

Ha'azinu and the Architecture of Non-Domination

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The final days of Elul place us at a hinge. The King is still in the field; the gates of teshuvah remain open; the Song of Ha'azinu stands ready as eternal testimony. Tomorrow evening the shofar of Rosh Hashanah will sound and the year 5787 will begin. In this liminal hour the Torah does not offer sentimental reassurance. It offers a song that calls heaven and earth to witness, reviews the entire history of the covenant, and insists that free will, limited sovereignty, and accountability under higher law remain the only durable foundations of a people that refuses to disappear.

I. The Song as Covenant Document

Ha'azinu is not primarily exhortation; it is *shtar edut*—a documentary witness. Ramban (Devarim 32:40) reads it as a comprehensive historical scroll: God's election and nurture of Israel, Israel's eventual abandonment of the covenant, the consequent punishments, the refusal of total annihilation, and the final vindication against the nations that overreached. The song contains past, present, future, this world and the World to Come. It is the Torah's own record of how a people under covenant is never finally dominated by its own failures or by the empires that rise against it.

The weekday reading this Thursday (Devarim 32:1–12) already sets the tone: the heavens and earth are summoned as permanent witnesses; God's teaching is likened to rain and dew—life-giving yet inexorable; the Rock whose ways are perfect is contrasted with a generation that became “a twisted and crooked generation.” The song's structure refuses both deterministic fatalism and naïve optimism. History is neither closed nor open-ended chaos. It is covenantal.

II. Free Will, Teshuvah, and the King in the Field

Elul's classic imagery—drawn from the Baal Shem Tov and elaborated by the Rebbe—portrays the King leaving the palace and entering the field so that every Jew, even those ordinarily distant, may approach without protocol. The underlying metaphysics is the Rambam's insistence, in *Hilchot Teshuvah*, that free will is absolute. “Free will is granted to every human being... there is no one who coerces him or decrees upon him or pulls him toward either of the two ways” (5:1–3). Without this radical freedom, teshuvah collapses into theater and covenant into coercion.

Chassidus deepens the point. The Alter Rebbe in *Tanya* (especially chapters 14, 25, and 41) teaches that the Jew's essential will is to cleave to God; the work of Elul and the Ten Days is the stripping away of the obscuring layers so that this essential will can reassert itself. The King in the Field is therefore not merely pastoral kindness; it is the structural condition that makes non-domination possible at the personal level. Arbitrary power—whether external empire or internal inclination—is refused because the subject remains free to return.

III. Limited Kingship: Rambam and the Republican Parallel

Parashat Shoftim had already set the constitutional frame: “You shall set a king over yourself... he shall not multiply horses... he shall not multiply wives... he shall not greatly multiply silver and gold... and it shall be with him, and he shall read in it all the days of his life” (Devarim 17:15–19). The king is commanded into existence, yet immediately limited. He must write a personal Torah scroll and keep it by him. Sovereignty is legitimate only when subordinated to the higher text.

Rambam codifies this in *Hilchot Melachim* u*Milchamot*. The appointment of a king is a positive commandment, yet the king is bound by Torah, by the Sanhedrin, and by the prophet when one is present. The Davidic line is preferred, but non-Davidic kings who walk in the ways of Torah and fight the wars of God possess legitimate authority for their time (1:7–9). The king exists to execute justice and to wage necessary war; he does not exist as an end in himself. Absolute, unaccountable power is foreign to the Torah’s constitutional imagination.

This limited-kingship model resonates with, and ultimately corrects, the neo-republican theory of freedom as non-domination developed by Philip Pettit. For Pettit, freedom is not mere non-interference (the classic liberal negative liberty) but the absence of arbitrary power—the capacity of another agent to interfere at will without tracking the interests of the dominated. A benevolent master still dominates; a well-treated slave is still unfree. Republican institutions therefore aim to secure the status of the undominated citizen through constitutional checks, contestatory democracy, and the rule of law.

The Torah agrees that arbitrary power is the enemy of freedom, yet it refuses to locate the final check solely in human institutions or civic virtue. The ultimate non-dominating sovereign is the One whose ways are perfect. Human kingship is legitimate precisely to the extent that it is constrained by, and oriented toward, that higher sovereignty. Pettit’s institutional architecture is valuable; the Torah supplies the missing transcendental ground that prevents the republic itself from becoming a new form of domination.

Yoram Hazony’s biblical particularism adds a further layer. Against both liberal universalism and imperial cosmopolitanism, Hazony recovers the Hebrew Bible’s preference for limited, particular nations living under their own laws and gods rather than under a single empire. The Torah does not dream of a borderless world-state; it dreams of a people that keeps covenant in its land and thereby becomes a light to the nations. National self-determination, properly ordered, is not the enemy of freedom but one of its conditions. Yet Hazony’s nationalism, like Pettit’s republicanism, remains incomplete without the covenantal constraint: the nation itself stands under judgment.

Daniel Elazar’s covenantal federalism supplies the institutional vocabulary that bridges these insights. Covenant is neither pure contract nor pure organic community; it is a morally binding agreement under higher authority that generates layered polities capable of both solidarity and limited power. The Torah’s political order is federal in this precise sense: tribes, king, Sanhedrin, prophets, and ultimately the Divine King form a complex architecture of mutual accountability.

IV. Constructive Critique

Within Orthodoxy, approaches to political authority range from the near-quietism of certain Haredi streams (which treat the modern state as an external necessity rather than a covenantal project) to the activist Religious Zionist insistence that the State of Israel is itself a stage in the unfolding of redemption. Both contain partial truths and partial dangers. Quietism risks abandoning the public square to forces that do not share Torah's vision of limited power. Maximalist messianism risks sacralizing contingent political arrangements and thereby repeating the ancient error of trusting in princes.

Within academic republican and nationalist thought, parallel tensions appear. Pettit's non-domination can slide into an ever-expanding regulatory state that itself becomes a new dominus. Hazony's particularism can harden into an uncritical defense of whatever a given nation happens to will. The Torah's corrective is consistent: every human authority—king, parliament, people, or international regime—is penultimate. The final standard is the covenant recorded in the Song.

V. Application to the Present Hour

The Strait of Hormuz in September 2026 is a textbook case of contested dominion. Iranian attempts to impose a permit-and-route regime, to mine waterways, and to target commercial and naval vessels constitute classic arbitrary power: the capacity to interfere with the free passage of others according to the will of the regime rather than according to any mutually acknowledged law. American and allied efforts to restore freedom of navigation are attempts—however imperfect—to reassert non-domination in the maritime commons. Oil prices near one hundred dollars, queues of tankers, and the risk of wider escalation are the material price of unresolved domination.

Closer to home, the Israeli electoral process moving toward 27 October 2026 is an exercise in covenantal accountability under conditions of deep division. Party lists have been submitted; polls show continued deadlock between blocs. Elections are the republican mechanism by which a people periodically reclaims the capacity to contest those who govern it. Yet elections alone do not guarantee non-domination. Only a political culture that remembers the king must keep the Torah by his side—only a public that still hears the Song of Ha'azinu as living testimony—can prevent electoral majorities from becoming new forms of arbitrary power.

Elul's final days therefore demand a double movement: personal teshuvah that restores the individual's freedom before God, and political vigilance that refuses both foreign domination and domestic overreach. The King is still in the field. The Song is still being sung. Heaven and earth are still listening.

Extended Bibliography (with hyperlinks)

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Further Reading

Sefaria source sheets on limited kingship and Shoftim Academic discussions of neo-republicanism and biblical political thought

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