

"LAW AND ORDER"

The world-wide student unrest which we are now experiencing, which is responsible for much wider social and political havoc, and the reaction of many more conservative elements to these demonstrations, generally revolve about the words "law and order." Some have treated the concept represented by these words with contempt, as if it were nothing more than a hypocritical shield for the entrenched establishment, and therefore something which must be abolished and overcome in order to institute a more just form of life. Others have, indeed, used "law and order" as a convenient excuse to cut down criticism and avoid necessary changes in the social order.

What is the Jewish view towards law and order in this period of social and political upheaval? A detailed exposition cannot be given within the confines of a brief talk, but we can attempt to abumbrate several general ideas.

Our Sidra begins and ends with a statement advocating law and order. At the beginning of today's reading, we are told of the commandment to the Children of Israel, concerning the diglei midbar, the flags or standards about which the tribes are to gather and according to which they are to march in a prescribed order. The peregrinations of the Israelites through the great desert of Sinai was not to be a helter-skelter rush of an unruly mob; it was to be an orderly march of the hosts of the Lord who follow His direction in the

prescribed manner. So impressed were the Rabbis by the ability of these former slaves to gather about their standards in an orderly fashion, that they maintained that even the ministering angels were envious of this capacity of the Israelites to follow the diglei midbar!

This same Sidra ends with a commandment concerning the family of the Kohathites, of the tribe of Levi. We read: "And the Lord spoke unto Moses and unto Aaron saying, Cut ye not off the tribe of the families of the Kohathites from among the Levites; but thus do unto them, that they may live and not die, when they approach unto the most holy things: Aaron and his sons shall go in, and appoint them every one to his service and to his burden; but they shall not go in and see the holy things as they are being covered, lest they die" (Lev. 4:17-20). What this command meant, according to the interpretation of Seforno, was that the Kohathites who were charged with the assembly of the Tabernacle itself would naturally rush to see and serve at the Holy of Holies, and their exhalation would cause them to compete with each other for the honor and the glory of service. But such unruliness is intolerable in the presence of God. Even inspired passion and commendable curiosity are death to the spirit when it results in pushing someone else aside. Therefore, Aaron and his children were commanded to assign each and every one of the Kohathites his specific task, that there be no panic, no riot, no disorder, as they approached their sacred duties. Again, we find an emphasis on law and order.

What the Torah tells us, therefore, throughout this Sidra of Be'midbar, is that we have clear alternatives: law or chaos, order or midbar, a regulated life in society or the kind of confusion that produces a wilderness and a wasteland.

Our Sages expressed this belief of the need for law and order as opposed to anarchy in a famous statement in Avot. The author of the statement is the great R. Haninah, who lived in the closing days of the Second Temple, and who was known as Segan ha-Kohanim, the assistant to the High Priests, for he remained in his office under the administration of several High Priests. He said, hevei mitpallel bi' shelomah shel malkhut she'ilmalei moraah ish et re'ehu hayyim bela'o -- "pray for the peace of the kingdom, for if not for its fear (i.e., the fear of people for governmental authority), each man would swallow his neighbor alive." There has got to be either respect for authority or a destructive anarchy which few can survive.

We should not imagine that R. Haninah lived at a time of particularly benevolent governments which inspired him to make this statement of approval for political authority. On the contrary, he flourished in an era when the most corrupt of kings ruled over Israel and brought on its downfall. Nevertheless, he preferred even unprincipled authority over no authority at all; better a poor government than complete anarchy.

But does this mean that the Bible and the Rabbis were committed to a rigid political conservatism? Must Judaism always favor the entrenched establishment?

By no means! Moses was certainly in favor of law and order -- he was Moses the Lawgiver; yet he began as Moses the Revolutionary, the man who brought the whole empire of Egypt to its knees. The prophet Samuel, who is considered second only to Moses, opposed the institution of monarchy and tried to resist the establishment of a human king. When he finally conceded, it was only that -- a concession to human frailty, the desire of the Israelites to mimic others. In fact, R. Haninah himself (in Avot de'R. Nathan) criticizes the people of Judea al she'himlikhu alehem basar va-dam, for establishing over themselves a king of flesh and blood. The intention of R. Haninah is therefore clear enough: bad government should be made better, and if necessary replaced by more decent government. But even a poor government with law and order is better than anarchy with all its promises of complete freedom.

Permit me to commend to you a marvelous interpretation of this Mishnah of R. Haninah by one of the greatest of Hasidic saints, R. Mosheh Leib Sassower, who approaches this statement with a mixture of scepticism and idealism. He maintains that the word moraah, "its fear," does not refer to the fear imposed on citizens by governmental authority in order to ensure the public weal, but rather to the fear of government authorities for their own survival. He reads the Mishnah thus: pray for the peace of the government, for if not for its fear for its own survival it would permit every man to swallow his neighbor alive. Politicians, all those in authority, do not care for anything more than their own welfare, the survival of the establishment

of which they are part. They could not care less if society as such would fall into total disarray, one man swallowing the other alive. It is just that this anarchy and chaos would jeopardize the government itself, and that is why they are interested in "law and order." Nevertheless, better a selfish government, whose only motivation is perpetuation of its own political rule, than the wild chaos of anarchy. That is why Judaism has ordained: hevei mitpallel bi'shelomah shel malkhut, pray for the peace of the government.

