

IN DEFENSE OF SAMUEL

There are two good reasons why I should not deliver this sermon. First, it can be argued that it is better for a Rabbi not to raise problems which might disturb the peace of mind and equanimity of his simple, devout people. And second, he ought not pose questions for which his answers are not always fully adequate.

If nevertheless I have chosen to discuss this morning the moral challenge implicit in the Haftorah's story of Samuel, it is because, first, I trust that my people are not simple and devout, but sophisticated and devout, and they are aware of the moral difficulties that I am discussing even without my broaching it to them; and, second, I have confidence in their maturity, that they know that one ought to keep the faith despite questions, that a truly religious approach is not one which presumes to have all the answers, but where one accepts even while he ponders questions and experiences their torment. In the words of one of the greatest Sages of Israel in recent generations, Rabbi Akiva Eger, *על פי מלכות ל'ק' ל' ח' --* one can survive challenges and questions; it can't kill a person.

The problem is this. The Prophet Samuel reminds King Saul of the commandment to destroy, to blot out the memory of Amalek. He urges him to undertake the campaign against this wild and uncivilized tribe, and to spare none of them, destroying even their livestock. Saul attacks the Amalekites and achieves victory. However, we read that *אחרי כן רחם שמואל*, that Saul and the people took pity upon

Agag, the King of Amalek, and some of the sheep and cattle, and spared them. Apparently, Saul acted on the basis of conscience; he was a good and generous man.

However, the Prophet chastises the King. Samuel reproaches Saul for having spared Agag and the cattle, and tells him that in consequence of his sin his dynasty will not last, and he will lose his crown. Samuel then orders the captive King brought before him. The King is heard to utter the words *חִנּוּן נָתַן יְיָ*, "indeed, the bitterness of death is passed," and then Samuel stabs the pagan King to death before the Lord in the Gilgal.

Now, Jewish tradition supports the Prophet as against the King. It tells us that between the time that Agag was captured by Saul and the time that he was put to death by Samuel, he sired a child who became the ancestor of Haman, who sought to destroy all of Israel. Indeed, one of the commentaries tells us that the reason Mordecai refused to bow to Haman, was as a sort of penitence for the sin of generations ago: Mordecai, of the tribe of Saul, recognizing his grandfather's sin of sparing Agag, will not bow to Haman, descendant of Agag. All of the Jewish tradition is thus implicated in the problem, by virtue of the approval of Samuel's action.

We are not now discussing the problem of the commandment to blot out Amalek and all the people of this tribe. That is a separate issue, and it must be understood before judgment is rendered. We shall have to leave that for another occasion, although some of the things we

shall say are relevant to that problem too. Primarily, we shall deal with a defense of the Prophet Samuel against the charge that he murdered Agag in cold blood.

Indeed, the New Left in Israel has made an issue of Samuel. Instead of treating him as we do, as the second greatest Prophet of Israel after Moses, it has made of Samuel the chief occupant of its rogue's gallery, the figure used to beat all the rest of Jewish tradition. It has tried to abuse this historical figure, and through him question the morality and therefore the authority of all of Judaism. It is to this charge that we address our words this morning.

(Before beginning the actual "defense of Samuel," it is worth mentioning a comment made by my distinguished teacher, Rabbi Joseph B. Soloveitchik, in one of his lectures. He mentioned a Midrash which declares that the Purim incident, with its threatened genocide against Israel, came in consequence of *חטאת של שמואל*, the sin of Samuel. But was it not the sin of Saul that supposedly resulted in the rise of Haman? Rabbi Soloveitchik sees in this Midrash, referring to the sin of Samuel, a specific acceptance of the fact that Samuel's action of killing Agag in cold blood was reprehensible. The sin was not only that of Saul, but of Samuel as well. My own feeling is that while this entails a brilliant insight, I cannot accept it for two reasons. First, there is no other reference in our literature condemning Samuel on these grounds. And second, I feel that the constant references to *חטאת של שמואל* indicates that this particular phrase is simply

a scribal error: a mistaken edition of a mem, and a reversal of aleph and vav; thus, instead of $\delta i k e$ it read $\delta i k n e$

