



CIVIL DISOBEDIENCE, JEWS, AND THE AUTHORITARIAN STATE

by Rabbi
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tekijah
gedolah
DEEP DIVES INTO
JUSTICE TORAH
FROM T'RUAH

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In a time of mounting authoritarianism in the United States, we must use the wisdom of our tradition to help us think through how to fight for democracy as diaspora Jews. How does our tradition guide us to respond to our present moment? Is it enough that our personal safety and autonomy are generally protected? Are we permitted to ignore and/or passively consent to the ways our tax dollars and other resources are used as tools by the government to dehumanize and oppress others? Which actions by government officials are we obligated to resist? While not an attempt at an encyclopedic study of every act of resistance across our vast textual history, I hope this essay serves to highlight the essential demands Judaism places on each of us as we face down a growing tide of authoritarian coercion and violence. While halacha affirms the authority of secular law under the principle of *dina d'malchuta dina*, Jewish legal and moral tradition also defines clear limits to that obedience: When the state acts unjustly, selectively, or immorally, Jewish tradition compels diaspora Jews to move beyond passive obedience and to actively resist unjust state power — through nonviolent protest, civil disobedience, and the refusal to materially support wrongdoing.

In this moment, it is a comfort to ground ourselves in the first and most fundamental act of civil disobedience in the Torah, which stands at the very bedrock of our people's history.

The king of Egypt spoke to the Hebrew midwives, one of whom was named Shiphrah and the other Puah, saying, "When you deliver the Hebrew women, look at the birthstool: if it is a boy, kill him; if it is a girl, let her live."... The midwives, fearing G!d, did not do as the king of Egypt had told them; they let the boys live.¹

Hakham José Faur z"l (Argentina and New York, Late 20th Century) summarises the radicalism of this anti-authoritarian moment as characteristic of Jewish relationship to tyranny, writing, "Other cases of non-violent refusals to obey pagan as well as Jewish authorities crisscross throughout Hebrew Scripture... In the footsteps of the two Hebrew midwives Jews throughout the centuries kept on saying 'No!' to the Pharaohs of their time."² We are grateful for their modeling and hope we can live up to their legacy and make our ancestors proud.

Beyond the example of Shiphrah and Puah, a surface read of the tradition seems to offer a basic paradigm for relating to the state. The key principle here is *dina d'malchuta dina* (the law of the state is the law),³ the concept that there is a halachic obligation to follow secular law (at minimum with regard to financial laws). While there is much push and pull in the literature about the ways this set of obligations operates, particularly in a democracy, the framework that seems to be operative is that of Rabbi Samuel ben Meir of Troyes, the Rashbam (Northern France, 10th Century). He writes, "All taxes, tariffs, and customs of the lawmakers of kings, who regularly lead their kingdom, it is the law, for all the citizens have accepted the king's statutes and laws of their own free will. Therefore, it is a complete law..."⁴ The laws of the state are binding upon Jews because we have accepted the structure of our society. For the Rashbam, the social contract is

not merely a metaphor but is in fact a halachically operative arrangement we have entered into with our government. While monarchies and authoritarian societies may have slightly different logics underlying the principle, this is generally how we have operated in the diaspora since emancipation.

The well known exception to this principle for relating to the state is when one is being coerced by the state to violate one of the three most central mitzvot (*Avodah Zarah (idolatry)*, illicit sexual relations, and murder). In this case, one should choose martyrdom for the sanctification of Hashem's name instead.⁵ The fundamental arrangement is described clearly in Midrash Tanchuma when explicating a pasuk from Daniel. When Nebuchadnezzar threatens Shadrach, Meshach, and Abed-nego with death if they will not worship his idol, they reply,

“עַל־דָּנָה פְּתַגְם לְהַתְּבוּתָךְ: נְבוּכַדְנֶצַּר לֹא־חֹשֶׁחַיִן אֲנַחְנָא”

“O Nebuchadnezzar, we have no need to answer you in this matter.”⁶ The Midrash explains their reply.

