

"THE PHAROAH WITHOUT A NAME"

The rise in personal crime in the great urban centers of our nation is a fact of life which can no longer be ignored. It has turned our own city from an exciting, dynamic, and liberating place to a fear-ridden and ugly metropolis in which we have become virtual prisoners in our homes from the time the sun sets -- and even earlier. I am not sufficiently expert to judge whether Governor Rockefeller's recent recommendation that dope-pushers be given life sentences, is practicable or not. But the very fact that a rational man has seriously proposed such extreme measures is an indication of what we have come to.

And yet there are a number of writers and intellectuals who give priority to their concern for the criminal rather than for his victim. I do not speak of the identification of the criminal and his rights to defend himself from charges. We must be scrupulously careful not to commit a miscarriage of justice because of our fear or zeal. But once the crime and the criminal have been linked and well established, what attitude ought we take to him? Here is where a strange tendency has begun to develop.

For example, several weeks or months ago there appeared an article in the New York Times Op-Ed page in which the writer, recently mugged, wrote an essay of forgiveness for his young mugger, expressing sympathy for the conditions which caused him to turn to his particular profession. It is a common tendency by compassionate people to overdo their empathy with the individual criminal, and thereby overlook society and its needs -- its survival, its security, its self-defense.

Take the most recent case, that of the sniper who, from his room in a New Orleans motel, killed no less than ten people before he himself was shot to death. His family and friends, in their reactions given to reporters, spoke of his experiences as a black man in the Navy, subject to harrassment, ridicule, and bigotry, and the change that came over him and caused him to perform his foul deed. Except for some formal caveats such as, "of course, he shouldn't have gone that far," the feeling was generated that the murderer was not morally culpable. How easily we waft across the border from politics to immorality! Every vicious deed, every crime, can now be excused by the use of revolutionary rhetoric!

Of course, it is true that we can and must not overdo the other extreme, that of "righteousness" and an insistence upon

exacting justice, in the form of the "law and order" advocates. Those who condemn without understanding, are being cruel. And of course there is no excuse for subjecting imprisoned criminals to the brutality that we now visit upon them in most of our antiquated penal institutions, in which "rehabilitation" is a remote ideal and has little relevance to the facts of their lives. A human being is a human being, created in the image of God, even if he has committed an inhuman act. But today we have begun to sin in the other direction. We all "understand." We "understand" everybody and anything, and so we are paralyzed into inaction and into guilt-ridden apologies when we confront evil and malice and sadism and crime.

In this connection, it is appropriate to point to a question posed by an Israeli writer, Dr. Israel Eldad, on the Torah readings of these past several weeks. The Torah constantly mentions "Pharaoh." But "Pharaoh" is a generic name for the kings of Egypt, much like "Caesar" or "Kaiser" or "Czar." Who in particular was this Pharaoh who persecuted the Israelites in Egypt? Certainly the Torah does not intend to keep it a secret in order to provide work for underemployed scholars and historians so that they might earn a living while trying to decide which Rameses this Pharaoh was!

The answer offered by Dr. Eldad is that the Torah leaves Pharaoh without a name specifically so that we not look for rationalizations for his conduct on the basis of his individual idiosyncrasies and thereby exonerate him. The Torah exercised deep historical insight: were his proper name and background given to us, we would have found psychological explanations for this Pharaoh's misdeeds, we would have discovered paranoia, oedipal orientations expressed in his special hatred for Jewish boys instead of girls, a bad childhood... And, when you find an individual psychoanalytic explanation, then you stop thinking in historical terms. Had we known which Rameses this Pharaoh was, we would have deluded ourselves into thinking that if not for his personal aberrations, it would have been quite all right for the Israelites to stay in Egypt, and Moses was mistaken in his whole policy.

But that is not so! Pharaoh -- no matter what his personal predilections -- could not have succeeded if not for the Pharaoh, his astrologers who misled him; if not for the "servants of Pharaoh," his counselors who were concerned only with themselves and refused to protest when (other) minority groups were persecuted; if not for the "gods of Egypt" -- the whole of Egyptian culture and religion and civilization. To place the whole burden on the individual Pharaoh (and, in today's terms, that probably means blaming his mother!) is to commit a historic injustice.

Let us admit it. The tendency is part of our culture. We are, most of us, parlor-Freudians, arm-chair psychiatrists, amateur sociologists, and part-time criminologists. We take an attitude that is perfectly legitimate and valid and necessary on the part of the therapist -- the suspension of judgment -- and we transpose it into every human and existential and political situation. And so we scrupulously avoid being overly judgmental, we refuse to judge even those who ought to be judged and condemned! Two traditions combine to support this view: our Jewish tradition of *חַסְדִּים*, of compassion and pity -- and woe to us if we ever forget that! -- and our general liberal political heritage which urges us to look for the ameliorating circumstances, and which together endow us with a generous spirit.

