

Kol Rina  
*An Independent Minyan*  
Parashat Shoftim  
August 22, 2020 \*\*\* 2 Elul, 5780

Kol Rina – An Independent Minyan, is a traditional egalitarian community. We are haimish (homey/folksy), friendly, participatory, warm and welcoming. We hold weekly services in South Orange as well as holiday services and celebrations which are completely lay led. We welcome all to our services and programs from non-Hebrew readers to Jewish communal and education professionals.

[Shoftim in a Nutshell](https://www.chabad.org/parshah/article_cdo/aid/2278/jewish/Shoftim-in-a-Nutshell.htm)

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Moses instructs the people of Israel to appoint judges and law enforcement officers in every city. "Justice, justice shall you pursue," he commands them, and you must administer it without corruption or favoritism. Crimes must be meticulously investigated and evidence thoroughly examined—a minimum of two credible witnesses is required for conviction and punishment.

In every generation, says Moses, there will be those entrusted with the task of interpreting and applying the laws of the Torah. "According to the law that they will teach you, and the judgment they will instruct you, you shall do; you shall not turn away from the thing that they say to you, to the right nor to the left."

Shoftim also includes the prohibitions against idolatry and sorcery; laws governing the appointment and behavior of a king; and guidelines for the creation of "cities of refuge" for the inadvertent murderer. Also set forth are many of the rules of war: the exemption from battle for one who has just built a home, planted a vineyard, married, or is "afraid and soft-hearted"; the requirement to offer terms of peace before attacking a city; and the prohibition against wanton destruction of something of value, exemplified by the law that forbids to cut down a fruit tree when laying siege (in this context the Torah makes the famous statement, "For man is a tree of the field").

The Parshah concludes with the law of the eglah arufah—the special procedure to be followed when a person is killed by an unknown murderer and his body is found in a field—which underscores the responsibility of the community and its leaders not only for what they do, but also for what they might have prevented from being done.

[Haftarah in a Nutshell](https://www.chabad.org/parshah/article_cdo/aid/548000/jewish/Haftarah-in-a-Nutshell.htm)

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This week's haftarah is the fourth of a series of seven "Haftarot of Consolation." These seven haftarot commence on the Shabbat following Tisha b'Av and continue until Rosh Hashanah.

The haftarahs of the past two weeks open with Israel's complaint that they have been abandoned by G-d. Israel is not content with consolations offered by the prophets — instead they demand that G-d alone comfort them. In response, this week's haftarah begins with G-d's response: "I, indeed I, will comfort you."

After briefly reprimanding Israel for forgetting their Creator for fear of human and finite oppressors, the prophet describes the suffering and tribulations which Israel has endured. However, the time has arrived for the suffering to end. The time has come for Israel's oppressors to drink the "cup of suffering" which they had hitherto forced Israel to drink: "Awaken, awaken, put on your strength, O Zion; put on the garments of your

beauty, Jerusalem the Holy City, for no longer shall the uncircumcised or the unclean continue to enter you. Shake yourselves from the dust, arise, sit down, O Jerusalem; free yourself of the bands of your neck, O captive daughter of Zion." Isaiah extols the beauty of the messenger who will announce the good tidings of Redemption. "Burst out in song, sing together, O ruins of Jerusalem, for the L-rd has consoled His people; He has redeemed Jerusalem." The haftorah ends by highlighting the difference between the Egyptian Exodus, when the Israelites hurried out of their exile and bondage, and the future Redemption: "For not with haste shall you go forth and not in a flurry of flight shall you go, for the L-rd goes before you, and your rear guard is the G-d of Israel."

## FOOD FOR THOUGHT

[A Sage is Greater than a Prophet \(Shoftim 5780\) by Rabbi Jonathan Sacks](https://rabbisacks.org/shoftim-5780/)  
<https://rabbisacks.org/shoftim-5780/>

In Shoftim, Moses speaks about the great institutions of Judaism: courts, judges, officers, Kings, Priests, Levites and Prophets. In the case of the Prophet, Moses says in the name of God:

I will raise up a Prophet for them from among their own people, like yourself: I will put My words in his mouth, and he will speak to them all that I command him. (Deut. 18:18)

The phrase "a Prophet ... like yourself" cannot be meant literally. In the quality and clarity of his communications with God, Moses was unique. He was unique in the miracles he performed. Most importantly, only he was authorised to proclaim Torah: he was Israel's sole legislator. The King and Sanhedrin both had powers to make temporary enactments for the sake of social order. Prophets were given the authority to command specific, time-bound acts. But no one could add to or subtract from the 613 commandments given by God through Moses.

