

Individual Rights and Societal Responsibilities¹

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In 1995 Kaminsky lamented that many scholars have downplayed the importance of corporate ideas of retribution and suggested that they should allow the Bible's emphasis on corporate responsibility to impact their theology, as well as their view of the individual's place in society. The idea of mutual responsibility goes right to the heart of the Jewish experience, and both ancient and modern Jewish hermeneutic tradition may enlighten our reading of Biblical texts on corporate punishment and the relationship between the individual and the community, and, in turn, provide us with a Biblical basis for restoring the balance between individual rights and societal responsibilities in contemporary society.

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In August 2006 I visited Tell es-Sultan, the site of ancient Jericho, with a group of Danish students. On our way back to Jerusalem we stopped at the town square in modern Jericho to buy some fruit and vegetables, and in a matter of minutes the busy town square came to a standstill with everyone's eyes fixed on our group. We soon realized that the reason for the sudden interest was no ordinary curiosity but due to the fact that people had discovered our Danish nationality and wanted to show their contempt for the publishing of the so-called Mohammed cartoons in the Danish newspaper *Jyllandsposten* almost a year earlier on September 30, 2005. Feeling increasingly intimidated, we rushed into our cars

and drove out of Jericho with a strange feeling of being held responsible for something in which we had no part and even considered an abuse of the right of free speech ourselves.

A couple of years later I arrived with a group of Norwegian students at Khirbet Qumran, only 8 miles south of Jericho, and when the elderly Jewish man in the ticket office realized that I was Danish and the students Norwegians, he sarcastically remarked that if it had been up to him, I would be allowed entrance whereas the students would be barred from entering the site, because the Danes helped Danish Jews escape to Sweden during WW2 whereas Norwegians played a crucial role in the signing of the Oslo

Accords on the first self-rule period in the Palestinian territories in 1993. And, again, the Norwegian students were baffled by being held responsible for a political process in which they had no part and, in fact, strongly opposed.

Besides being a clash between an individualistic concept of responsibility dominating contemporary Western society and a predominantly collective or corporate understanding of the individual's responsibility in contemporary Arab and Jewish societies, these recent experiences illustrate very well the underlying philosophical, sociological, legal, and theological issue of individual versus corporate responsibility. The philosophical and sociological discussion has focused on what it means to be an agent bearing moral responsibility in relation to other individuals and to the society as a whole, whereas law studies have been occupied with placing the responsibility for community oppression, genocides and war crimes in general. Theologically, the issue is important for several reasons. To begin with, corporate ideas are, literally speaking, a crucial backdrop to, and therefore necessary for, our understanding of central Biblical terms and concepts. The corporate aspect is basic to the understanding of collective nouns as *ʔādām* 'mankind' and *zeraʕ* 'offspring' with their Greek, New Testamental counterparts in, e.g., Rom 15, 1 Cor 15, and Gal 3, just as the concepts of becoming or receiving something *v³xā* 'in you [Abraham]' (Gen 12:3; Acts 3:25; Gal 3:8), *ἐν τῷ Ἀδὰμ* 'in Adam' (1 Cor 15:22), and *ἐν Χριστῷ* 'in Christ' (e.g., Gal 3:14, 26, 28) are unintelligible if interpreted without recourse to their corporate meaning. "The concept is especially evident," Abasciano argues, "in the case of kings and patriarchs, who are seen to represent their people and sum them up

in themselves, especially in the context of covenant. The observation is important because it provides the model for the corporate representative role of Christ in the NT as the seed of Abraham (Gal 3:16), the true Israel and embodiment of the covenant people of God."²

Corporate ideas are also reflected in the laws of levirate marriage (Deut 25:5-10), kinsman-redeemer (Lev 25:47-55), land redemption (Lev 25:23-34), and redeemer-of-blood (Num 35), providing of help, redemption or compensation to disadvantaged members of the clan from other family members.

On the negative side, scholars have appealed to the concept of corporate personality, corporate solidarity and corporate responsibility as the interpretive key to Biblical texts that describe how apparently innocent members of the family, tribe or people suffer for one person's offense. A representative definition of the concept in this regard is that a member of a group can be held fully responsible for an action of the group, though he personally has done nothing, because he was not regarded as an individual.³ The parade example is found in Joshua 7 where the consequences of Achan's sin first fell on all Israel as they lost a battle against Ai with thirty-six Israelite casualties, whereafter the punishment fell on Achan and his family, who were all stoned to death. Another clear example is the destruction of the families of Korah, Dathan and Abiram in Num 16:27-33, but evidence of collective punishment is also reflected in a number of other passages. In Joshua 22, with specific reference to Achan's trespass, the tribes under Joshua are alarmed lest the trespass of Gad and Reuben bring down God's wrath on all of Israel (vv.18, 20, 31). In 1 Samuel 4 and 5 "the glory has departed from [all] Israel, for

the ark of God has been captured” (v.22), just as “the hand of the Lord was heavy” against all Philistines as a punishment for their capture of the ark. In 2 Samuel 12:14 Nathan announces that the child “Uriah’s wife” will carry shall die because David has “utterly scorned the Lord.” In 2 Samuel 21 seven of Saul’s sons are executed because their father “had sought to strike [the Gibeonites] down in his zeal for the people of Israel ... although the people of Israel had sworn to spare them” (cf. Jos 9). According to Chronicles, Ahaz’s trespass led to the political subjugation of Judah (2 Chr 28:19), and Ezekiel pronounces exile for the entire nation because its king violated his solemn oath (Ezek. 17:19-21). Or, as written in the Lamentations, “Our fathers sinned, and are no more; and we bear their iniquities” (Lam 5:7). Even the “innocent” creational order may be disturbed, as described in Lev 18:25 and Jer 4:23-26, where human sin causes a de-creational chaos in cosmos.

Corporate sin and iniquity may, as these examples make clear, stretch horizontally or intragenerationally across a family, clan or people (e.g., Num 16:27-33; Jos 7; 22; 1 Sam 4-5), or it may stretch vertically or transgenerationally across several generations of a family, clan or people (2 Sam 12:14; 21:1; 2 Chr 28:19; Ezek 17:19-21; cf. Ex 20:5; 34:7; Num. 14:18, 33; Deut. 5:9; 7:10; Isa. 65:6-7; Jer. 32:18; Job 21:19; Ps. 79:8; 109:14-16).

The aim of this paper is a modest one, namely to review the research history on the concepts of corporate personality, corporate solidarity or corporate responsibility and discuss how the corporate idea behind these concepts may enlighten our reading of Biblical texts on corporate punishment and the relationship between the individual and the community, and, in

turn, how these texts may provide us with a Biblical basis for restoring the balance between individual rights and societal responsibilities in contemporary society.

Research History

It was Henry Wheeler Robinson who, as early as 1911, imported the concept of corporate personality to Biblical studies.⁴ Robinson elaborated on the concept in a number of later works, especially in “The Hebrew Conception of Corporate Personality”⁵ and “The Group and the Individual in Israel.”⁶ With reference to the definition of the term “corporation” in English law as “a body corporate legally authorized to act as a single individual,” or “an artificial person created by royal charter, prescription, or legislative act, and having the capacity of perpetual succession,” Robinson argues that both usages are covered by the Hebrew conception of corporate personality:

The larger or smaller group was accepted without question as a unity; legal prescription was replaced by the fact or fiction of the blood-tie, usually traced back to a common ancestor. The whole group, including its past, present, and future members, might function as a single individual through any one of those members conceived as representative of it. Because it was not confined to the living, but included the dead and the unborn, the group could be conceived as living forever.”⁷

Robinson points to four important aspects of the concept, namely (1) the unity of its extension both into the past and into the future with a common ancestor standing at the origin of the group who “actualizes” it through the course of history, and among contemporaries a group has a tendency to express itself in a

single individual; (2) the characteristic “realism” of the conception, which distinguishes it from “personification,” and makes the group a real entity actualized in its members; the whole group is included in the individual and vice versa; (3) the fluidity of reference, facilitating a constant oscillation between the individual and the group – family, tribe or nation – to which he belongs, so that the king or some other representative figure may be said to embody the group, or the group may be said to sum up the host of individuals; (4) the maintenance and continuing application of the corporate idea even after the development of a new individualistic emphasis within it.⁸

Robinson’s four characteristics were in part based on the then-current sociological and anthropological theory of Lucien Lévy-Bruhl and Émile Durkheim that primitive peoples are pre-logical, that their perception of the world fails to differentiate between objects, and that they do not distinguish as we do between objective and subjective experiences.⁹ Another source of influence was Johannes Pedersen who argued that Israelite society was a ‘psychic community’ consisting of a ‘common will’ and a ‘common responsibility,’ and that Israelite religion was characterized by a mystical primitivism in which the group was everything and the individual was almost nothing.¹⁰ “The influence of Pedersen and Lévy-Bruhl (and Durkheim) for the formulation of the hypothesis of the corporate personality,” Mol argues, “lies particularly in their conceptions regarding the psychology and sociology of primitives and the connection between them. In the case of Pedersen, Wheeler Robinson agrees with the extrapolation of the conceptions to Hebrew society. In the case of Lévy-Bruhl (and Durkheim), Wheeler Robin-

son applies an extrapolation of these conceptions to Hebrew society.”¹¹

Robinson quotes six examples on “the unity of corporate personality in its more legal aspects,” namely the stoning of Achan and his family in Joshua 7, the execution of Saul’s seven sons in 2 Sam 21, the institution of the Levirate marriage in Deut 25:5-10, the law of the responsibility of a whole city for undetected murder within its area in Deut 21:1-9, the second commandment in the Decalogue with reference to iniquity extending to the third and fourth generation in Ex 20:5// Deut 5:9, and the law of unlimited blood-revenge before it was limited by the *lex talionis* cf. Gen 4:15, 24 and Ex 21:23-25. Robinson points furthermore to “three outstanding types of application” of the concept, namely (1) “the representation of the nation by some outstanding figure belonging to it; (2) the individual-collective nature of the ‘I’ of the Psalms and of the ‘Songs of the Servant of Yahweh’; (3) the character and content of Hebrew morality as the right relation of individual members of the group to one another.”¹³

