

BS”D

Governing Israel – Vote Messiah

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Beit HaKenneset HaSefaradi BeRimon – Shabbat HaGadol (post elections) 5779

This week we voted and so I thought it appropriate to talk about government. But let’s start with a simple question:

How did you spend your voting day? What was your schedule that day?

If you were like me, you got up late (it’s vacation remember), went to shul, came home and had breakfast. I then discussed with my wife what we wanted to do on our nice vacation day. And then, on the way to our day’s activity – oh yeah – we stopped in to vote.

That wasn’t the typical schedule of events for people in 1949:

This is how Rabbi Moshe Alpert of Jerusalem's pre-State Old Yishuv described the first Israeli elections to the Knesset in 1949.

"At **5:35 AM** we woke up, my wife, my brother Reb Shimon Leib and my brother-in-law Reb Natanel Solduchil. And after we drank coffee we put on Shabbat clothing in honor of this great and holy day, because "This is the day the Lord has made, we will rejoice and be happy on it." After 2000 or more years of exile, you could say that from the six days of Creation until this day, we have not merited to see a day like this, that we are holding elections in a Jewish state.

Shehechyanu! Blessed is the One that kept us alive and sustained us and brought us to this day! So we went to the voting station near Chabashim Street with our identity cards in hand. With great and mighty joy we walked the short way there, and the entire way I walked like it was Simchat Torah and I was circling with a Torah scroll, because I was holding the identity card of our new Jewish State in my hand.

My happiness and joy knew no bounds! The assistant at the voting station brought the ballot box, and the chairman called out to me and said 'V'Hadarta Pnei Zaken' – 'And you shall honor the old man', And he told me that since I was the oldest person present, I would be the first to vote. With a thrill of awe and holiness, I handed my identity card over to the chairman, and he read out my name from my card and from the book of voters.

And the deputy chairman wrote down my name and handed me the number 1. Then he handed me an envelope and I went into the other room, where there were ballots from all the parties. And with a shaking hand, moved with holiness, I took one ballot marked "B," for the Religious Union party, and I placed the ballot inside the envelope I had received from the deputy chairman.

I reentered the polling room, and I showed them that I held only one envelope.

Then the holiest moment of my life arrived. The moment that neither my father nor my grandfather had the privilege to experience in their lifetimes. Only me, in my time, in my lifetime, did I merit to experience such a holy and pure moment as this... What joy for me and my portion!

At 6:28 AM, we returned home and went to pray. What a great holiday!"

What happened to us?!

Familiarity breeds contempt. We have long lost the feeling that voting day is a RELIGIOUS holiday in which we should thank God. The reason, of course, is quite simple: We take for granted that the Jewish People are living a historic miracle, the dream of prophets.

But is this the dream? That is, did the prophets believe that the ideal was democracy?

I was recently in a lecture on the Religious Status of the State of Israel and there the lecturer claimed that democracy was such an ideal that he couldn't imagine giving even the Mashiach kingship!!! He, of course, quoted British historian Lord Acton who observed: "Power corrupts; and absolute power corrupts absolutely."

Now when R. Kook discussed the issue of governing the nation of Israel, he understood that the last form of government was a Monarchy; and he understood that the anticipated government, as prophesied by the prophets and codified by the Rambam and others, is a Monarchy. Furthermore, all the halachot that give the government powers to run a country are all stated in the name of the king (melucha) – like going to war, executing criminals, etc.. (Indeed, if a government doesn't have the authority to go to war, it is considered a murderer for sending people unjustifiably to their death).