They did not address him as “king” but simply as “Nebuchadnezzar.” We have no need to obey you in this demand. If you had issued a decree concerning taxes or levies upon our crops or upon anything else, we would say, “I keep the king’s command,” and you would be obeyed as a king, but when you command us to deny our G!d, then you are merely Nebuchadnezzar. We have no need to respond to you in any demand.⁷

“No Kings,” indeed.

According to the Midrash, the relationship of Jews to secular authority is obedience with regard to taxation (and presumably other aspects of secular law as well) and complete defiance with regard to opposing Divine commandments — even unto the point of death.

This dynamic leaves us with questions about how to respond to our political moment. While it is clear that should the state attempt to coerce Jews into murder or a similar abrogation of the core mitzvot of Judaism we owe them nothing but resistance, what kind of resistance does our tradition legitimate? Furthermore, are we allowed or even obligated to resist the government on issues less extreme than active performance of the most terrible sins?

We turn first to the question of what kinds of policy we may resist. Rambam (Spain and Egypt, 12th Century) gives us a general principle for thinking through which policies of the state inherently lack legitimacy. In his words, “The general principle is: Any law that a king decrees to be universally applicable, and not merely applying to one person, is not considered robbery. But whenever he takes from one person alone in a manner that does not conform to a known law, but rather seizes the property from the person arbitrarily, it is considered to be robbery.”⁸ So long as a taxation is applied universally and in accordance with “known” law, that act is taxation and not theft and

thus Jews are obligated to pay taxes to the government. However, he also implies that if a law is applied to an individual specifically (a bill of attainder) or the state confiscates property or acts in a manner not in accordance with known law, that act is illegitimate and there is no halachic obligation to follow it. While one may think this is limited to tax policy, based on the Rambam's language neither the text itself nor commentaries give any indication of such a limitation. President Trump has clearly been violating this most basic standard. The retributive actions of targeting specific law firms⁹ and individuals who have opposed his policies or embarrassed his administration or they have a personal disdain for¹⁰ are just a couple of examples of this violation. Whether it be arbitrary orders from ICE targeting anyone they imagine may not be documented to censorious attempts to get public institutions to purge his ideological opponents, we are under no halachic obligation to follow any "laws" that are made for only some and not all, as they are not meaningfully laws.

As we seek a Torah context for which acts — those less egregious than violations of the fundamental ethics of Judaism — may and/or should be protested, it is instructive to turn to acts of resistance in the Torah itself. In the Book of Esther, we see what may be the most useful and illustrative example of a non-Jewish state commanding a violation of Jewish ethics, which does not seem to constitute a cardinal sin. "All the king's courtiers in the palace gate knelt and bowed low to Haman, for such was the king's order concerning him; but Mordechai would not kneel or bow low."¹¹ What could possibly be the issue with bowing to a government official? There is no halachic issue on its face, as bowing is often the equivalent of a handshake — merely a sign of respect. While the Midrash reads Mordechai's protest as against a literal idol (that it imagines being worn on Haman's person), the Book of Esther itself does not indicate that. The Maharal, Rabbi Judah Loew (Prague, 16th Century), makes a lengthy comment on this verse, worth quoting at length.

The verse uses the future tense ("יכרע" – "he would kneel" and "ישתחוה" – "he would bow") because this was not a one-time event but something that happened repeatedly. Therefore, the future tense is used, as it often conveys an ongoing action... Additionally, one may interpret "he would not kneel" to mean that even though Mordechai could have taken a different route to avoid encountering Haman and thereby prevent his anger, he deliberately chose to walk directly in front of him with the explicit intention of neither kneeling nor bowing... Some raise the question: Why did Mordechai act this way? He should have removed himself from the king's gate and not endangered himself and all of Israel by provoking the wicked Haman. However, this is not a difficulty, as it is stated in the first chapter of Berakhot (7b): "Those who forsake the Torah praise

the wicked, but those who keep the Torah contend with them” (Proverbs 28:4). All the more so regarding a wicked person like Haman, who was prepared to bring harm and disaster upon all of Israel—thus, Mordechai rightfully contended with him.¹²

The Maharal sees Mordechai’s act as paradigmatic of Jewish protest. When the state has commanded something repulsive to Jewish values, in this case the exaltation and honour of a morally hideous bigot who intends harm to the Jewish people, one cannot simply avoid the situation. The Maharal rejects the possibility of a quietistic avoidance of such a person so that one is not forced to honour them or face consequences from the state. Rather, he tells us that the Jewish approach is to seek out such a situation and literally stand up for Jewish values in the face of such bigotry. The first Rebbe of the Radomsk hasidic dynasty (Poland, 19th Century) puts an even finer point on the meaning of Mordechai’s protest.