The first point that we must make is that Samuel's reproach of Saul was not a tirade against pity and compassion. It would be an error to interpret Samuel's reproach as an endorsement of cruelty and criticism of compassion, of which, God knows, we are perpetually in short supply. The Israeli poet, Avraham Kariv (in his "Shivah Amudei Ha-Tenakh"), has pointed to the word used in the key verse:

$\delta n h' i$
 $\gamma \rho \delta n' i \quad \eta \lambda \beta \delta \quad \rho \delta \gamma \quad \delta \delta i \quad \mu \lambda \kappa \quad \delta \delta \quad \rho \delta \gamma \quad \delta i k e$, which we usually understand as meaning that Saul and the people took "pity" on Agag and on the best of the sheep and the cattle. But the word $\delta n h' i$ should not be read as synonymous with $\rho h \gamma' i$, he pitied or had compassion upon. The word $\delta n h' i$ is more accurately translated as, "he spared." Its relation to the word pity would be in an egotistical sense, as, for instance, a man who loses money in the stock market clucking his tongue and saying to himself, "what a pity!" Saul said, "what a pity" to destroy such valuable material which can be used. Saul, after all, had spared only metav ha-tzon, the "best" of the sheep. And the same King was wanting in compassion when he wanted to kill his own son Jonathan on a technicality (I Sam. 14). That is why Samuel condemned him: the King had converted a milchemet mitzvah, a campaign undertaken for higher purposes, into nothing more than a battle for plunder and spoils, and thus a desecration.

Second, Samuel's action towards Agag, harsh as reading about

it may seem, was in reality not an act of cruelty, but just the opposite, a form of mercy killing.

It was the custom in antiquity that a defeated king was reduced to a human trophy, tortured, humiliated, mutilated, disfigured, a living example of what happens to a man who dares to challenge the victorious king. So, Samson when taken captive by the Philistines was blinded and tied to the posts, put on display as if he were a wild animal exhibited in a cage. Clearly, this is a fate worse than death, especially to a king, one accustomed to respect and majesty. That is what Saul wanted to make of Agag: a humbled tribute to the power of Saul. Thus, the Malbim teaches us, the last words of Agag make special sense: וְכִי יִפְּלוּ
בְּיָדֵי הָאֲרָמִי "that which is more bitter than death is about to pass away"; my death will be a merciful relief from unbearable torment. The Malbim considers the word mar as related to temurah (exchange): that which was exchanged for death -- the humiliation -- is now at an end.

My third point is more debatable, more controversial, more difficult to accept. It is that compassion, noble as it is, desirable as it is, is not an absolute.

Real moral problems occur not when we face a clear choice between right and wrong, between good and evil, when one side is black and the other white, but in the in-between areas, when moral judgments are unclear or, better yet, when we are confronted by a tragic conflict of two goods or two evils, so that we must choose one and abandon the other. There are few easy rules that can be followed in all such circumstances.

Now, what I am saying is that when compassion conflicts with other duties of man, it is not true that compassion must always, under any conditions, prevail. We Jews are proud of our compassionate characteristics. The Rabbis refer to Israel as בְּרַחֲמֵינוּ בְּרַחֲמֵינוּ merciful ones, the sons of merciful ones. But nonetheless, we do not consider it absolute and beyond modification.

