

Rav Kook Torah

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The Corruption of a Judge

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What makes a judge dishonest? What are the cognitive stages in the corruption of a leader?

The Torah legislates support for the judges and teachers of Israel - the kohanim and Levites - through a system of tithes and gifts. This system provides them with a degree of financial independence, making them less susceptible to bribes and moneyed interests.

Biblical Scandal

Not every leader, however, maintains the standards of integrity that his public office demands. The Torah notes that the sons of the prophet Shmuel did not follow in their father's path of selfless public service. On the contrary, "they went after gain, took bribes and perverted justice" (Shmuel Alef 8:3). What brought about their judicial corruption? What were the root causes?

The Sages offered several interpretations for the failings of Shmuel's sons. At first glance, this appears to be a litany of various forms of graft and abuse of power. Rav Kook, however, noted a pattern in their statements. A careful reading indicates a progression of increasingly serious offenses. The

Sages were not disagreeing about the facts in the case; they were mapping out the moral decline of a leader, step by step, into the morass of deceit and corruption.

Here are the various opinions, as quoted in Shabbat 56a:

According to Rabbi Yonatan, Shmuel's sons were not, in fact, guilty of any true crime. Their fault was in their failure to replicate the exemplary public service of their father. Shmuel would travel all over the country, providing judicial services for the people. His sons, on the other hand, stayed in their own court, and "increased the fees of their clerks and scribes."

Rabbi Meir said: they would openly demand their salaries.

Rabbi Yehuda said: they compelled private individuals to conduct their business affairs.

Rabbi Akiva said: they would forcibly take an extra measure of tithes.

And Rabbi Yossi said: they took gifts by force.

What is the significance of all of these opinions? Let us follow the descent of the crooked politician, as he slides into the cesspool of graft and corruption.

Down-to-Earth Leadership

We can learn much about public service from Shmuel. Scripture praises him for traveling around the country and judging the people in their towns (7:16). Why was this so important?



A true leader considers himself to be literally a servant of the public. His dedication to the community is reflected in his sensitivity to their problems and dilemmas. He governs and advises them, not according to his own station in life, but as if he is standing in their shoes.

This is the significance of Shmuel's custom of judging the people in their hometowns. Shmuel was able to identify with their needs and issues. As a result, his rulings were appropriate and his guidance effective.

This type of leader is able to make a direct connection with the people. He does not need the trappings of officialdom. He does not surround himself with layers of bureaucrats and government officials.

Shmuel's sons, however, failed to emulate this level of leadership. They would judge the people without leaving their city, without adjusting their mindset. In their eyes, they adjudicated properly. In addition, they required the assistance of a system of salaried clerks and scribes. As Rabbi Yonatan noted, this was not a crime; but it certainly falls short of the ideal of leadership as epitomized by their father.

1. Just a Job

The other scholars taught that Shmuel's sons were in fact guilty of graft. They described the various steps down the path of political corruption. Like all moral failings, abuse of authority comes in stages. Its danger and severity

is magnified, of course, according to the power and influence of the position.

The first failing may appear to be minor but it is indicative of a problematic attitude that is the root cause of more serious abuse. A community leader - and especially a spiritual leader - should recognize that public service is a great privilege. This recognition should be strong enough that one is willing to forgo financial remuneration. In fact, a true leader, aware of the importance of his work, may even feel a certain degree of impropriety in accepting payment.

Rabbi Meir described the fault of Samuel's sons as "openly demanding their salaries." They failed to value the importance of their public service. By demanding payment, they showed that they looked at their work as a job like any other - not a sacred calling that is its own reward.

2. Using Others

From this stage, it is but a small step to actual abuse of power. Once a leader is no longer altruistic in his attitude towards public service, he will begin to see it as a burden. He will have no scruples about forcing others to handle his personal affairs. Since I take care of their needs, he reasons, they should take care of mine. This is the offense identified by Rabbi Yehuda: "They compelled private individuals to conduct their business affairs."



3. Grabbing For More

From here it is another small step to the next level of corruption - both in quality and quantity. It is axiomatic, Rav Kook noted, that a person who fails to live up to the moral demands of his position will end up sinking even lower than the common level of ethical behavior.

Leading and judging should be an inspiring vocation. A leader should feel that he is helping build a better world. In the words of the Talmud (Shabbat 10a), an honest judge is "God's partner in creation." But flawed character traits, together with a failure to value his public work, will undermine his sense of propriety and justice. Instead of values based on a sense of justice, he is ensnared by the glitter of superficial honors.

His lack of integrity is expressed quantitatively - he takes "an extra portion of tithes" - as well as qualitatively - he obtains it forcibly.

4. Legal in Name Alone

As long as he retains some semblance of morality, such a leader will not try to seize that which he has no legal claim to. But his dishonesty may lead to the lowest level, when justice and propriety are empty shells, high-minded words lacking any inner content. He views the judicial system as merely a tool to ensure social order. It has no connection to aspirations for an ethical society.

This is the level described by Rabbi Yossi: "They took gifts by force." If they

were taken by force, how can they be called 'gifts'? This is a form of legal manipulation that is legal in name only. He may call them 'gifts' or 'contributions,' but in fact they were taken forcibly. Calling them 'gifts' only serves to silence what little is left of his conscience, allowing him to justify his crimes to himself.

These are the stages in the fall of a judge corrupted by the lure of superficial honors and financial gain - a leader who should have been organizing society according to the foundations of justice and morality. "Righteousness and justice are the foundation of His throne" (T'hilim 97:2).

