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## Reflections on Responsibilities in the Public Square, Through a Perspective of Jewish Tradition: A Brief Biblical Survey

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# REFLECTIONS ON RESPONSIBILITIES IN THE PUBLIC SQUARE, THROUGH A PERSPECTIVE OF JEWISH TRADITION: A BRIEF BIBLICAL SURVEY

*Samuel J. Levine\**

## INTRODUCTION

In recent years, there has developed in the United States a substantial and growing interest in the role of religion in the public square.<sup>1</sup> Discus-

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1. See generally ROBERT AUDI & NICHOLAS WOLTERSTORFF, *RELIGION IN THE PUBLIC SQUARE: THE PLACE OF RELIGIOUS CONVICTIONS IN POLITICAL DEBATE* (1997) ("This book . . . present[s] reasoned statements of the two most important contemporary views of religion and politics—the liberal position that calls for their separation and the theologically oriented position that takes religious considerations to be not only appropriate in political debates and decisions but indispensable to the vitality of pluralistic democracy."); STEPHEN L. CARTER, *THE CULTURE OF DISBELIEF: HOW AMERICAN LAW AND POLITICS TRIVIALIZE RELIGIOUS DEVOTION* (1993) ("[This book] will present the case for taking religion seriously as an aspect of the lives and personas of the tens of millions of Americans who insist that religion is for them of first importance."); KENT GREENAWALT, *PRIVATE CONSCIENCES AND PUBLIC REASONS* (1995) ("The topic of this book is one major subject of conflict in this general debate [over the increasingly weak sense of belonging to one's community] . . . Should officials, and even ordinary citizens, restrain themselves from relying in public politics on some grounds that appropriately influence them in their private lives and within their nonpublic associations?"); KENT GREENAWALT, *RELIGIOUS CONVICTIONS AND POLITICAL CHOICE* (1988) ("This book concentrates on one facet of the uneasy and complicated relationships between religion and government in the United States, the connection between peoples' religious convictions and their political choices."); RICHARD JOHN NEUHAUS, *THE NAKED PUBLIC SQUARE: RELIGION AND DEMOCRACY IN AMERICA* (photo. reprint 1995) (2d ed. 1986) ("The intent [of this book] is to set out an analysis and argument that, if convincing, might significantly change our understanding of America and of religion's role in our public life."); NOMOS XXX: *RELIGION, MORALITY, AND THE LAW* (J. Roland Pennock & John W. Chapman eds., 1988) (a collection of essays addressing, inter alia, whether "[i]n this increasingly secularized world . . . it might seem to be religion that is least vital to the support of the state . . . But this immediately raises the question of the relation between religion and morality."); MICHAEL J. PERRY, *LOVE AND POWER: THE ROLE OF*

RELIGION AND MORALITY IN AMERICAN POLITICS (1991) (“[This book] is about the proper relation of a person’s moral beliefs to her political choices and, especially, to her public deliberation about and her justification of political choices.”); MICHAEL J. PERRY, MORALITY, POLITICS, AND LAW (1988) (“[The] fundamental subject [of this book] is the proper relation of moral beliefs—including moral beliefs religious in character—to politics and law, especially constitutional law, in a morally pluralistic society.”); MICHAEL J. PERRY, RELIGION IN POLITICS (1997) (“In this book, I address a fundamental question about religion in politics: What role may religious arguments play, if any, either in public debate about what political choices to make or as a basis of political choice.”); Robert Audi, *Religious Values, Political Action, and Civic Discourse*, 75 IND. L.J. 273 (2000) (“[The purpose of this article] is to address some questions about the appropriate content for public discourse in a way that contributes toward a civic harmony in which all elements, particularly religious citizens, can play a maximally constructive role in securing the vitality of a free democracy.”); *Institute of Bill of Rights Law Symposium: Religion in the Public Square*, 42 WM. & MARY L. REV. 647 (2001) (“This Symposium was organized for the purpose of exploring some of the thorny issues of the religion-in-public-life debate. . . . the articles published here do an excellent job of leading us through some of the most critical issues in the debate over religion in the public square.”); Michael J. Perry, *Liberal Democracy and Religious Morality*, 48 DEPAUL L. REV. 1 (1998) (“The general question [this article addresses] is this: In a liberal democracy, like the United States, what role is it proper for religion to play in politics? More specifically, what role is it proper for *religious arguments about the morality of human conduct* to play in politics?”); Symposium, *Religion and the Judicial Process: Legal, Ethical, and Empirical Dimensions*, 81 MARQ. L. REV. 177 (1998) (“[T]he issue of this Symposium is more direct [than the general question of what effect the separation between the sacred and the secular has on the everyday life of the average citizen]: What role, if any, should religious persuasions have in a secular court? . . . It is our hope that these pages might identify for the reader some contexts in which religion and the court intersect and potentially conflict.”); Symposium, *Religiously Based Morality: Its Proper Place in American Law and Public Policy?*, 36 WAKE FOREST L. REV. 217 (2001) (collecting articles on the role of religion in American law and public policy including two from a series by Michael J. Perry addressing “the important issue of . . . ‘religion in politics’”); Frederick Schauer, *May Officials Think Religiously?*, 27 WM. & MARY L. REV. 1075 (1986) (addressing “the effect of a publicly acknowledged norm of official behavior that gives approval to reliance on religion with respect to at least some governmental decisions”); Suzanna Sherry, *Religion and the Public Square: Making Democracy Safe for Religious Minorities*, 47 DEPAUL L. REV. 499 (1998) (“This article focuses on one particular aspect of this growing debate over the appropriate role of religion in our society. . . . What, in our society, constitutes a legitimate *reason* for government action and public policy?”); Symposium on Law and Morality, 1 NOTRE DAME J.L. ETHICS & PUB. POL’Y 1 (1984) (“[A]n issue devoted to law and morality was chosen . . . as a suitably general subject which might serve to introduce our efforts to readers who share our interest in an ethical examination of public policy.”); Symposium on Religion in the Public Square, 17 NOTRE DAME J.L. ETHICS & PUB. POL’Y 307 (2003) (“The papers in this symposium inquire whether there is an appropriate place for religious discourse in the American public square.”); Ruti Teitel, *A Critique of Religion as Politics in the Public Sphere*, 78 CORNELL L. REV. 747 (1993) (addressing “the movement towards a greater intermingling of politics and religion [and its] call for engagement of religion in politics and raises the profound consequences of this trend”); Symposium, *The Role of Religion in Public Debate in a Liberal Society*, 30 SAN DIEGO L. REV. 849 (1993) (“All of the articles in this Symposium deal with the question to what extent liberalism as a political philosophy is consistent with citizens’ and officials’ reliance on religious-based arguments in fashioning coercive public policy . . . .”); see also Jewish Law: Examining Halacha, Jewish Issues and Secular Law, <http://www.jlaw.com/> (last visited July 14, 2007) (“[M]aintain[ing] an archive of articles

sions and debates have revolved around questions relating to the relevance and proper function of religion in shaping law and public policy. Within religious communities, the conversation has, at times, focused on the approach of specific religious traditions toward their own responsibilities to contribute to and influence the moral, ethical, and legal standards of American society.