This, therefore, is how Rambam explains our passage:

Why is it said in the Torah: "I will raise up a Prophet for them from among their own people, like yourself" (Deut. 18:18)? He will come not to establish a religion, but to command them to keep the words of the Torah, warning the people not to transgress them, as the last among them said: "Remember the Torah of Moses My servant" (Mal. 3:22).[1]

In other words, the Prophets who followed Moses, from Elijah to Malachi, were not revolutionaries. They did not intend to create something new but to restore something old. Their task was to recall people to the mission Moses taught them: to stay faithful to God, and to create a just and compassionate society.

Eventually, during or after the Second Temple period, most of these institutions came to an end. There were no Kings because Israel had no sovereignty. There were no Priests because it had no Temple. But there were also no Prophets. How important was this? And what happened to prophecy? The Talmud gives two radically opposite opinions. The first:

Rabbi Yochanan said: From the day that the Temple was destroyed, prophecy was taken from the Prophets and given to fools and children.[2]

We can't be sure what Rabbi Yochanan meant. He may have meant that children and fools sometimes see what others don't (as Hans Christian Anderson illustrated in the famous story of The Emperor's New Clothes). He may, though, have meant the opposite, that prophecy deteriorated during the late Second Temple period. There were many false prophets, soothsayers, doomsayers, mystics, announcers of the apocalypse, and messianic movements, all confidently predicting the end of history and the birth of a new order of things. There were religious sectarians. There were Essenes expecting the arrival of the Teacher of Righteousness. There were rebels against Rome who believed that their military hero would bring freedom, even the messianic age. It was a fevered, destructive time, and Rabbi Yochanan may have wanted to discredit, as far as possible, any dependence on supposedly divine certainty about the future. Prophecy is the chattering of children or the rambling of fools. However the Talmud also cites a quite different opinion:

Rabbi Avdimi from Haifa says: From the day that the Temple was destroyed prophecy was taken from the Prophets and given to the Sages ... Ameimar said: And a Sage is greater than a Prophet, as it is stated: "A Prophet has a heart of wisdom" (Ps. 90:12). Who is compared to whom? You must say that the lesser is compared to the greater.[3] (Since a Prophet must have a heart of wisdom, the Sage, who is wisdom personified, must be greater still).

This is seriously interesting. The early Judges in Israel were Kohanim.[4] When Moses blessed the people at the end of his life he said of the tribe of Levi, "They shall teach Your laws to Jacob and Your instructions to Israel" (Deut. 33:10). When Ezra taught Torah to the Israelites, he positioned Levites among the people to explain what was being said. All this suggests that when the Sages – teachers and masters of Jewish law – traced their intellectual-spiritual lineage, they should have done so by seeing themselves as heirs of the Kohanim and Levi'im. But they did not do so. We see this from the famous Mishnah that opens Pirkei Avot:

Moses received the Torah at Sinai and handed it onto Joshua, Joshua to the elders, and the elders to the Prophets, and the Prophets to the Men of the Great Assembly.

The Sages saw themselves as heirs to the Prophets. But in what sense? And how did they come to see themselves not just as heirs to, but as greater than the Prophets. What is more, the proof-text they cite means nothing of the kind. The verse in Psalm 90 says, "Teach us to number our days, that we may gain a heart of wisdom." The Talmud is playing on the fact that two quite different words sound alike: נבא (we may gain) and נביא (a Prophet). In other words, only by suspending our critical faculties is the proof-text a proof.

Something very strange is happening here. The Sages, who valued humility, who knew that prophecy had come to an end in the days of Haggai, Zechariah and Malachi five

centuries before the destruction of the Second Temple, who believed that the most one could hear from heaven was a bat kol, a distant echo, are here saying that not only are they Prophets, but they are superior to Prophets.

