Rabbi Mishkin DVar Torah - June 26, 2020

 Each and everyday the citizens of our nation are beset with a series of troubling issues and problems unlike any that we could have ever imagined even six months ago. A pandemic that has crippled our country and continues to flourish in various parts of our nation. An economy that has been hammered to an extraordinary extent with well over forty million people out of work. And the emergence of a protest movement regarding police brutality and race that reminds those of us who were around, of the campus protests for the Vietnam War. In short this is a time in our nations history that is testing us like no other time in recent memory. And while we receive a plethora of information, words and positions advanced by our government one of the most salient questions emerging today is - when is it appropriate to challenge a leader?

 To search for an answer to this delicate question we can arm ourselves with the arsenal of learning from our biblical and rabbinic traditions. For interestingly enough, this week’s Torah portion, Korah is perhaps the most dramatic attempt to answer this question in the Torah, a question that simmers from the beginning of Moses’s tenure. At first glance, the answer would seem to be that Moses should never be challenged. As God’s chosen leader, the Israelites should submit to his authority in all cases. After all, things end badly for those who do not follow this course, as the story of Korah shows.

 The portion opens with Korah and his followers approaching Moses to claim their own right to priestly and political authority. They argue that Moses and Aaron should not be above the rest of the nation because “all of the community, everyone is holy” (Num, 16:3). Unsurprisingly, God does take this challenge lightly, and the story ends in dramatic fashion, with the earth opening its mouth and swallowing Korah and his followers whole (vv.31–33). So in this version of the challenge, those who question God’s appointed leaders are not only to be ignored, they are to be punished with great violence and fury.

 In the rabbinic tradition, Pirkei Avot, the dispute of Korach and his congregation is held up as an example what constitutes a mahloket shelo leshem shamayim, a dispute that is not for the sake of heaven (M. Avot 5:17). The rabbi’s reason that Korah’s claim is not made in good faith, and therefore, he must be understood as the threat that he is. There is no value to Korah‘s challenge, nor in Korah himself. He is only after the advance of his own selfish agenda and that is the reason that he must be destroyed, in order that he does not destroy Moses’s authority.

 However oddly enough we discover that eleven chapters after the story of Korah, the Torah tells another story of people who come forward to challenge Moses’s authority. Here too, there is a complaint about a particular distribution of power in society. However, where the story of Korah ends in the violent death of hundreds, this narrative ends in Moses granting the correctness of the challenge, with the backing of God. Which story is this? This is the story of the daughters of Tzelofehad.

 The daughters of Tzelofehad come to Moses with a complaint, just like Korah. They assert that their father’s death has ensured that his family will not inherit a share of the land of Canaan, because their father had only daughters. In this instance, unlike the episode with Korah, Moses does not rebuke the daughters or scold them for their affront to his authority. Rather he takes their question straight to God. God affirms that the sisters should inherit their fathers’ portion, and thus, a new law is made (Num. 27:1–11).

 While these stories have dramatically different outcomes, there are clues in the Torah that they were intended to be read as a pair. First, both stories list the names of the parties involved in the challenge, singling them out as distinct from among the nation. Second, the daughters tell Moses explicitly that their father was not among the congregation of Korah, but that he instead died from a different sin (v. 3), suggesting that they do not want to be linked to Korah’s legacy. Third, in both cases, Moses turns to God to understand how to resolve the challenge, rather than trying to solve it himself. The parallels are clear.

 However, there are also important differences. The Torah uses the word vayikahalu, they assembled (16:3), to explain how Korah and his congregation approached Moses and Aaron, implying the formation of a distinct renegade faction within the people. In contrast, the daughters of Tzelofehad are vatikravnah, they come close (27:1), suggesting that their challenge is not one of civil strife, but rather, of a desire to come closer to the rest of the community. Their approach is intended to be productive, improving the cohesion of the community, not oppositional.

 Therefore, what we see here is that the difference between Korah and Tzelofehad’s daughters is less in their ways of raising their concern and more in their actual goals, whether stated or unstated. Maimonides, in his commentary on the Mishnah, explains that the problem with Korah and his congregation is that they are not seeking truth, but instead, are simply trying to open up conflict. However, those who argue for the sake of heaven are seeking truth, and are willing to meet it wherever they find it, whether that truth helps them achieve their goals or not. The daughters of Tzelofehad do have an agenda, but they are genuinely seeking a ruling from God. Their willingness to work within the system, instead of in opposition to it, is what allows their challenge to Moses to endure, and for the law to change in their favor.

 Returning to our original question, what these two stories tell us is NOT that the Torah rejects the idea that leaders can be challenged. Instead, they should be challenged when there is a genuine injustice being perpetrated, whether intentionally or not. However, those challenges are only worthwhile if they are brought for the sake of seeking truth, instead of solely to pursue a particular predetermined agenda. Perhaps we can use this same measure in examining what is happening in our country today and then, based upon that examination decide when it is appropriate for leadership to be challenged.

Shabbat Shalom.