

Hail to the Chiefs

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With the appointment of Yehoshua to succeed Moshe, a healthy and salutary skepticism when it came to evaluating leaders of the nation was instituted in the Jewish people.

It has been said that in White House cabinet meetings, you can say what you like about the President. But God help you if you say what you don't like! With that as background, I had the opportunity, on this weekend of the 4th of July, to watch the delightful film "An American President," that portrayed the life, both public and private, of a fictional occupant of the Oval office. But what was surely not fictional about the movie, was the way in which it demonstrated the enormous power and privilege that comes with being what is commonly referred to as being "The Leader of the Free World," or the "Head of the World's Only Remaining Superpower." Because the office calls for making fateful decisions, sometimes involving life and death on massive scale, meeting in great splendor with heads of state, diplomats, generals, security personnel, and advisors, the aura of the Presidency, magnified exponentially by the press, television, or the entertainment industry, the power and personal impact of the Chief Executive of the country, is overwhelming. Even to the point where otherwise skeptical, crusty, and could-care-less critics cannot help but be fazed merely by being in the same room with him.

But that, I dare say, is not the way it was meant to be. For the Founding Fathers were if anything fundamentally opposed to granting any one man the sweeping powers that the modern day Imperial Presidency has come to enjoy. Uppermost in their minds, one might say, was the need to enshrine an impervious "separation of powers," and a system of checks and balances, by which no branch of government, let alone one man, would be able wield such enormous power. Hence they established a powerful Congress and Judiciary to counterbalance and restrain the Commander in Chief, by exercising their own powers of Advice and Consent before any administration could become too assertive of an unbridled power. As Abraham Lincoln put it when elected, "should my administration prove to be a very wicked one, or what is more probably, a very foolish one, if you the people are true to yourselves and the Constitution, there is but little harm I can do, thank God." Or as Harry Truman said, "within the first few months of becoming President, I discovered that being a President is like riding a tiger—a man has to keep riding, or be swallowed!"

And they had good reason for placing such limits on presidential power. Just look at the experience of our own unprecedentedly murderous century, and the disastrous consequences that unbridled political authority have wrought, the hundreds of millions of deaths of innocent men and women deliberately brought about by the unchecked impulses of Hitler, Stalin, and Mao Tse Tung, or Pol Pot. It is now generally recognized that Mao alone caused the deaths, by famine, of 50 million Chinese in the early 1960's. And what of the miseries inflicted on their people even now by the likes of a Fidel Castro, Saddam Hussein, Moammar Kaddafi, or other dictators in Africa and Asia. Of course it is not just the man at the top who has this power problem. Others who are placed in positions of public trust, are similarly enticed to take advantage of their positions, and thereby to increase their power or their personal advantage. Hardly a day goes by without any revelation or accusation somewhere by which some senator, congressman, governor,

mayor, or other leader, in this country or elsewhere, is found to have plundered the public purse, or put self before people, and to have done so under the patina of public interest. It was Ronald Reagan, after all, who once said “politics is supposed to be the second oldest profession. If so, I have come to realize that it bears a very close resemblance to the first!” To which I can only say, “well, Mr. President, if you say so, who am I to disagree?”

Now it is surely not without significance in this context, and on this weekend of the 4th, to examine a particular verse that occurs in this morning’s parshah, on the very subject of the separation of powers. It occurs, immediately after God tells Moshe to begin to prepare for his impending death, and Moshe asks God to appoint a new leader over Israel who, as Moshe puts it, “will take them out and bring them back, that the Congregation of God not be like a flock without a shepherd.” [Parenthetically, in light of our previous sermon, the Tanhuma (as quoted by Rashi) states that Moshe wanted his own son to be successor, much as Ahron’s son had recently become.] But God’s answer to this simple request is most instructive:

Take Yehoshua bin Nun, place your hands upon him, and stand him before Elazar the priest, and before the entire people, commanding him, and transferring some of your aura upon him, so that the entire people will hear. And let him stand before Elazar the priest, requesting of him to ascertain the law of God by consulting the Urim in the priestly breastplate, and according to Elazar’s response they shall come and go, Joshua and all the people. Nu 27:18-21

Now this is a strange response. Moshe had approached God with a simple request to appoint a successor to lead the people, coming and going. In response God indeed identifies the successor as Yehoshua bin Nun, but immediately contradicts Moshe, by requiring that Yehoshua stand before the new High Priest Elazar, request to know the law of God, as it will be revealed via the Urim, and thereafter follow Elazar’s instructions, so that the people come and go, not in accordance with Joshua’s command, but that of Elazar. Clearly, God here institutes, for the first time in the history of Jewish leadership, a doctrine of limitation of executive power. The leader-elect is to follow the directions of the spiritual leader of the nation. But Rabbi Ben Zion Firer asks a most pertinent question: if Joshua and the people are to come and go by the word of the priest who is thereby the de facto leader of the people, why appoint Yehoshua altogether as Moshe’s successor? He answers that subsequent to Moshe Rabbeinu, no man of flesh of blood, even the high priest, could be trusted with unlimited or absolute authority. Were Elazar or his successors to be empowered to be able to claim exclusive knowledge of God’s will at will, the result could easily lead to abuse. By requiring that Joshua initiate the question, followed by a specific and public protocol (as it says “before the entire people”) in consulting the Urim, and the requirement that there be priestly consent, the likelihood of improper aggrandizement or an abuse of authority would be minimized, if not avoided altogether.

