



Taste of Chavruta — 5772 — Authority

KEY QUESTIONS:

- *What sorts of authority are there in ancient and modern Judaism? What about in modern society?*
 - *What is the source of these authorities?*
- *How do we deal with conflicts between Jewish and secular authorities?*
- *How do we reconcile subservience to earthly authorities with acknowledging that God's authority is ultimate?*

9. Law of the land

Babylonian Talmud, *Baba Kama* 113b
Samuel [of Nehardea] said: 'The law of the State is law.' Said Raba: 'You can prove this from the fact that the authorities fell palm-trees [without the consent of the owners] and construct bridges [with them] and we nevertheless make use of them by passing over them.'

Translation: Soncino

Maimonides, *Laws Concerning Kings and Wars* 3:9

Whoever disregards a royal order because he is busy with God's commandments – even the slightest commandment – is exempt [from blame]. If the master's orders conflict with the servant's, the master's takes precedence. And it goes without saying that if a king ordered a violation of God's commandments, he is not to be obeyed.

Translation: Francine Klagsbrun

... the Archbishop standing before her shall administer the Coronation Oath, first asking the Queen,

Madam, is your Majesty willing to take the Oath?

And the Queen answering,
I am willing.

The Archbishop shall minister these questions; and The Queen, having a book in her hands, shall answer each question severally as follows:

Archbishop: Will you solemnly promise and swear to govern the Peoples of the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Union of South Africa, Pakistan, and Ceylon, and of your Possessions and the other Territories to any of them belonging or pertaining, according to their respective laws and customs?

Queen: I solemnly promise so to do.

Taken from the official website of the British Monarchy
<http://www.royal.gov.uk/>

תלמוד בבלי, בבא קמא קי"ג ע"ב
אמר שמואל [ירחינאה]: 'דינא דמלכותא דינא.' אמר רבא: 'תדע, דקטלי דיקלי וגשרי גישרי ועברינן עלייהו.'

רמב"ם, מלכים ומלחמותיהם ג':ט'
המבטל גזרת המלך בשביל שנתעסק במצות, אפילו במצוה קלה הרי זה פטור, דברי הרב ודברי העבד דברי הרב קודמין ואין צריך לומר אם גזר המלך לבטל מצוה שאין שומעין לו.



9. Law of the land

Points to consider

Samuel of Nehardea's statement here is exceedingly important for Jews since the exile, often used to justify obeying secular law which often involves health and safety (pikuach nefesh). What is the justification for it given here?

Can this Talmudic principle be reconciled with Maimonides' assertions that mitzvot take precedence over secular law?

How does the Queen govern lands 'according to their respective laws and customs'?