Robinson was well aware of the scholarly consensus that corporate ideas in Hebrew thought was gradually superseded by an individual moral responsibility, and that Ezekiel’s dictum that “the soul who sins shall die” represented the turning point in Hebrew thought of the alleged evolution from collective towards individual responsibility. Robinson nevertheless maintained that, though the concept of corporate personality was a primitive survival in Hebrew thought that was gradually superseded by individual moral responsibility, the idea was still operative in Hebrew thought as late as the first century A.D. Rogerson, in his critique of Robinson, argues that Robinson’s solu-

tion to this apparent contradiction was to assert that one had to allow for the suffering of the innocent person because of his involvement in society and that “the individualism of the Old Testament is usually, if not always, conceived as realized in and through the society which is based upon it.”¹⁴ Robinson describes the individualism in Ezekiel as “a richer sense of individuality,” and maintains that “[f]rom this religious individualism *within* the still retained group-consciousness there came in course of time a two-fold synthesis, viz., that of Judaism and that of Christianity.”¹⁵

That Robinson’s idea of corporate personality has been influential in Biblical scholarship is clear from the fact that it went unchallenged for more than fifty years until a monograph and two articles by G. E. Mendenhall, J. R. Porter, and J. W. Rogerson were published in 1960, 1965 and 1970 respectively.

Mendenhall, in a discussion on the relation of the individual to political society in ancient Israel, argues that scholars have overlooked the fact that corporate and individual concepts exist side by side throughout the history of ancient Israel, and that the scholarly consensus that the concept of the individual only arose in the Exilic Period therefore must be rejected. Mendenhall rejects furthermore the concept of corporate personality and distinguishes, instead, between different social units in the political society which is built up by a collection of concentric circles, each with its own function. Mendenhall emphasizes the solidarity in the group to which an individual belongs but maintains that this does *not* exclude individuality: “it is specifically this solidarity which makes it possible for the individual to be an individual.”¹⁶ Mendenhall, in fact, emphasizes individuality and

describes it as unique to Hebrew thought: “There can certainly be no doubt that biblical faith placed a responsibility, as well as a value upon the individual for which we have no ancient oriental parallel.”¹⁷

Porter, in his article, discusses Robinson’s assertion that a number of texts demonstrate “the unity of corporate personality in its more legal aspects,” and how far Israelite law envisages the “psychic community” or the “psychical unity” which is so important for Robinson’s understanding of the concept “corporate personality.” Porter argues, from the perspective of Hebrew law, that there are better explanations of group solidarity than appeal to the concept of corporate personality. First, Porter argues, a distinction should be made “between, on the one hand, the regular legal punishment of an individual, under the provisions of a recognised body of custom or law, and, on the other, the punitive consequences to others that may result from a person’s own sin,” and that it is “in the latter context that the idea of the group *nephesh* becomes important.”¹⁸ Porter provides as “[a] very clear example” on “a situation which can be explained by some such postulate as ‘corporate personality’ or ‘group-soul’” the breaking of the taboo against eating during the battle of Michmash in 1 Sam 14, and explains: “[What the king, as embodying and representing the whole nation, undertook to do, every member of the nation automatically and inescapably undertook also.”¹⁹ Secondly, Porter argues that, “in the Old Testament, the sins of individuals which also involve the group almost invariably appear to be crimes of an exceptional nature which in fact fall outside the regular operation of the law.”²⁰ As an argument for this “exceptional” view Porter,

with explicit reference to Eichrodt, refers to the prevailing evolutionary view on the relationship between collectivism and individualism by saying that “the basis of all Israelite law-codes is the responsibility of the individual, and it may be questioned whether the principle of communal responsibility really appears in them at all. This consideration applies even to what is generally agreed to be the earliest Hebrew law-code, the so-called ‘Book of the Covenant’ in Ex. xx-xxiii.”²¹

Having reviewed the relevant legal material Porter concludes that “this concept is prominent in hardly any of the examples as far as legal penalties are concerned,” and that “the law operated on the basis of the individual rather than the group, and was concerned to fix individual guilt and inflict individual punishment.”²² Instead of appealing to the idea of corporate personality in the interpretation of, e.g., the execution of Achan and his family, Porter points to “the notion that a man can possess persons in much the same way that he possesses property and by early religious beliefs about the contagious nature of blood, holiness, sin and uncleanness” as explanatory background.²³

Whereas Porter exclusively dealt with the legal material and admitted that “the concept may well be found in the Old Testament outside the legal sphere and may play a vital part there,”²⁴ Rogerson broadened the critique by questioning the theoretical basis for Robinson’s position and by pointing out that Robinson and his followers have used the concept ambiguously in at least two ways, namely with reference to corporate representation or responsibility and to a psychic unity. According to Robinson, the most familiar example of the representative function is “the thoroughly Hebraic contrast of

Adam and Christ made by the Apostle Paul, which draws all its cogency from the conception of corporate personality: ‘as in Adam all die, so also in Christ shall all be made alive.’”²⁵ It was the latter sense, however, that became the dominant way in which it was used by Robinson and virtually all of those who followed him.²⁶ This is true of Jean de Fraine,²⁷ who criticized Robinson’s concept of the primitive mind and used the term “corporative” to elaborate on Robinson’s concept, and whose work has been characterized as “an ode to the hypothesis of the corporate personality.”²⁸ As far as the theoretical framework is concerned, Rogerson argues that contemporary anthropologists question whether Lévy-Bruhl’s explanation of the phenomena on which he based his theory of primitive mentality is correct. He also describes Lévy-Bruhl’s indiscriminate use of material from widely differing cultures as no longer acceptable, and concludes that “[w]ith regard to corporate personality, the question mark put against Lévy-Bruhl’s theories must also be put against Robinson’s use of corporate personality in its second sense [i.e., as referring to a psychic unity].”²⁹ As for the first sense, Rogerson confirms that there *was* a concept of corporate representation in the Old Testament, but rejects that this should be an expression of a unique Hebrew thought since “modern experience” demonstrates, that “[a] Standard Average European *can* ... identify himself with the needs and hopes of his family, his town or his country as the context determines,” and that “corporate personality in its second sense has not only depended on the theories of Lévy-Bruhl, but also on unexamined generalizations about Hebrew thought and Western thought.”³⁰

Rogerson also criticizes Robinson’s

attempt to reconcile the apparent contradiction between individual moral responsibility as a late phenomenon in Hebrew thought and the alleged survival of the earlier and primitive notion of corporate personality:

Individual responsibility can hardly be combined with the inability of the Hebrews to discern the exact limits of an individual life. One is left with the conclusion that Robinson's attempt to prolong the life of corporate personality beyond the exile depends on another shift in meaning of the phrase, this meaning being that a man cannot be treated as an isolated individual, but must be viewed as a member of society. This sense depends ...on a modern understanding of man and his community. Indeed, the plausibility of this part of the argument depends on it being self-evident to modern readers.³¹

Since the term has been used ambiguously and is based on now dated anthropological and sociological theories, Rogerson ends up by rejecting the concept altogether: "In the interest of clarity it would therefore be best to drop the term corporate personality completely, and at the same time to abandon any attempt to explain Old Testament phenomena in terms of primitive mentality."³² The modest legacy of Robinson is therefore, according to Rogerson, that "H. Wheeler Robinson by his application of anthropology to Old Testament studies marked out a path which some scholars must today follow anew."³³

The article by Rogerson marks the crystallization point, but also the *turning* point of the critique, as three major follow-ups by Paul M. Joyce (1989), Joel S. Kaminsky (1995) and Jurrien Mol (2009) may all be described as rehabilitations, if not of Robinson's *term* corporate personality, then indeed of the corporate *idea*

underlying Biblical texts, not least those on corporate punishment.

Joyce, in his study on *Divine Initiative and Human Response in Ezekiel*, focuses on the "heart" language in Ezek 18 and 36 and suggests that the purpose of chapter 18 is "to demonstrate the collective responsibility of the contemporary house of Israel for the national disaster which she is suffering,"³⁴ and that "Israel's obedience will be the result rather than the cause of deliverance, part and parcel of the restoration and certainly not a condition upon which it depends."³⁵ The thrust of Ezek 1-24 as a whole is therefore, according to Joyce, that punishment is inevitable, that Israel is completely responsible for that punishment, and that her actions will play no role in salvation,³⁶ whereas the second part of the book points to Yahweh's exclusive role in effecting salvation. Joyce challenges, in other words, the conventional reading of Ezekiel as the prophet of individual responsibility and argues that Ezekiel's overriding emphasis is on the responsibility of Israel as a collective unit.³⁷ Joyce's contribution is particularly important in that it removes the textual basis for a developmental model viewing Ezekiel 18 as a classic example of the turning point of the alleged evolution from collective towards individual responsibility, and argues, instead, that the idea of corporate responsibility must be rehabilitated.