For Jewish communities living in the United States, these questions comprise yet another application of issues the Jewish people has confronted throughout its history. To the extent that the nature of American

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[and other written works] concerning how Jewish law perceives American law.”); Mirror of Justice, <http://www.mirrorofjustice.com/> (last visited July 14, 2007) (self-described as “[a] blog dedicated to the development of Catholic legal theory”).

In addition, there has emerged among many lawyers and scholars an increasingly significant focus on the relevance of religion to the practice of law. See generally Colloquium, *Can the Ordinary Practice of Law be a Religious Calling?*, 32 PEPP. L. REV. 373 (2005) (addressing “whether religious faith, particularly the faith of Christians and Jews, can be a source of meaning for the practice of law”); Rose Kent, *What’s Faith Got to Do With It?*, FORDHAM LAW. SUMMER 2001, at 10 (describing Fordham University School of Law’s Institute on Religion, Law & Lawyer’s Work); Howard Lesnick, *Riding the Second Wave of the So-Called Religious Lawyering Movement*, 75 ST. JOHN’S L. REV. 283 (2001) (“[Q]uestion[ing] whether the professional norm should make space for the resolution of the conflict between faith and profession in favor of the lawyer’s call of faith.”); Russell G. Pearce & Amelia J. Uelmen, *Religious Lawyering in a Liberal Democracy: A Challenge and an Invitation*, 55 CASE W. RES. L. REV. 127 (2004) (“[S]how[ing] how religious lawyering brings a positive contribution to advance the administration of justice without undermining the basic values of liberal democracy.”); Symposium, *Rediscovering the Role of Religion in the Lives of Lawyers and Those They Represent*, 26 FORDHAM URB. L.J. 821 (1999) (discussing “law and religion [as] partners in creating and preserving a just and principled society, and . . . provid[ing] an opportunity for spiritual renewal and the preservation of those important moral values without which no set of fair laws can exist and no lawyer can properly serve those in need”); Symposium, 27 TEX. TECH L. REV. 911 (1996) (discussing “how . . . religious beliefs oblige [one] to practice the profession of law, perhaps, through not necessarily, in a manner differently from someone else who might not share their beliefs”); Symposium on Law & Politics as Vocation, 20 NOTRE DAME J.L. ETHICS & PUB. POL’Y 1 (2006) (“[E]xplor[ing] the reintroduction of the divine call as a motivation into the profession of law”); Symposium on Lawyering and Personal Values, 38 CATH. LAW. 145 (1998) (addressing “the important role that religious and other ethical values can play in the lives of lawyers”); Symposium, *The Relevance of Religion to a Lawyer’s Work: An Interfaith Conference*, 66 FORDHAM L. REV. 1075 (1998) (“[O]ffer[ing] a comprehensive series of articles and essays exploring the implications of religion for lawyering with regard to both broad theoretical issues and specific ethical questions.”); Robert K. Vischer, *Heretics in the Temple of Law: The Promise and Peril of the Religious Lawyering Movement*, 19 J.L. & RELIGION 427 (2004) (addressing “whether and to what degree an individual lawyer should allow her faith to influence her practice of law”); Gerry Whyte, *Integrating Professional Practice and Religious Faith: The Religious Lawyering Movement*, 55 DOCTRINE & LIFE 18 (2005) (discussing the fact that “[t]he increasing secularization of society may also challenge the reliance by individual lawyers on their religious beliefs in their day-to-day professional activities”); see also Pepperdine University School of Law: The Institute on Law, Religion, and Ethics, <http://law.pepperdine.edu/ilre/> (last visited July 14, 2007) (“The Institute’s purpose is to explore the nexus between law, religion, and ethics.”).

political and social structures differ significantly from those experienced by Jewish communities in the past, the questions themselves may need to be particularized and considered in the context of newly developed conceptual frameworks.<sup>2</sup> Nevertheless, as this Essay aims to demonstrate, the broader questions regarding the responsibilities of the Jewish people toward the public square, including obligations to influence law and public policy, represent concerns that date back to the very origins of the Jewish nation, and continues throughout the Bible.

Toward that end, this Essay provides a brief survey of several important stages in the biblical history of the Jewish nation. It begins with the figure of Abraham, founder and father of that nation, then turns to the nation's slavery in, and Exodus from, Egypt, continues with the Revelation at Sinai and the resulting establishment of a sovereign and independent government in the Land of Israel, and concludes with a look at the nation in exile in the Book of Esther. This Essay suggests that in each of these settings, though in different ways, Jewish leaders and communities acknowledged and successfully confronted the challenges of main-

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2. A number of recent compilations have addressed these questions from a variety of perspectives. See generally JEWISH POLITY AND AMERICAN CIVIL SOCIETY (Alan Mittleman, Jonathan D. Sarna & Robert Licht eds., 2002) ("The focus of this volume . . . is on how the Jewish polity functions in the midst of civil society, relating to both other mediating groups and to government as such."); JEWS AND THE AMERICAN PUBLIC SQUARE (Alan Mittleman, Robert Licht & Jonathan D. Sarna eds., 2002) (compiling "analyses of historic Jewish activity in the public square, approaches to constitutional law, studies of modern Jewish political culture and action, explorations of issues in Jewish organizational life, and constructive models for how to think about Judaism and public affairs"); RELIGION AS A PUBLIC GOOD (Alan Mittleman ed., 2003) (providing "a serious yet accessible consideration of how Jews and Judaism, religion in America, and the American public square interact"); see also JONATHAN SACKS, THE PERSISTENCE OF FAITH: RELIGION, MORALITY & SOCIETY IN A SECULAR AGE (Continuum 2005) (1991) (discussing the prediction that "in losing our religious traditions we [have] eroded that environment within which alone a cohesive intellectual, social, political and moral life is possible"); JONATHAN SACKS, TO HEAL A FRACTURED WORLD: THE ETHICS OF RESPONSIBILITY (2005) [hereinafter SACKS, TO HEAL A FRACTURED WORLD] ("[O]ne of Judaism's most distinctive and challenging ideas is its ethics of responsibility, the idea that God invites us to become, in the rabbinic phrase, his 'partners in the work of creation.' . . . That is the theme of this book."); TIKKUN OLAM: SOCIAL RESPONSIBILITY IN JEWISH THOUGHT AND LAW (David Shatz, Chaim I. Waxman & Nathan J. Diament eds., 1997) (collecting essays that "should stimulate a dialogue within the Orthodox community over the power of Judaism to transform a morally tenuous world"); Samuel J. Levine, *Law, Ethics, and Religion in the Public Square: Principles of Restraint and Withdrawal*, 83 MARQ. L. REV. 773 (2000) ("[E]xplor[ing], from both an ethical and jurisprudential perspective, the question of how an individual might balance an interest in identifying and articulating the proper role of religion in the public square against the individual's own religious beliefs and commitments."); Marc D. Stern, *The Attorney as Advocate and Adherent: Conflicting Obligations of Zealousness*, 27 TEX. TECH L. REV. 1363 (1996) (addressing the impact of one's religion on lawyering).