The hint in this verse is the greatness of the righteous person who follows the straight path—one who does not kneel, bow, or submit to any person for matters of this worldly existence that do not relate to the honor of the Blessed One... For how could it be that the image of G!d would bow to the dust of this world (a common allusion to materiality) or submit to any person for the sake of worldly desires, such as wealth and similar pursuits? This is why the Torah warns: “You shall not bow to another god,” referring to gods of gold and silver, and so on.¹³

The Radomsker Rebbe makes clear the meaning of such an act. Mordechai had every material reason in the world to avoid encounters with Haman or even to bow down before him. The favor of such an influential politician could have led to power, wealth, protection for the Jewish community, or any other thing Mordechai may have hoped for. Even if being in Haman’s good graces was never a real possibility, Mordechai could simply have opted for invisibility. He could have simply avoided running into Haman so that he could seemingly not violate his principles by bowing to him. All he needed to do was avoid confronting a terrible person with political power. However, at least according to our midrash, Mordechai knew that to avoid Haman was essentially the same as idol worship. By making himself invisible, Mordechai would have been yet another actor complicit in constructing a totalitarian and bigoted culture. It is exactly for that reason that Mordechai needed to go out of his way to reject Haman and confront him directly. As the classic mussar work *Orchot Tzadikim* (Germany, 15th Century) tells us, one “who is in a position to protest against an evil and does not protest, nor does he pay any attention to the deeds of the sinners, this thing comes close to flattery, for then the sinners think, ‘As long as they do not protest and do not reproach us, all of our deeds must be good.’ But we have been commanded to root out the evil from our midst!”¹⁴ Not only can not protesting evil be seen as

tacit endorsement, it contributes to a culture where such evil is normalized.

Between Rambam's legal conception of *dina d'malchuta dina* and the narrative from Esther, we are able to draw crucial insights into a Jewish philosophy of civil disobedience. While the Rashbam makes clear the importance of the social contract and the Rambam explicates the obligatory nature of just laws, they leave open to interpretation exactly which issues that do not rise to the level requiring martyrdom demand non-compliance. By specifically choosing not to focus on the midrash's notion of Haman adorning his clothing with an idol, the Maharal's commentary on Esther makes a much clearer moral structure for thinking through which issues require active rejection by Jews of conscience beyond just the three core mitzvot. For the Maharal, when the government makes demands that contravene Jewish values, one cannot simply ignore the situation or avoid doing anything that seems to endorse that state's position. We are required to actively put ourselves into public confrontation with the state and its agents. To bring this back to our present-day context, the Trump administration's elevation of openly bigoted extremists like Stephen Miller¹⁵ to segregationists like Anthony Tata¹⁶ is not only scandalous in their basic unfitness to serve, but also in the attempt to mainstream their perspectives. And like Mordechai, today's Jews cannot simply ignore the mainstreaming of bigotry; rather, we must find every opportunity to protest.

This leaves us with the question of what means are open to us to resist acts by the state such as those above. There are a wide range of tactics in the anti-authoritarian playbook, from protest and civil disobedience, to boycotts, tax strikes, vandalism, and supply chain disruption. Which of these tactics are open to us, and which are required of us in times such as these? Our tradition contains examples of a wide range of tactics for resistance, and by working through several of them, we will elaborate a sense of what Jewish anti-authoritarianism can be.

