended to be ambiguous. A friend of liberal democracy is not the same thing as a liberal democrat. So what kind of friend was he?” Not “in any orthodox sense,” Smith writes; rather, in being “a teacher of moderation” and in having “brought to liberalism …

[281] Strauss, “Liberal Education and Responsibility,” p. 24.

a kind of 'Tocquevillian' sensibility that regarded the freedom of an educated mind as the best antidote to the pathologies of modern mass politics."[282]

The factor of education, in turn, leads to a final point about the Torah's political teaching: in its justice-centrism, its skepticism, and its call for vigilance, the Torah suggests a particularly powerful role for education, specifically in the forms of memory, law, and, indeed, narrative. For the people and leaders to use power rightly and to make the right choices in national life, first of all they need to learn that they indeed need to do so, that rightful use of power does not stay in place, and they need to learn how to do so. Each narrative in the Torah as we have seen provides a masterclass in precisely this curriculum. Each dark factor we see portrayed in narratives like those of Pharaoh and Korah constitutes a warning sign when, in Buber's terms, one has "observed" the same "phenomenon" by "analog[y]" in one's own time and place "throughout the inhabited world," "if only we view" it "in large enough terms."[283] One of the effects of immersing in the narratives of the Torah is to strengthen these skills: then, when one sees such a figure in the political arena of one's own time and place, one says, "This sounds familiar — where have I encountered this before?" One then has the ability to recognize the phenomenon that is underway, and to take appropriate action to stop a damaging phenomenon and to redirect events toward positive results.

Even on an intra-Torah level, we see that the Torah means for its audience to read the Torah's own narratives this way. The most ringing example is the phrase, "for you were migrants in the land of Egypt," which appears multiple times as the prooftext

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[282] Smith, pp. 14-15.

[283] Buber, *Moses,* pp. 260-62.

for laws about migrants in the Torah's legal code for the incipient independent Israel in the Promised Land.[284] The Children of Israel will now set up a system of power and constitute the majority of the population, questions will arise about the relationship of the majority and the systems of power to migrants, and for when they do, the historical narrative of the Children of Israel in Egypt is specifically invoked, even to the point of citation in the texts of laws, to call for obligations to and the well-being of migrants, to protect them from the specific abuse of power that the Children of Israel suffered when they were in that situation earlier in their history. Other examples include the Torah's laws of the limits on the power of the king, which specifically state, "that he not bring the people back to Egypt," conveying among other things a figurative evocation through narrative of how much is at stake if a future king of Israel abuses his power over his own people.[285] Similarly, moving into how the classical rabbis read the Torah, we find as noted earlier that Pirkei Avot uses "Korah and all his community" as its textbook definition of a "dispute" that is "not for the sake of Heaven," engaging in debate speciously for the sheer purpose of aggression and self-aggrandizement, as opposed to the "dispute that is for the sake of Heaven" of the legendary early rabbinic sages Hillel and Shammai.[286]

Should one wonder how people are to come to learn these narratives, the Torah answers that question too: "And you shall tell *[ve-higadeta]* your child on that day,

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[284] Exodus 23:9, Leviticus 19:34, Deuteronomy 10:19.

[285] Deuteronomy 17:16; for an example of the figurative interpretation, see Alter, *Hebrew Bible,* on this verse ("turning the people back to Egypt may refer to a condition of virtual or actual slavery to which a profligate monarch could reduce many of his overtaxed subjects through his expenditures" to acquire "the extravagances of royal—indeed, imperial—pomp").

[286] Pirkei Avot 5:17.

saying, 'It is because of what the Eternal One did for me when I came forth from Egypt"[287] — hence the Haggadah, the telling, as a cornerstone institution of life in Rabbinic Judaism. The Torah itself prescribes regular reading from the Torah, both for the king specifically and for the people generally, during First Temple times in a once-per-seven-year ritual that is ultimately replaced in Second Temple times by the thrice-weekly approach that continues to this day.[288] Both the prescription for the king and that for the people emphasize the purposes to learn, to find awe for God, and to keep the Torah's words and laws. Each one emphasizes what is most at risk of eroding away over time for its respective audience. For the king, the passage adds, "that he not get high-hearted over his brothers…"[289] Studying the Torah is meant to prevent the risk of the leader's becoming arrogant, considering themselves fundamentally superior to their fellow members of the people, and governing them on such a basis. For the people, the passage adds, "And their children, who have not known, shall hear and shall learn…"[290] The Torah's concern for the people is that events known by the generations that personally experienced them will fade in their power, in how much their significance is known, with the passing of that generation and the rise of a new one whose experiences are different (hence the New Jewish Publication Society translation's loose rendering of the verb *yadu,* "known": "Their children, too, who have not had the experience…"). Here, the Torah itself puts forward study of its content as an antidote to amnesia:

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[287] Exodus 13:8.

[288] Deuteronomy 17:18-20, 31:9-13.

[289] Deuteronomy 17:20.

[290] Deuteronomy 31:13.

inevitably, future generations will not personally know the same events, but anyone can know a narrative; all they must do is learn it.

Yet here too, what we have is not a solution that stays in place but prescriptions, tasks: to hear, and not just to hear, but, actively, to learn, to find awe, to stay humble, to study the past, and to keep the words and the laws that fulfill the expectations of the Divine. This prescription will happen only if human beings in fact do it. As the Talmudic dictum has it, "Everything is in the hands of Heaven except awe of Heaven."[291] So too, the Hebrew Bible's narratives include everything except the one thing that only human beings can make real: the tasks of learning from them and acting on them.

[291] Berachot 33b.