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THE ETHICS OF PROTEST

Almost overnight, it seems, the placid, staid, and complacent American has burst into unexpected social and political frenzy. His political thyroid glands have suddenly become hyperactive. The campus, with whom David Reisman and his colleagues pleaded only a few years ago to aspire once again "to set the world afire," has gone ahead and done just that: it has put the torch of disillusionment and agitation to that cheerfully tranquil and compact world of middle-class America in which the ideals of optimism, mild meliorism, and individualism reigned supreme.

Social scientists have not yet given us an adequate explanation of this sudden eruption of activist students, the poor, and the blacks. But whatever the causes may be, it is time for us to formulate some general guide-lines for a society in which unrest, agitation, and activism have become progressively more significant and consequential. What is needed, in short, is to make a beginning in developing an ethic of protest. This article is a preliminary suggestion for some Jewish contributions to such an ethic.

Judaism has always been a protesting religion. Someone once said, in a whimsical moment, that Judaism is both "catholic" and "protestant" -- provided those words are spelled in lower-case, not with capital letters. Judaism's interests are "catholic"

in that they are universal and embrace the entire human family. They are also "protestant" in that Judaism has, from its very inception, protested against greed and hate and brute force and the theory that "might makes right." It has never consented to passivity in the face of evil. It has always refused to turn the other cheek, even to Caesar, and has preached resistance to wrong and to injustice. Sometimes the will to resist has been quite attenuated, but when that occurred it was the result of relentless and inhuman pressure, not the ethical principle of accepting evil as a legitimate fact of life.

Biblical history, especially as interpreted in the Rabbinic tradition, abundantly reveals the approval of protest. Noah was rebuked by the Rabbis because he was concerned only with his own moral integrity and failed to reproach his contemporaries and protest their misdeeds when he should have done so. Abraham, of course, is famous for his iconoclasm. He smashed the idols of the famous and the powerful at great personal risk. Moses, before he became worthy of divine revelation, had to show his moral heroism in acts 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. According to Maimonides, the capacity for protesting wrong-doing is prerequisite in the career of the prophet. Haman was inspired to genocide against the Jews because "their laws are different from those of every people,"



an observation no doubt inspired by the obstinacy of Mordecai "who would neither kneel nor bow." The same attitude motivated the Maccabees to revolt against the Greek Syrians. The religiously educated Jew will even recognize in righteous protest the Biblical precept of tokhachah -- the commandment, "Thou shalt surely rebuke thy neighbor, and not bear sin because of him" (Lev. 19:17); the last half of the verse reveals the morally obligatory nature of the commandment. Jerusalem, the Rabbis taught, was destroyed because its citizens failed to exercise their duty to criticize one another (Shab. 119b).

Perceptive non-Jews have remarked on this Jewish propensity for informed protest. Thus, Ernest Renan considered Jews as "a living protest against superstition and religious materialism." Another Frenchman, Jacques Maritain, wrote of Israel in 1939 that it is "found at the very heart of the world's structure, stimulating it, exasperating it, moving it... It gives the world no peace, it bars slumber, it teaches the world to be discontented and restless as long as the world has not God." It is questionable whether most Jews today would recognize their roles as gadflies for religion -- one is tempted to say "God-flies" -- but the fact of the Jew as a moral irritant or stimulant is fairly indisputable. Jews are therefore acting in the spirit of the times when they reactivate their ancient career of protestors by participation in or approval of the disturbing of society's

morally comatose "peace."

Having established this basic premise that injustice invites protest and that evil deserves remonstrance and resistance, and that such a reaction is morally obligatory, Jewish ethics must then consider the next step: the extent of the protest. And here it adds to its general approval of resistance the requirement that there be some minimal correspondence between the wrong and the outcry it evokes.

A distinguished modern Jewish ethicist enunciated this doctrine of parity between injustice and protest, in the form of an incisive commentary on the Bible story of the flood in the days of Noah.

The Torah maintains that the deluge was the consequence of widespread corruption, particularly the evil the Bible calls 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. Granted, they ask, that the criminals deserved their watery 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. <sup>crime</sup> What kind of morality is it that punishes the victims of an



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 of their fellow men. But the victims too were guilty of a form of violence: himmus devarim, literally: "violence of words."

How does one commit "violence of words?" And if a man is robbed, does he not have at least the right to express his indignation verbally?