taining their own unique identity while concomitantly engaging and involving themselves in the interests of the societies surrounding them.

### I. ABRAHAM: STRANGER AND RESIDENT

In analyzing the responsibility to engage in the public square through a perspective of Jewish tradition, it may be appropriate to begin with a discussion of the figure of Abraham. The centrality of Abraham to this analysis stems not only from the historical fact that his life marks the beginning of the story of the nation, but more significantly, and more substantively, through his actions and his beliefs, Abraham earned and attained the status of father of the people<sup>3</sup> that would soon become the nation of Israel (named after his grandson),<sup>4</sup> and would later be called the Jewish nation (named after his great-grandson).<sup>5</sup> As the founder of a new nation, Abraham both set an example for and left an indelible imprint on future generations that would follow in his path.<sup>6</sup>

Descriptions of Abraham found in the biblical text and exegetical sources portray a complex picture of an individual who possesses a number of different—if not seemingly contradictory—qualities. In some ways, Abraham stands out as a counter-cultural visionary, rejecting and setting himself apart from the idolatrous, polytheistic, and immoral society that surrounds him. As Rabbi Adin Steinsaltz has noted, Abraham maintains his convictions in the face of societal values imposed by great cities and civilizations, comprising “the height of an ancient culture” and “representing the most advanced ideas and the most refined concepts in science, art, and philosophy.”<sup>7</sup> While still Abram, he follows God’s

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3. See *Genesis* 17:1-8.

4. See *id.* 32:28.

5. See *id.* 29:35.

6. See 2 ELIJAHU DESSLER, MICHAV M’ELIJAHU 160-201 (Aryeh Carmell & Chaim Friedlander eds., 1963) (author’s translation); see also 1 RAMBAN (NACHMANIDES), COMMENTARY ON THE TORAH 168-69 (Charles B. Chavel trans., 1973) (explicating *Genesis* 12:6).

7. ADIN STEINSALTZ, BIBLICAL IMAGES 16-17 (Yehuda Hanegbi & Yehudit Keshet, trans., 1994). Rabbi Soloveitchik has analyzed the moral defects characterizing the dominant societies that preceded Abraham. See 2 ABRAHAM R. BESDIN, MAN OF FAITH IN THE MODERN WORLD: REFLECTIONS OF THE RAV 77-79 (1989) (adapted from lectures of Rabbi Joseph B. Soloveitchik); see also *Genesis* 6:5-7:24 (describing the generation of the flood); *Genesis* 11:1-9 (describing the generation of the Tower of Babel). The generation of the flood

emphasized the pleasure principle, the exhilaration of the senses, as the primary goal of life. . . . reaching out without restraint or discipline. It regard[ed] ethics as irrelevant and all barriers or authority as repressive. . . . The fleeting sensation of the moment is primary; future consequences are dismissed. . . .

Such a value system invites moral decay.

BESDIN, *supra* 77-78. The generation of the Tower of Babel emphasized “[n]ot pleasure but power, to control nature through technology, to enthrone [the human] as the master of

command to break away from his homeland, his birthplace, and his father's house, and sets out on a journey to start a new life and a new nation in the Holy Land.<sup>8</sup> Indeed, subsequent to his journey, the Torah refers to Abraham as *Avram ha-Ivri*,<sup>9</sup> a term that literally reflects either his lineage from Eber or his geographical origins from the "other side of the river."<sup>10</sup> However, the term has been interpreted homiletically and profoundly as an indication that, on a spiritual and moral plane, Abraham was on the "other side" from the rest of the world.<sup>11</sup>

At the same time, notwithstanding his independent and individualistic qualities, Abraham is never portrayed as introverted or withdrawn from the society in which he lives. Instead, pursuing justice and fighting for just causes,<sup>12</sup> Abraham tends to both the physical and spiritual well-being of all those he encounters.<sup>13</sup> Literally an iconoclast, Abraham shatters idols proudly and publicly in an effort to demonstrate the folly and hollowness of their deification.<sup>14</sup> He constantly engages in debates and disputations about the true nature of God, teaching and leading others to follow in his path.<sup>15</sup> Interpreting the Torah's reference to the "people" or "souls" that Abraham and Sarah "'made' in Haran,"<sup>16</sup> the Midrash explains that through their conduct and their teachings, Abraham and Sarah brought people to faith in God, thereby "making" or "shaping"

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the universe and to dispose of God's sovereignty and . . . worship—these defined their primary motivations." *Id.* at 78. Moreover, "[t]heirs was an organized society . . . repressively conformative" where "[t]echnology was prized over human life." *Id.* In short, "[s]ociety and ideology were primary; individuals were expendable[.]" producing "a tightly controlled society with religion suppressed and human life devalued." *Id.* at 78-79.

In contrast,

Abraham offered a new vision of [human] purpose and destiny. Not wallowing in pleasure or the arrogance of power, but clinging to God . . . . As [God] is holy, so should we be, even if it . . . circumscribes one's range of permissible behavior. Pleasure and power are [human]-centered and do not respond to a higher authority; [holiness] is God-centered and it acknowledges Divine rulership.

*Id.* at 79.

8. See *Genesis* 12:1.

9. See *id.* 14:13.

10. See ARYEH KAPLAN, *THE LIVING TORAH* 28-29, 40 (1981) (commenting on *Genesis* 10:21; 14:13).

11. See, e.g., 1 *THE PENTATEUCH: TRANSLATED AND EXPLAINED* BY SAMSON RAPHAEL HIRSCH 255-56 (Isaac Levy trans., 2d ed. 1976) (commenting on *Genesis* 14:13).

