

Of Chiefs & Indians

- Basil Herring.

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Do you know that at the height of Thursday's financial meltdown, a momentarily delirious Bill Clinton called Boris Yeltsin, and said "Boris, it's Bill. Forget the ruble -- McGuire hit another homer!" Actually, that conversation didn't quite happen, but as stories go, it does illustrate what many of us suspect to be the case: namely, that the major trends, events and even crises of our time increasingly occur beyond the control of our political leadership. Indeed, as an Economist survey found last year, the impact of government itself is fast declining in the face of increasingly omnipotent financial markets and high technologies, leaving our so-called "leaders" with much less power or authority in the real world, irrespective of how they might be portrayed or perceived by a gullible public. It's not so much that the Emperors and Presidents have no clothes, but that, appearances notwithstanding, what they wear or do not wear is not that important anymore, in an age where, as we have now come to learn, their policies and pronouncements mostly follow the polls of public opinion. More and more do we understand in this age of global interdependence, and mass communication, that our political leaders, flawed and fallible human beings that they are, are less significant to the well-being of the world than once we thought. More and more, it's the Indians, not the chiefs who are in charge.

Now the problem, if problem it is, can be seen against the backdrop of a similar phenomenon that is of increasing concern in the Jewish world, and especially in the religious community. With the passing in recent years of an older generation of outstanding leaders and spokesmen, rabbinic and lay, who carried the fate and well-being of Jewish communal life in their capable hands, many are acutely aware of an absence of leadership, if by that term we mean people who represent real authority, who exude charisma, who can inspire large numbers, and to bring about large scale communal change and improvement. For many, myself included, Jewish life today cries out for dynamic leaders who can put aside narrow partisan considerations and gather our scattered troops in common pursuit of the larger goals that beset us as a people. Within the context of the religious community, many long for the emergence of those rare individuals who will courageously lead the charge in confronting the unprecedented challenges to invigorate Torah and tradition in a secular, some might say profane, age. Men, or for that matter increasingly women, who happily harbor that x-factor, call it what you will, that will galvanize and unite Jewish communities, Orthodox or otherwise, to energize Jewish life in whatever form, and thereby revitalize both the scattered and the ingathered remnant of the Jewish nation. Leadership figures who can confront the issues, command respect, and bring order out of conflict, despair, and disarray.

Faced with such a dearth of real leaders, we can well ask the question, is it possible that here too, just as in the secular realm of politics and economics, such Jewish or Torah leadership models

are really not needed for the well-being of the Jewish people and faith. Perhaps, in good democratic fashion, we ought to be less concerned about the current absence of truly inspired, and inspiring, leaders, and rather allow individual Jews, and various groups and interests, to march, pluralistically if you will, to their own drummer, follow their own conscience, cultivate their own interests, and in so doing to add to the good of the whole. In short: does the Torah, and Jewish well-being, require a strong central leadership that will rally the troops around a single banner, and lead the tribes to the promised land. Or is there room for a democratic model of Jewish life and Torah living, allowing for dissent, as well as for multiple visions and definitions of what is good for the Jews, or what Judaism represents.

One answer to this question, I believe, can largely be found in Parshat Shoftim, the pericope par excellence of Jewish leadership and self-government, where we encounter in detail all of the institutions of Jewish public life: the responsibilities of the Sanhedrin and courts; the role and office of the Jewish King; the communal charges of the priesthood; the spiritual aristocracy embodied by the Prophet; and the administrative functions of local elders and judges. Taken together, they present a complete picture of the public life and civic structures of ideal Jewish community living. But what is remarkable, and most instructive for our purposes, is the striking distinction that we here encounter between how the Torah views the civil authority of the Jewish king versus its view of the religious jurisdiction of the Sanhedrin.

"When you will come into the land, and say 'I wish to put a king over me like all the nations round about,' then you should empower such a king over you, one whom God will choose. He shall not be a foreigner, not multiply horses, nor increase the number of his wives, or his silver and gold, but shall commission his own Sefer Torah that will stay at his side, that he read it and not turn aside from its ways." As understood by every commentator, the Torah here articulates a fundamental skepticism of the institution of kingship. Yes it is true that appointing a king is one of the 613 mitzvot, yet its very formulation is one of dire concern for the potential for its abuse. As the Netziv explains in his comments, this is not an absolute endorsement of the necessity for a king over Israel. Whether or not there is to be a king depends entirely on the will of the people at any given time and place. At certain times the Jewish people will not tolerate the imposed will of a royal personage, but will prefer an elected and democratically accountable leadership group that fully reflects, and is answerable to, the will of the people. At other times, says the Netziv, the people itself will feel the need for a strong, imperious leader, an unquestioned captain of the ship of State, to impose his iron will upon a loyal following of the masses who gladly submit to his authority and command. But even then, it is clear, only God can identify the individual to be so crowned; and once empowered the king's will and desire is far from absolute: he is to be restrained and restricted in any number of ways.

But having said that, we must note how radically different is the Torah's attitude to the religious and judicial leadership personified by the Sanhedrin and the rabbinical courts, in the dual realms of ritual law and social justice. Here the Torah tells the Jew to follow precisely what the Court dictates. According to what they will tell you, being careful to follow everything that they will instruct you to do, according to the Torah that they will teach and the judgments that they will issue, lo tasur min ha-davar asher yagidu lecha yamin u-semol, you shall not deviate from what they tell you either to the left or the right." And here Rashi quotes the Sifri that says: "You are to follow the dictates of the court even if it rules that your right hand is in fact your left hand," i.e.,

even if you know for certain that they are wrong, their ruling based on an error of fact or logic.