As we discussed, the three core negative mitzvot that Jews must not perform, even at a cost of one's life, are *avodah zarah*, illicit sexual relations, and murder. The Torah itself contains an example of this when, in 1 Samuel, soldiers refuse orders from the king on these ethical grounds. King Saul commands his guards to murder Ahimelech the kohen in cold blood for helping King David, and they refuse to do so. Saul ultimately orders his henchman Doeg to commit the murder, as well as massacring all the residents of the city of Nob for him.¹⁷ Commenting on this narrative, the Talmud Yerushalmi not only identifies these guards as Avner and Amasa, the commander of Saul's army and one of his generals, but furthermore tells us that they resigned in protest of this order.¹⁸ So strongly does the tradition feel about this terrible abuse that the midrash tells us that Avner died because he could have protested the killing of these civilians even more actively but did not.¹⁹ Here we have a clear example of passive resistance and refusal to follow unethical orders. While clearly a necessary element of opposition to Saul's tyrannical turn, it was far from sufficient, as the midrash comes to teach us. The civilians are still killed, despite some members of the military refusing the order. Returning to the example of Mordechai from above, particularly as seen through the Maharal's interpretive framework, we also see a strong endorsement of non-violent protest. The Maharal lauds Mordechai's active choice to confront Haman through publicly showing up and denying him the undeserved respect he demands. Furthermore, Mordechai's later act of public protest and prayer, which inspires all the Jewish people to do the same,²⁰ ultimately creates the circumstances in which Esther is willing to use her relative power and access to defeat Haman's plans. The Rambam codifies our obligation to save one another.

Whenever a person can save another person's life, but he fails to do so, he transgresses a negative commandment, as Leviticus 19:16 states: "Do not stand idly by while your brother's blood is at stake... Similarly, it applies when he hears gentiles or informers conspiring to harm a colleague or planning a snare for him, and he does not inform him and notify him of the danger. And it applies when a person knows of a gentile or a man of force who has a complaint against a colleague, and he can appease the aggressor on behalf of his colleague, but he fails to do so. And similarly, in all analogous instances, a person who fails to act transgresses the commandment: 'Do not stand idly by while your brother's blood is at stake.'"²¹

For our discussion, the crucial element of this interpretation is that action is not merely obligated when one will *certainly* save another's life, but even in far less clear circumstances. If you see a person "of force" who may harm your fellow person, and you have the chance to assuage their anger or stop them, you are obligated to do so! Effectively, the Rambam is obligating us to use all means of persuasion at our disposal to save human life. As the military is deployed to our cities, and undocumented folks and others are subjected to potentially deadly brutality,²² this obligation should loom large in our minds.

Lastly, I want to turn our focus to one more tool for opposition. The Shulchan Aruch, with the gloss of the Rema writes,

It is forbidden to purchase a stolen object from a thief. Purchasing such an object is a grave sin as he is enabling sinners and causing him to steal again, for if he would not find customers he would not steal. (Likewise, it is forbidden to assist a thief with anything that enables him to steal.)²³

The Shulchan Aruch is arguing that by purchasing a stolen product, one is helping to create a market for stolen products. Thus, the Shulchan Aruch holds that one is halachically (and ethically) responsible for the market incentives generated by one's economic activity. Of course, if one person who normally bought stolen products suddenly stopped, the market for stolen products would not suddenly collapse. But the essence of his argument is that each of us is responsible for the share of market incentive for theft we create by purchasing even one stolen product.

There is no reason to think that theft is differently problematic than any other halachically or

ethically problematic behavior. By the Shulchan Aruch's logic, "if he would not find customers he would not steal," we can see that any purchase which contributes to the economic incentive to behave unethically, however small, is similarly problematic. It is based on almost exactly this logic that Rav Eliezer Malamed (Har Bracha, occupied Palestinian territories, Contemporary)²⁴ rules²⁵ that economically supporting any activity at all creates a subtle endorsement or even pressure on the person doing that activity to continue doing that activity. He holds that therefore one cannot do anything to financially support an activity that involves a clear violation of halacha, as that violation is at least in part being done for you, the purchaser, personally. He goes so far as to say that one cannot watch an Israeli sporting event which was recorded on Shabbat, because even that acts as tacit endorsement of breaking Shabbat and incentivises – or worse, pressures – the (presumably Jewish) workers who recorded that game to continue doing so.