12. See, e.g., *Genesis* 14:1-24, 18:1-33, 21:22-34.

13. See Samuel J. Levine, *Looking Beyond the Mercy/Justice Dichotomy: Reflections on the Complementary Roles of Mercy and Justice in Jewish Law and Tradition*, 45 J. CATH. LEGAL STUD. 455, 457-60 (2006).

14. See MAIMONIDES, *MISHNE TORAH, Laws of Idolatry* 1:3.

15. See *id.*

16. *Genesis* 12:5 (author's translation).

their souls.<sup>17</sup> Maimonides describes Abraham traveling from city to city and from nation to nation on his journey to the Holy Land, continuously spreading the word of God's existence.<sup>18</sup> In the process, Abraham constantly attracted followers who turned to worship God, ultimately numbering in the tens of thousands.<sup>19</sup> In rejecting and distinguishing himself from the mores and beliefs of the dominant social structure, Abraham was determined not to isolate himself from his surroundings, but rather to offer a vital and viable alternative, to influence public opinion, and to work for change in a positive direction.

Rabbi Joseph Soloveitchik has aptly identified and expounded upon a phrase in the Torah that concisely captures the dual nature of Abraham's relationship with society. As an introduction to his negotiations with the children of Heth to purchase a burial place for Sarah, Abraham declares: "I am a stranger and a resident among you."<sup>20</sup> As Rabbi Soloveitchik asks, "Are not these two terms mutually exclusive? One is either a stranger, an alien, *or* one is a resident, a citizen. How could Abraham claim both identities for himself?"<sup>21</sup>

Rabbi Soloveitchik explains that Abraham was indeed "a resident, like other inhabitants of Canaan, sharing with them a concern for the welfare of society, digging wells, and contributing to the progress of the country in loyalty to its government and institutions."<sup>22</sup> Spiritually, however,

Abraham regarded himself as a stranger. His identification and solidarity with his fellow citizens in the secular realm did not imply his readiness to relinquish any aspects of his religious uniqueness. His was a different faith and he was governed by perceptions, truths, and observances which set him apart from the larger faith community.<sup>23</sup>

Nevertheless, on a spiritual level, Abraham cared for and contributed to the welfare of society, spreading a message of monotheism and ethical behavior.<sup>24</sup> Thus, Abraham successfully advanced from his status as a stranger and an outsider to become a leader and an influential public figure.

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17. See PINCHAS DORON, RASHI'S TORAH COMMENTARY 160 (2000) (explicating *Genesis* 12:5).

18. See MAIMONIDES, *supra* note 14, 1:3.

19. See *id.*

20. *Genesis* 23:4 (author's translation).

21. ABRAHAM R. BESDIN, REFLECTIONS OF THE RAV: LESSONS IN JEWISH THOUGHT 169 (1981) (adapted from Lectures by Rabbi Joseph B. Soloveitchik).

22. *Id.*; see also BESDIN, *supra* note 7, at 74-75.

23. BESDIN, *supra* note 21, at 169.

24. See *supra* notes 12-19 and accompanying text.



## II. EGYPT: SLAVERY AND EXODUS

The lessons Abraham imparted regarding the role of the Jewish people in society were practiced on a communal level during the generations of slavery in Egypt. Like Abraham, the Israelites found themselves a small minority amidst an empire whose societal values and beliefs were antithetical to their own religious faith and morality.<sup>25</sup> Indeed, the nation was later expressly commanded not to imitate the practices of the Egyptians but instead to follow the laws of God.<sup>26</sup> As slaves, however, the Israelites were subjected to persistent and demoralizing persecution and demonization, leaving them vulnerable to the attraction of the advances and apparent sophistication of the imperial power that ruled over them.<sup>27</sup> They faced the challenge of what Rabbi Soloveitchik has called “[t]he allure of Egypt, the most cultured and technologically developed society of that day.”<sup>28</sup>

In response to the challenge, learning from the example set by Abraham, the Israelites similarly observed crucial modes of separation between themselves and the dominant culture. Tradition interprets the biblical verse referring to their growth into a “great nation”<sup>29</sup> as an indication that they remained a separate nation in the land of Egypt, maintaining their distinct names, religion, and language, rather than adopting those of the Egyptians.<sup>30</sup> Likewise, because of their belief in God, the nation’s midwives refused the Pharaoh’s command to kill their male babies.<sup>31</sup> In perhaps the boldest and most meaningful act of defiance, the nation obeyed God’s command to take for the original Passover offering a sheep or a lamb, an Egyptian deity,<sup>32</sup> and to spread its blood on the doorposts and the lintels of their houses.<sup>33</sup>

Unlike Abraham, who successfully influenced the public square, and despite their open fidelity to God, the Israelite slaves failed to exert a positive change on the conduct or attitudes of their Egyptian oppressors. If anything, their resistance to Egyptian demands and expectations met with increasingly entrenched brutality, from Pharaoh’s decision to order

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25. See, e.g., *Exodus* 1:15-21; see also ARYEH KAPLAN, *THE HANDBOOK OF JEWISH THOUGHT* 50-51, 51 n.95 (1979).

26. *Leviticus* 18:1-5.

27. BESDIN, *supra* note 21, at 145; see also *Exodus* 1:11-14.

28. BESDIN, *supra* note 7, at 145.

29. *Deuteronomy* 26:5.

30. BESDIN, *supra* note 7, at 147, 149 n.2. Cf. KAPLAN, *supra* note 25, at 51 n.95 (citing sources stating that the Israelites “did not change their names or language, and avoided sexual immorality and slander”).

31. See *Exodus* 1:15-21.

32. See 2 Ramban, *supra* note 6, at 118-19 (explicating *Exodus* 12:3).

33. See *Exodus* 12:1-30.

his own subjects to kill the male children,<sup>34</sup> to his stubborn and repeated refusal to free the Israelites from bondage, even in the face of the plagues.<sup>35</sup> Nevertheless, as the Torah emphasizes, the miracles manifested in the plagues, the splitting of the Sea, and the Revelation at Sinai provided overwhelmingly powerful and public expressions of God's dominion over the world and its history.<sup>36</sup> As a result, the events connected with the Exodus ultimately had a profound effect on numerous societies, resulting in an acknowledgment of God's existence and actions far beyond the nation of Israel,<sup>37</sup> reaching not only to Egypt<sup>38</sup> but also to other nations both near and far.<sup>39</sup>

### III. THE TORAH: A LIGHT UNTO THE NATIONS

After receiving the Torah, entering and conquering the land of Israel, and establishing a system of government, the nation of Israel emerged at a new stage of its development characterized by a new function and focus. Having achieved political and spiritual independence, the nation no longer found itself living as a minority attempting to navigate its role amidst a hostile society dominating it. Instead, the Israelites were faced with the challenge and opportunity of building their own society, faithful to their own values and beliefs. Rather than resisting the public square or working to influence it while maintaining a separate identity, the nation began to produce its own authentic public square in which law and public policy would operate directly and primarily in accordance with the teachings of God embodied in the Torah and the Jewish legal system.