שו"ת משפט כהן (ענייני ארץ ישראל) סימן קמד

יג. וע"ד מה שכתבתי, שענייני המלחמות הם ממשפטי המלוכה, משיג כת"ר ואומר שאין משפט המלוכה כ"א בדבר שהוא כבוד המלך. אין הדבר כן, כ"א כל דבר כללי הנוגע לאומה, וגם כל תיקון של הוראת שעה, לגדור בפני עושי עולה, הכל הוא בכלל משפטי המלוכה, שיש רשות למלך להתנהג בהם כפי ראות עיניו, אפילו כשאינו נוגע כלל לטובתו ולכבודו, כ"א לטובתן ולכבודן של ישראל, וכמשי"כ בפ"ג דמלכים ה"י: כל ההורגים נפשות שלא בראיה ברורה כו' יש רשות למלך להורגן, ולתקן העולם כפי מה שהשעה צריכה כו' ולשבר יד רשעי העולם; הרי שכח משפט המלוכה מגיע הרבה יותר מחוג כבודו וזכותו של המלך. ובפ"ח דסנהדרין ה"ו כתב, שי"ל שמה שהרג יהושע את עכן, ודוד את הגר העמלקי, ע"פ הודאת עצמם, ממשפט המלוכה ה"י. ואף שגבי דוד יש לדחוק, שתבע כבוד המלוכה בכלל, אף על פי שאינו שלו, אבל ענין עכן ה"י דבר נוגע לכלל ישראל. אלא שאפשר לדחות, שהוא מפני שעבר על החרם של יהושע, א"כ זהו כבודו. אבל נראה מענין הכתובים בדבר עכן, שעיקר החרון על הכלל לא ה"י מפני המרידה בדבר יהושע, אלא בשביל חומר החרם מצד עצמו. שהרי מטעם מורד במלכות אין רשות כ"א להרגו בסיף, כד' הרמב"ם בפ"ג דמלכים ה"ח, וכאן נסקל עכן. וגם ממש"כ הרמב"ם שם, שאין לו רשות להפקיר ממון ואם הפקיר ה"ז גזל, וכאן הרי ע"פ הדיבור שרפו כל אשר לו, נראה שה"י עיקר המשפט לא מטעם מרידתו במלכות, אלא מטעם חומר החרם ותקלת הכלל שבאה על ידו. וכ"ז הוא ממשפט המלוכה. ומעתה אין שום חידוש, שיה"י זה צורך השעה הגדול של מלחמה, ובפרט מלחמת הרשות שהיא נעשית ע"פ ב"ד של ע"א, ויש בה תרי טעמי: מגדר מילתא להוראת שעה, שזה תלוי לפי דעת ב"ד וראות עיניהם, לטובת האומה הרוחנית והגשמית, שהן אחוזות תמיד זב"ז, וגם משום כח משפט המלוכה. ולא שייך ללמד מזה ענינים אחרים כמשי"כ.

R. Kook understood that the Monarch these thinkers had in mind was the Messiah and the Messiah was not in the offing. As such, he deals with this issue at length in his Mishpat Cohen and among other things, notes that the RMBM said the Rashei Galuyot (Leaders of the Diaspora) were likened to kings, so all the more so leaders in Israel. He goes further and makes the statement that supplies the halachic foundation for accepting democracy as the legitimate form of government in Israel. He explains that the will of the people can come instead of the king, for, in fact, that will, expressed democratically, has the power to appoint a government that is in lieu of a King.

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... וסעד לדבר הוא לשון הרמב"ם בפ"ד דסנהדרין הי"ג: ראשי גליות שבבבל במקום מלך הן עומדים ויש להם לרדות את ישראל בכל מקום כו'. וק"ו ששניאים המוסכמים באומה, בזמן שהיא בארצה ובשלטונה, באיזו מדריגה שהיא, שהועמדו בשביל הנהגת האומה, לא רק בעיקר בשביל הרבצת התורה, כבני בניו של הלל דלא נקראו שבט כ"א מחוקק, כפי הנראה מסנהדרין ה' א', דאינם עומדים במקום מלך, כ"א כח ב"ד יש להם, אבל אותם שהוסכמו בעמדתם לכתחילה בשביל האומה בהנהגתה הכללית, גם הארצית, כמלכי בית חשמונאי, וגם נשיאיהם, פשיטא דלא גריעי מראשי גליות שבבבל. וע"כ לא הוצרך קרא לרבות ראשי גליות, שהם דוקא מיהודה, ומבית דוד, כמבואר בתוס' שם ד"ה דהכא בשם הירושלמי, אלא להורות דאפילו בגלות יש להם כח של עמידה במקום מלך ישראל. אבל כשמתמנה מנהיג האומה לכל צרכיה בסגנון מלכותי, ע"פ דעת הכלל ודעת ב"ד, ודאי עומד הוא במקום מלך, לענין משפטי המלוכה, הנוגעים להנהגת הכלל.