All this to teach us that the Sages took the ideals of the Prophets and turned them into practical programmes. Here is one example. Remonstrating with the people, administering rebuke, was fundamental to the prophetic task. This is how Ezekiel understood the task:

God said: "Son of man, I am sending you to the Israelites, to a rebellious nation that has rebelled against Me ... Say to them, 'This is what the Sovereign Lord says.' And whether they listen or fail to listen—for they are a rebellious people—they will know that a Prophet has been among them. (Ez. 2:3-5)

Ezekiel must take a public stand. Once he has done that, he has fulfilled his duty. The people will have been warned, and if they fail to listen, it will be their fault.

The Sages had a completely different approach. First, they understood the task of remonstrating as belonging to everyone, not just Prophets. That is how they understood the verse, "You shall surely rebuke your neighbour so you will not share in his guilt" (Lev. 19:17). Second, they held that it should be done not once but up to a hundred times if necessary.[5] In fact you should keep reprimanding a wrongdoer until they hit you or curse you or scold you.[6] All of this, though, applies only if there is a reasonable chance of making the situation better. If not, then we apply the rule: "Just as it is a mitzvah to say something that will be heeded, so it is a mitzvah not to say something that will not be heeded." [7]

Note the difference between the two approaches. The Prophet takes a heroic stand but does not take responsibility for whether the people listen or not. The Rabbis do not take a heroic stand. In fact, they democratise the responsibility for rebuke so that it applies to everyone. But they are ultra-sensitive to whether it is effective or not. If there is a chance of changing someone for the better, then you must try a hundred times, but if there is no chance at all, better be silent. This is not only a wise approach; it is a highly effective one.

Now consider peace. No finer visions of a world at peace have ever been given than by Israel's Prophets. This is just one:

The wolf will live with the lamb, the leopard will lie down with the goat, the calf and the lion and the yearling together; and a little child will lead them ...

They will neither harm nor destroy on all My holy mountain, for the earth will be filled with the knowledge of the Lord as the waters cover the sea. (Isaiah 11:6-9)

Now consider rabbinic teachings:

"For the sake of peace, the poor of the heathens should not be prevented from gathering gleanings, forgotten sheaves, and corners of the field ... Our

masters taught: for the sake of peace, the poor of the heathens should be supported as we support the poor of Israel, the sick of the heathens should be visited as we visit the sick of Israel, and the dead of the heathens should be buried as we bury the dead of Israel.” [8]

Once again, the difference is glaring. What for the Prophets was a dazzling vision of a distant future was, for the Sages, a practical programme of good community relations, a way of sustaining peaceful coexistence between the Jewish community and its Gentile neighbours. It was imaginative, gracious and workable.

There are many other examples. The Sages achieved something extraordinary. Throughout the biblical era, the Israelites were constantly tempted by idolatry and foreign ways. The Prophets were often driven close to despair. During the rabbinic era, Jews became a people defined by religion, commandments, learning and prayer, sustained voluntarily and maintained tenaciously against all pressures to convert to the majority faith. That is because the Rabbis did not focus on distant visions. They devised practical programmes. These may have lacked drama, but they worked.

The Sages, perhaps to their surprise, realised this: where the Prophets failed, they succeeded. I believe that institutions like prophecy survive when they are translated from utopian ideals into practical policies. The greatness of the Sages, still not fully appreciated by the world, is that guided by the visions of the Prophets, they gave us the instructions for how to get from here to there.

Shabbat Shalom [1] Mishneh Torah, Foundations of the Torah, Chapter 9 [2] Baba Batra 12b. [3] Baba Batra 12a. [4] See Deut. 17:9. [5] Baba Metzia 31a. [6] Arachin 16b. [7] Yevamot 65b. [8] Mishnah Shevi'it, 4:3, 5:9, Gittin 5:9, Tosefta, Gittin 3:13-14, Avodah Zarah 1:3; Babylonian Talmud, Gittin 59a-61a.

### Coming Home: Thoughts For Elul from Rabbi Jonathan Sacks <https://rabbisacks.org/>

Chodesh tov! What is Elul? One way of putting it, I suppose, would be to say: think of it as God sending us an Instagram post saying, how are you? Are you okay? I haven't heard from you in a while. I miss you.