The structure and substance of Jewish law and tradition relate to and address both the public and private arenas, prescribing rules and responsibilities for both the individual and society as a whole.<sup>40</sup> Thus, just as the Jewish religious system reaches all aspects of a person's life without recognizing an area of private activity exempt from legal and ethical obliga-

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34. See *id.* 1:22.

35. See *id.* 7:14-11:10.

36. See *Deuteronomy* 4:32-34.

37. See, e.g., *Exodus* 10:1-2.

38. See, e.g., *id.* 7:5; see also 2 RAMBAN, *supra* note 6, at 78-80 (explicating *Exodus* 7:3); *Exodus* 10:1-2.

39. See, e.g., *Exodus* 9:16, 15:14-15, 18:1.

40. See, e.g., JOSEPH B. SOLOVEITCHIK, HALAKHIC MAN 93-94 (Lawrence Kaplan trans., The Jewish Publication Society of America 1983) (1944) (explaining that Jewish thought "does not differentiate between the [person] who stands in [the] house of worship, engaged in ritual activities, and the mortal who must wage the arduous battle of life," instead "declar[ing] that [a person] stands before God not only in the synagogue but also in the public domain, in [one's] house, while on a journey, while lying down and rising up" and that "[t]he marketplace, the street, the factory, the house, the meeting place, the banquet hall, all constitute the backdrop for the religious life").

tion,<sup>41</sup> likewise Jewish tradition does not view religion as a private endeavor separate from public law and policy. In fact, the biblical system of government consists of a judiciary that adjudicates both public and private matters according to the laws of the Torah,<sup>42</sup> a king who must constantly and consciously acknowledge limitations on his power subject to the laws of the Torah,<sup>43</sup> and prophets and high priests who help shape public perceptions and policy through messages from God.<sup>44</sup> In short,

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41. See KAPLAN, *supra* note 25, at 78 (stating that the commandments “penetrate every nook and cranny of a person’s existence, hallowing even the lowliest acts and elevating them to a service to God. . . . sanctify every facet of life, and constantly remind one of [one’s] responsibility toward God” (footnote omitted)); see also Samuel J. Levine, *The Broad Life of the Jewish Lawyer: Integrating Spirituality, Scholarship and Profession*, 27 TEX. TECH L. REV. 1199, 1199 (1996) (“The religious individual faces the constant challenge of reconciling religious ideals with the mundane realities of everyday life. Indeed, it is through the performance of ordinary daily activities that a person can truly observe such religious duties as serving G-d and loving one’s neighbor.”); Samuel J. Levine, *Reflections on the Practice of Law as a Religious Calling, From a Perspective of Jewish Law and Ethics*, 32 PEPP. L. REV. 411, 411-13 & nn.1-10 (2005) (citing sources).

42. See *Exodus* 18:13-26; *Deuteronomy* 17:8-14; TALMUD BAVLI: *Sanhedrin* 32A; KAPLAN, *supra* note 25, at 213-30.

43. See *Deuteronomy* 17:14-20; MAIMONIDES, *MISHNE TORAH, Laws of Kings*; 1 RABBI TZVI HIRSCH CHAJES, *COLLECTED WORKS* 43-49 (author’s translation).

44. See, e.g., CHAJES, *supra* note 43, at 3-43 (author’s translation); *Deuteronomy* 18:15-19; *Exodus* 28:30; KAPLAN, *supra* note 25, at 83-120, 151-76. For a discussion of the various institutional functions in the Jewish legal and political structure, see RABBENU NISSIM GERONDI (RAN), *DERASHOT* 189-211 (Leon A. Feldman ed., 1973) (author’s translation); see also Samuel J. Levine, *Interpretation, Legislation, and Prophecy* (Jan. 2, 2003) (unpublished manuscript, on file with author).

For comparisons of the role of biblical prophets to the role of American judges and lawyers, see Samuel J. Levine, *A Look at American Legal Practice Through a Perspective of Jewish Law, Ethics, and Tradition: A Conceptual Overview*, 20 NOTRE DAME J.L. ETHICS & PUB. POL’Y 11, 22 (2006) (“[I]t is not uncommon for American lawyers working for social justice to see themselves as following in the powerful teachings, if not the religious traditions, of the Biblical prophets.”). See generally JEROLD S. AUERBACH, *RABBIS AND LAWYERS: THE JOURNEY FROM TORAH TO CONSTITUTION* (1990) (claiming that the American Jewish acculturation has been so successful in the context of the practice of law because the “biblical origins of the American rule of law” allow American Jewish lawyers to “link Jewish history to American destiny”); Ronald R. Garet, *Judges as Prophets: A Coverian Interpretation*, 72 S. CAL. L. REV. 385 (1999) (discussing the following question: “But once judges remember prophets not just incidentally but as a labor in the very calling to be a judge, can this memory’s implications for identity and action be confined to such a program?”); Thomas L. Shaffer, *The Biblical Prophets as Lawyers for the Poor*, 31 FORDHAM URB. L. J. 15 (2003) (“Prophets, and particularly prophets-as-lawyers, redefine power relationships. Redefining power relationships is a form or pastoral service to the believers who labor in our economic system.”); Thomas L. Shaffer, *Lawyers and the Biblical Prophets*, 17 NOTRE DAME J. L. ETHICS & PUB. POL’Y 521 (2003) (discussing “part of a broader exploration of the suggestion that the biblical prophets—Moses, Isaiah, Jeremiah, Amos, Nathan, and the other—are sources of ethical reflection and moral example for modern American lawyers”); Thomas L. Shaffer, *Lawyers as Prophets*, 15 ST. THOMAS L. REV. 469 (2003) (“[A]rgu[ing] that the Hebrew prophets, these biblical prophets, are

Jewish law envisions a society in which religion is an integral and central component of public discourse and decision-making.

Nevertheless, despite their position as an independent nation in their own land, the Israelites remained but a small minority relative to a world that continued to espouse and practice beliefs largely antithetical to their own. As such, the nation's communal function would, to some extent, parallel that of its forefather, Abraham. Specifically, in addition to resisting the lure of other cultures and societies, through adherence to the laws and ethical behavior mandated by the Torah, the nation would exert a positive influence on the larger public square beyond its own borders.