Yet, as someone once said, people who are overly open-minded usually find that their brains catch cold. Hitler too was paranoid. Quadafi too is probably insane in his way. We often read of his statements and his exploits over our breakfast coffee, all the while smiling smugly and with superior disdain. But -- so what?! All the psychologizing in the world does not change the facts. And how far may we go in indulging our compassion and committing the obscene cruelty of ignoring the victims? Besides, Hitler, with all his psychoses, would have been largely ineffective without centuries of Teutonic child-raising and character-training, without the Christian heritage, without the specifically Luther tradition, and without centuries of anti-Semitism in Poland and Russia, in the Ukraine and Lithuania. The Rabbis warned us *עוֹלָם הַחַסְדִּים יִבְרָכֶנּוּ וְיִשְׁלַח בָּם אֱלֹהֵינוּ אֶת הַחַסְדִּים וְיִשְׁלַח בָּם אֶת הַחַסְדִּים*. Whoever is overly compassionate and generous to those who are cruel and vicious, will turn cruel and vicious for those who are innocent and generous and compassionate.

So the Torah's recording of "Pharaoh without a name" warns us against the fallacy of confusing explanation with exoneration, understanding with excusing, compassion with condoning. We destroy our own moral integrity when we raise explanations to the level of an excuse. When we take this road of "radical understanding" which is a modern form of Calvinism and not Judaism, we are participating in the breakdown of all moral structures.

Furthermore, one rarely stops at this point. Eventually, we not only exonerate the criminal because we understand his psychological motives, but we go on to condemn the victim because we understand the victim's psychological background! This is the ultimate blasphemy -- blaming the victim instead of

the criminal; insisting that, by the devious dialectice of our psycholigizing mentality, we have discovered that the passer-by wanted to be mugged, that the woman was seeking to be raped, that the old lady crossing the street or the old grocer behind the counter wanted to be beaten to a pulp. And then -- we arrive at the conclusion variously expressed in a number of books, that the six million Jews -- participated in their own murder by the Nazis! All in the name of "understanding!"

The Jewish way is to imitate God, and God, according to the Rabbis, combined two qualities in His creation of the world: *אֱלֹהִים צַדִּיק וְרַחוּם*, the attribute of justice and the attribute of mercy.

There is no conflict between them. Consider the Biblical law, and its rabbinic interpretation, concerning capital punishment. If a man commits a major crime, the Torah condemns him to capital punishment with the words *וְהָרָגְתָּ אֶת הַרָעָה מִקִּרְבְּךָ*, you shall uproot the evil from your midst. And yet the Rabbis apply to the same condemned criminal, this incarnation of evil who must be removed, the commandment *וְאָהַבְתָּ אֶת רֵעִי כָמוֹתְךָ*, "and you shall love your fellow man as yourself." This love is to be expressed not by freeing him and allowing him to continue to perpetrate his crimes against his fellow men, but by easing his end, by making his punishment as painless as possible, and by offering him every opportunity for psychological and spiritual reconciliation.

Artists often picture justice as a blindfolded woman who holds the scales in her hands. This classical picture is, I believe, a misinterpretation of Isaiah's vision of the Messiah: *וְהָיָה כִּי יִשְׁפֹּט בְּעֵינָיו*, "and he shall not judge by the sight of his eyes." The artists interpreted that to mean that the ideal judge is "color blind," that he does not judge by appearances, but only by objective testimony. But I believe that Isaiah has something else in mind. He demands that the judge must use not only his two eyes, but also a third, inner eye; not only sight, but insight. His task is to pronounce judgment, but also to associate with it the heart; to execute justice, but with understanding, and to understand and yet execute justice.

In the words of Rashi in his comment on the verse, *בְּחֵכְל חָכְמָתוֹ יִשְׁפֹּט*, "by the divine wisdom within him, the Messiah will know and understand who is innocent and who is guilty." The true judge, the ideal human being towards which all of us must strive, must have both qualities: *וְהָיָה כִּי יִשְׁפֹּט*, he must know and implement justice objectively in order to protect the innocent; and at the same

time דָּן , he must understand, he must look into the background, into the heart, into the genetic composition and environment of the one who is condemned. Justice must be done, but it must be done allied with חַסְדִּים , with compassion and pity and mercy.

It is, indeed, worth keeping the Pharoah of the Exodus in his cloak of eternal anonymity in order to learn this lesson of not going to either extreme, but always living with both elements, דָּן and חַסְדִּים , justice and compassion.