

Kedoshim

Equity, Force, and Persuasion

There are two basic ways in which we can influence people to do what we want them to do. We can force people to do what we want them to do by the use of threats and the sword, or we can influence them to do what we want them to do by teaching and by the book. The rabbis tell us that “the sword and the book were handed down from heaven wrapped up together.” They go on to say that “if we will observe what is written in the book, we will be saved from the sword; if not, in the end it will kill us.”

We find this same idea expressed in the very beginning of the *Torah* when we learn how after Adam and Eve were expelled from the Garden of Eden their way was barred from returning to Eden “by the cherubim and the flaming sword which turned every which way to guard the road to the Tree of Life.” The rabbis comment that the cherubim were two angelic creatures with the faces of children who jutted out from the cover of the Ark, which contained the *Ten Commandments*. The flaming sword stood for force. The person who relies on the sword can many times achieve results much quicker than the person who relies on the book. Relying on persuasion is a long, arduous process. You must convince people of the rightness of your path. The rabbis knew that in the long run the book is a much better vehicle for putting your ideas across than the sword. Although it takes much longer for your ideas to be accepted, your ideas will endure if they are based upon the inner conviction of the person persuaded. Tyrants rule by the sword but, once they die or are overturned, all the ideas that they stood for are also usually overturned because when the sword is lifted and the people have not been convinced of the rightness of the tyrant’s ideas, they will return to their old ways, forsaking the ways that have been forced upon them.

We see that today in Russia. Communism was forced upon the people. All of Stalin’s and Lenin’s statues have been toppled. The Russian people are returning to their previous ideas and ideals. This does not mean, though, that the book is always good. Preaching false ideas in particular contexts can be terribly convincing and can lead

to great catastrophes. Look what Hitler did with his *Mein Kampf*. Hitler was elected democratically in 1933 to be the head of Germany. His party obtained the most seats in parliament, and he was legally asked to be the chancellor of Germany. His ideals were foisted on the rest of the world by the sword and his ideals, for the most part, died with him. Communism, too, was based upon Karl Marx' *Das Kapital*. Karl Marx never held any office. He never had the opportunity to wield the sword over anyone, but his ideas spread like wild fire at the turn of the century, and they still hold sway in China, even though they have been proven false in the rest of the countries in which they have been tried. We see this, too, in cults. Their charismatic leaders can enthrall their followers so thoroughly that they can convince them even to commit suicide with them. The book is not always the preferred method of combatting evil. We all had to take up the sword against Hitler. Generally, though, the rabbis preferred the book.

We need ideas, positive Jewish ideas based on the *Ten Commandments* to combat the false secular ideas which are based on selfishness and the desire for mastery over human beings. The rabbis knew that sometimes force has to be used to uphold ideals but that the flaming, turning sword must always be accompanied by the cherubim. We know that when we raise children we cannot tell them that if they want to do their homework, they can do their homework; that if they want to go to school, they can go to school. We force them to go to school. We do not tell them that they can come to *shul*. We force them to come to *shul*. However, the rabbis made sure that every Jewish child went to school, because if you force a child to do things and you do not explain why and how, then when they become teenagers, they will stop doing those things. The purpose of Jewish education is to make a person want to do what he ought to do.

The same thing went for helping the poor and making sure that there was equity in the community. The rabbis knew that their main job was to teach, that their main job was to convince people of the rightness of the *Torah* view but, if situations arose which were inequitable, then they had no qualms at all about exercising their right of

eminent domain or other judicial privileges in order to ensure that society was just.

We see that here in our society today. The American judicial system is based upon English common law, which is in large measure based upon Jewish law. The courts can interfere if equity is not being done. We see that in this state where, unless a state constitutional amendment is passed which will make school funding equitable, the courts will close all the schools in the state. There are many school districts in this state which spend two, three, even four times the amount per pupil than do the poorer school districts. Equality of opportunity has been denied the students of the poorer school districts, and the justices have acted. The justices have not waited until they would be able to obtain a majority of the voters on their side. Since there are more middle class and rich people in Texas than there are poor people, a constitutional amendment to equalize per pupil spending for each school district would never be able to be passed without judicial pressure. The same thing can be said about prison reform, etc.