Indeed, Moses instructs the Israelites to keep and safeguard God's law, for "it is your wisdom and understanding in the eyes of the nations, who will hear all of these rules and will say 'This great nation is surely a wise and understanding people.'"<sup>45</sup> Accordingly, through faithful observance of God's commands, the nation of Israel fulfills its mandate of serving as a "light unto the nations" of the world.<sup>46</sup> Although the precise nature of this mandate lends itself to differing interpretations, it remains a significant component in an analysis of the responsibility of the Jewish people to contribute in a positive manner to society at large.

Notably, Jewish thought does not require that an individual be a member of the Jewish nation as a prerequisite for righteousness.<sup>47</sup> In addition to the Jewish legal system, which binds only the Jewish nation, there exists a Noachide legal system under Jewish theology that is applicable to all of humanity, thereby setting the parameters for the considerably more limited obligations incumbent upon the other nations of the world.<sup>48</sup>

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sources of legal ethics and of jurisprudence for Jews and Christians . . . [and] suggest[ing] that the biblical prophets were lawyers more than anything else.").

45. *Deuteronomy* 4:6 (author's translation); see also J. David Bleich, *Tikkun Olam: Jewish Obligations to Non-Jewish Society*, in *TIKKUN OLAM*, *supra* note 2, at 61, 76 n.25 (providing another interpretation of the quoted passage).

46. See, e.g., *Isaiah* 42:6, 49:6 (author's translation); see also *id.* 60:3.

47. See MAIMONIDES, *MISHNE TORAH, Laws of Repentance* 3:5; MAIMONIDES, *supra* note 43, 8:11. Indeed, Jewish tradition has discouraged active proselytizing aimed at bringing others to adhere to Judaism, while imposing strict guidelines and safeguards to insure the sincerity of intentions to accept the Jewish religion. For a brief historical survey of approaches in Jewish tradition toward those who intend to become Jewish, see Gerald J. Blidstein, *Tikkun Olam*, in *TIKKUN OLAM*, *supra* note 2, at 17, 34-39.

48. For discussions of the Noachide laws in classical works of Jewish law, see TALMUD BAVLI, *Sanhedrin* 56a-59b; MAIMONIDES, *supra* note 43, chs. 9-10; CHAJES, *supra* note 43, at 58-63 (author's translation); YITZCHAK HUTNER, *PACHAD YITZCHAK*, SHAVUOTH 31-34 (1999). Several contemporary law professors have discussed the Noachide laws. See, e.g., J. DAVID BLEICH, *CONTEMPORARY HALAKHIC PROBLEMS* 341-67 (1983) ("Since the purported teachings of Judaism have been introduced into [the debate over capital punishment] it is certainly proper that the provisions of Jewish law bearing upon the matter be examined and analyzed with care."); Bleich, *supra* note 45 ("Any examination of the obligations of Jewry with regard to *tikkun haolam* in the sense of perfection of society must perforce proceed from an understanding of the nature of that



Thus, to the extent that the biblical admonition requires the nation of Israel to serve as a light unto the other nations by influencing them to draw closer to God, the scope of such influence is contained in the contours of the Noachide laws.<sup>49</sup>

In practice, the appropriate method for the Jewish nation to fulfill this role may be understood in several possible ways. One way the nation of Israel might lead others to recognize and appreciate the moral rectitude and importance of God's commands is through the example of its behavior, thereby bringing others to undertake an effort to ascertain and adhere to the Noachide laws God has commanded them.<sup>50</sup> Alternatively, the Jewish nation may be obligated to take a more active and direct approach to educating the nations about the substance of the Noachide laws and encouraging observance of those laws.<sup>51</sup>

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*tikkun* . . . begin[ning] with a thorough awareness of the ramifications and applications of the Seven Commandments of the Sons of Noah.”); Michael J. Broyde, *The Obligation of Jews to Seek Observance of Noachide Laws by Gentiles: A Theoretical Review*, in *TIKKUN OLAM*, *supra* note 2, at 103-44 (“This paper will address the scope of *halakhah*’s mandate upon Jews to enforce the seven Noachide commandments, as well as any other rules Jewish law mandates that gentiles should keep.”); Arnold N. Enker, *Aspects of Interaction Between the Torah Law, the King’s Law, and the Noahide Law in Jewish Criminal Law*, 12 *CARDOZO L. REV.* 1137 (1991) (“The principle thrust of this Comment is to suggest that these differences between the [two distinct and separate systems of criminal law recognized by Jewish Law] are more apparent than real, because the usual description of the Jewish criminal law system . . . is incomplete.”); Samuel J. Levine, *An Introduction to Self-Incrimination in Jewish Law, with Application to the American Legal System: A Psychological and Philosophical Analysis*, 28 *LOY. L.A. INT’L & COMP. L. REV.* 257, 270-71 (2006) (“Although the overwhelming majority of material comprising the corpus of Jewish law addresses the legal obligations of the Jewish nation, the substance of the Noachide laws has occupied a prominent position in Jewish legal discussion from ancient times through the present.”); Nahum Rakover, *Jewish Law and the Noahide Obligation to Preserve Social Order*, 12 *CARDOZO L. REV.* 1073 (1991) (“The establishment of a judicial system is recognized by Jewish law as a fundamental obligation whose incumbency upon all of mankind predates the revelation of biblical legislation to the Jewish people.”); Suzanne Last Stone, *Sinaitic and Noahide Law: Legal Pluralism in Jewish Law*, 12 *CARDOZO L. REV.* 1157 (1991) (“Rabbinic traditions on the Noahide commandment of *dinin*, the focus of this article, provide a rich starting place for exploring [the presence of two disparate legal systems within the large system of Jewish law.]”).

49. See generally Bleich, *supra* note 45 (“Less obvious but, nevertheless, as will be shown, widely accepted among rabbinic scholars, is the recognition that the nation of Israel is charged with facilitating the perfection of mankind as a whole.”); Broyde, *supra* note 48 (“This article started by reviewing the halakhic obligation of gentiles to obey the Noachide commandments and conclude that notwithstanding a minority opinion to the contrary, *halakhah* accepts that gentiles are obligated to keep the Noahide laws, and they are responsible for even unintentional violations.”); see also KAPLAN, *supra* note 25, at 55.

