

**Drasha Parashat Shoftim**  
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What do we mean when we pray to see King David's dynasty back on its throne?

Parshat Shoftim discusses appointing a king over Israel, but commentators disagree on why, or whether, Israel actually needs one. According to the Book of Judges, in the time of the Shoftim, "every man did what was right in his own eyes". The result was anarchy, the strong abusing the weak. People need a central government.

Does that government have to be a monarchy? Rabbi Shlomo Riskin, writing last month in the Jerusalem Post, cites a debate between the Tannaim Rabbi Yehuda, who says monarchy is the will of G-d (as Artscroll says), and Rabbi Nehorai, who says monarchy is at best a concession to human weakness. The mahlohet continues through generations of commentaries and arguments; Nechama Liebowitz agrees with Rabbi Nehorai, and so does Britain's chief rabbi, Sir Jonathan Sacks, in this week's commentary. In 1998, Itamar Varhaftig of Bar-Ilan University's Department of Law wrote that "the appointment of judges is an absolute command, while appointing a king depends on the will of the people."

The people wanted a king "like all the nations." Every nation, tribe or city-state around them had a king, and the Greeks credited with inventing democracy (I'll get to them in a bit), were far away and worshiped idols. Commentators say that rather than asking for a king "like all the nations," the people should have asked for one uniquely suited to Israel's divine mission. But we didn't get a king "like all the nations." We got history's first constitutional, or democratic, monarchy.

In his notes on Haftorah Korach, Rabbi Hertz says, "Whereas in Babylon, for instance, a limited monarchy would have been a contradiction in terms, in Israel it is the people that is in possession of sovereign rights, and the king is UNDER THE LAW (that's Hertz' emphasis). The Jewish king was bound to respect the liberty, honor and property of his subjects, and his powers were strictly limited by the fundamental laws of the Torah." Rabbi Sacks agrees that "power is ultimately vested in the people," and quotes Rabbi Zvi Hirsch Chajes as saying that the Jewish monarchy is an example of social contract \_ well before Rousseau thought up the name. And Rabbi Sacks adds, "What makes the politics of social contract distinctive is its insistence that government is the free choice of a free nation."

The parsha says more about what the king may not do (have too many horses, too many wives, too much gold and silver) than what he may do, and commands him to carry and study a sefer Torah so that he can teach it to the people. Which would make him the original Baal Koreh. And a literate people would be able to catch any mistakes he made.

And the king may not rule by decree. Rabbi David Rosen, the former chief rabbi of Ireland (make your own jokes about leprecohenes), traces the democratic idea in Judaism back to Yitro's advising Moses to appoint subordinate leaders instead of trying to do everything himself. Rabbi Rosen adds that the king's main job is to be "representative of the people," as Ezekiel says the king will be in the future age of redemption. A tradition going back to Samuel and Saul and confirmed in the Talmud requires consulting the community before appointing a public official or enacting a law.

Rabbi Hertz' notes on parshat Chayye Sarah and Haftorah Shekalim quote Justice Mayer Sulzberger: "The expression 'Am-Ha'aretz' occurs 49 times in Scripture. In 42 of these instances, it means neither the nation nor an individual boor, but is simply a technical term of Hebrew Politics and signifies what we would call Parliament." Without this National Council, as Rabbi Hertz calls it, the king may not act.

This explains why Philo Judaeus of Alexandria described Judaism as a "democracy," a system that "honors equality and law and has justice for its rulers." How did this happen? Judaism recognizes that G-d's Law doesn't interpret or enforce itself: G-d chose to leave those jobs to flawed, fallible human beings.

The Israelites could have kept listening to G-d's voice at Sinai, but they begged Him to stop so that they wouldn't die, and He approved. The idea of detailed personal guidance from G-d died with Moses, who ruled that the Torah "is not in heaven," but here on earth to be understood and acted on by us. And since having free will means even the best and wisest individuals make mistakes, we try to minimize errors by making decisions by majority rule. Arguing in his Commentary on Deuteronomy that republics are better than monarchies, Abarbanel says, "A common-sense principle tells us that when one man disagrees with the majority, the law is according to the majority. It is more likely that one man should trespass, though his folly, or strong temptations or anger ....than that many men taking counsel should transgress." I believe that's the same reasoning that leads the Sages to discourage learning without a partner. The lone genius defying the world is not a Jewish idea. Judaism anticipates the American Protestant theologian Reinhold Niebuhr, who said, "Man's capacity for justice makes democracy possible, but man's inclination to injustice makes democracy necessary."

The Jews had something else the Greeks lacked: the idea that all people, even the Other, are made in G-d's image and all have rights. So Thomas Henry Huxley, the great defender of Darwin who coined the terms "agnostic" and "agnosticism," could write: "Throughout the history of the Western world the Scriptures have been the great instigators of revolt against the worst forms of clerical and political despotism. The Bible has been the Magna Charta of the poor and of the oppressed; down to modern times no State has had a constitution in which the interests of the people are so largely taken into account, in which the duties so much more than the privileges of rulers are insisted upon, as that drawn up for Israel in Deuteronomy and Leviticus; nowhere is the fundamental truth that the welfare of the State, in the long run, depends on the uprightness of the citizen so strongly laid down. ... The Bible is the most democratic book in the world."

Huxley's approximate contemporary, Horace Greeley of the New York Tribune, added, "It is impossible to enslave, mentally or morally, a Bible-reading people. The principles of the Bible are the groundwork of human freedom." Abba Hillel Silver, the eminent Reform rabbi and Zionist activist, said, "Dictators are anti-Semitic because they know or sense that liberty is Semitic in origin and character." And to quote Rabbi Sacks again, "The free society has its birth in the Hebrew Bible."

Some of our own people, here and in Israel, argue that Judaism and democracy don't mix; I heard Meir Kahane say as much once on a National Press Club broadcast on public radio. I hope I've helped show that, as Rabbi Angel said in a similar case, these arguments are "historically wrong and morally dubious." Democracy is one of Judaism's gifts to all mankind.