That's what makes the Jewish idea of Teshuvah so beautiful, so unlike anything that we conventionally associate with religious ideas of sin, guilt and penitence. We don't believe in original sin. To the contrary, we believe that our natural instinct is to live in harmony with other people, with the universe, and with God. But sometimes we lose our way. We drift. We do things we know we shouldn't. And the sound of the shofar, that we begin to blow during Elul, is a call, saying, come back. Teshuvah literally means coming back, coming home.

One of the most beautiful ideas that the mystics formulated about this month is that they related the Hebrew word Elul to the initial letters of the phrase from the Song of Songs: "ani ledodi vedodi li." "I am for my beloved and my beloved is for me." That makes Teshuvah an act of love, a coming together, a second honeymoon if you like

between us and the Divine Presence, the Shekhinah.

I don't know about you, but I do know that I have things to put right in my life. I suspect we all do. It's just that without Elul, would we ever really get around to doing it? The genius of Judaism is that it gives us this month in the year to think about where we are going, where we've gone off course, where we've failed in our duties, where we've upset other people, – and then begin to put them right, in the knowledge that the intense holiness of the Yamim Noraim, Rosh Hashanah and Yom Kippur, will lift us to the heights and inspire us to be a bit better in the coming year, closer to God, and thereby closer to the person the world needs us to be.

So, think of it as a time of focus, of change, of personal growth, of spiritual rededication, of coming home. Chodesh tov.

### The Political Philosophy of Deuteronomy by Rabbi Len Levin

Rabbi Simeon ben Gamaliel used to say: On three things does the world stand: On justice, on truth and on peace, as it is said: "execute the judgment of truth and peace in your gates" (Avot 1:18).

These three principles—truth, justice, and peace—are like three legs of a stool. A three-legged stool is stable, but if any one of the three legs is removed, the stool cannot stand.

There are five laws in the portion *Shofetim* in which these principles of Rabbi Simeon ben Gamaliel are implied:

1. "Justice, justice you shall pursue"—a justice based on truth, without favoritism or bribery (Deuteronomy 16:18–20).
2. In matters of legal controversy, there shall be a supreme court to decide the law (Ibid. 17:8–13).
3. You may have a king, but he must have his own copy of the Torah so that he will not be above the law (Ibid. 17:14–20).
4. If witnesses bear false testimony, they shall be punished proportionately to the damage they sought to inflict on others—judicial truth merits enforcement (Ibid. 19:16–20).
5. In cases of manslaughter, the elders in the city of refuge shall hear the case between the perpetrator and the victim's family, and the parties shall accept the judgment of the court—respect for justice leads to social peace (Ibid. 19:1–7).

Why are these three principles interdependent? First, there must be truth. The truth-tellers must be seeking only the truth; they must not act for material gain or social advantage. Second, if the truth-tellers bear true witness, then people can have faith that the verdict of the court decided by their word will be truly just. Even the king, who has the most power, may not pervert the use of his power to his advantage, but must rule in accordance with the law, which is objective and independent of persons. Moreover, for people to trust the fairness of the law, doubtful cases must be submitted to the highest tribunal, where those with the most wisdom and access to

divine inspiration will decide them. Finally, when the credibility of the law and the institutions of justice are firmly established, this will foster social peace, because those people with disputes, even involving loss of life, will have enough faith in these arrangements to bring their cases to court to settle, instead of perpetuating murderous feuds and taking justice into their own hands.

Many stories in the Bible illustrate these principles. I will cite two of the most famous.

The most beloved king in our history, King David, once abused his political power to indulge his passion, sending the innocent Uriah to his death. The prophet Nathan chastised him in his famous admonition "You are the man" (2 Samuel 12:7). In the end, David's favoritism led to the collapse of social peace through the rebellion of his son Absalom.

Another king, Ahab, suborned perjury and perpetrated judicial injustice leading to a man's death because he coveted his subject Naboth's vineyard. He, too, was admonished—this time, by the prophet Elijah—in the words: "Have you murdered and also taken possession?" (1 Kings 21:19) He was later killed in battle (ibid., 22:35).

The interdependence of these three principles has shown itself with terrifying force in modern history. We may trace the first overt manifestation of this to the Dreyfus affair. It started with one lie. This lie was used to commit injustice against one man. But to cover up the first lie, more lies were needed. A whole eco-system of slanders and fabrications came to fruition in Edmond Drumont's *La Libre Parole*, which spread anti-Semitic conspiracy theories among millions. France was divided down the middle, with two different narratives competing for the title of truth, each disqualifying the other. The very existence of the Third Republic was in jeopardy.