50. See Bleich, *supra* note 45, at 88-89; Broyde, *supra* note 48, at 121-22; KAPLAN, *supra* note 25, at 55 n.125.

51. See Bleich, *supra* note 45, at 77; Broyde, *supra* note 48, at 107; KAPLAN, *supra* note 25, at 55 n.125.



The imperative to serve as a light unto the nations is further illustrated in Rabbi Soloveitchik's identification of the "universal emphasis"<sup>52</sup> that complements "separatism" in Jewish thought.<sup>53</sup> In an analysis of "Jewish universalism,"<sup>54</sup> Rabbi Soloveitchik focuses on the biblical character of Jonah, a prophet whom God sends with the unusual mission of addressing the foreign and pagan nation of Assyria.<sup>55</sup> In the face of obstacles and extreme hardship, Jonah perseveres to carry forth God's message, calling upon the people of Nineveh to repent and return to God.<sup>56</sup> As Rabbi Soloveitchik observes, the Book of Jonah occupies a central role in the Yom Kippur liturgy, read aloud following nearly an entire night and day of prayer, reflection, and repentance, and shortly before the figurative "closing of 'the heavenly gates.'"<sup>57</sup> The reading of the Book of Jonah on Yom Kippur seems somewhat anomalous; unlike the theme of most of the Yom Kippur liturgy, which focuses on the Jewish nation's expressions of repentance and petitions for its own forgiveness, the Book of Jonah relates the historical account of the repentance and atonement of another nation.<sup>58</sup>

Moreover, Rabbi Soloveitchik emphasizes the juxtaposition of the reading of the Book of Jonah on Yom Kippur with the biblical reading that immediately precedes it, the Torah's admonition to the Israelites not to follow in the morally corrupt ways of the people of Egypt and Canaan.<sup>59</sup> Rabbi Soloveitchik suggests that "[t]he Torah reading is a forceful declaration of Jewish separatism" from the corrupt influence of others, "even as the Book of Jonah is a counterbalance of Jewish universalism. Lest we misconstrue our separateness and distinctiveness as a license for callous indifference to other peoples, the [reading of Jonah] enlarges our scope of compassion and understanding."<sup>60</sup> In short, "as Yom Kippur draws to a close, we remind ourselves that there is a wider world sorely in need of atonement" as well.<sup>61</sup>

Finally, yet another interpretation of the function of the Jewish people as a "light unto the nations"<sup>62</sup> looks beyond the present and understands the nation's role from a perspective of Jewish eschatology. A biblical reference to the Messianic era states: "I, God, will hasten it in its due

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52. BESDIN, *supra* note 7, at 143.

53. *Id.* at 144.

54. *Id.*

55. *Id.* at 144-46; *see also* *Jonah passim*.

56. *See* *Jonah* 3:3-5.

57. BESDIN, *supra* note 7, at 143-44.

58. *See id.*; *Jonah* 3:1-10.

59. BESDIN, *supra* note 7, at 144-45; *see also* *Leviticus* 18:1-6.

60. BESDIN, *supra* note 7, at 144.

61. *Id.* at 146.

62. *See, e.g., Isaiah* 42:6, 49:6 (author's translation); *see also* *Isaiah* 60:3.

time.”<sup>63</sup> Analyzing this verse, the Talmud notes the apparent inconsistency between a hastened redemption and one that arrives in its proper time.<sup>64</sup> The Talmud explains that the verse in fact refers to alternative possibilities for the arrival of the Messianic era. Specifically, if the nation of Israel so merits, the Messianic era will appear at an accelerated pace; otherwise, the Messiah will arrive later, at a designated time.<sup>65</sup>

Thus, Jewish tradition posits that through fidelity to God and observance of God’s commands, the Jewish people have the capacity to bring about the ultimate redemption of the world.<sup>66</sup> Likewise, Kabbalistic thought has emphasized the notion of *tikkun olam*, teaching that we live in a “broken” world that awaits being “repaired” and perfected by human action.<sup>67</sup> Although many of the details relating to both the figure of the Messiah and the process and nature of the Messianic era remain elusive,<sup>68</sup> a primary function of the Messiah includes leading the Jewish people back to God.<sup>69</sup> Accordingly, as Israel will serve as a light unto other nations of the world, the Messiah will bring the entire world to God and God’s teachings.<sup>70</sup> In the words of Rabbi Soloveitchik, “[t]he fullest realization of Jewish history will be achieved in Messianic days. The Jewish vision of the Messianic era includes tranquility and fulfillment for all [of humanity] . . . .”<sup>71</sup>

#### IV. THE BOOK OF ESTHER: THE NATION IN EXILE

Finally, despite the ideal of the nation’s political independence and autonomy, the Jewish people has lived the majority of its existence in exile, often under the rulership of hostile if not downright oppressive powers. Thus, it may be fitting to conclude a biblical survey with a con-

63. *Id.* 60:22 (author’s translation).

64. *See* TALMUD BAVLI, *Sanhedrin*, 98a.

65. *See id.*

66. *See* 2 ARYEH KAPLAN, *THE HANDBOOK OF JEWISH THOUGHT* 360 & n.2 (Abraham Sutton ed., 1992). To paraphrase the title of Robert Cover’s essay on the sixteenth century renewal of traditional rabbinic ordination in Safed, Jewish tradition envisions bringing the Messiah through observance of the law. *See* Robert M. Cover, *Bringing the Messiah Through the Law: A Case Study*, in *NOMOS XXX: RELIGION, MORALITY, AND THE LAW*, *supra* note 1, at 201, 201-10; *see also* Robert M. Cover, *The Folktales of Justice: Tales of Jurisdiction*, 14 *CAP. U. L. REV.* 179, 190-97 (1985).

67. *See generally* ADIN STEINSALTZ, *IN THE BEGINNING: DISCOURSES ON CHASIDIC THOUGHT* 5-16 (Yehuda Hanegbi ed. & trans., 1992); *see also* Blidstein, *supra* note 47, at 26 n.10; Broyde, *supra* note 48, at 141-42 n.165; ARYEH KAPLAN, *THE LIGHT BEYOND: ADVENTURES IN HASSIDIC THOUGHT* 73 & n.64 (1981); SACKS, *TO HEAL A FRACTURED WORLD*, *supra* note 2, at 78.

68. *See* MAIMONIDES, *supra* note 43, 12:2.

69. *See id.* 12:5; KAPLAN, *supra* note 66, at 377.

70. *See* MAIMONIDES, *supra* note 43, 12:5; KAPLAN, *supra* note 25, at 55 n.123; KAPLAN, *supra* note 66, at 374-76.