As we have seen corporations and institutions cave to authoritarian pressure again and again these past few months in the United States, the halachic and ethical implications of where we spend our money and, therefore, what behavior we are responsible for incentivising should lead to a serious re-evaluation of what kind of economic world we are creating. One small example of this dynamic was the consumer boycott of Disney and ABC following the network's craven decision to cancel Jimmy Kimmel due to pressure from President Trump. The millions of subscription cancellations clearly played a role in the company's decision to reverse course.²⁶ The people who didn't cancel passively contributed to the economic incentivization of silencing political criticism in the media. But the people who did cancel created a new incentive, grounded in their own ethical responsibilities. Billionaires and corporations will not defend democracy on their own; they respond to the financial incentives each of us create. The full range of our tradition's tools – from civil disobedience and protest to public prayer and mourning to persuasion and targeted boycotts and beyond – will be needed in the struggle for our democracy and rights.

The Jewish relationship to state power has never been one of simple obedience. Our tradition has consistently elevated moral clarity above compliance. The halachic principle of *dina d'malchuta dina* binds us to the social order only insofar as that order remains just and universal; when it is corrupt, partial, or cruel, the same tradition commands us to resist. Our obligations to the Melech Elyon transcend any earthly power.

In a time when the machinery of the state is weaponized against the vulnerable, we cannot hide behind legality or comfort. The Rashbam, the Rambam, the Maharal, and myriad other voices of our mesorah all remind us that obedience to injustice is itself a form of participation in it. We are required not merely to refrain from evil but to actively oppose it – through refusal to comply, through protest, through the redirection of our material and moral power away from tyranny and toward justice.

To be a Jew in an authoritarian state is to be commanded to build a culture of resistance. Whether through public confrontation like Mordechai's, through the refusal of Saul's soldiers to follow heinous orders, or through the moral economy of where we spend our money, Jewish life demands engagement, not retreat. Our resistance is not only political but spiritual – a sanctification of the Divine Name in a world that would desecrate it.

The task before us, then, is not to ask whether civil disobedience is permissible, but whether we can still call ourselves heirs to our tradition if we fail to practice it when justice demands.

Like Shiphrah and Puah, may we learn to fear G!d more than Pharaoh; like Mordechai, may we refuse to bow; and like our ancestors in every generation, may we stand together against those who would make obedience to cruelty the price of toleration.

NOTES

¹Exodus 1:15-17

²"The Collected Works of Hakham Dr. Jose Faur: The Horizontal Society," pg 219-220.

³Bava Kamma 113a

⁴Rashbam on Bava Batra 54b

⁵Pesachim 25a

⁶Daniel 3:16

⁷Midrash Tanchuma Noach 10:2 cf Bamidbar Rabbah 15:14 and Rashi on Kohelet 8:2

⁸Mishneh Torah, Laws of Theft and Lost Objects 5:14

⁹<https://www.justsecurity.org/110109/president-cannot-issue-attainder-bills/>

¹⁰<https://www.nytimes.com/live/2025/10/09/us/trump-news>

¹¹Esther 3:2

¹²Ohr Chadash (Maharal on Esther) 3:2:5-6

¹³Tiferet Shlomo on Festivals 34

¹⁴Orchot Tzadikim 24:16

¹⁵<https://www.splcenter.org/resources/hatewatch/stephen-millers-affinity-white-nationalism-revealed-leaked-emails/>

¹⁶<https://www.americanprogress.org/article/all-the-presidents-extremists-how-the-trump-administrations-national-security-nominees-threaten-americans-safety/>

¹⁷1 Samuel 22:17-19

¹⁸Yerushalmi Sanhedrin 10:2

¹⁹Midrash Tanchuma Chukat 4:1

²⁰Esther 4:1-4

²¹Mishneh Torah, Murderer and the Preservation of Life 1:14

²²<https://www.bbc.com/news/articles/c07vij98ydvo>

²³Shulchan Aruch, Choshen Mishpat 356:1

²⁴ I am aware of the irony of citing the psak of a rabbi whose community is built on stolen land on matters of Jewish ethics, however as a posek, Rav Malamed's influence and importance can hardly be overstated.

²⁵Peninei Halakha, Shabbat 26.7.4

²⁶<https://www.aljazeera.com/news/2025/9/23/why-is-jimmy-kimmel-returning-to-abc-what-did-his-suspension-cost-disney>



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