

Of Kings, Presidents & Abortive Politics

- Basil Herring.

Commitment to traditional, or if you will, biblical ethics, on the other hand we are torn by the realization that those same people who would promote the right values themselves pose a dangerous threat to our open society, and its tolerance of dissent and religious minorities, Jews included.

There is the story of the British politician, running for office, who declared “if I am elected, there will be a chicken in every pot! And there will be no more war!” A prim and proper lady stood up in the front row and asked, “yes, but what about the tarts and prostitutes on our streets?” “Lady, if I am elected, I will drive them all underground!” At which point a fellow in the third row called out “there he goes again, favoring the bloody miners!” The relevance of this story will become evident in a moment, but first let me share with you a recent experience.

Over the last several weeks I have been counseling a woman, whom I will only identify as someone who is connected with this synagogue, but who does not necessarily live here. She is married with children, and well into another pregnancy. But she has been filled with anxiety for the impact of another child on her marriage, her existing children, and her own lifestyle, to the point of seriously contemplating an abortion. The first time I spoke to her, it was clear to me that she had in effect made up her mind to terminate, and was merely seeking my blessing to validate her decision and assuage her conscience. Her MD had already agreed to schedule the “procedure,” as he called it. But she needed rabbinic sanction to tell her it was alright, under the circumstances. Clearly what she was contemplating was legal, and fully in accordance with the law of the land. The question, however, was whether it was morally and religiously correct, or defensible. I must admit that there have been few times in my rabbinic career that I have been so challenged. As you know I have spoken about abortion from the pulpit; I have also written, and been quoted on the subject. But few are the times that I have had to deal in so direct a fashion, up close and center, with the concrete implications of my words.

Now the irony in our conversations, was in their timing. For as we spoke, the Republican Party was undergoing its great platform debate over legalized abortion. Moreover, it was a debate that occurred against the delicate and complicated background of the interplay of religion and politics in American life, a matter so pregnant (!) with significance for American Jews. The Right to Lifers, overwhelmingly religious and traditionally church-going, see religion and politics as integrally intertwined—with no room for compromise or distance between spiritual belief and public policy, not just on abortion, but on many other issues. On the other hand, the Right to Choose people, for the most part non-religious and secularist in outlook, would completely divorce the two realms of God and Caesar, leaving every woman free to choose the disposition and fate of her body and her future, without interference or meddling by the State. But while the Republicans were engaged in high-falutin talk and debate, here I was, confronted with the very real, and challenging, task of helping an unfortunate, conflicted, woman, even as I sought to do the right thing by the Torah and my moral conscience.

And indeed it is a dilemma for the observant Jew. On the one side there is a very real

commitment to traditional, or if you will, biblical ethics as they impact on our private and public lives. Not just in the matter of abortion, but far beyond it, we know very well that without a firm reliance on biblical ethics, our society will lose its moorings. Traditional values, strengthening the family, affirming the sanctity of life, belief in God, church and synagogue attendance, prayer and piety— these we surely believe are not just good for ourselves as Jews, they are good for this great country, and indeed are the very mortar that holds the disparate bricks and sinews of the structures of our land together. From this perspective we surely feel that most liberals are too dismissive of these bedrock values and behaviors, so crucial to our future as a society and a nation. But on the other hand we are torn by the realization that those same people who would promote the right values themselves pose a dangerous threat to our open society, and its tolerance of dissent and religious minorities, Jews included. Take the issue of abortion: if the Christian Right were to succeed in passing a constitutional amendment prohibiting abortion under any circumstances, what would a Jewish woman do if her life were threatened by her pregnancy, and the halakhah, as it surely would, mandated termination of pregnancy—but the law of the land opposed it? With whom should we side: those who share our values but are potentially intolerant of our differences—or those who accept us the way we are, but whose values we see as threatening the foundations of our civil society, not so speak of the allegiance of our youth and future. The question for the observant Jew, in short, is whether tradition and religious doctrine, that which defines us more than any other, should influence, if not dictate, the law of the land.