What we find, therefore, is a tension between two opposite tendencies. On the one hand, we are to support the idea of authority and "pray for the peace of the kingdom." In Jewish law, when members of the Sanhedrin have come to a decision, all members are obliged to support that majority rule, and if some elders refuse to accept the decision of their colleagues, they are considered mamrim, rebellious elders, and may even be put to death for defying the duly constituted authority. Similarly, the Halakhah enjoins Jews living under non-Jewish rule who abide by the laws of their various governments: dina de'malkhuta dina, the laws of the government are considered by Jews as valid laws. On the other hand, we find a revolutionary spirit, a desire to change for the better, a challenge to all human authority by the word of God which transcends human rulers. It may be true that "the law of the government is considered law," but this is not true when such human law defies the law of God, when it is anti-moral. The major burden of the Prophets of Israel was to oppose established auth-



ority by speaking the word of God. All of Judaism is imbued with the spirit of resistance against malkhut ha-reshaah (the evil kingdom, i.e., immoral and corrupt human government) by the ideals of malkhut Shaddai, the kingdom of God. All of Halakhah strives to create the kind of society which can transcend the limitations of the present and proceed on to greater and better human relations.

Both these opposing elements, therefore, the respect for authority and the desire for improvement, must be maintained. There must always be an equilibrium between law and freedom, between system and spontaneity, between order and liberty, between rigidity and fluidity. But at no times must we ever submit to either of the extremes: tyranny on the one hand, or anarchy on the other.

It is from this point of view that we ought to judge the stormy events of our days.

In most cases, we find not one but many causes joined together to bring about the recent upheavals throughout the world. Students have many legitimate complaints, combined with characteristic youthful restlessness, and ignited by small but shrewd anarchist cells, no doubt influenced here and there by the colorful characters of Castroite communism and possibly an occasional instigation by Maoist sources.

Certainly any fair-minded person ought to concede that all is not well in academe, that our universities are not paragons of virtue. Certain university administrations are monarchical and authoritarian in their ways. They are inflexible in their rigid attitudes, recognizing

neither the personality of the individual students nor the opinions of the faculty nor the interests of the community at large in which they exist. Some of the have apparently subordinated their educational goals to their big business, and especially real estate interests.

At the same time, the student reaction is complex. People often ask: what do the students want? The answer is: everything -- and nothing!

There are amongst them those who want everything. There are students who desire nothing less than overturning all of society, all of authority, all law and order. They strive for totalanarchy, in the dim and vague hope that somehow out of all this will emerge something better. And there are those who want nothing, except an outlet for their penchant for excitement and exhilaration, the normal youthful thrill-seeking turned to rowdyism.

And in between these two groups, there are some idealistic young people who genuinely protest the excesses of the academic establishment, who are dissatisfied with a hypocritical and war-oriented and bigoted society, but who do not wish to destroy aimlessly.

It is well to remember that young people are always anxious for a change and are always somewhat revolutionary -- and that is all to the good. That is as it should be. Jews do not expect others or themselves to accept authority blindly. Today's Orthodox young people are not immune to youthful restlessness -- nor should they be. Even at the classical yeshivot there were -- and there still are in our day --

occasional student rebellions. We need only mention the historically famous student strike at Volozhin. But in all these cases, the issues were real, they were matters of ultimate commitment, and they were constructive.

Adults are sometimes impatient with youthful extremism. But if they are -- they are wrong. Young men and young women should be extremely idealistic, should be unhappy with the status quo, should be dissatisfied with what their parents accomplished. Time and nature together will combine for the natural, normal attrition of idealism. If they are not excessively idealistic now, then there will be nothing left later on but a hollow core in which only cynicism can grow. If they go to the extremes of idealism now, then when they are adults at least some core of decency will survive.

To a great extent it is part of the Jewish heritage to be restless and revolutionary, the Jewish heritage of challenging all ensconced authority and never allowing any individual or any institution to become an end in itself, for then it is transformed into an idol.

It is interesting that the anarchist leaders of student revolt throughout the world today are, for a large part, alienated Jews, such as Marks Rudd in Columbia, and Daniel Cohn-Bendit in Paris. Fortunately they have learned something from the Jewish tradition; unfortunately they have not learned enough. They have absorbed, unconsciously, from our tradition the principle of sur me'ra, of departing from evil, of overturning that which is corrupt. What they have



failed to learn is the end of that verse in Psalms: aseh tov, do good. Their rejection of society is not a revolution but a rebellion, it is only a desire to overturn the old but is not accompanied by plans to build something new in its stead. It is plain anarchy, which may issue from noble sources, but can come to no good end.

Justice Fortas was right. Our democracy allows for protest against corrupt laws. The very fact that it permits such protest to be made in a legal manner means that the illegal ways of expressing protest are illegitimate. And if our democracy is to survive, if we ourselves are to survive, then we must restrict the protest to the legitimate and the legal means. Society cannot tolerate a complete breakdown of law and order. Otherwise, ish et re'ehu hayyim bela'o, it is the end of all civilized existence. And anarchy must be stopped before that occurs.

The only alternative to law and order remains the midbar, the desert, the wasteland, the wilderness.

On this eve of mattan Torah, as we are about to celebrate the giving of the Torah, we recall the famous statement of the Sages who play on the word harut -- that the laws of the Ten Commandments were harut, engraved, on the Tablets -- and substituted for it the word herut, freedom. The law of Torah, the order of Jewish society, is not enslaving but liberating, not crushing but emancipating.

Out of the very midbar, out of the very desert, Torah helps us to raise our degalim, our standards of fairness, our ramparts of justice, our flags of respect and a fair chance for all individuals.