Kaminsky, in his comprehensive analysis of corporate responsibility in the Hebrew Bible, sets out to provide a corrective to various misunderstandings surrounding the notion of divine retribution by arguing that (1) the tendency to view corporate ideas as rare, marginal or exceptional is mistaken; (2) Deuteronomy and the deuteronomistic history employ corporate notions of reward and

punishment in their portrayal of Israel's history; (3) the larger theological systems in which the notion of covenant plays an important role, were built upon, and continued to maintain, certain ancient religious conceptions that are strongly corporate in nature; (4) though certain late Biblical texts did challenge some of the theological implications that flow from the notion of corporate punishment, it is fallacious to make an evolutionary argument that presumes that texts that highlight the individual are always later than those which focus upon the corporate whole, just as a contextual reading of these texts suggests that they are primarily interested in the individual as a member of the larger corporate whole; (5) the modern bias, that grades texts that are more individualistic as theologically superior to those that are more corporate, is highly dubious, and ancient Israel's fundamental insight into the fact that we are all our 'brother's keeper' provides a corrective to many of our current philosophical and political tendencies that inform us only of our rights as individuals, but rarely of our responsibilities as members of larger communities.³⁸

Against Porter, Rogerson, and other proponents of a predominantly evolutionary understanding of the relationship between collective and individual ideas Kaminsky points to the co-existence of corporate and individual principles in such passages as Deut 24:16, 2 Kgs 14:6, Jer 31:29-30 and Ezek 18, and argues that corporate responsibility does not undermine individual responsibility. On the basis of a careful exegesis he argues that Ezek 18 is primarily an attempt to get the whole generation to admit its guilt and that the individualistic language borrowed from Deut 24:16 should be seen as an attempt to appeal to and motivate the

individual members who together make up the community of Israel. Ezekiel, Kaminsky continues, is not a systematic theologian and though the oracle in Ezek 18 rejects transgenerational retribution when the current generation is innocent and abolishes the idea that a generation could live off its previous merits, or is completely doomed because of its earlier misdeeds, one should acknowledge that Ezekiel, driven by pastoral necessity, advocated different theological positions on divine retribution at different moments in his prophetic career.³⁹ Kaminsky concludes that "there is a growing body of evidence to suggest that the corporate ideas contained within the Hebrew Bible may provide certain key elements to new theological constructs that would take greater account of the importance of the way in which the individual has communal responsibilities. Such a theology is very necessary at a time when it is becoming apparent that many contemporary problems are communal and even global in nature."⁴⁰ In a follow-up article in 1997 Kaminsky strengthens his argument by asking rhetorically "Why did this individualism leave so little of an impression upon the vast literature produced during the Second Temple period?"⁴¹ by pointing to the fact that such an individualism is not in accordance with reality and human experience,⁴² and by noting that the idea of a superseding individualism often is married to a Christian supersessionism that overlooks or underestimates the corporate aspects of the New Testament.⁴³

On the basis of an analysis of key passages Kaminsky argues that corporate ideas are common, central and persistent in the Hebrew Bible, and that three basic types of intra- and transgenerational corporate punishment:

1. God may inflict a corporate punishment on a given group of people either because (a) an individual within that group errs (Josh. 7; 2 Kgs 5.27), (b) several individuals within that group err (Num. 16; 1 Sam. 2.31), (c) because the ruler of that group errs (2 Sam. 24; 2 Kgs 21:11), (d) or because earlier leaders of ancestors erred (Gen. 9.20-27).
2. The nation as a whole may execute a corporate punishment against a particular group. This is often ordered by God (Deut. 13.13-18; Josh. 7).
3. Rulers often eliminate all their rivals in a corporate style. This may be associated with a divine oracle calling for the complete destruction of the last ruler's offspring (1 Kgs 15.29; 16.11).⁴⁴

Kaminsky, in his discussion on the “parade example” in Joshua 7 reviews the main options scholars have proposed to explain why not only Achan but also his apparently innocent family and chattels were executed, namely that ancient Israel was pre-logical, that people could be reckoned as personal property, and that Joshua 7 is an extra legal case. The first option is closely associated with Robinson's thesis on corporate personality and Kaminsky rejects it on the grounds that ancient Israel could and did distinguish between Achan as the real offender and other members of his family and his tribe as more or less innocent bystanders, and that it is *eisegetis* to invoke the idea of a pre-logical mentality involving some type of psychical unity as an explanation for the execution. As for the second option Kaminsky grants that, in the ancient Near East, certain people were sometimes reckoned within the category of property and that this phenomenon very well may be part of the explanation for the destruction of

Achan's family and his chattels.⁴⁵ It does not, however, explain the 36 Israelite casualties in the battle of Ai and the excommunication of all Israel until they executed Achan. As for Porter's suggestion that it is an extra-legal case, Kaminsky finds it wanting because it creates a false dichotomy between the categories of the ethical and the ritual with the ethical understood as rational and connected to the legal system, and the ritual as irrational, strange, amoral and exceptional.⁴⁶ Kaminsky, instead, suggests that “rather than arguing for a very narrow definition of legal material in the Hebrew Bible and then being forced to exclude Joshua 7 and other troubling cases from this definition, it makes more sense to acknowledge that notions of contagion, holiness and blood-guilt are internal to Israelite law just as they are internal to much of Israelite theology.”⁴⁷ Describing Joshua 7 as a narrative that speaks about *ḥērem* that was absolute and commanded by God, and demonstrating that it contains accurate portrayals of the way in which sacral warfare was practiced in the ancient Near East, Kaminsky argues that *ḥērem* is sacral in nature and has the ability to transmit its taboo status to those who misappropriate it. The necessity to execute not only Achan but also his family and his chattels should be attributed, Kaminsky maintains, “to the idea that the tabooed status of the items that he illicitly procured was transmitted to him and his whole household.”⁴⁸ The advantage of this understanding is, Kaminsky continues, that it also helps explaining the 36 Israelite casualties and the temporary excommunication of Israel from God (Josh 7:5; 12). “When the *ḥērem* was brought illicitly into the camp, it violated the rules of camp purity and thus led to God's abandoning of the Israelites. This is not an arbitrary act on

God's part, but is done because God's environment in the camp is no longer in a proper ritual state, which in turn forces the deity to leave. Without divine protection, Israel remains vulnerable to attack."⁴⁹ In other words, Israel as a whole was responsible for Achan's crime and thus could be legitimately punished until the main perpetrator was identified and punished. In conclusion, Kaminsky admits that it is likely that more than one explanation is in play: "[I]t is possible to postulate that a synergism of various factors contributed to the punishment of Achan's family and the destruction of his chattels. These could include the idea that people might sometimes be treated as property, and the fact that Achan's sin was particularly egregious."⁵⁰ Kaminsky takes the same synergetic approach in relation to 2 Sam 21:1-14, where, he argues, that there are numerous factors which operate at various levels which help explain why Saul's descendants are executed." The most important factors, Kaminsky maintains, are the concepts of bloodguilt and of progeny as extension of their father. "Bloodguilt in ancient Israel," Kaminsky explains, "functions in a miasmatic manner and thus spreads from the guilty party to his whole household," and "Saul's descendants function as vicarious representatives of Saul in that they embody and perpetuate his life force and his name."⁵¹

Kissel, in a positive review of Kaminsky, points to covenantal theology as fundamental to understanding the concept of transgenerational corporate retribution:

The pattern in the Hebrew Scriptures is that punishment might come on corporate groups such as families and generations for sins which they did not specifically commit, however, those punishments were

the result of disobedience which had been accumulating. It is not the case that YHWH decided to punish others who were innocent because there is no concept of the individual. Rather, one must bear in mind that the covenant affects how guilt and punishment works within the Old Testament. The covenant which binds the nation together includes the possibility that those who did not commit the sin personally might receive some of the consequences of that sin.⁵²

A more recent major contribution to the discussion on the concept of corporate responsibility is the Dutch scholar Jurrien Mol's monograph on *Collective and Individual Responsibility: A Description of Corporate Personality in Ezekiel 18 And 20* published in 2009. Mol is in agreement with Rogerson's critique that the concept of corporate personality is founded on dated anthropological theories, and that the concept as defined by Robinson is no longer tenable. Against Rogerson, however, Mol agrees with Kaminsky that it is overstated to argue that all Robinson's insights were fundamentally incorrect, and that the contributions of current anthropological, sociological, and psychological theory to the understanding of primitive thought can be made methodologically fruitful for the understanding of Old Testament texts.⁵³ Mol furthermore agrees with both Joyce and Kaminsky that the evolutionary understanding of the relationship between collective and individual moral responsibility is untenable and that the sharp dichotomy between collectivism and individualism is a passed station.⁵⁴ Kaminsky, with reference to Lapsley, continues to argue that "[f]ocusing on divine retribution and the unit of human responsibility (individual vs. corporate) obscures the fact

that in Ezekiel it is not the *unit* of responsibility but the *possibility* of human responsibility *at all* that is brought into question,” and that Ezekiel 18 and 20 do not handle two different systems of accounting responsibility. The difference in formulation and accenting follows from the manner in which the family structure is used in the metaphor:

The distribution of responsibility is also described according to this structure: individual responsibility is constituted within the community of the family. Ezekiel describes this from within and Ezekiel 20 from the outside. How the responsibility is distributed within this structure, follows from the relationship of the individual to the collective: what is its position within the family and from which perspective is the question asked as to the responsibility: from the inside of the family, or from the outside to the family? In Ezekiel 18, the individual expression of the responsibility is to be understood according to this model, particularly for the synchronic line. In Ezekiel 20 the collective expression is to be understood according to this model, particularly the diachronic line.⁵⁵

Instead of discarding Robinson’s concept of corporate personality altogether Mol calls for a redefinition with two basic characteristics that integrates both the unity of the group and the distinction of the individuals which form the group and the group itself, namely the diachrony of the line of the generations and the synchrony of the generations in the forming of a true entity. Mol argues that his description of the family as a corporate personality characterized by its members’ corporate solidarity fits the rejection in current anthropological theory of the dichotomies:

individual/group, mind/body, self/other and subjective/objective. Using Geoffrey Samuel’s “multimodal framework” concept which insists that, since each society has its own understanding of what constitutes a group, any definition of the group must be flexible enough to allow for such cultural variations, and that neither individual or group descriptions are primary. Central to Samuel’s concept is patterns of relationships between the individual and his or her natural and social environment, and, Samuel explains,

[t]he MMF [Multi Modal Framework] does not make any assumptions about the process by which these states are internalized by the individual. It merely assumes that some mechanism generates a series of analytically discrete modal states within any particular population such that the different states ... of any individual are, in most cases, systematically related to those of other individuals.... Neither individual or group descriptions are primary; both are derivative, as far as the MMF is concerned, from the modal states within the social manifold. The states ... pertain both to group and individual, and their real domain is the relationship between individuals (the ‘flow of relatedness’).⁵⁶

Samuel’s theory, Mol concludes, provides us with a methodologically updated approach to the understanding of the distribution of responsibility relative to the family, and redefining the concept of corporate responsibility along these lines offers, in turn, a framework, “within which individual and collective aspects of texts from the Old Testament may be placed beside each other without producing tension or being understood as inconsistent.”⁵⁷

Status Quaestionis

Summing up the review of the history of scholarly research it has become clear that the concept of corporate personality as defined by Robinson is founded on dated anthropological, sociological and psychological theories, and that the concept as defined by Robinson must be regarded as no longer tenable. However, instead of discarding Robinson's concept altogether, the contributions of current anthropological, sociological and psychological theory on the understanding of primitive thought should be utilized to redefine the concept and make it methodologically fruitful for the understanding of Old Testament texts. Joyce, Kaminsky, and Mol have all demonstrated that, rather than explaining the co-existence of collective and individual ideas in the extant text evolutionarily by way of source criticism and redaction criticism, careful exegesis and application of updated anthropological, sociological, and psychological theories, implies that individual and collective aspects of texts from the Old Testament may be placed beside each other without producing tension or being understood as inconsistent. As far as the difficult Biblical texts on collective punishment is concerned, Kaminsky, has convincingly argued that the Biblical context together with insights from the comparative ancient Near Eastern texts points to a synergism of various factors contributing to the collective punishments, especially the practice of sacral warfare, the idea of people sometimes being treated as property, and the concepts of bloodguilt and of the progeny as vicarious representatives of their father. Only a careful exegesis will enable us to determine which factors are the most important and how the concept of corpo-

rate responsibility is spelled out in a particular text.

In the second part of the paper I will elaborate on the abovementioned observations by Kaminsky that corporate ideas continue to dominate in the literature produced during the Second Temple period, that individualism is not in accordance with reality and human experience, and that the idea of a superseding individualism is often married to Christian supersessionism.

Corporate Solidarity in Jewish Thought

We have already noted that corporate ideas are common, central and persistent in the Hebrew Bible, and that even the individual responsibility stressed in the Book of Ezekiel should be understood within a corporate framework as an attempt to motivate the individual members who make up the community of Israel, to take up their *collective* responsibilities. That corporate ideas continued to influence Jewish thought is clear from both non-Biblical texts and from the New Testament. Seth Schwartz, in his 2010 monograph *Were the Jews a Mediterranean Society?*, seeks to uncover in what respect the Jews were "in their social relations, discourse, imagination, and even cultural practice, 'normal' inhabitants of the ancient Mediterranean world."⁵⁸ Schwartz uses the sociological dichotomy between reciprocity and solidarity to describe the way social relations are conceptualized in the Jewish and other Mediterranean societies. In a reciprocal society social relations are bound together by "densely overlapping networks of relationships of personal dependency constituted and sustained by reciprocal exchange."⁵⁹ A *quid pro quo* concept of society, which, according to Schwartz, is

attested in ancient Greece and Rome, and endorsed by thinkers like Aristotle and Seneca. In the second conception, the society is bound together “not by personal relationships but by corporate solidarity based on shared ideals (piety, wisdom) or myths (for example, about common descent).”⁶⁰ A “charity-based” society attested in both the Jewish Torah and in the Greek philosopher Plato’s writings. Schwartz acknowledges that we never find these concepts in their purest forms as they need each other to be effective, but maintains, nevertheless, that the concepts are useful as a heuristic model for describing social relations and institutionalized cultural ideals in the societies in question. The general argument of Schwartz is that the Torah tends to ignore or disapprove of reciprocal exchange and the formalized relationships based on it. “Instead,” Schwartz argues, “the Torah advocates that all Israelites be bound together by unconditional *ahabah*, which is presented as the foundation of Israelite society and law. It is also in the background for legislation mandating systematic relief for the poor and the weak in a way manifestly meant to restrain the proliferation of relationships of dependency between individual Israelites. The Torah does embrace reciprocity and reciprocity-based relationships of dependency as it embraces honor but regards all these as characteristic of the relations not among Israelites but between God and Israel alone.”⁶¹ Schwartz proceeds to analyze Jewish attitudes to reciprocity and solidarity in three textual corpora, namely the book of Ben Sira, the works of Flavius Josephus, and the Palestinian Talmud. He concludes his analysis by stating that “I have not found any passage in either Ben Sira, the Josephan corpus, or the Talmud that ... celebrates reciprocity...

The sense that, ideally, Jewish society should be bound together by unconditional solidarity, that all Israelites are required to love and be loyal to one another, that, in the words of the liturgy, all Israel are friends, constituted an important piece of ideological continuity with the Hebrew Bible, even if such solidarity has often been more symbolic than substantive.”⁶² In his overall conclusion Schwartz states that “[t]he tension between egalitarian solidarity and competitive reciprocity was a structural feature of the local Jewish community, wherever and whenever it appeared.” He also sees a basic identity of the social visions of the Hebrew Bible and the New Testament, and suggests that the “tension between reciprocity-based and egalitarian political and social ideologies had a formative impact not only on Jews but also on the Christianizing Roman Empire of late antiquity and on its medieval successor states in informing debates about the political role of the Church, for example, or in providing escape routes into lives of piety and institutionalized religious devotion for those who feared they might fall foul of a secular society founded on rigid norms of social dependency and honor.”⁶³

That the idea of mutual Jewish responsibility and corporate punishment goes right to the heart of the Jewish experience and continued to assert its influence on Jewish identity beyond the Second Temple Period, is supported by other Jewish writings. In the prospective cursing of Israel in Lev 26, we are told that God, when Israel will not listen, will devastate the land and scatter the people among the nations. As for those who are left, they “shall stumble over one another, as if to escape a sword, though none pursues” (ESV Lev 26:37). The Babylonian Tal-

mud, in a Midrashic commentary on the expression $\text{w}^{\text{x}}\text{āš}^{\text{o}}\text{lū} \text{?} \text{š-b}^{\text{o}}\text{?} \text{ā} \text{h}^{\text{i}}\text{w}$ ‘they shall stumble over one another,’ explains that “each man will stumble *because* [my emphasis] of his brother,” i.e., because all Jews are responsible for one another, one person will suffer because of someone else’s sin (*Sanhedrin* 27b; cf. *Shevu’ot* 39a). And though the rabbis later limited this responsibility to those who were conscious about a sin or a crime and did nothing to prevent it, rabbinic sources repeatedly stresses the need for Jewish solidarity. In another tractate of the Babylonian Talmud we are told that “when the community is in trouble, a person should not say, ‘I will go into my house and eat and drink and be at peace with myself’” (*Ta’anit* 11a). In *Pirke Avot*, the central ethical section of the Mishnah, it is stated “Do not separate yourself from the community” (2:4). And in the later midrashic commentary on Leviticus, *Vayikra Rabbah*, we find the parable Kaminsky quotes in the introduction to his 1995 monograph: “Some people were sitting in a ship when one of them took a drill and began to bore a hole under his seat. The other passengers protested ‘What are you doing?’ He said to them, ‘What has it got to do with you? Am I not boring the hole under my own seat?’ They answered him, ‘But the water will come in and drown us all.’ Such is the fate of the Jews: one sins and all suffer” (*Vayikra Rabbah* 4:6). That the innocent were punished together with the guilty is also an accepted principle in the Babylonian Talmud: “Together with the thorn the cabbage is smitten” (*Baba Kamma* 92a), and “Woe to the wicked one and woe to his neighbor” (*Sukkah* 56b). Aryeh Kaplan, in a comment on these Talmudic and Midrashic references, states that