71. BESDIN, *supra* note 7, at 73-74.

sideration of one of the final books of the Hebrew Scriptures, the Book of Esther, which recounts the origins of the Purim holiday. The narrative of the Book of Esther transpires entirely outside the Land of Israel, describing the nation's struggle to persevere in exile following the catastrophic destruction of Solomon's Temple in Jerusalem.<sup>72</sup> In some ways, the unfolding of events in the Purim story foreshadows the Jewish people's repeated experience in subsequent generations of exile.<sup>73</sup>

The central conflict of the story revolves around the tension between the heroes, Mordechai and Esther, who represent the Jewish nation, and the villainous Haman, an Amalekite, who represents Israel's seemingly implacable enemies. We find Mordechai aware of and involved in the public and political happenings in the capital city of Shushan.<sup>74</sup> He keeps careful watch over Esther, advising her first as she is taken by King Achashverosh and, later, when she is inducted as the new queen.<sup>75</sup> While stationed at the king's gate, Mordechai overhears a plot to kill the king, which he promptly relates to Esther.<sup>76</sup> She in turn informs Achashverosh, crediting Mordechai with having uncovered the plan.<sup>77</sup>

However, together with his involvement in public affairs, Mordechai maintains a steadfast and outspoken fidelity to his Jewish identity and principles. Haman, as chief counselor to the king, commands the obedience and obeisance of the king's servants, who bow before him in an idolatrous manner.<sup>78</sup> Mordechai, however, refuses to bow before Haman because, as he explains to Haman's bewildered advisors, he is Jewish.<sup>79</sup> An enraged Haman decides that, rather than attempting to punish Mordechai alone for this perceived effrontery, he will annihilate all of the Jewish people because they are "the people of Mordechai."<sup>80</sup> In successfully persuading the king to grant him royal authority to carry out his

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72. See *Esther*, *passim*.

73. See BESDIN, *supra* note 21, at 178-86. Indeed, in describing the establishment of the holiday of Purim, the Book of Esther instructs that "these days should be remembered and kept through every generation, every family, every province and every city; and these days of Purim should not fail from among the Jews, nor the remembrance of them perish from their descendants." *Esther* 9:28 (author's translation). In addition to the imperative to observe the rituals connected with the Purim holiday, as Rabbi Soloveitchik has noted, "[a]pparently it is important for Jews of all generations to derive crucial lessons from the [Book of Esther] . . . ." BESDIN, *supra* note 21, at 178. While Rabbi Soloveitchik focuses on the "lessons in Jewish survival" that stem from the book's reflection of the "basic vulnerability" of the Jewish people, *id.*, on a broader level the book provides lessons for various aspects of the Jewish people's experiences in exile.

74. See *Esther* 2:21-23.

75. See *id.* 2:7-20.

76. See *id.* 2:21-22.

77. See *id.* 2:22.

78. See *id.* 3:1-2; see also TALMUD BAVLI, *Megillah*, 19a.

79. See *Esther* 3:2-4.

80. See *id.* 3:5-6 (author's translation).

scheme, Haman pejoratively depicts the distinctiveness of the Jewish nation:

“There is one nation that is scattered and dispersed amidst the peoples in all of the provinces of your kingdom. Their laws are different from those of all other nations, and they do not observe the laws of the king. Therefore, it is not appropriate for the king to tolerate them.”<sup>81</sup>

The remainder of the Book of Esther unfolds with a dizzying confluence of unexpected events and seemingly remarkable coincidences, resulting in an undeniably miraculous turnabout of fortunes.<sup>82</sup> The story culminates in Haman’s demise and the Jewish nation’s survival, setting the stage for the nation’s return to the Land of Israel and the building of the Second Temple in Jerusalem. Throughout the events, Mordechai and Esther perform great acts of courage.<sup>83</sup> Indeed, their continued involvement in the public square carries risks to both their physical<sup>84</sup> and spiritual well-being.<sup>85</sup> Significantly, however, in the course of engaging in political initiatives and activities, they recognize the primacy of the nation’s public acts of petition and repentance, through which they merit God’s protection.<sup>86</sup>

Strikingly, the name of God does not appear expressly in the entire Book of Esther. Nevertheless, the course of events bears the unmistakable imprint of Divine Providence.<sup>87</sup> Thus, although the Purim story teaches many lessons, one of the most powerful may be a poignant reminder regarding the function of the Jewish nation in society. Namely, notwithstanding the significance of the nation’s responsibility to engage in and influence public policy and the public square, ultimately it is the seemingly hidden ways of God that guide the course of history and that bring about the success and salvation of the Jewish people through even the darkest exiles.<sup>88</sup>

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81. See *id.* 3:8 (author’s translation).

82. See BESDIN, *supra* note 21, at 44-45; DESSLER, *supra* note 6, at 126-30 (author’s translation).

83. See, e.g., *Esther* 4:11-16.

84. See, e.g., *id.*

85. See TALMUD BAVLI, *Megillah*, 15a, 16b.

86. See *Esther* 4:3, 16.

87. See DESSLER, *supra* note 6, at 126-30 (author’s translation); GEDALYA SCHORR, OHR GEDALYAHU 86-96 (1997) (author’s translation).

88. See 1 RAMBAN, *supra* note 6, at 215-16 (explicating *Genesis* 17:1); *id.* at 556-59 (explicating *Genesis* 46:15); 2 RAMBAN, *supra* note 6, at 174-75 (explicating *Exodus* 13:16); 3 RAMBAN, *supra* note 6, at 460-61 (1974) (explicating *Leviticus* 26:11).

## CONCLUSION

As this brief survey of biblical episodes and characters illustrates, from its very inception the Jewish nation has worked to fulfill its responsibility to society and the public square. Concomitantly, however, the nation has recognized its obligation to maintain its own unique identity, separate from, and not infrequently in tension with, dominant societal values and expectations. Even amidst hostility and persecution, the nation has remained faithful to its own principles and beliefs, at times exerting a powerful and positive influence on public policies and attitudes. Indeed, Jewish tradition posits that one of the purposes of the dispersion of the Jewish people in exile is to provide a means for spreading God's message throughout the nations of the world.<sup>89</sup>

For Jewish communities in the United States, the biblical teachings continue to offer important lessons. Contemporary American law and society provide a degree of freedom and personal autonomy that is likely unprecedented among the seemingly countless nations and generations in which the Jewish people have lived in exile. On one level, increased freedom brings increased opportunities for engagement in and potential influence on public policy. Nevertheless, increased involvement in the political arena carries the potential for increased challenges to maintaining the Jewish people's distinct spiritual and ethical integrity. Thus, as Mordechai and Esther exemplified by following in the path of Abraham before them, participation in the public square, however necessary and noble, must always be coupled with careful adherence to abiding moral virtues and values.

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89. KAPLAN, *supra* note 25, at 56.