([https://en.wikipedia.org/wiki/Dreyfus\\_affair](https://en.wikipedia.org/wiki/Dreyfus_affair))

Germany caught France's fever, especially after its defeat in World War I generated the "stab in the back" myth and millions of Germans branded the Weimar democracy as the fault of the "November criminals." The Nazis picked up this false narrative and ran with it, blaming all the ills of Germany on the Jews. A month after Hitler's election, one more lie, about the perpetrators of the Reichstag fire, was enough to topple the remnant of democracy and the party of falsehood seized absolute power. In 1938, more lies precipitated Kristallnacht, and in 1939, a year later, still more lies plunged the whole world into war.

The true verdict was voiced in the words of the Spencer Tracy character in *Judgment at Nuremberg* when he said to the fictionalized Nazi judge Ernst Janning, who protested he didn't know it would come to that: "It came to that the first time you sentenced a man to death you knew to be innocent."

Truth, justice, and peace stand or fall together.

(Rabbi Len Levin is professor of Jewish philosophy at AJR and editor of *Studies in Judaism and Pluralism*.)

## Appoint Judges and Officials – Shofetim by Marcus Mordecai Schwartz

<http://www.jtsa.edu/appoint-judges-and-officials>

*You shall appoint judges and officials throughout your tribes, in all your towns that the Lord your God is giving you . . . (Deut. 16:18)*

*Shemaiah used to say: love work, hate acting superior (rabbanut; literally “mastery,” or perhaps “the Rabbinate”), and do not attempt to draw near to the ruling authority. (M. Avot 1:10)*

The year was 1752, the place Copenhagen, and Rabbi Yehonatan Eybeshutz, Chief Rabbi of Hamburg, Altona, and Wandsbeck, was on trial before the royal court of Denmark. King Frederick V himself was acting as the presiding judge. Altona was legally a province of Denmark, and the Altona City Council had turned to the king to resolve a controversy among the Jews that was breaking into violence in the streets. They had already tried placing Eybeshutz’s opponent in the matter, Rabbi Yaakov Emden, under house arrest. Emden’s escape to Amsterdam under cover of darkness made matters worse. The intensified presence of the city watch among the Jews only increased tensions. In desperation the burghers of Altona had turned to the king of Denmark.

The controversy was the result of a complex set of circumstances and motivations, but in brief, shortly after Eybeshutz took up his office as chief rabbi of the three cities in 1750, Emden had accused him of being the worst sort of heretic. Emden claimed that kabbalistic amulets Eybeshutz had issued to pregnant women in Frankfurt contained coded references to the false messiah Shabbatai Zvi, who had converted to Islam over 80 years earlier. These amulets revealed Eybeshutz’s true colors and made him unfit for office, Emden claimed.

The communities of the three cities, and soon all the Jews of Europe, were split into two factions, each supporting one of these two famous rabbis, who were among the most learned of the day. Eybeshutz’s supporters claimed that the charges were totally without merit and that Emden’s charges were sour grapes that he had not been chosen as chief rabbi of the three cities himself. Emden’s supporters responded that the codes in the amulets were easy to decipher and plainly referred to “Shabbatai Zvi King Messiah,” and that Emden had never wanted the job in the first place. He made a fine living as a printer of Hebrew books and did not need to be a community rabbi. Indeed, Emden was fond of saying that when he made the morning blessing praising God for not making him a slave, his intent was to express gratitude for not being the rabbi of a community.

Emden’s idea, that the leader of a community is no more than a slave to its members, seems odd in light of the Torah’s requirement in our parashah that every tribe is obligated to appoint leaders, judges, and officials to govern the community. The Torah clearly believes that community leaders are a good thing. How could Emden be so dismissive of authority?

However, when we look at the mishnah from Avot quoted above, it is clear that our



Sages viewed authority as a double-edged sword, at best. In Rabbi Emden's commentary on the Mishnah, *Lehem Shamayyim*, he brings this idea to the fore. Commenting on M. Avot 1:10, he writes that the Mishnah is warning against the attractions of authority, for that is how the snare is laid, and one's losses will be greater than whatever one gains. Finally, he says, ". . . for the king is called the slave of the people."

