

"THE ETHICS OF PROTEST"

The Biblical story of Noah and the flood is one which strikes a peculiar kind of sympathetic resonance in us moderns. There were times in living memory when this tale seemed like a quaint echo of primitive history. Unfortunately, it now has become full of contemporary relevance. We who live under the perpetual threat of the mushroom cloud of atomic annihilation experience a shocking recognition of the story of the flood.

That primordial flood, which left traces in the literature and tradition of almost every ancient people, was understood by the Torah in essentially moral categories. The cataclysm which swept away civilization was one which was brought on by corruption and immorality. Only Noah, who was a non-conformist in his generation, escaped the terrible, universal catastrophe. When the Torah records the episode of the deluge, it is not because it wants to teach us ancient history; the Torah is not a history text. It does want us to learn something about ethics and right conduct from it. And the Torah does not teach explicitly and didactically; rather, the landscape of the Torah is strewn with hints which we, with whatever wisdom the Lord has given us, must interpret and understand in order to derive moral significance and instruction from it.

It is therefore appropriate for us, a generation threatened by our own particular form of atomic deluge, to investigate

the story told to us by the Sidra a bit more deeply and analytically.

The Torah tells us that the flood was the consequence of widespread corruption, particularly the evil called hamas, which we usually translate as "violence." The Jewish tradition defines hamas as, especially, gezzel -- stealing or robbery. This was a generation which did not respect private property, one in which people were uninhibited in over-reaching themselves and stealing the fruit of the labor of others.

However, there was something that troubled the Rabbis about the whole episode of the flood. Granted, they ask, that the criminals deserved destruction. The flood, however, wiped out all of mankind (with the exception of Noah and his family), and therefore the victims as well as the criminals were drowned. What kind of morality is it which punishes the victims of a crime equally with those who perpetrated it?

In its answer, the Midrash (Gen. R. 31) tells us that both the robbers and the robbed were guilty. Those who committed the crime of gezzel were guilty of himmus mammon -- monetary violence, taking away the money or property or substance of their fellow men. But the victims, too, were guilty of a form of violence: himmus devarim, literally: violence of words.

But what does himmus devarim really mean? How does one commit violence with words? And if a man is robbed, does he not have at least a right to express his indignation verbally?

A most sensitive explanation of this Midrash is given to

us by R. Nata Hirsh Finkel, one of the most distinguished figures in the world of Lithuanian Musar and founder of the famous Yeshiva of Slobodka, where he was known as "der Alter," "the old man," even while he was yet in his forties. The sin of the robbed, he tells us, was in over-reaction: the criminal may have stolen from them a dollar, but their outcry, their weeping, their lamentation, their indignation, was of the order of a man from whom a thousand dollars had been stolen. They were over-indignant. True, an injury was done to them, but their protest was incommensurate with the degree of that injury. This excess of the protest over the wrong was in itself an injustice. It was a form of verbal gezzel or hamas. It constituted a kind of psychological aggression, a violent moral assault on and abuse of a man who was less guilty than that of which he was accused. So that those who were the prey of the thieves are themselves condemned of a form of violence no less culpable because it was more subtle. The flood, therefore, destroyed all -- both the material and the psychological aggressors.

Judaism has always been a protesting religion. Someone once said, ~~and~~ ^{and} whimsically ^{and} not entirely incorrectly, that Judaism is, in a way, both catholic and protestant -- provided those words are spelt in lower-case without capital letters. Judaism's interests are "catholic," they are universal and embrace the entire human family. They are also "protestant," in that Judaism has, from its very inception, always protested greed and hate and brute force and the

theory that "might makes right." Our religion has never consented to passivity in the face of evil. It has always preached resistance to wrong and to injustice. Even Noah, the hero of today's Sidra, was rebuked by the Rabbis because he was concerned only with his own moral integrity, because he failed to reproach his contemporaries and refrained from protesting their misdeeds when he should have done so. According to Maimonides, the capacity for protesting wrong-doing is prerequisite in the career of the prophet. Even Moses, before he became worthy of divine revelation, had to show his moral heroism in the act of protest, such as when he smote the Egyptian or reproved the Israelite or came to the aid of the daughters of Jethro against the shepherds of Midian.