The Jewish people accepted their religion together as one unit, and continue to function as a community rather than as mere individuals. All Jews are therefore responsible for one another. Even the responsibility for individual obligations does not rest upon the individual alone, but upon the entire community. It is for this reason that one Jew may recite a blessing for another even if he has already fulfilled his own obligation.... Each Jew’s moral responsibility extends beyond the Jewish people to the entire human race, as moral corruption in any place affects the entire world. It is for this reason that Jonah was sent to correct the people of Nineveh, even though theirs was a pagan city.⁶⁴

The notion of corporate solidarity is also prominent in Jewish responses to the Holocaust. “Nothing is known on an individualistic level about the patriarchs,” writes Ya’akov Moshe Harlap (1883-1951) in a response to the Holocaust written during the war. “They are called patriarchs because their lives were lives of fatherhood [in the collective sense of the whole nation]. When Isaac accepted the risk to his life, he did so on behalf of the whole nation. During the onset of the messiah, this trial will be actualized collectively.”⁶⁵ “The time has now arrived,” he maintains in a letter to Barukh Yehiel Duvdevani in a Jewish Displaced Person’s camp in Italy, 3 October 1946, “for each individual to be tested and to raise the individual into a nation which is faithful to God. Happy are those who, despite everything, divert their attention from their individuality and who sense and feel the whole community. They are sensitive and yearn to share in the troubles of the community, and they sacrifice themselves to save their community and to accelerate

salvific deliverance and the refuge for the bodies, spirits, and souls.”⁶⁶

The influential rabbi and philosopher, Joseph Soloveitchik (1903-1993) developed the idea that Jews are bound by two covenants, namely a covenant of fate and a covenant of destiny. The covenant of fate unites Jews through shared history and shared suffering, whereas the covenant of destiny represents the individual commitment of each Jew to Jewish *halakha* or values. The covenant of fate is inescapable for Jews, Soloveitchik argued, as it was cut historically and by divine initiative, and even if a Jew chooses to violate the covenant of destiny, they are still bound together with Orthodox Jews in the covenant of fate: “This singular, inexplicable phenomenon of the individual clinging to the community and feeling alienated from the outside world was forged and formed in Egypt. There Israel was elevated to the status of a nation in the sense of a unity from which arises uniqueness as well. The awareness of the Fate Covenant in all of its manifestations is an integral part of our historical-metaphysical essence.”⁶⁷ The awareness of shared historical experiences, Soloveitchik argues, creates a corporate solidarity of shared suffering:

[S]hared suffering is expressed in a feeling of shared obligation and responsibility... This prayer [Numbers 16:22] accomplished that which the “shepherds of Israel” (Ezekiel 34:2) sought. The Holy One agreed with their action and only punished Korah and his cohorts. However, God only demonstrated this loving-kindness momentarily. Forever after, the “I” is ensnared in the sin of his fellow, if he had it within his power to reprimand, admonish, and bring his neighbor to repentance. The people of Israel

have a collective responsibility, both halakhic and moral, for one another. The discrete units coalesce into a single halakhic-moral unity, with one all-encompassing and normative conscience and consciousness. The halakha has already decreed that “all Jews are sureties for one another” (TB Shavu’ot 39a), such that one who has already fulfilled his personal mitzvah is not considered fully absolved thereby and may therefore fulfill the obligation on behalf of others who have not as yet done so. The “I” is not exempt from its obligation so long as his neighbor has not fulfilled that which is incumbent upon him. There is a special covenant of mutual responsibility among the children of Israel.⁶⁸

Soloveitchik also explicitly addresses the issue of collective guilt and corporate punishment, and describes it in the same “contamination” language and purity/impurity categories as found in the accounts on collective punishment in Num 16 and Joshua 7. “The commandment to sanctify God’s name and the prohibition against desecrating it is clear in light of the principle of shared responsibility and obligation,” Soloveitchik argues, and “[t]he activity of the individual is debited to the account of the many. Every wrong committed by an individual stains the name of Israel throughout the world. The individual is responsible not only for his own conscience but also for the collective conscience of the nation. If he conducts himself properly, he has sanctified the name of the nation and the name of the God of Israel; if he has sinned, he causes shame to befall the nation and desecrates its God.”⁶⁹ This resonates very well, as we shall see, with the current philosophical discussion on collective guilt discussed below.

In the modern Jewish community, it is due to the same awareness of shared historical experiences that at Passover each Jew is obligated to regard himself as if he personally had come out of Egypt. The night of Passover is “Judaism’s national night.”⁷⁰ In a similar manner each Jew is taught to think of himself as personally standing on Mount Sinai in order to receive the Torah. In the words of Samuel Umen: “Jewish ethics addresses itself primarily to the group, for only in the group and through it can one fulfill himself. The Torah is given to all Jews. All received it at Sinai. It is a law unto all, to the whole community.⁷¹ What happened in the past to one Jew happens in the present to the community, and what happened in the past to the community happens in the present to every individual Jew.

Joshua Berman, in the most recent contribution to the debate on corporate punishment (in the Achan story) by a Jewish scholar, rejects Kaminsky’s explanation of contamination and opts for an exegetical one, where the faults of the story’s four agents (Achan, the spies, Joshua, and the troops at Ha-Ai) informs his understanding of the dynamics of collective culpability in Joshua 6-7.⁷² Demonstrating how minor characters are markers of collective attitudes in other Biblical narratives (the Midianite soldier in Judg 7:9-15, Micah in Judg 17:1-7, and the overseer of the reapers in Ruth 2:5-7), Berman argues that the distorted attitude of the aforementioned agents in the Achan story is reflective of a wider disposition:

[B]oth Achan and the spies may be seen as having misconstrued the true meaning of the conquest of Jericho. Both Achan and the spies overemphasized the human role in its conquest, over against the divine

role played there. The fact that both Achan and the spies happen to err in similar fashion and the fact that the final redaction juxtaposes these two errors provides ground to consider that the spies report may reflect a wider malaise within the Israelite camp.⁷³

Berman, referring to Larry May’s definition of collective responsibility as a sharing in the production of an attitudinal climate, argues that the author of the Achan story crafted a narrative “which tells of the attitudinal climate they [the Israelites] produced as a collective that enabled Achan to commit his crime.”⁷⁴ And though the text does not explicitly suggest that the Israelites agreed with Achan’s actions, they collectively failed to do the right thing:

For the author of Joshua 7, members of the Israelite polity had a responsibility to internalize the lessons of the conquest of Jericho and to hold the Lord in awe and fear. They were meant to view the devoted things as YHWH’s realm entirely and were to recoil at the thought that anyone would fail to understand that. It was a collective responsibility for all to ensure that this was the spirit that pervaded the people.⁷⁵

Achan was the only one who was tried and sentenced, since he not only shared the people’s wrong attitude, but actually carried out the crime. And the reason, according to Berman, why his sons and daughters suffered a similar fate was either because they were subsumed under the category of “all that belongs to him” (Jos 7:15), or due to their knowledge about the booty under their tent.⁷⁶ Since Achan’s action, in this understanding, can be seen as an expression of widely held opinions and attitudes among his people,

it could be argued that it is more surprising that only his sons and daughters – and not the entire people – was punished corporately.

Sharing Responsibility

According to the entry on “Collective Responsibility” in the Stanford Encyclopedia of Philosophy the modern notion of *collective or shared responsibility* refers “to both the causal responsibility of moral agents for harm in the world and the blameworthiness that we ascribe to them for having caused such harm.” In addition, the concept is “almost always a notion of *moral*, rather than purely *causal*, responsibility,” and “unlike its two more purely individualistic counterparts, it does not associate either causal responsibility or blameworthiness with discrete individuals or locates the source of moral responsibility in the free will of individual moral agents. Instead, it associates both causal responsibility and blameworthiness with *groups* and locates the source of moral responsibility in the collective actions taken by these groups understood as *collectives*.”⁷⁷

It is still a matter of debate whether or not collective responsibility makes sense as a form of moral responsibility and how, given that groups *can* be held morally responsible for particular cases of harm, collective responsibility can be distributed across individual members of such a group. Until recently research was heavily influenced by individualistic thought as evident from the following quote from H. D. Lewis: “Value belongs to the individual and it is the individual who is the sole bearer of moral responsibility. No one is morally guilty except in relation to some conduct which he himself considered to be wrong ... Collective responsibility is ... barbarous.”⁷⁸ We have

already noted Soloveitchik’s notion of how sin committed by an individual brings shame on the rest of the nation, and especially interesting in relation to the discussion on corporate responsibility is a recent trend in philosophical research against the exclusively individualistic notion of moral guilt. A number of philosophical scholars have thus argued that a distinction must be made between *moral guilt* on the one hand, and, on the other, what the German philosopher Karl Jaspers labeled *metaphysical guilt* and the American political philosopher Larry May has described as *moral taint*.