There is a practical problem here. R. Kook intended that the appointed king would be the will of the JEWISH democracy – i.e., the Jews living in Israel.

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... דהקהל שבא"י חשוב ככלל ישראל

R. Henkin addressed this saying that once the Jews had designated a system of appointment that included the minorities, that too would work. I have my doubts. But, be that as it may, there is no question that the prime minister today has been elected by the Jewish majority. Indeed, it is only when the left wing elects a prime minister that we wonder if he would be in office without the support of the minorities.

So clearly there is room for democracy, and the government of Israel has legitimacy in the eyes of halacha.

But let us return to the question of the king as ideal and the possibility of removing democracy from Israel.

The 18c French philosopher Jean-Jacques Rousseau (1712-1778) explained that there are essentially 3 forms of government (of course there are many others, but these are the primary ones, the others being some derivative or combination thereof):

Democracy, Aristocracy, Monarchy.

דמוקרטיה, אריסטוקרטיה (אצולה), מונרכיה (מלכות)

Democracy

As we know, a democracy is a government elected by the people. However, a true democracy is when EVERYONE votes on EVERYTHING. Rousseau said this was only good very small groups since it would be otherwise impossible to implement. Indeed, today we do not have this pure democracy.

Aristocracy

Then there is aristocracy. An aristocracy is a government made up of a small group of elites. Our modern-day government is also made up of a small group of elites. The elites are just ELECTED by the people. So it can be said that we have a democratically elected Aristocracy.

Monarchy

And then there is the Monarchy. Popular philosopher Steven West explains Monarchy like this (<http://philosophizethis.org/episode-46-transcript/>):

On the surface its great...Oh look, one really smart, altruistic guy making all of the decisions! Talk about efficiency! There will never be any sort of bipartisan gridlock, executive power will run smoothly and quickly...things will always get done. But again, Rousseau thinks...its one of those things that sounds good in theory but when put into practice there's always problems that rear their ugly heads.

Again, if there weren't any ambitious, greedy or power hungry people in the world, this system of government may be perfect...but as long as you have an inordinate amount of power in the hands of one person...as long as what the government sees as best is restricted to what one, single person sees as best...you're setting yourself up for failure. Not only because that person might end up being a Hitler or a Stalin or a Mao, but also because their decision making is always going to be limited to one set of experiences. One guy can't be an expert on every subject...you can be an expert on one...MAYBE two if you're really smart...but if you ever run across anyone who always has the answer to any question you ask them...they're probably pretending and in desperate need of therapy.

And this brings us back to the Mashiach. As mentioned at the outset, the lecturer on the Religious Status of the State of Israel said he could never imagine giving control to a king, but this is based on the fact that he cannot imagine a perfect king. And while I agree that, given today's world, it is hard to imagine such an ideal king. But the Messianic world is Messianic precisely because we can't imagine it. And the Messiah is a king who expresses the completely altruistic ideal.

Of course one could argue that "There is no difference between our times and those of the Messiah other than the oppression of the nations"

תלמוד בבלי מסכת ברכות דף לד עמוד ב
דאמר שמואל: אין בין העולם הזה לימות המשיח אלא שעבוד מלכות בלבד

Nevertheless, we are talking about the Messiah, a leader who is God's ultimate "trump card" to bring the world to its halcyon conclusion. As such, I believe that we can expect more for the Messiah than the kings of the past.

So, while today the democratically elected aristocracy does serve our needs, I see no reason to hail this as the ideal. Indeed, the true ideal is what we all pray and hope for every day.

May he come soon, BBY.