As the Ramban explains,

You should do what they order you to do, and do not say to yourself "how can I eat what I know to be non-kosher fat, how can I execute this man whom I know to be innocent." Instead you should say "thus am I commanded by the Master, Who has commanded the mitzvot, that I perform all the mitzvot in accordance with the instructions of those who stand before God, and upon whose authority the Torah was given, even were they to err." This is similar to the story (Rosh Hashanah 25a) of R. Yehoshua who submitted to the ruling of the Nasi Rabban Gamliel to travel on the very day that by his own calculation was Yom Kippur (and he did so because Rabban Gamliel insisted it was not Yom Kippur.)

How strange that the Torah should here delegate such absolute power, and obeisance, to human authority! Knowing full well that none of us is above error or the assorted weaknesses of the flesh, fully cognizant of the ever-present potential for self-serving behavior among those who wield power and authority, how, we can ask, can the Torah here permit, and indeed require, such absolute human authority that should brook no opposition, even where the error of the court is abundant and self-evident to the petitioner or the public?

A cogent answer is provided by the 18th century Talmudist, Reb Moshe Chagiz:

It is better to err when following a judge or chacham, than to err on one's own account. For in the former case, error might occur on a rare occasion to one person B but in the latter case it will happen often to many different people. And were the interpretation of the Torah to be left to each individual's interpretation and application, the result would be extended disagreement within the Jewish people, with the interpretation of the Torah ending up in thousands of conflicting versions. Hence this absolute command.

In other words, the difference between king and court is this: they are both imperfect, but the court is not an autocratic body, nor a single individual who rules by fiat, but a coherent group, each member a cog in a legislative framework that in its aggregate is blessed with accumulated experience and wisdom. In its rulings it is guided by law and precedent, rule and regulation, consensus and mutual agreement. Hence, unlike any individual or group of individuals, king included, the likelihood of widespread or consistent error in court rulings is minimized. And most significantly, the practical need for social consensus, if not uniformity, and ritual consistency, albeit not unanimity, are in and of themselves adequate reason and justification of the Torah's demand that an individual or group defer to a ruling of the court.

Herein, I believe, lies an answer to our question pertaining to the question of contemporary Jewish leadership, and its ramifications for democracy, and it is this: when it comes to the realm of the civil and the secular, the domain of politics and Jewish defense, it has been left to each generation to devise and maintain models of governance and authority in accordance with its own needs in relation to the world about it. Autocratic king or democratic Knesset, biblical prophet or judge of ancient Samaria and Judea, Babylonian Reish Galuta or Israelite Nasi, medieval Tovei Ha-Ir, or Polish Shtadlan ---- each of them reflected the need and the choice of the age and locale, and were an expression of the governance required at any given time. And in the absence of an outstanding charismatic leader, such arrangements worked by consensus and

communal agreement, allowing for representational democracy, or constitutional monarchy as the case might be, fully reflecting the will of the people.

But not so in the realm of social justice and religious law. Here the Torah is clear: a single standard, a unified source of law and authority must prevail. A pluralistic model with varying standards of legal and illegal behavior, or differing definitions of Judaism, or ritual practice, leads inexorably to social and religious anarchy. In this domain, there can only be a single unified law determined by the judicial and religious authorities of the land, providing a clear and unambiguous definition of permitted and forbidden, be it in regard to regard commercial relations between individuals or groups, or be it in matters of personal status such as marriage and divorce. Here, in religious no less than in civic terms (and ultimately as far as the Torah is concerned there is no hard and fast distinction between them, there being no word for "Areligion" in the Torah), like it or not, there is no room for the democratic impulse. Here a centralized, unchallenged, dynamic leadership is essential, in every generation, a leadership that will have the courage to interpret the Torah's laws in consistent yet novel fashion to meet the unique challenges of each generation.

Such imaginative Torah leadership, I dare say, is the most pressing challenge facing the Torah community of our time. To cultivate and encourage a leadership, both rabbinic and lay, that is suffused with Torah expertise, but also fully cognizant of the changing social realities confronting men as well as women; completely faithful to the values and attitudes of the halakhic outlook, but also sensitive to the pressures and needs of contemporary Jewish individuals and families; that is prepared to defy much of what passes for normal behavior in our society, but that is also willing to hear and respond to new approaches to solving old problems. Such men and women, I dare say, would be leaders who would not need to demand obedience by the masses of our people, but would by virtue of their knowledge and their sensitivity, command the respect and fealty of the Jewish masses.

In these difficult times for both the larger society and the Jewish world, may we, both leaders and the led, chiefs as well as Indians, on the right and on the left and in the center, be blessed to find the wisdom to discern that magical path, somehow summoning the courage to walk undaunted along its way, and thereby, with God's help, to bring ever closer the day of our fullest redemption, dwelling in the shadow of the restored House of King David, at the gates of the Temple rebuilt, and the Sanhedrin once more gloriously leading kol beit Yisrael, the whole unified house of Israel, amen!