Now the crucial and indispensable biblical text on this matter, is to be found in our parshah. When you will come into the land which God gives you, to inherit and settle it, and you will say “we will place a king over us like all the nations around us.” You shall surely place a king over you, whom God will choose...but he should not multiply for himself horses, ...nor multiply to himself women, that his heart not turn astray, nor multiply greatly silver and gold. But when he sits on his throne he shall write a copy of this Torah, that it be with him, that he read it, all the days of his life, that he learn to fear God, and observe all the words of this Torah and its statutes, to do them. Deut. 17: 14-19

This passage can be interpreted in two ways. On the one hand, one might take it to teach that the Torah here establishes a particular political outlook, or social doctrine, namely that the power of a king or other leader must be severely limited, and his authority must be counterbalanced by others, and above all that he is to be constrained in his policies and rulings, following the teachings of the Torah in all matters. But surprisingly enough, as Professor Yaakov Blidstein has written in masterful fashion, that is not how Chazal and most commentators, especially Maimonides, read the passage at all. According to them, and as opposed to Abraham Ibn Ezra, the limitations that the Torah here places on the ruler have one purpose only: to make sure that the ruler, king or otherwise, is a profoundly moral person who avoids grandiose personal ambition, excessive personal gratification, or improper personal wealth and honor. That is why the Torah in this passage repeatedly uses the term “for himself” (lo), i.e., these are personal demands and restrictions intended to ensure that he behaves himself. They are not statements of political or social theory or doctrine, intended somehow to limit or balance royal or presidential power. Thus the Rambam, in the third chapter of the Laws of Kings in the Yad Hachazakah, in summarizing these laws, reformulates the prohibitions to emphasize in the first place that the king is to constantly study Torah to ensure that he be an ethical personality, that he is to control

his personal excesses and inclinations so as to be a model Jew and human being for his subjects; and that he is to avoid any behavior that smacks of the arrogance so typical of leaders and politicians in general.

In other words, the Torah here is more concerned with the character and ethical qualities of a leader of the people, than it is with his particular doctrines, or intellectual ideas, or policy platforms. For the Torah is not a book of political theory or guidance, that favors a particular doctrinal orthodoxy, so much as it an unparalleled, and irreplaceable, guide and beacon that summons all of us, citizens and kings, princes and paupers, presidents and peons, to profound moral introspection, leading us to self-transcending ethical behavior. And it demands of our leaders, no less than of ourselves, that we immerse ourselves in Torah and mitzvah, each according to our ability and mandate, Jew or Gentile, imbibing therefrom the parameters and models of personal virtue and self-discipline, in service of God and fellow-man, in a manner that reflects the highest reaches of our spiritual selves.

At least two conclusions flow from this fundamental principle:

Firstly, When you vote to choose a leader, be it king, president, or legislator, it is moral character, above all, that counts—certainly much more than do policy pronouncements, platform platitudes, or promises of plenty. And that is true whether it is the promise of a chicken in a pot, or the realization of heaven on earth, or, for that matter, legislating an end to immorality on the streets of the land. What you get is not what they promise—it's what they are, and what their recent record reveals.

And secondly, In an open society such as ours, when it comes to the adoption of public policy, on matters that flow from religious doctrines such as abortion, be especially careful of those who would presume to know and enact exactly what God wants of all people, or what the Bible demands of mankind, be it on the one hand an uncompromising and absolute protection of fetal life no matter the consequences, or on the other, a woman's supposed absolute right to do with her body as she chooses. From our perspective, they are both dangerous, and wrong. For that reason, and until such time as the prophecy is restored, we would all be better off indulging in the one extreme that the Torah allows us, according to Maimonides—and that is an excess of humility and self-criticism, on both sides of the debate.

For these reasons, when it comes to religion and politics, we are all, as Americans and as Jews, better off by keeping them far apart. That is to say, to oppose every attempt to legislate religious doctrine into a law that is binding upon all; to favor no particular religious viewpoint over another; and instead to encourage every citizen to follow his or her faith commitments, with conscience, tolerance, and ethical sensitivity, so as to make an informed decision, fully aware of its consequences. In other words, as the vast majority of Americans will tell you: unlike the extremist platforms of both major political parties, early abortion—while immoral and usually wrong—should continue to be an available choice, but when contemplated, should be considered with much more hesitation and compunction, than is currently the case. As with every failed attempt to impose faith or morality in an open, pluralistic society such as ours, those who would intrude their own morals on everyone else, end up more often than not, driving vice underground, to the delight not just of the miners, but of the opportunists, quacks, and charlatans that are never in short supply.

As for the woman with whom I began, I am happy to report that she has indeed decided to carry the baby to term, and thereby bring God's inestimable blessing of life to her baby, her family, and not least, herself. And for that decision, freely, if painfully, arrived at, I thank God.