Indeed, our parashah's description of the ideal king (Deut. 17:14–20) is one who rejects material wealth: few horses, few wives, and little money. The king's power is limited to governance. A ruler who enriches himself is clearly corrupt. I believe that corruption of leadership is what Emden thought he was fighting against in his opposition to Eybeshutz. Not corruption from avarice, but perhaps something worse: he saw Eybeshutz as harboring a secret agenda, smoothing the way for a foreign influence into the hearts of otherwise good-hearted Jews.

That spring of 1752, Frederick V of Denmark demanded that Eybeshutz come before him and give his account of the amulets. The king was also concerned that Eybeshutz had been elected as chief rabbi fraudulently. Eybeshutz's advocate, a former student of his who had converted to Christianity, convinced the king of his innocence. The king cleared Eybeshutz of suspicion and placed a ban on any further accusations against the chief rabbi or his amulets. Secondly, the king ordered a new election of the chief rabbi. In December 1752 the community held a new election and Eybeshutz won reappointment easily.

But the ultimate conclusion of the episode was not so simple. The involvement of the king had created a non-Jewish political football: Though Altona was under Frederick's rule, Hamburg was a "free" city, independent of Danish control. Soon after his reelection as chief rabbi, the Hamburg City Council asserted its authority, rejecting both the king's verdict and Eybeshutz's reappointment. A new long, complicated legal battle began to formally define the office of the chief-rabbinate of the three cities and its powers.

Governance and the dangers of politics go hand-in-hand. But we must rule ourselves nonetheless: this is the commandment of the Torah. Most Jews live in democracies today and it is our obligation—indeed, I believe it is a mitzvah—to vote. It is my blessing that we are all able to fulfill this mitzvah in its proper time.

*This commentary is indebted to the book *Mavericks, Mystics & False Messiahs* by Rabbi Pini Dunner, which caused me to reassess Emden's motivations in this affair.*

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### Judges and the Pursuit of Justice - Shoftim by Dr. Jane Kanerek

[https://docs.google.com/document/d/1cGmEUuXDATBBmFqjV2EsPXDWIlo05A\\_BIMYm](https://docs.google.com/document/d/1cGmEUuXDATBBmFqjV2EsPXDWIlo05A_BIMYm)

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It has become commonplace to read the phrase צדק צדק תרדוך—justice, justice, you

shall pursue (Deuteronomy 16:20)—as counseling us about the imperative of social activism. We are not supposed to stand idly in the face of injustice but rather to chase after a more just world. Yet, when the Talmud reads this phrase, it does so within what we might think is the more mundane and staid world of judges, courts, cases, and the study hall. The Bavli (B. Sanhedrin 32b) provides four different interpretations of צדק, תדור. The first interpretation is given by the sage Reish Lakish. According to Reish Lakish, the doubling of the word “justice” indicates that the verse refers to the extra care a judge must take when judging a case where one of the litigants is known to engage in fraud. The second interpretation is found in a baraita quoted by the sage Rav Ashi: the first mention of the word “justice” refers to judgment while the second mention of the word “justice” refers to compromise. That is, in a case where it is not possible for a judge to reach a clear decision in favor of one party, the judge should impose a compromise on the two parties. The third reading, from an anonymous baraita, contends that “justice, justice, you shall pursue” teaches us to search out the best available court. The doubled words instruct us to not be content with an average court. The fourth reading, again from an anonymous baraita, shifts the focus from the courts to the sages. “Justice, justice, you shall pursue” instructs us to follow the sages to their respective academies. It is possible to understand this last reading as teaching us that the sages embody justice and therefore, if one is to learn justice, one must follow a sage and learn Torah from that sage. Alternatively, it is Torah itself that embodies justice and therefore one must follow a sage to learn that Torah.

For the Bavli, Deuteronomy 16:20 is not a call to abstract justice, but a summons to care and knowledge within the judiciary. In order to render a just judgment, a judge cannot simply assume the good intentions of all parties involved; he must be careful to take precautions against fraud. A judge must also know enough to understand when she cannot reach a clear judgment in a case and must instead resolve the dispute through compromise. In addition, the Bavli cautions that not all courts are created equal; some are better than others. Finally, the Talmud teaches, just action is something that must be learned; it is not instinctive. For this reason, the Talmud tasks us with following a sage and learning Torah.