Karl Jaspers, in *The Questions of German Guilt* (1961), distinguishes between moral guilt that is based on what one does, and metaphysical guilt that is based on who one is. The latter can, according to Jaspers, be distributed to all members of a community who witness other members of the community produce harm *without* trying to prevent them in doing so: “There exists a solidarity among men as human beings that makes each as responsible for every wrong and every injustice in the world, especially for crimes committed in his presence or with his knowledge. If I fail to do whatever I can do to prevent them, I too am guilty. If I was present at the murder of others without risking my life to prevent it, I feel guilty in a way not adequately conceivable either legally, politically or morally. That I live after such a thing has happened weighs upon me as indelible guilt.”⁷⁹ Larry May, in a similar manner, argues that “metaphysical guilt ... is clearly different from moral guilt,” and that “[o]ne cannot move from the feeling of metaphysical guilt to any kind of claim about violating a moral obligation or duty. Being metaphysically guilty does not entail being morally guilty.”⁸⁰ May prefers the term *moral taint*

over Jaspers' *metaphysical guilt* because it emphasizes the aspect of being contaminated or "dirtied" by association with harmful actions committed by other members of the community. Each member of the community is to some degree morally *responsible* for the actions of other members of the community. Inauthenticity, May argues, "involves a failure to see oneself as accountable for who one is," whereas "[t]he authentic person has the virtue of courage and as a result meets head-on his or her faults as well as the faults of fellow community members, regarding himself and herself as at least partially responsible for them."⁸¹

One of the challenges to the concept of collective responsibility is the problem of how collective responsibility should be distributed among the individual members of the group. Some members are obviously more responsible than others and, thus, more liable to punishment. Karl Jaspers, e.g., was very concerned in his work with how or to which extent the German people should be held responsible for WWII Nazi crimes. May maintains that, since individual members may not always have the possibility of preventing harm being produced by other members of the group, the question that each person needs to ask is order to determine whether he or she are not only *metaphysically* guilty but also *morally* guilty is whether he or she has done all that can reasonably be expected of him or her to prevent or distance himself or herself from the harm done.⁸² Gregory Mellema, in a similar manner, distinguishes between six ways in which individuals can be complicit in wrong-doing.: Individuals can induce or command others to produce harm. They can counsel others to produce harm. They can give consent to the production of harm by others. They can

praise these others when they produce the harm. They can fail to stop them from producing it.⁸³ Jan Narveson, in addition, has pointed to the principle of voluntariness, i.e., the importance of determining how much freedom the individuals had to distance themselves from the community that has produced harm, and distinguishes between four different kinds of groups, namely those that are fully voluntary, those that are involuntary in entrance but voluntary in exit, those that are voluntary in entrance but involuntary in exit, and those that are voluntary in neither respect. Responsibility is diminished, if not eradicated, Narveson argues, as we go down this list.⁸⁴

Another challenge to the concept of collective or corporate responsibility is to determine why the practice of collective punishment makes sense. The logic of collective punishment is closely related to the symbolic value of actions. Mellema argues that "the symbolic value of an act is relatively straightforward: the performance of one act can symbolize the performance of other actual or potential acts or states of affairs in a manner which has moral significance."⁸⁵ What collective punishment seeks to achieve is to cause people to identify with a collective future by forcing them to identify with a collective past. Steven Knapp:

Suppose ... that what matters in the case of collective punishment is not first of all the agent's relation to her own future self but to the future of her collectivity. In that case a practice of collective punishment might make sense if rationalized along the following lines: we punish someone today for an act previously performed by other members of a group to which she belongs. The punishment forces her (or others who witness it) to anticipate, not that each

individual will be held accountable for acts she herself performs, but that, in general, members of the group will be treated more important, will treat themselves as if they were still performing the acts once performed by other members of the same group. Prospective wrongdoers are thus encouraged to expect that their actions will make a permanent difference not to their own self-identification but to the self-identification of others who belong to the same collectivity. Such a practice of punishment, in other words, is intended to cause an agent to anticipate, as she considers performing certain acts, that the disapproval merited by those acts will become a permanent part of the way other members of her group evaluate themselves and with which they will have to identify. The point is to make her anticipate not her own guilt but the guilt that others will inherit if she acts badly.⁸⁶

We shall return to the importance and relevance of the philosophical discussion on collective responsibility and punishment in the discussion below, and therefore only note prospectively that it provides us with an important etic approach to the discussion on shared agency, collective responsibility and corporate punishment in the discussion on Biblical texts where apparently innocent members of the family, tribe or people suffer for one person's offense. But according to current trends in philosophy, the concepts of collective responsibility and corporate punishment are simply more in accordance with reality and human experience.

Christian Supersessionism

Kaminsky's claim that the idea of a superseding individualism in the late books of the Hebrew Bible and onwards often has

been married to and supported by Christian supersessionism, is not without merit but needs clarification. The problem is not Christian supersessionism in itself but a particular evolutionistic reading of *both* the Old Testament texts *and* the use of Old Testament texts in the New Testament that overstates the individual aspects at the expense of the texts' corporate ideas. The individual aspects are, admittedly, more prominent in late Biblical texts than in early, and a Christological reading of Scripture as a whole will unavoidably focus on how Christ as the individual *par excellence* reconciles all other individuals to God, and how this *individual* reconciliation is prefigured and eschatologically inaugurated in the texts comprising the Old and New Testament. The problem is not the focus on individual aspects in itself, but that such a focus often severs the bond between the individual and corporate aspects of the texts, and relegates corporate ideas to the *Hebrew Bible*. In a Western culture where individualism is vigorously asserted, constantly affirmed and fiercely protected, it is exegetically (and homiletically) paramount to acknowledge this dialectic if the same balance shall be struck between the corporate and individual aspects of Christ's representative life, death, and resurrection, as is present in the Biblical texts themselves. The texts should be interpreted, not "etically" or "colonially" on the basis of modern and Western individualistic *eisegesis*, but "emically" as representing the texts' own dialectic relationship and oscillation between the collective and the individual aspects as parts of a larger whole.

Discussion

In our discussion of corporate solidarity in Jewish thought one Jewish source was

conspicuously absent, namely the New Testament! One of the obvious reasons is, of course, that the New Testament is a *Christian* Jewish source, and therefore representative of a particular reading that turns the Hebrew Bible into the Old Testament. In other words, the adjective “Jewish,” in this connection, is more descriptive of the general background and mindset of the New Testament authors, than of their Christological reading of the Hebrew Bible/Old Testament. But precisely because they were part of the same culture and influenced by the same mindset, the above-mentioned dialectic relationship between the group and the individual was their point of departure for interpreting their Hebrew Bible and, in turn, for their understanding of Jesus as Χριστός and their Christological reading of the Hebrew Bible; one of the implications being that only where they explicitly deviates from the default mode, we must understand individual ideas not as opposing, contradicting or superseding collective ideas but as part of a larger whole where the individual and the corporate are inextricably intertwined.⁸⁷ A second implication is that the concepts of corporate solidarity and collective punishment in Jewish thought have the potential of changing or enhancing our understanding of collectively oriented Biblical texts, not least the Old Testament texts that describe how apparently innocent members of the family, tribe or people suffer for one person’s offense. And if we bring philosophy into the exegetical classroom, the theories on shared agency and collective moral responsibility by Jaspers, May, Narveson, Mellema and others provide us with a conceptual framework that bridges the culturally distant and “low context” Biblical accounts on corporate punishment on the one hand, and, on the other hand,

reality as we, in spite of our individualistic orientation, experience it. When, in Joshua 7:1, it is stated that *all* Israel “broke faith with regard to the devoted things” because *Achan* “took some of the devoted things,” and that, for the same reason, “the anger of the Lord burnt against *the people* of Israel,” the distinction between metaphysical and moral guilt helps us to distinguish between Achan as the morally guilty individual and the metaphysical guilt or moral taint that “dirtied” Israel by association with Achan’s violation of the ban. Because each member of the people was to some degree morally *responsible* for the actions of Achan, they suffered the collective punishment of thirty-six casualties. They may not have been directly or personally involved in the taking of the *ḥērem*, but as part of the community who was responsible for fostering the ban-violator Achan, they were liable to collective punishment. As for Achan’s family and chattels, it is debatable, of course, how much freedom they had to distance themselves from their husband, father and master. But again, as part of the group, they were to various extents co-responsible for creating, sustaining or tacitly accepting the *ethos* that characterized the family and, in turn, allowed and perhaps even encouraged Achan to violate the ban and break faith. With regard to the logic of the punishment, Achan’s act symbolized distrust and disobedience in the Lord, but, importantly, also the potential future performances of similar acts of distrust and disobedience. The logic of the punishment of Achan, his family, and chattels was, therefore to force the rest of Israel to identify with a collective future by forcing them to identify with a collective past. In other words, by forcing them to identify with one individual’s disobedient act and

the punishment that befell him, his family, and chattels, they are forced to imagine – and, of course, to avoid! – what will happen if, in the future, they perform a similar act of distrust and disobedience. The punishment serves to encourage, therefore, the creation, sustainment, nurture and explicit endorsement of an *ethos* that discourages individual members of the community to perform such acts of distrust and disobedience, and, positively stated, encourages individuals to incarnate an ethic based on this *ethos*. Is it possible, e.g., that Achan’s Israelite neighbors or co-individuals had created a society of reciprocity that encouraged a *quid pro quo* or “what’s in it for me?” mentality? Was part of the explanation for Achan’s decision to violate the ban that everyone else did what was right in his or her own eyes? Not that it exempted Achan from his own moral responsibility so he could blame the group, but as an explanation that is more in accordance with reality, where collective and individual responsibilities are inextricably intertwined, and thus an explanation that highlights the need in pre-conquest Israel for a different *ethos*, for a return to the society of solidarity envisioned in the Levitical laws? We don’t know, just as we don’t know to which extent the people as a whole were responsible for creating an environment where it was only natural for Korah, Dathan and Abiram to “[rise] up before Moses, with a number of the people of Israel” (Num 16:2). But the application of current philosophical theory on shared agency and collective moral responsibility – and its accordance with reality and human experience – is at least suggestive of such an explanation.

