

# A Jewish view of non-violent protest and civil disobedience

• By DAVID GOLINKIN

The past few months in Israel have seen many demonstrations, some peaceful and some violent, against Prime Minister Benjamin Netanyahu and/or the government. Similarly, since George Floyd was killed by police officers without cause on May 25, there have been many riots and demonstrations throughout the United States, some peaceful and some violent. Therefore, I would like to revisit a topic which I discussed in July 2005, shortly before the disengagement from the Gaza Strip: What does the Jewish tradition have to say about protest and civil disobedience?

I believe that Jewish tradition allows Jews to protest and engage in civil disobedience, provided that these activities are non-violent, and provided that the protesters are willing to suffer the consequences, such as imprisonment.

In general, Jewish law and tradition have a positive attitude toward protest. Genesis 18 contains Abraham's classic protest against what he perceived as Divine injustice regarding the destruction of Sodom: "Shall not the Judge of all the Earth deal justly?!"

The importance of protesting an injustice or a transgression is emphasized numerous times in rabbinic literature: "Whoever can protest to his household and does not, is accountable [for the sins] of his household; if he could protest to his townspeople, he is accountable for their sins; if he could protest to the whole world, he is accountable for the whole world" (Shabbat 54b).

In another Talmudic story (Yerushalmi Sanhedrin 2:1), Resh Lakish rebuked the Patriarch Rabbi Yudan Nesiah, who then issued a warrant for his arrest. Resh Lakish fled. In the end, they were reconciled, but Resh Lakish said to Rabbi Yudan: "Did you think that for fear of you I would stop [proclaiming] the teaching of God?"



POLICE REMOVE demonstrators during a protest in Jerusalem against Prime Minister Benjamin Netanyahu on Saturday night. (Olivier Fitoussi/Flash90)

Finally, there was a widespread medieval Jewish custom of protest called *Ikuv Hatefilah* (delaying the prayers), which was supported by Rabbeinu Gershom (10th century), Mahzor Vitry (12th century), Rabbi Judah the Pious (13th century), and Rabbi Moshe Isserles in the Shulhan Aruch (Orach Hayyim 54:3). If a person felt that an injustice had been perpetrated upon him by specific people or by the community, he or she could interrupt the service before the Barechu prayer or before the Torah service "until justice is done them."

According to Gandhi, one who resorts to civil disobedience "obeys the laws of the state to which he belongs, not out of fear of sanctions, but because he considers them to be good for the welfare of society. But there come occasions, generally rare, when he considers certain laws to be so unjust as to render obedience to them a dishonor. He then openly and civilly breaks them and quietly suffers the penalty for their breach."

We have many examples of civil disobedience in the Bible

and Talmud. However, many of those examples are irrelevant to Israel today because they deal with persecution of Jews by non-Jewish kings; they deal mostly with the cardinal sin of idol worship; and the penalty in each case was death.

Therefore, we need to find examples of Jews disobeying the laws or decrees of Jewish kings, since a Jewish state, according to Rabbis Abraham Isaac Kook and Shaul Yisraeli, has the same status as a Jewish king. Indeed, there are at least three sources relevant to civil disobedience in Israel today:

IN I KINGS (18:3-4), we are told, "Obadiah revered the Lord greatly. When Jezebel was killing off the prophets of the Lord, Obadiah had taken 100 prophets and hidden them, 50 to a cave, and provided them with food and drink." In other words, Obadiah feared the Lord more than he feared the wicked King Ahab and Queen Jezebel, who were Jewish. He saved 100 prophets at the risk of his own life.

When David and his men

fled from King Saul, they received provisions from Ahimelech son of Ahitub and the men of Nov, the priestly city. King Saul summons Ahimelech and the men of Nov, and berates them. "And the king commanded the guards standing by: 'Turn around and kill the priests of the Lord, for they are in league with David!.... But the king's servants would not raise a hand to strike down the priests of the Lord" (I Samuel 22:17).

The Talmud Yerushalmi (Sanhedrin, Chapter 10) explains that the "servants" who refused King Saul's direct orders were not simply soldiers; they were Avner his chief of staff, and Amasa, another general. They "resigned their commission" even though the penalty could have been death. They did not take up arms against King Saul; they simply refused to participate. In other words, they acknowledged that the king had the legal right to execute people, but they would not participate in that unjust or excessive punishment.

In addition to these two biblical stories, Maimonides

discusses our issue in his Mishneh Torah (Laws of Kings 3:9): "A person who annuls the decree of a [Jewish] king because he was engaged in performing a mitzvah, even a minor mitzvah, he is not liable: the words of the master [= God] and the words of the servant [= the king], the words of the master take precedence. And there is no need to say that if the king decreed to annul a mitzvah, one does not listen to him."

In other words, according to Maimonides and other sources, if a Jewish king – or a Jewish state which has the halachic (Jewish legal) status of a Jewish king – orders a Jew to desecrate the Sabbath or to eat pig or to transgress a commandment, the Jew should refuse, since the words of God take precedence over the words of the Jewish king or the Jewish state.

However, it is clear that all such activities must be non-violent in nature, since one Jew is not allowed to strike another Jew. When Moses sees one Jew striking another in Egypt (Exodus 1:13), he says "Rasha (= evil one), why do you hit your fellow?" And the Midrash comments, "Rabbi Yitzhak said: From this you learn that whoever hits his fellow is called a rasha." Similarly, Maimonides ruled that whoever hits his fellow Jew transgresses a negative commandment (Hovel Umazik 5:1).

In conclusion, I believe that Jewish law and tradition permit non-violent protest and civil disobedience, provided that those who engage in these actions are willing to face the consequences of their actions.

May both the opponents of Prime Minister Netanyahu and his supporters have the wisdom to treat each other with respect and to maintain the unity of the Jewish people without demanding uniformity.

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