Certainly, therefore, there ought to be criticism and protest -- but never immoderately. The reaction must always correspond to the action, the protest to the injustice. An extravagant reaction is in itself, in its extremism, an act of injustice against one who does not deserve that extent of protest. Hence, what our tradition teaches us is -- an ethic of protest.

These last two or three years have been characterized, both in our country and throughout the world, by overstatement and mass hysteria. Now, there is much that is wrong and corrupt and rotten in our society and culture that deserves objection, remonstrance, dissent, and criticism. But there is such a thing as an ethic of protest, and that ethic is being violated in most of the current demonstrations, whether political -- pro-Wallace or anti-Wallace, whether academic or racial or economic, in the various

labor disputes taking place in our city. Establishments, especially in a democracy, are fair game for criticism -- provided that such criticism is legitimate and corresponds in some measure to the wrongs to which one objects. However, our current over-reactions -- with all the hyperbole of expression and anger and meanness of temper -- are a form of gezzel, of aggression and stealing, against our country, which can only leave all of us poorer and weaker than we deserve. That these protests are generated by moral fervor is no excuse. In excess, moral energy produces immoral results. One begins to wonder whether our country, or any country, is strong enough to survive such assaults on its social fabric.

This ethical teaching of Judaism, requiring equivalence or parity between a wrong and the objection to it, as a kind of middah ke'negged middah, is not restricted to mass social problems. It applies to individuals as well. In every family, no matter what the degree of love and mutual respect, if the members of that family are willful and intelligent people there is bound to be conflict. As long as we assert our individuality, we are liable to hurt another member of the family, even if unintentionally. Such hurt should result in complaint and protest -- but never over-protest. We expect, for instance, children to exaggerate their complaints against their parents; that is, after all, the privilege of the immature. But parents owe their children an ethical obligation to protest their

mistakes but never to over-complain and over-state their objections. If they do, they sin against their own children -- and parents owe children obligations as well as the reverse. The same thing is true for husband and wife. Here, too, reactions should be commensurate with actions. Sometimes, however, whether because of self-pity or other obscure psychological motives, there is a tendency of a spouse to over-react -- and this is the beginning of trouble.

The same holds true for our larger Jewish Family. The State of Israel, no matter how much we love it, is not perfect. No individual and no community is. The religious complexion of Israel leaves much to be desired -- both from the point of view of those of us who find it insufficiently observant, and those others who find it overly restrictive. Certainly, all of us have the right to protest, because Israel is close to our hearts and our criticisms derive not from self-interest, but from a passionate desire that Israel grow better and nobler. But such protest must never be carried to extravagance of the kind that leads, on the one hand, certain Orthodox groups to repair to the New York Times for a full-page ad about autopsy, or, on the other hand, by Reform and Conservative groups to attack the Israeli Rabbinate on page one of the same newspaper. To do this is to indulge in gezzel, in stealing the reputation of the State of Israel, in himmus devarim, in moral and verbal abuse and psychological aggression.

What is it really that is wrong with over-protest? There

are four answers.

First, it is simply unjust towards the original wrongdoer. Because he does not deserve the extent of my reaction, that excess of protest is, in effect, blaming someone who is innocent. This is an ethical failing.

Second, it is socially disruptive. When the cry of indignation is far greater than the original misdeed, such cry exacerbates the situation by complicating one wrong with another, hence making reconciliation that much more difficult.