We know that if they would have been a vote in 1954 when the Supreme Court declared that segregated school systems were illegal, the ruling would not have been upheld by the majority of voters, especially in the South. The same can be said about the 1963 Supreme Court ruling which decided that there was a right of privacy. This right of privacy, too, would not have in 1963 gained a majority of American voters. Today, however, there would be an overwhelming majority of voters in this country who would vote against segregated schools and who would vote in favor of the right of privacy.

In addition to these rulings, a great effort was made to educate the people on the reasons for these rulings. The majority of the people in America today see the justice of these rulings. It is true that sometimes judicial rulings must be implemented slowly. In 1954 the Supreme Court said that integration must proceed with all deliberate speed. Integration even today has not been achieved everywhere, but everybody knows that it is a necessity. Equity demands many times that judicial power be used. We also know that in a democracy, deci-

sions are implemented even when there is a large minority who does not agree. If the majority votes for a measure and it is a matter which is not protected by the *Bill of Rights* or the *Constitution* which limits the majority's rule, it will be implemented. If the majority in Congress will vote tomorrow for a national health care program, even though there is a large minority opposed to it, it will be the law of the land and forced on the minority.

Adam and Eve were prevented from returning to the Garden of Eden by the book, based upon the *Ten Commandments*, and by the flaming sword. Adam and Eve, the rabbis explain, ate from the fruit of the tree of knowledge of good and evil because they wanted to be "Elokim," which the *Targum Oonklus* explains meant that they wanted to be mighty people who could impress their will on others by force, and which Rashi explains to mean that they wanted to be able to have the creativity to be able to influence people by their ideas. Because they wanted both these powers, they were banned to return to the Garden of Eden until they could use these powers correctly. So often both these necessary powers are misused. Society cannot rely only on persuasion; it sometimes must use force. Sometimes there is not other alternative. Most criminals will never surrender because of persuasion alone. They need to have physical force used against them. On the other hand, physical force without education is useless because the moment the force is removed, the people will revert to their old behavior. Education, persuasion must always be present, and it is the preferred way of dealing with problems unless the question of equity is involved. If it happens that one school is overflowing with pupils and has scant resources while another school just a few blocks away is empty and has abundant resources, then equity demands that action be taken.

The sword and the book are all wrapped up one in another. They really cannot be separated. The sword without the book is tyrannical, cruel, and ultimately useless, and the book without the sword many times will be trampled upon. The book, though must be a book that is based on the *Ten Commandments*. If it is not, then the demagogue's book will ultimately lead to the sword, like Hitler's book did and, in

the end, will slay us.

In the *Torah* portion *Kedoshim* we learn how equity has to be done in society. We learn how it is the responsibility of the judges to make sure that neither the rich nor the poor are favored in judgment, but that righteousness should be done. We learn how we should treat the stranger correctly, how we should "love him as yourself because you were strangers in the land of Egypt." We also learn about how the death penalty was prescribed for many serious offenses, even though we know that the death penalty was very rarely, if ever, carried out, the rules of procedure being so stringent that it was almost impossible to convict anyone of a capital offense. However, the death penalty was nevertheless stated 36 times in the *Torah*, even though it was hardly ever carried out. The *Talmud* states that a court that killed anybody once every 70 years, and another rabbi said once every seven years, was called a bloody court. Why, though, was the death penalty even mentioned since it was so rarely carried out? The answer given by the rabbis is that this was to teach us that sometimes the sword is necessary. Our preferred method is the book, is education, and, by and large, the Jewish community rarely had to resort to force, but sometime in order to preserve equity, in order to preserve domestic tranquility, it is necessary. Let us all hope and pray that we will all realize that without education, the sword is useless and that without equity, no society or institution or family can long endure. We need to have the sword and the book wrapped tightly together.