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WHO OWNS THE TORAH? ELITISM AND DEMOCRACY IN TORAH PERSPECTIVE

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The Torah in numerous places appears to assume that halakhic knowledge and authority would be centralized in the tribe of Levi.

Nonetheless, throughout Jewish history Torah scholars have come from all tribes, and from converts. Was this part of the Divine plan? If yes, why does the Torah so often associate scholarship with Levi? If not, does making halakhic authority accessible to everyone replace the Torah's vision of an ideal social order with anarchy and chaos?

Rambam (Laws of Shmittah 13:12-13) seeks to resolve this tension by turning all scholars into honorary Levites.

Why wasn't Levi granted a share in the inheritance of the Land of Israel and its spoils together with his brothers?

Because he was separated-out to serve Hashem, to attend Him and to teach His straight ways and righteous statutes to the masses as Scripture says:

"They will teach Your statutes to Jacob, and your Torah to Israel"

Therefore they were separated from the ways of the world – they do not go out to battle like the rest of Israel they do not inherit land and they are not granted property via the exertion of their bodies

rather they are the troop of Hashem as Scripture says:

"Hashem blesses his troops"

And He the Blessed grants them (what they need) as Scripture says:

"I am your share and land-inheritance".

But this is not true only of the tribe of Levi;

*rather,
each and every person from all those present in the world
whose spirit volunteered him and whose intellect made him
comprehend
to become separated and stand before Hashem to attend and serve
Him,
and to know Hashem,
and walked straight as the Divine made him,
and removed from his neck the yoke of the many calculations
which human beings have sought –
He is sanctified as holy of holies,
and Hashem will be his share and land-inheritance for eternity
and beyond,
and he will be granted in this world what is sufficient for him,
as He granted to the kohanim and Levites,
as behold David said:
"Hashem is my share and portion; You direct me as I choose my
lot"*

Turning Levi into a symbol or metaphor enables Rambam to maintain that the Torah intends there to be a social divide between the scholarly elite and the rest of the Jewish community. The elite give up all interest in money or power – G-d takes care of their minimal this-worldly needs - and as a result they can be trusted with Torah authority.

It is a pretty vision. Unfortunately, the politics of this world rarely turn out that way. G-d tends to provide for the this-worldly needs of scholars by way of non-scholars, who accordingly and properly have great influence over their Torah dependents. Scholars are not always satisfied with the bare minimum of physical comfort. Desire for power may be as prevalent among scholars as among businessmen. Scholars compete for the best fellowships, jobs, and students, not always nicely or with proper regard for ultimate ends. In sum:

Concentrating authority in scholars does not successfully insulate Torah against the evils endemic to other political systems.

We might seek to insulate scholars from the direct influence of the rich by creating a government-sponsored fellowship, a National Endowment for the Metahumanities. Socialist Torah, rather than capitalist. After all, the Torah does not say that G-d will provide for the Levites' this-worldly needs on an ad hoc basis; rather, it sets up a tax system to support them.

I think the best way to evaluate this theoretically attractive vision is to think about the Rabbanut in Israel.

An alternative vision emerges from a midrash cited by Rashi to Devarim 29:3.

“And Hashem did not give you a heart to know until this day” – I have heard that on the very day that Moshe gave the scroll of the Torah to the Children of Levi as Scripture writes (31:9):

“He gave it to the kohanim Children of Levi” all Israel came before Moshe and said to him: Moshe Rabbeinu,

we too stood at Sinai and received the Torah, and it was given to us,

so why are you giving the members of your tribe dominion over it?!

They will say to us tomorrow:

‘It was not given to you; it was given to us’.

Moshe rejoiced over the matter.

It was about this that he said to them (27:9):

“This day you have become a nation to Hashem your G-d” – this day I have understood that you are cleaving to and desirous of the Omnipresent.

It seems from this midrash that Moshe Rabbeinu originally inclined to either the socialist or capitalist visions above, or perhaps to Rambam's imagined Republic. But when the other tribes – all Israel! – came to him and protested that they too wanted to study Torah, he rejoiced.

This midrash is likely related to the dialogue between Moshe and Yehoshua about Eldad and Meidad (Bamidbar 11:28-29), where Moshe, to Yehoshua's surprise and perhaps dismay, expresses comfort with the idea of a community in which everyone is a prophet, and therefore no one has more access to the Divine than anyone else. Moshe was comfortable in principle with both spiritual and halakhic democracy.

Comfort in principle does not imply endorsement in practice. Democracy, in both its pure and representative/republican varieties, has its own weaknesses. As Socrates loved to point out, democracy works well only when its constituents know the limits of their own knowledge, and prefer truth to power. In fact, only Eldad and Meidad were prophets, not the entire people of Hashem. By the same token, not all of us – even among those who live the life of Levi - are halakhically competent scholars.

Nonetheless, the democratic ideal properly has consequences. The chief of these are that scholars must be accountable to their constituents, must constantly seek to spread rather than hoard knowledge and authority, and must recognize the autonomy of individual men and women as a core religious value.

In the coming weeks I expect to publish several essays that have as their immediate practical aim the constriction of halakhic authority, and therefore might reasonably be seen as in tension with the last commitment above. So in the spirit of the first and second commitments, and of the month of Elul, I ask and invite you to look for them, read them carefully, and then hold me accountable.

Shabbat shalom