

Ode to "The West Wing":

TV Offers a Lesson in Religion and Politics

By Andrew Silow-Carroll

A few years back at an inter-religious conference in Jerusalem, I heard a well-known Jewish political pundit, and former Reagan administration official, attempt to argue that the Bible "talks about responsibilities, but not rights"-- the demand for "rights" by various aggrieved factions being a particular bugaboo of conservatives.

Unfortunately for him, the next speaker was an Orthodox rabbi, who gently but devastatingly listed a number of "rights" bestowed on various groups and individuals by the rabbis quoted in the Mishna and Talmud, including the rights guaranteed a bride by the traditional Jewish wedding contract.

To me the exchange was a clear demonstration of the danger of relying on "the Bible" as an expression of the Jewish way, a tendency that is too often but not exclusively seen among Jewish political conservatives.

That's why it was refreshing last week to see a popular television drama offer a Jewish perspective on a political issue that captured the depth and nuance of what we call "Torah." On the NBC series *The West Wing*, set in a fictional White House, President Josiah Bartlett (Martin Sheen) is under pressure to commute the death sentence of a murderer convicted under federal narcotics law. The inmate's lawyer begins a last-minute, full-court press on the president's staff, going so far as to contact the rabbi of White House Communications Director Toby Ziegler (the marvelously kvetchy Richard Schiff).

In a Saturday morning scene set in a synagogue, Ziegler is summoned to the White House at the same moment that the rabbi starts a sermon inveighing against the death penalty, saying "vengeance is not the Jewish way." The next day the rabbi and Ziegler sit in the sanctuary and debate the death penalty, while a female cantor practices a lofty Hebrew song ("do it for the sake of Your Name").

Ziegler reminds the rabbi that the Bible supports the death penalty: "The commandment says 'thou shalt not murder,' not 'thou shall not kill.'" The rabbi in turn quotes the Bible on the stoning of wayward children, its tolerance for slavery and the ban on homosexuality. On these issues, like capital punishment, "the Bible is wrong," says the rabbi, and it is up to each generation to apply-and change-its lessons according to the moral tenor of the times.

Later, in an exchange with the president, Ziegler elaborates on the rabbi's argument. Yes, the Bible sanctions vengeance and the death penalty. "But the

rabbis couldn't stomach it," says Ziegler, and they imposed a series of restrictions on courts that made it all but impossible for the state to take a life. He didn't quote the Talmud, but the screenwriter clearly had in mind the famous passage that "A Sanhedrin [the supreme rabbinical court] that puts a man to death once in 7 years (Rabbi Eleazar ben Azariah says 'Or even once in 70 years') is called a murderous one." (Mishnah Makkot 1:10)

I couldn't help but compare this episode of *The West Wing* with a story line a few years back on the hit ABC series *The Practice*. In those episodes (based on a novel by Rabbi Joseph Telushkin, a CLAL Associate), a rabbi is arrested for giving tacit approval to a father who says he intends to (and later does) gun down the suspected murderer of his daughter.

The show went on to a lively and fascinating defense of the "Jewish view" on revenge and vigilantism. The rabbi maintains that his advice to the father was based on a number of biblical injunctions, including Numbers 35:19 ("the revenger of blood himself shall slay the murderer"). In the dramatic courtroom climax, the prosecutor (himself Orthodox) challenges the rabbi by saying, "Are you aware of the Talmud's attitude toward capital punishment?" But before he can quote the Talmud, the father explodes, saying he won't be cowed by the prosecutor's "fancy words" and that he knows that what he did was justified in God's eyes. The prosecutor never gets to finish, and the jury rules in the father's - and the rabbi's - favor.

The rabbi and the father both quoted the Bible accurately. But the prosecutor's reference to Talmud was hardly "fancy words"; rather, it was an invitation to a debate within Judaism that began almost as soon as the Five Books of Moses were canonized and that continues to this day.

When Jews refer to "Torah" they are not speaking merely of what the rest of the world calls the "Old Testament" (and we call the Written Torah). Torah is really a process—a conversation—that starts with the "Old Testament" and continues with the Mishna and the Talmud (the Oral Torah), the rabbinic commentaries of the early Middle Ages, the legal codes of the late Middle Ages, the responsa literature that continues to be written today, and the insights that arise whenever Jews come together to learn and to debate.

The "Old Testament" is the first word in Jewish tradition, but hardly the last. "It is not the Written Torah that determines the Oral Torah," wrote the Israeli philosopher Yeshayahu Leibowitz. "It is the Oral Torah that determines what is the Written Torah."

In that regard, Judaism is fundamentally anti-fundamentalist.

That's a lesson lost on the Jewish political leaders and pundits who quote "the Bible," especially those who are trying to find common ground with America's

politically powerful evangelical Christians. They quote "Jewish tradition" on everything from abortion to capital punishment, homosexuality to taxation, and conveniently leave out the mitigating rabbinic elaborations and clarifications we call Torah. It was this "naked biblicism," as the English rabbi Louis Jacobs calls it, that led to an irrevocable schism between the Karaites, a sect that rejected the authority of the Oral Law, and the Judaism of the rabbis - the Judaism we consider normative today.

You can't expect every television show to present the spectrum of rabbinical opinion as subtly as they did in "The West Wing." And I for one am glad the girl's father in "The Practice" killed the bastard, and that the jury went on to acquit him. It's just that I wish they had let the prosecutor finish quoting the Talmud. They cut him off at an unfortunate moment-basically, at the point where the religion of the Bible becomes Judaism.