Rabbi Yehoshua ben Levi said: כִּי אִם הָיָה רַחֲמֵינוּ עַל הַרְשָׁעִים וְהָיָה רַחֲמֵינוּ עַל הַרְשָׁעִים, "whoever is merciful towards the cruel, will ultimately become cruel towards the merciful." Saul began by having compassion on Agag, and a few chapters later he cruelly destroys Nob, the city of priests, without even the pretext of any moral justification. That is why I am so furious with those who had pity on Eichmann and have compassion for Nazis in their advanced middle ages, who had been apprehended after 25 years. A show of pity for such inhuman beasts is easily converted to inhumanity towards the innocent. It should not be imagined that Rabbi Yehoshua ben Levi, the author of this statement, was a hard, emotionless, doctrinaire kind of person. In an age when Rabbinic authorities re-informed their positions by liberal use of the cherem, the ban or excommunication, Rabbi Yehoshua ben Levi was a man who never permitted himself the exercise of such means (M.K. 3:1). The Talmud tells us (Ber. 7a) of Rabbi Yehoshua ben Levi, who lived in the times of the Roman persecutions when Jewish Christians were emerging as a separate religion, and used to inform on their fellow Jews and cause them a great deal of anguish, that there was a יִשְׁרָאֵל, a Jewish-

Christian informer, who caused the Rabbi a great deal of torment and danger to his life. Rabbi Yehoshua ben Levi was so disturbed that he wanted, at one time, to hurl an imprecation, a curse, on the head of the informer. Yet he restrained himself and did not do so, because of the verse in Psalms: *יְיָ טוֹב לְכָל בְּרִיאָה וְרַחֲמָיו עַל כָּל בְּרִיאָה* that God is good to all and His compassion extends over all His creatures. Hence, the Rabbi will not utter a vile word about a man who may yet cause his death! And it is this Rabbi who said: pity yes, but not on one who is pitiless.

What the Rabbis are saying, then, is that all emotions and sentiments must be disciplined. Compassion, like all other virtues, must be rationally directed. It must be used, it must not overwhelm one.

I grant that this idea can, in the hands of the unscrupulous or the fanatic, become a source of great danger. One can justify the most brutal of actions on this basis. But we are speaking here of the commandment by a moral God, whose morality has been proven in a thousand different cases. He demands of us faith that some actions, which are not immediately understandable to us, should be obeyed because of a higher morality, which, from our limited human perspective, we cannot appreciate. Thus, the Midrash puts into the mouth of Saul a highly rational and moral argument: God, You expect us to perform the ritual of the beheading of the heifer (eglah arufah) in the event that one person is killed and we cannot find the murderer; how then can you ask of me to kill all of

times and in all societies. They are, within the Jewish framework, the laws of the Torah or, at the very least, "the seven laws of the sons of Noah." While societies may fail according to such standards, but that does not affect the universality of the moral principle -- which remains absolute. However, in addition to such absolute moral principles, there are moral insights that develop slowly in the history of the human family as a result of various individual insights, until by consensus, by common agreement, they are recognized as binding moral judgments. Most of Rabbinic morality, or the moral laws referred to as minhag or custom, even those still developing, are consensual in nature.

The following examples will suffice to illustrate the difference. Adultery is, according to the Jewish perspective, always an absolute moral principle. Its violation represents the transgression of an absolute Biblical principle. Bigamy, however, is consensual rather than absolute. While Jews rarely practiced polygamy, even in the ancient past, there were some who did. It was only in the beginning of the Middle Ages, in the days of Rabbenu Gershom, that it was formally elevated to a moral principle that polygamy is to be banned. Now, anyone who today practices polygamy is utterly reprehensible, regardless of the fact that the immorality of the act is consensual rather than absolute. However, whereas we can blame any individual of the past for violation of an absolute principle, such as adultery, we cannot blame anyone of the past who lived and acted at a time when the consensus of the consensual moral principle had not yet been achieved. It would be ridicu-

lous, therefore, to fault David or Solomon or Jacob for having more than one wife, when we developed this particular sensitivity at a much later time in history.