The implications for contemporary

ecclesial and societal communities at all levels are obvious; especially at a time, as noted by Kaminsky, “when it is becoming apparent that many contemporary problems are communal and even global in nature.” How do we create, sustain, nurture and explicitly endorse an *ethos* in our family, our congregation, our society, our world that prevent a man from divorcing his wife and breaking up the family (Jer 3:1), the fool from taking root (Job 5:3), the wicked from plotting against the righteous (Ps 37:12), the rich man from taking the poor man’s lamb (2 Sam 12:4), the shepherd from deserting the flock (Zech 11:17), and everyone from doing what is right in his own eyes (Judg 16:25)? An *ethos* that encourages us to work against a society of reciprocity and to incarnate the shared social vision of the Old and New Testaments in a society of solidarity? There may not be *specific* answers to all these contemporary questions in the Biblical texts, but if we begin to read them, including the difficult and, to the modern individualistic mind, repulsive texts on corporate punishment, in the light of their dialectic understanding of the individual and the community, we will discover that they describe reality in accordance with timeless human experience, that they reflect, at least ideally, a society of solidarity, as a necessary point of departure for our discussion. We shall not expect, in other words, to find detailed advice on country, culture and time-specific issues, but consider the texts as a (positive or negative) reflection of the *ethos* that should characterize the people of God, leaving it to us to decide *how* to spell it out in the family, congregation, society and world.

Notes

1. Expanded and updated version of a paper read in the Old Testament Narrative Books Section at the 2012 ETS Annual Meeting in Milwaukee, Wisconsin, USA. I wish to express my gratitude and thanks to Joshua Berman for stimulating conversations on and references to works on the concept of corporate solidarity in Jewish thought. I remain fully responsible, of course, for the contents of this article.
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4. Henry Wheeler Robinson. *The Christian Doctrine of Man*. Edinburgh: T. & T. Clark, 1911.
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7. Robinson, *Corporate Personality*, 1.
8. Robinson, *Corporate Personality*, 3ff.
9. Lucien Lévy-Bruhl. *Les fonctions mentales dans les sociétés inférieures*. Paris: Félix Alcan, 1910. English translation: *How Natives Think*. Transl. L. A. Clare. New York: Knopf, 1926. Émile Durkheim. *Les formes élémentaires de la vie religieuse: le système totémique en Australie*. Paris: Félix Alcan, 1912. English translation: *The Elementary Forms of Religious Life*. Transl. Joseph Ward Swain. London and New York: G. Allen & Unwin and Macmillan, 1915.
10. Johannes Pedersen. *Israel: Its Life and Culture I-II*. Oxford University Press, 1926.
11. Jurrien Mol. *Collective and Individual Responsibility: A Description of Corporate Personality in Ezekiel 18 And 20* (Studia Semitica Neerlandica. Leiden: Brill, 2009), 128; cf. Rogerson, "The Hebrew Conception"; A. Perriman, "The corporate Christ: Re-assessing the Jewish background." *Tyndale Bulletin* 50 (1999): 241–264.
12. Robinson, *Corporate Personality*, 1–2.
13. Robinson, *Corporate Personality*, 10.
14. Rogerson, "The Hebrew Conception," 6; quote from Robinson, *The Christian Doctrine*, 34.
15. Robinson, *Corporate Personality*, 29; 31.
16. G. E. Mendenhall. "The Relation of the Individual to Political Society in Ancient Israel." In *Biblical Studies in Memory of H. C. Alleman*, ed. J. M. Myers (Locust Valley, NY: J. J. Augustin Publisher, 1960), 91.
17. Mendenhall, "The Relation of the Individual," 108.
18. J. R. Porter, "The Legal Aspects of the Concept of 'Corporate Personality' in the Old Testament." *Vetus Testamentum* 15.3 (1965): 361.
19. Porter, "Legal Aspects," 364.
20. Porter, "Legal Aspects," 365.
21. Porter, "Legal Aspects," 365; Walther Eichrodt. *Man in the Old Testament* (Chicago: H. Regnery Co., 1951), 9f. That Eichrodt was more nuanced than the quote by Porter seems to indicate is evident from another quote: "The Old Testament belief in Providence was slower to incorporate into its scheme *the fate of the individual* than the destiny of the gentile world... With all the unbroken force of primitive vitality men felt their individual lives to be embedded in the great organism of the life of the whole community, without which the individual existence was a nullity, a leaf blown about by the wind, while in the prosperity of the community, on the other hand, the individual could alone find his own fulfillment. His devotion to the great whole was therefore the natural thing, this being bound to the destinies of the totality an axiomatic process of life. This is seen most clearly in the assertion of collective retribution, which feels it to be a completely just ordinance that the individual should be involved in the guilt of the community, and conversely that the action of the individual should react upon the fate of the group" The quote is from Walther Eichrodt. *Theology of the Old Testament* 2 (Transl. J. A. Baker. Old Testament Library. Philadelphia: Westminster John Knox Press, 1967), 175.
22. Porter, "Legal Aspects," 379.
23. Porter, "Legal Aspects," 379–380.
24. Porter, "Legal Aspects," 379).
25. Robinson, *Corporate Personality*, 12.
26. The same term is utilized, Davidson mentions, by reformed bigwigs like N. H. Ridderbos and G. C. Berkouwer in their studies of the solidarity phenomena in Rom 5 and the nature of original sin, respectively (Richard M. Davidson, "Corporate Solidarity in the Old Testament" (Last modified December 2, 2004. Accessed May 3, 2004. <http://www.gospelstudygroup.org/wp-content/uploads/2010/08/corporate-solidarity-in-OT.pdf>), 1; Gerit Berkouwer. *Sin*. Grand Rapids: Eerdmans, 1971): 512ff.; Herman N. Ridderbos, *Paul: An*