These four interpretations of “justice, justice, you shall pursue” need not undermine a call to activism. Rather, they should be viewed as presenting us with a reminder that we can carry out the call to justice in a number of different ways and through a number of different institutions. The courts can be a force for justice, but only when the judge recognizes that laws are not always just—a fraud can abuse the law—and that sometimes a right and wrong does not exist. A judge must know when to step back from judging. In reminding us that not all courts are equal, the Bavli challenges us to confront the inequalities in our judiciary framework and to ask how we may ameliorate and mend those inequalities. Ultimately, this suva returns us to Torah, pushing us to chase after and study its teachings as a source of justice. (Dr. Jane Kanerek is Associate Professor of Rabbinics and Associate Dean of Academic

D'var Haftarah: Israel's Relentless Mission to the World by Rabbi Mordechai Silverstein, From the Archives

[https://docs.google.com/document/d/1cGmEUuXDATBBmFqjV2EsPXDWllo05A\\_BIMYmX6-zp\\_s/edit#](https://docs.google.com/document/d/1cGmEUuXDATBBmFqjV2EsPXDWllo05A_BIMYmX6-zp_s/edit#)

One of the purposes of the prophet's words of consolation to the people of Israel was to quell their constant anxiety over the onslaught of their enemies. The prophet reminds them of God's constant presence and the ephemeral nature of the threats. More important though he reminds the people that they have a mission and that they should not let their anxiety get in the way of their responsibilities. They should remember that God's constant presence in their lives is for a purpose: "For I the Lord your God who stirs up the seas into roaring waves, whose name is Lord of Hosts, have put My words in your mouth and sheltered you with My hand; I who planted the skies and made firm the earth have said to Zion: 'You are My people'" (Verses 15-16)

These words, which are here addressed to the entire people, are influenced by the words of the message of the earlier prophet, Jeremiah. In his prophecy similar words are directly to him in particular: "The Lord put out His hand and touched my mouth, and the Lord said to me: 'Herewith I put My words in your mouth. See I appoint you this day over nations and kingdoms to uproot and to pull down, to destroy and to overthrow, to build and to plant.'" (Jeremiah 1:9-10)

Where Jeremiah was given the role of prophet to the nations in this earlier prophecy, the words of the prophet in the later part of the book of Isaiah are intended for the entire people. The whole of Israel are intended to be prophets to the nations of the world. This message is associated with the creation of the world and intended to be universal in nature. (See Shalom Paul, Isaiah 40-66, Mikra L'Yisrael, p. 338)

The following midrash may have had this idea in mind when it interpreted the verse from Isaiah with an agenda in mind: "Rabbi Joshua of Sikhnin in the name of Rabbi Levi: 'I have put My words in your mouth' – this refers to Torah. 'And have covered you with the shadow of My hand' – this refers to acts of loving kindness. This comes to teach that all who busy themselves with Torah and acts of loving kindness merit taking refuge in the shadow of the Holy One Blessed Be He." (Pesikta d'Rav Kahana 19:6 Mandelbaum ed. p. 309)

The mandate of the Jewish people in the world is to study Torah and to bring God's message to the world through His words and our deeds. This mission should be relentless and fearless. It has been planted in us and should be brought to fruition.

Doing God's Work by Shira Eliassian

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*Ensuring justice is the means to cast out idol worship and ensure God's presence resides among the people.*

Parashat Shoftim is largely concerned with the laws of establishing leadership and ordering society when the Israelites enter the promised land. The very first verses mandate the appointment of judges and magistrates at the local level in order to lead the people in ways of justice. Later, we learn of the high court that will be established in Jerusalem, where judges will bring any unresolved disputes.