A most sensitive explanation of this Midrash is proposed 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 less than a penny, but their outcry 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. Those who were the prey of the thieves were thus themselves cul-

pable of a form of violence no less reprehensible because it was more subtle. The flood, therefore, destroyed all -- both the material and the psychological aggressors.

Certainly, therefore, there ought to be criticism and protest -- but never immoderately. The ethics of protest demands that the reaction always correspond to the action, the protest to the injustice, the criticism to the defect. An extravagant reaction is in itself, in its extremism, an act of injustice against one who does not deserve that extent of protest.

These last two or three years have been characterized, both in our country and throughout the world, by social and political upheavals in which overstatement has often been the prelude to 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 we have been guilty of immoral extravagance in too many of the current demonstrations, whether political or academic or racial or economic. 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. But our current over-reactions -- with all the hyperbole of expression and stridency and truculence -- are a form of gezzel, of aggression and stealing, against our society and 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. The benignity of motives is vitiated by malignant consequences. Demagoguery and lack of civility are no less obnoxious because they are practiced by a moral perfectionist who is obsessed with his own infallibility and purity. One begins to wonder whether our country, or any country, is strong enough to survive such assaults on its social fabric.

We might add that this ethics of protest is not restricted to mass social problems. It applies to individuals as well. For instance, there is bound to be conflict in every family, no matter what the degree of love and mutual respect. 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. "A love which does not contain the element of criticism is not really love" (Ber. R. 54:3). But we must scrupulously avoid 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 object to their mistakes but never to over-complain and over-state their argument. If they do, they sin against their own children -- and parents owe children certain moral obligations. The same holds

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 that is the beginning of trouble.

What is it, then, that is wrong with over-protest? I suggest three answers.

First, as we have stated, it is simply unjust towards the original wrong-doer. Because he does not deserve the extent of the 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. Escalating stridency is a trap that forces one to accept his own hyperbole as factual and his exaggerations as accurate, with the result that a fair settlement of the claims of the antagonists becomes well nigh impossible. When the original wrongdoer feels aggrieved by the excess of the protest, he over-reacts to this unjustified assault, and so a cycle of over-statement and over-protest is built up which can only rend apart the entire social fabric -- which is what happened in the unfortunate exchange of provocation and counter-provocation at the Democratic National Convention in Chicago.



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 my untruth, even one so subtle, is unacceptable to Judaism. 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 he 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 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 -- 'Thou shalt keep far from any false thing.' The patient understood that his crying, which was in excess of the actual pain he experienced, was 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. It is a lie.

The ethics of protest calls upon us to criticize evil in unmistakable terms. But it bids us not to do so out of proportion, for to over-react is to be guilty of injustice, of social disruptiveness, and of untruthfulness.

True criticism, said the philosopher-poet Yehudah Halevi, is such that you reprove with the intent to improve the object of your remonstrations (Kuzari 5:20). Those who over-indulge their complaints about our country and express them in the truculent accents of hatred, demonstrate, unconsciously, that they lack both confidence in and commitment to the democratic institutions which have guided this nation for close to two centuries. It is quite possible that American democracy and society cannot survive. But we must not permit it to be killed off by sheer extravagance, by himmus devarim.

All of the above is, of course, only a prolegomenon to a Jewish ethic of protest. Furthermore, it sets only general guidelines and cannot, by its nature, offer a decisive judgement on every case. What is one man's over-reaction is another's restraint, and vice-versa. Obviously, other ethical principles must be invoked in order to determine the right course in individual instances. For example, the reprisal raid by Israeli commandos against Beirut air-



port, which resulted in \$50-100 million damages, might seem an over-reaction to the attack by two Arabs against a single El Al jetliner in Athens. This, in fact, was at the heart of the outrage of the rest of the world. Yet it ignored the vital principle that money, no matter how much, counts for less than human lives, no matter how few. In the context of a scale of values that cherishes life more than property, the Israeli raid was moderate -- and the U.N. reaction was himmus devarim (and, in the case of France, himmus mamon as well).

What we have attempted in this essay is but one element that must be considered in forming a moral judgment on the question of protest and its legitimate boundaries. But it is an important principle. The insistence upon parity and the rejection of extravagance as itself a wrong, is at least a beginning in formulating an ethic of protest.