Third, it is an assault against the principle of truthfulness. When my complaint far exceeds the cause for my unhappiness, it arouses false sympathy for me -- and any untruth, even one so subtle, is unacceptable to the Jew. It is told of the Besht, the founder of Hasidism, that a woman once came to him in tears, and poured out her heart before him. Her husband was deathly ill, and in great pain. He did not cease to groan and to cry, and his weeping left her heart so broken that she was ready to expire. The Besht accompanied the poor woman to the bedside of her husband, and there observed the patient writhing in pain, crying out, lamenting his misery. After a few moments of such observation, the Besht, who was a master psychologist and doctor of the human soul, walked over to the patient and whispered briefly into his ear. Thereupon, the Rabbi left -- and the man suddenly and miraculously turned into a model patient, with hardly a whimper and barely a complaint. His

disciples then asked the Besht: what kind of magic did you perform with this man? What is it that you told him that so suddenly changed his whole attitude? The Rabbi answered: I whispered into his ear a verse from the Torah -- "Mi-devar shekker tirhak, thou shalt keep far from any false thing." The patient understood that his crying and his lamenting, which were in excess of the actual pain he experienced, were a form of falsehood. When I reminded him of this, he suddenly "improved!"

This holds true not only for illness, but also for the victims of injustice, whether real or imagined. Over-complaining is a form of falsehood.

Finally, it is an expression of faithlessness. While faith in God as the just Judge does not mean that we must "turn the other cheek" and fail to protest evil, nevertheless, over-protest is a symptom of faithlessness, it is a sign that we do not have any confidence in the ultimate justice of God's world. When I over-protest, I reveal that I feel intuitively that I must personally guarantee justice by maximizing my outcry.

There is one episode in Biblical history where such over-complaining stands revealed as fundamentally an act of faithlessness. When Moses, ~~at~~ the behest of the Israelites and much to the displeasure of the Lord, sent spies to search out the land of Canaan in order to discover whether they could conquer it, these spies came back with a most discouraging and disheartening majority report. They lacked any confidence that the Israelites would ever be able to

take and settle the land. The people rejected the advice of Moses and Joshua -- and the Lord Himself -- and, instead, took to heart the words of the majority group, and wept bitter tears at the plans of Moses to move into Canaan. Va-yivku ha-am ba-lailah ha-hu, "and the people wept on that night." The Rabbis were intrigued by the expression ba-lailah ha-hu, "on that night." Which night? They answered: Tisha Be'av, that was the ninth day of the Hebrew month of Av! It was a well-known night indeed. For the Lord said, the Rabbis relate: attem bekhitem bekhiyyah shel hinnam va-ani koveia lakhem bekhiyyah le'dorot -- because you wept so unnecessarily on this night, therefore will I establish this night for all generations as one on which you will weep -- necessarily! And so it was that ba-lailah ha-hu, that very night, the night of Tisha Be'av, became the black day of the Jewish calendar on which Israel twice lost its independence, on which two temples were destroyed, and on which a host of other cataclysms were clustered throughout our millennial history. Our over-weeping and over-protest and over-complaining -- were symptoms of our fundamental faithlessness.

We ought to take this to heart when we feel the inclination to protest. Those who over-indulge in their complaints about our country demonstrate, unconsciously, that they lack confidence in the democratic institutions which have guided this nation for close to two centuries. Members of a family who protest, either spouse or parents or children, reveal, unintentionally, that they

lack faith in them. And those of us who complain against our Father in Heaven, we too thereby show that we are lacking and imperfect in our religious faith.

So, the ethics of protest calls upon us to criticize and react to evil, to gezzel. But it bids us not to do so out of proportion, for to over-react is to be guilty of injustice, of being socially disruptive, untruthful, and faithless.

Protest is legitimate even against God. Prayer is, after all, a placing before God of all the innermost thoughts of our heart, of our anguish and our misery and our unhappiness at the circumstances in which the Lord has placed us or which He has allowed us to get into. Such complaints and such lamentations are thoroughly acceptable. As we say in our prayers, in reciting the verse from the Psalms, karov ha-Shem le'khol kor'av, "the Lord is close to all those who call upon Him." Certainly we may call upon Him, and in our calling give expression to our pain. But there is only one condition, and that comes at the end of the verse: le'khol asher yikra'uhu be'emet, "to those who call upon Him be'emet, in truth."

To call upon God -- yes; but only -- in truth. To protest, yes; but never -- out of proportion to the wrong.