

Rabbinic Authority

by: Rabbi Jeremy Rosen

This week the Torah contains the main elements of the Jewish Judicial process.

It includes the important proviso that if there is anything unclear in Jewish law, any unresolved disputes or new issues that have to be decided upon, one approaches the Judicial authorities for a binding "learned opinion." It is, in its way, like having a Supreme Court.

The Torah suggests that such a court be made up either of Priests or Judges. Both types of were entrusted by the Torah initially with the management of the law after Moses. Over time both priests and biblical Judges, one representing religious authority, the other the civil, changed. Either because they were not longer necessary (the Temple was destroyed) or superseded (by Kings).

Two thousand years ago the role of deciding on law and custom, was transferred to the great Talmudic rabbis. They included brilliant men of fierce integrity, knowledge and authority and their decisions have remained the core of our constitution. The Torah if you like is the constitution. What the rabbis introduced was like the amendments to the constitution.

But on what basis were the rabbis given authority to make the radical and innovative decisions they did? How could the rabbis innovate new festivals like Purim and Hanukah and include such blessings as "We bless God for sanctifying us with His commandments and commanding us to read the Megillah?" Or "To light the lights of Hanukah"?

The Talmud was alive to the problem and they answered with a quote from this week's reading. That "When you have a problem... you should bring it to the priests and the Levites or to the judge, who will be in charge at that time and they will examine the case and tell you what to do. You should do whatever it is that they teach you to do" (Deuteronomy 17. 8-10). As the rabbis became the authorities in their time, they took over this role.

Initially there was a supreme court, the Men of the Great Assembly and then the Sanhedrin. Over time, as we were scattered, the authority of a single institution disappeared. Each community and its rabbis made their own decisions as circumstances arose. All based of course on or derived from the constitution. But adding according to custom and circumstance.

Now we no longer have a single authority. No final Court of Appeal. And that is what explains all the differences even amongst the most Orthodox. In one way, the lack of unanimity and authority is confusing and complicated. But in another, we have the advantage of variety and alternatives.

It is now up to us as to decide which authority we choose to obey or which community we join. And indeed, the Talmud approved of this, saying that each

person should "Get their own rabbi," that is, someone to consult. But they also said one should not just go from one rabbi to another until one gets the answer one is looking for!