

Created Equal by Joshua Berman

Reviewed by Hillel Fradkin From issue: April 2009

The Torah's Freedom

Created Equal: How the Bible Broke with Ancient Political Thought

By Joshua Berman

Oxford, 264 pages, \$39.95

For the better part of two centuries, the academic study of the Hebrew Bible has been dominated by the interpretative approach known as higher criticism. In the case of the Torah, or Pentateuch, the first five books of the Hebrew Bible, the academic tradition proceeds from the premise that the text is not a unified whole but the edited combination of several distinct documents written at different times by different people. Though the higher criticism's "documentary hypothesis" is now the commonly accepted scholarly approach, it is extraordinarily problematic. For one thing, none of the presumed "documents" from which the Torah is said to have sprung has been found, and so there is no independent evidence to support the theory. For another, the practitioners of the approach have come to very different and frequently contradictory conclusions.

In recent years, these problems have led some scholars to reconsider the possibility of the literary unity of the text and pursue its interpretation in this light.

Joshua Berman's new book *Created Equal* is an excellent example of this new brand of scholarship and an important contribution to it. Berman, a rabbi who teaches Bible at Bar-Ilan University, begins by declaring that the Torah as we have it "was intended to be read as a whole and in order," and he proposes to do so in his book.

But Berman has a more specific ambition that connects him to another and sometimes related trend in biblical study. He wants "to read the Bible in a novel way—as a document of social and political theory." Now, as he notes, this is not exactly novel. What is distinctive in his work, then, is the attempt "to go back to the beginning and to seek out political teachings in the Bible in the context of its own world—the social and political world of the ancient Near East."

The fruitfulness of his approach can be seen in Berman's treatment of the biblical concept of "covenant." Modern political theorists have often argued that the covenantal relationship between God and the people of Israel is the basis for the "social contract," the idea that individuals in a common society have reciprocal obligations toward one another.

This, Berman says, is a misunderstanding of what covenant means in the Bible, in which it is more akin to a treaty of the sort that Hittite rulers signed with their vassals. The covenant between God and Israel is thus a treaty between God as their King and Israel as His vassals.

In adopting this conventional legal form, however, the Torah puts it to a most unconventional use. For under the covenants with God, all Israelites are treated equally and without distinction of class, tribe, or office. Given the role of covenant in the founding of the Israelite nation, politically speaking the Hebrew Bible promotes a radically egalitarian perspective and is indeed the fundament of egalitarianism as such: “The Pentateuch articulates a new social, political, and religious order, the first to be founded on egalitarian ideals and the notion of a society whose core is a single, uniformly empowered, homogeneous class.”

This is a large and powerful claim, but Berman supports it by proceeding from the form of the covenant to its substance—to the particulars of the Torah’s legislation in the political, social, and economic spheres, particularly as codified in the Book of Deuteronomy. In Berman’s account, the biblical covenant and the legislation that follows from it are logically consistent from beginning to end, especially in the handling of economic relationships and the restraint on the inequalities that inevitably arise from them.

Berman’s argument for the Bible’s egalitarianism is powerfully and persuasively argued. What is less clear is that egalitarianism is, by itself, sufficient to explain the political teaching of the Bible as a whole. The difficulties in Berman’s book can be traced to a temptation he decries but cannot completely resist himself: judging the Torah in terms supplied by the conventions of contemporary political thought and particularly its embrace of modern egalitarianism.

Berman tends to assume that radical egalitarianism is sufficient to define the Bible’s concern with justice as well as freedom. He also tends to assume that the Bible takes for granted the propriety and necessity of political life. But one can also argue that the Bible begins its treatment of political life by tracing its invention to Cain, the first murderer. Politics, in the Torah’s view, thus partakes of the anger and pride that led to the murder, which is the deepest and most potent source of human evil. In other words, politics itself is the fundamental problem to which biblical political thought must strive to find a solution. Radical egalitarianism may have been part of this solution, but it is only a part.

This emerges implicitly from Berman’s discussion of the relationship of biblical egalitarianism to individualism. Berman argues here too for the central role of the Bible. There is truth in this, but, as Berman himself notes in passing, biblical egalitarianism imposes responsibilities and duties on every individual, whereas modern-day egalitarianism is concerned almost exclusively with the rights of individuals. This is a profound difference.

Another problem arises from Berman's effort to draw comparisons between the biblical rules governing the lives of the Israelites and the organization of modern democratic societies. As Berman observes, biblical egalitarianism presupposes an agrarian society of small landholdings that is to be preserved through various legislative prescriptions. This is perhaps not merely a function of the typical agrarian conditions of ancient life but of the notion that such a society is the one most compatible with the Bible's conception of individual freedom and justice. Modern democratic societies, by contrast, largely presuppose a commercial and industrial society. This does not undermine the relevance of biblical teaching to contemporary democratic life, but the vast difference between the world of the Torah and the world we live in makes it far more difficult to find the appropriate parallels between them.

Despite these difficulties, *Created Equal* is a valuable contribution. A generous interpretation of its flaws might trace them to the obstacles higher criticism still places in the path of a true intimacy with the biblical text. It is unfortunate that Berman does not consistently adhere to his own literary strictures, since he is so convincing when he says that to understand what the Hebrew Bible really means, we need to hear its authentic voice. We have every reason to hope and expect that Berman will continue in his noble mission to help us hear it.

About the Author

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