Another example would be slavery. Today, slavery is something which offends our deepest moral sensibilities. Yet, it is not an absolute, but a strong consensual principle. There were highly moral people of the past who never were aware of the troublesomeness of the institution of slavery. Even the Torah, which expresses itself negatively towards slavery, did not ban it completely, and Jews kept slaves well into the Middle Ages. It is not a violation of an absolute moral principle. Of course, from our contemporary perspective, we would fight to prevent the re-establishment of slavery, but we have no right to condemn those in antiquity who practiced it before the consensus was achieved. In the same sense, we cannot fault George Washington or Thomas Jefferson or any of the other founders of the American republic for being slaveholders, since they lived before the time that the whole institution was called into question on moral grounds. Again the same point is emphasized: a moral principle, whether it is absolute or consensual, has binding force and demands that we respect it. But whether or not we can blame people of the past for its violation depends on the nature of the code.

Consider the fact that we have forms of slavery that persist into our own times. There is no question in my mind that the draft, "selective service," is a modified form of slavery, except that a man's

freedom is mortgaged not to an individual master, but to society as such. So is our penal system a form of slavery, and it is not by any means necessarily the most humane form of punishment. Quite possibly, flogging a man once and for all and letting him free thereafter is more humane than taking 15 of the best years of his life and throwing him into jail with other criminals, there only to compound his injury by making it permanent. If 200 years from today our descendants decide that the draft was a horrible and immoral corruption, and that the penal system, no matter how enlightened, was a degrading form of inhumanity compared to systems they will develop later, can we today be faulted for practicing them? Can any of us who sat on draft boards in World War II be declared immoral? Obviously, a consensual moral principle, like ordinary civil legislation, cannot be enacted ex post facto.

The same is true of murder. This is a violation of what we have called absolute morality. But there are times when killing is permitted. Judaism is not completely pacifist. It recognizes such things as "just wars," milchemet mitzvah, such as a war in self-defense. It permits killing when so ordered by a legitimate court, or when a man must defend his life against an aggressor. Now, where killing is not proscribed, as in a just war, the form of killing is a matter of consensual morality. After all, from a purely rational point of view, what difference is there to a man if he is taken prisoner in war, blindfolded, and shot, or whether he dies a slow death as a battlefield casualty, draining away in agony. However, the moral consensus that has developed

considers the killing of a prisoner of war immoral, whereas shooting him on the battlefield is not considered immoral. Therefore we must respect this consensus. Today, Samuel would not have killed Agag in cold blood. But, we cannot today fault Samuel for violating a principle for which the consensus developed some 3,000 years later.

To summarize, then, we have made four points. First, that Saul was not being compassionate when he spared Agag and the "best" of the sheep, and Samuel cannot therefore be said to have engaged in an assault on compassion. Second, Samuel, in killing Agag, spared him from a fate far worse than death. Third, compassion is not an absolute but must be practiced rationally; excessive compassion to the cruel and the malignant, can result in a counter-reaction: ultimately, cruelty towards the innocent. And finally, the act of killing Agag who was in chains was a violation of a consensual moral principle rather than an absolute moral principle, and therefore we cannot assign culpability to one who performed the act before the consensus developed.

Perhaps these answers, individually or taken together, are not completely adequate. We can live with the problem. But I believe too that we may be more than confident that the Torah, which is the source of tzeddek u-mishpat, chessed ve-rachamim, has not failed us. In the words of the Heavenly Voice:

אלהים יציק ילד מבורך --

would that we could learn but an infinitesimal fraction of the divine qualities of righteousness and pity that the Torah tries to teach us.

למה ואברהם בברכה ושמאל בקוראיו של
משה ואהרן . קוראים אל ה' והוא יענה

his priests, and Samuel when his name is called -- that is, together with those who call upon his name and defend his reputation against unjust and unfair condemnation -- will call to the Lord and He will answer them.

He will answer us by revealing to us explicitly the morality that is implicit in the divine command.

He will answer us by showing us the way to a life of utter nobility, of generosity and goodness and compassion.

And may He answer us as well, as He answered our ancestors in Persia, by giving us what He gave them: אור, שמחה, שלום ויקר
light and joy, happiness and honor.