Moshe had not realized this. In his request to God he assumed that the next leader would be like himself. Humble, selfless, righteous as he was, it never occurred to him that it should be any different. He probably thought that this strong-willed people needed an all-powerful leader who could impose his will on them as they entered the promised land to be confronted with all the challenges of conquest and settlement. For this reason God tells him to transfer only “some of his aura” to Joshua, thereby weakening the executive powers of future Jewish leaders throughout posterity.

Thus was instituted in the Jewish people a healthy and salutary skepticism when it came to evaluating leaders of the nation. The balancing of authority, via a separation of powers, a veritable model of seeking advice and requiring consent, could well be said to have been the forerunner of the American system of law and government, albeit with many fundamental differences.

All of which, and by way of conclusion, brings to me to the contemporary Middle East, in light of the impending visit of Israel's new Prime Minister to New York and Washington. In light of the recent Israeli elections, we hear of fears in some quarters that Israelis are about to be subjected to the fate that has befallen Iran. Many are those Jews, in Israel or in America, who fear what they call fundamentalist Jewish Ayatollahs, who, they allege, will seek to establish some kind of theocratic state, or impose a religious philosophy and practices upon an unwilling people. They can rest assured. As our parshah teaches us, and as the Sages in the Yerushalmi Sanhedrin applied our text to subsequent generations (see the Torah Temimah to our verse,) Judaism does not favor, and since Moshe Rabbeinu, has never practiced, the tenets of a theocratic state with an absolute ecclesiastical leader. In contrast to Islam, as formulated by the early medieval writings of Al-Farabi, Jews or Judaism never proclaimed or followed an all-powerful Imam or Ayatollah. And throughout our history, there was a condominium of authority, shared successively, and in precise consultative balance, by Kings and Sanhedrins, prophets and priests, military leaders and religious authorities, representatives to the nations and rabbinic authorities, Rashei Galuta and decisors of the law, as well as so-called shtadlanim who went hand in hand with Gedolai Yisrael.

It should be no different in the modern State of Israel. True, there will come a time when the world is transformed, and when Israel will be ruled in righteousness by a messianic scion of the Davidic dynasty. But until that time, I dare say, far be it from us, as Orthodox Jews, to seek to impose a theocratic state on an unwilling and largely secular population. Were I living in Israel, as a religious Zionist, I would have no problem submitting to the authority of a secular Israeli government, even if it be led by a non-believing, atheist, or for that matter adulterous, Jew. Certainly I would dearly love, and daily pray for, its becoming a more religiously inspired polity. Yet the religious status quo, as it has existed since the inception of the State, is an eminently satisfactory arrangement, which has served to delineate separate areas in which religious and secular authorities cooperate, and respect each other's domain. And so it should remain, regardless of which party, or Prime Minister, is in power.

As for the Honorable Mr. Netanyahu, he is apparently seeking to model his new job on that of the American Presidency, with Councils of National Security and Economic Advisors, and the like, in an attempt to bringing to himself some of the power and aura of the Oval Office, with whose present incumbent he has so much in common, in style as well as in substance, in matters personal as well as public. But whatever the two of them will discuss in the days to come, given all that they have in common, they would both be well advised to recognize that, with all of the trappings of power and prestige at their command, their ability to change the course of history, or for that matter politics and elections, remains entirely in the hands of God, in Whose presence, to paraphrase another American President, I dare say they would be well-advised not only to tread softly like Moses, but even more to the point, in recognition of their limitations, to follow Joshua, in carrying a small stick.

If they will do that, following the will of God with true humility and wisdom, then indeed they will prevail, for the benefit of both our countries and their peoples: small, embattled Israel—and the great, triumphant United States; sharing as they do so much in spirit and in purpose, all the way from the Knesset in Yerushalayim to Pennsylvania Avenue, DC, principled allies and proud partners, dedicated to the triumph of peace and the brotherhood of man, under the eternal and unfailing sovereignty of God, the Ruler of us all, Presidents, Prime Ministers, and ordinary citizens, proud to salute the flags of Medinat Yisrael and the United States of America.

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