Shoftim also lays out the laws of testimony, including the requirement for two witnesses in capital cases and the punishment for witnesses who conspire against a defendant. In addition to the judicial system, Shoftim includes the laws for establishing an Israelite monarchy and the charge to observe the word of God's prophets. Interspersed throughout these largely civic laws are commands not to engage in avodah zarah, literally "foreign worship" but commonly understood to mean idolatry. Immediately following the charge to pursue justice, Moses warns the people not to plant an Ashera tree, an ancient form of idol worship, before God's altar. The laws of testimony are nestled into a section on executing people who worship foreign gods. And the command to adhere to the words of God's prophets follows a warning not to engage in witchcraft and fire worship.

The juxtaposition of these topics seems odd. What does the judicial system have to do with wiping out idol worship?

At the most basic level, these laws are all fundamentally concerned with the ordering of society. To that extent, conspiring witnesses are just as problematic as idol worshipers. They both create social disorder and exert negative influence. Yet there is an obvious difference between the two. Idol worshipers present a theological threat, not merely a social one. The sages, however, teach us just the opposite.

Tractate Sanhedrin, the volume of Talmud that deals with the laws of the judicial system, contains within it many meditations on the gravity of what it means to be a judge. Rabbi Shmuel bar Nahmani taught in the name of Rabbi Yonatan:

**Any judge who judges a judgment according to absolute truth causes the Divine Presence to rest among Israel, as it is stated: "God stands in the congregation of God; in the midst of the judges He judges" (Psalms 82:1). And every judge who does not judge a judgment according to absolute truth causes the Divine Presence to withdraw from Israel, as it is stated: "For the oppression of the poor, for the sighing of the needy, now will I arise, says the Lord" (Psalms 12:6).**

The rabbis imagine a direct correlation between the execution of justice and God's presence among the people of Israel. In pursuing justice, judges are performing God's work. The rabbis take this responsibility so seriously that they liken a judge in a courtroom to a defendant with a noose around their neck or a man with a sword between his thighs. The slightest misstep will result in death.

If carrying out justice is an instrument by which God is manifest in this world, then it makes perfect sense that the failure to do so should have the opposite effect. In this same section of Sanhedrin, the rabbis go on to explain the odd juxtaposition between the appointment of judges and the planting of the Ashera tree:

Reish Lakish says: With regard to anyone who appoints over the community a judge who is not fit, it is as though he plants an Ashera tree among the Jewish people, as it is stated: "You shall make judges and officers for yourself" (Deuteronomy 16:18), and juxtaposed to it, it is written: "You shall not plant yourself an Ashera of any kind of tree" (Deuteronomy 16:21). Rav Ashi says: And in a place where there are Torah scholars, it is as though he planted the tree next to the altar, as it is stated: "You shall not plant yourself an Ashera...beside the altar of the Lord your God."

The planting of an Ashera tree and the appointment of an unqualified judge are similar in that they both hold the potential to lead the people astray. An Ashera tree will lead to idol worship, while the unfit judge will fall short in rendering legal decisions that uphold justice. We might be inclined to think of these sins as categorically different from one another. However, Reish Lakish comes to teach us otherwise. The perversion of justice is tantamount to idol worship because both undermine the expression of God's truth and supremacy in this world.

Rav Ashi goes even further to say that these sins are especially destructive when they take place in spaces that were otherwise committed to the observance of Torah and mitzvot. Planting an Ashera tree is one thing. But to plant one across from an altar dedicated to God is an outright attack on monotheism and corrupts the efforts of those worshipping God with a pure heart. So too, legitimizing the authority of an unqualified judge makes it possible for him to negatively influence his peers, and thereby magnify the scale of havoc such a court can wreak on society.

Parashat Shoftim is not only concerned with who in our communities wield power, but ensuring that those entrusted to do so perform their jobs carefully and responsibly. It teaches us that when an individual performs her civic duties, she is doing nothing short of God's work. What's more, it warns of us exactly what is at stake should we fail to preserve social justice. (Shira Eliassian is pursuing a doctorate at Yale University in the religious literary-history of the ancient Mediterranean. She focuses on the emergence of rabbinic Judaism and early Christianity. )

### Yahrtzeits

Cynthia Schwartz remembers her mother Elaine Schwartz on Tuesday August 25th (Elul 5).

Ilisia Kissner remembers her uncle Hyman Rosenblum (Hayyim ben Yehezkiel haLevi) on Wednesday August 26th (Elul 6).

Rabbi Lisa Vernon remembers her grandfather Arthur J. Vernon on Thursday August 27th.