- Outline of His Theology*. Transl. John Richard de Witt. Grand Rapids: Eerdmans, 1975, and Mol lists a number of mostly continental works that make positive use of the concept: C. R. North, *The Suffering Servant in Deutero-Isaiah* (1948), H. Haag, *Der Gottesknecht bei Deuterocesaja* (1985), H. J. Franken, *The Mystical Communion with JHWH in the Book of Psalms* (1954), F. Lindström, *Suffering and Sin* (1994), Th. C. Vriezen, *Hoofdlijnen der Theologie van het Oude Testament* (1949), J. Scharbert, *Solidarität in Segen und Fluch im Alten Testament und in seiner Umwelt* (1958), N. A. Schuman, *Gelijk om gelijk* (1993), H. Lalleman-de Winkel, *Van levensbelang* (1999), A. R. Johnson, *The One and the Many in the Israelite Conception of God* (1942), A. R. Johnson, B. W. Anderson, *The Living World of the Old Testament* (1958)
27. J. de Fraine. *Adam et son lignage: Études sur la notion de "personnalité corporative" dans la Bible*. Paris: Desclée de Brouwer, 1959.
28. Mol, *Collective and Individual Responsibility*, 177-
29. Rogerson, *Corporate Personality*, 10.
30. Rogerson, *Corporate Personality*, 13; cf. Max E. Polley, "The Place of Henry Wheeler Robinson among Old Testament Scholars," *The Journal of the Baptist Historical Society* 24.6 (1972), 271–272.
31. Rogerson, *Corporate Personality*, 7.
32. Rogerson, *Corporate Personality*, 14.
33. Rogerson, *Corporate Personality*, 16.
34. Paul M. Joyce. *Divine Initiative and Human Response in Ezekiel* (Sheffield: JSOT Press, 1989): 36.
35. Joyce, *Divine Initiative*, 126.
36. Joyce, *Divine Initiative*, 77.
37. Jacqueline E. Lapsley, in another important contribution to the understanding of individual versus collective responsibility in Ezekiel, notes that Joyce "in his effort to neutralize the individualism hypothesis ... too quickly explains away many of the textual tensions," but nevertheless represents a "major advance in thinking about this problem because it ceases to frame the tensions in terms of *units* of responsibility and begins to consider them in terms of *capacity* for responsibility," and that this advance "is part of a larger shift in scholarship; away from thinking in terms of levels of responsibility (individual and collective) and toward thinking in terms of the human capacity for responsibility (Jacqueline E. Lapsley. *Can These Bones Live? The Problem of the Moral Self in the Book of Ezekiel* (Berlin: Walter de Gruyter, 2000), 28; 31). Mention should also be made of Andrew Mein's *Ezekiel and the Ethics of Exile*, in which he proposes that there were two distinct sets of social circumstances which were relevant to their moral interests and moral formation, namely "the old world of home, with its relative wealth, privilege, and status," and "the new world of exile" (Andrew Mein. *Ezekiel and the Ethics of Exile* (Oxford: Oxford University Press, 2006), 257). Ezekiel's community of exiles therefore belonged to two different social and moral worlds. Before their deportation, the exiles belonged to the world of Judah's ruling elite, who were intimately involved in the decision making of governmental and religious life and whose ethical decisions revolved around sustaining institutions. After the deportation, however, the exiles found themselves in a new situation as a dominated minority stripped of their political and religious leadership and facing threats to their communal identity: "This movement from responsibility for judgment to passivity in the face of restoration can be seen to mirror the actual social circumstances of the exiles, who have been transported from positions of power and influence in Jerusalem to become small-time servants of Babylonian agricultural policy" (Mein, *Ezekiel*, 262). The reason for the oscillation between the ideas of corporate and individual responsibility in Ezekiel is, according to Mein, that the transition between these two worlds led to a shift from concerns of religious and state institutions to concerns of the individual and the family.
38. Joel S. Kaminsky. *Corporate Responsibility in the Hebrew Bible* (JSOT Supplement Series 196; Sheffield: Sheffield Academic Press, 1995), 12–14.
39. Kaminsky, *Corporate Responsibility*, 177.
40. Kaminsky, *Corporate Responsibility*, 189.
41. Joel S. Kaminsky, "The Sins of the Fathers: A Theological Investigation of the Biblical Tension Between Corporate and Individualized Retribution," *Judaism* (January 7, 1997): 323.
42. Kaminsky, "The Sins of the Fathers," 324–325.
43. Kaminsky, "The Sins of the Fathers," 20–21; 321.
44. Kaminsky, *Corporate Responsibility*, 30.
45. Kaminsky, *Corporate Responsibility*, 74–75.
46. Kaminsky, *Corporate Responsibility*, 76.
47. Kaminsky, *Corporate Responsibility*, 76.
48. Kaminsky, *Corporate Responsibility*, 87.
49. Kaminsky, *Corporate Responsibility*, 94.
50. Kaminsky, *Corporate Responsibility*, 87.
51. Kaminsky, *Corporate Responsibility*, 107.
52. Ian Kissell, *One Among Many Members. A Biblical Evaluation of Individualism* (A Master of Theology thesis submitted to Dallas Theological Seminary, May 2016. Kindle edition) 30.

53. Mol, *Collective and Individual Responsibility*, 203–207.
54. Mol, *Collective and Individual Responsibility*, 209–213.
55. Mol, *Collective and Individual Responsibility*, 245.
56. Geoffrey Samuel. *Mind, Body and Culture: Anthropology and the Biological Interface* (Cambridge: Cambridge University Press, 1990), 70.
57. Mol, *Collective and Individual Responsibility*, 258; cf. Robert A. Di Vito, “Old Testament Anthropology and the Construction of Personal Identity,” *Catholic Biblical Quarterly* 61.2 (1999): 223–224.
58. Seth Schwartz. *Were the Jews a Mediterranean Society? Reciprocity and Solidarity in Ancient Judaism*. Princeton: Princeton University Press, 2010), 5.
59. Schwartz, *Were the Jews*, 14.
60. Schwartz, *Were the Jews*, 15.
61. Schwartz, *Were the Jews*, 167–168.
62. Schwartz, *Were the Jews*, 168.
63. Schwartz, *Were the Jews*, 166–167.
64. Aryeh Kaplan. *The Handbook of Jewish Thought*, Volume 2. New York: Moznaim Publishing Corporation, 1979), 136.
65. Ya’akov Moshe Harlap, “Waters Sublime: From the Sources of Salvation.” In *Wrestling with God. Jewish Theological Responses during and after the Holocaust*, eds. Steven T. Katz, Shlomo Biderman, and Gershon Greenberg (New York: Oxford University Press, 2007), 150.
66. Ya’akov Moshe Harlap, “Letter to Barukh Yehiel Duvdevani in Saint Cesarea, Italy, DP Camp, 3 October 1946.” In *Wrestling with God. Jewish Theological Responses during and after the Holocaust*, eds. Steven T. Katz, Shlomo Biderman, and Gershon Greenberg (New York: Oxford University Press, 2007), 151. It must be noted that these quotes are representative of ultra-Orthodox responses, and that many non-Orthodox rabbis and philosophers developed alternative explanatory models. For examples on alternative responses see Katz et al, *Wrestling with God*, especially 205-684.
67. Joseph B. Soloveitchik. *Kol Dodi Dofek: Listen-my Beloved Knocks* (Ed. Jeffrey R. Woolf. Trans. David Z. Gordon. New York: Ktav Publishing Company Inc., 2006), 53–54.
68. Soloveitchik, *Kol Dodi Dofek*, 58-59.
69. Soloveitchik, *Kol Dodi Dofek*, 61.
70. Isaac Breuer. *Concepts of Judaism* (Jerusalem: Israel Universities Press, 1974), 295.
71. Samuel Umen. *Jewish Concepts and Reflections* (New York: Philosophical Library, 1962), 39.
72. Joshua Berman, “The Making of the Sin of Achan (Joshua 7),” *Biblical Interpretation* 22.2 (2014): 115-131.
73. Berman, “The Making of the Sin of Achan,” xxx.
74. Berman, “The Making of the Sin of Achan,” xxx.
75. Berman, “The Making of the Sin of Achan,” xxx.
76. Berman, “The Making of the Sin of Achan,” xxx.
77. Marion Smiley, “Collective Responsibility,” in *Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta. Last Modified June 14, 2010. Accessed May 3, 2017. <http://plato.stanford.edu/archives/fall2011/entries/collective-responsibility>.
78. H. D. Lewis, “Collective Responsibility,” *Philosophy* 24 (1948): 3–6; quoted in Smiley, “Collective Responsibility.”
79. Karl Jaspers. *The Question of German Guilt* (New York: Fordham University Press, 2001), 26.
80. Larry May. *Sharing Responsibility* (Chicago: University of Chicago Press, 1996), 148.
81. May, *Sharing Responsibility*, 150.
82. May, *Sharing Responsibility*, 158–159.
83. Gregory Mellema, “Collective Responsibility and Qualifying Actions,” *Midwest Studies in Philosophy* 30.1 (2006): 168–175.
84. Jan Narveson, “Collective Responsibility,” *Journal of Ethics* 6 (2002): 179–198.
85. Gregory Mellema, “Symbolic Value, Virtue Ethics, And the Morality of Groups,” *Philosophy Today* 43.3 (1999): 302.
86. Steven Knapp, “Collective Memory and the Actual Past,” *Representations* 26 (April 1989): 140.
87. As exemplified by Marvin Wilson: “‘There is no mere individualistic experience for Christians, but a corporate one.’ In Paul’s words, ‘we were all baptized by one Spirit into one body – whether Jews or Greeks, slave or free’ (1 Cor 12:13 NIV). Thus, the Pauline idea of the Church as the body of Christ is firmly rooted in the OT concept of the corporate personality. Accordingly, for Paul, as in the Israelite community of old, the individual ‘incorporates in himself the group which he heads, who illustrates in his person and in his life the ideals by which the group professes, and from whom the group derives its life and its distinct identity.’ In effect the Church is a community of faith, learning and living, just as the synagogue serves as a house of worship, study

and assembly. As such, a Christian's actions within that fellowship are not solely a private matter. When one member suffers, the whole body shares the grief. When one rejoices, all share in that joy. The body of Christ is never stronger than the sum of its individual members, for the Church, like Israel, functions as a corporate personality. The lives of its members are intertwined and find their truest meaning in a network of relationships within this body. As an ancient rabbi once observed, 'There is no room for God in him who is full of himself.' In the Bible, piety is always oriented toward community. God and one's neighbor belong inseparably together. The Church must never become so self-centered and self-sufficient that it fails to grasp this fact. For the concept of the priesthood of the believer means that each Christian functions as a priest not only unto God but also unto his neighbor. In the ancient synagogues of Israel, whenever the congregation completed the reading of one of the books of Moses it was the practice for the entire congregation to loudly exclaim, 'Be strong, be strong, and let us strengthen one another.' It is with this same sense of mutual dependence that today's Church must learn to stand in the full strength of its Hebrew heritage" (Marvin Wilson, "Hebrew Thought in the Life of the Church." In *The Living and Active Word of God: Studies in Honor of Samuel J. Schultz*, eds. Samuel J. Schultz, Morris A. Inch, and Ronald F. Youngblood (Winona Lake: Eisenbrauns, 1983): 134–135; cf. G. W. Grogan, "The Old Testament Concept of Solidarity in Hebrews," *Tyndale Bulletin* 49 (1998): 159–174; Perriman, "The corporate Christ"; Bruce J. Malina. *The New Testament World: Insights from Cultural Anthropology*. Philadelphia: Westminster John Knox Press, 2001; Abasciano, "Corporate Election").