

Selected Shorts: The Shoftim Edition Number 43  
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Who were the individuals who played key roles in the political and judicial systems of ancient Israel? What were their roles, jurisdictions? Some argue that Deuteronomy presents a proto-constitution in which different individuals play different roles in the governing of the nation. Reading through this parasha, we can list several, starting with...

**Judges**

דברים ט"ז:י"ח

שופטים ושטרנים... ושפטו את העם משפט צדק:

**Deuteronomy 16:18** *You shall appoint judges and officials ... and they shall judge the people with due justice.* Rashi: שופטים are the judges who pronounce sentences, and שטרנים (see below) are those who enforce the orders upon the people.

**Witnesses**

דברים י"ז:ו

על-פי | שנים עדים או שלשה עדים יומת המת לא יומת על-פי עד אחד:

**Deuteronomy 17:6** *On the word of two witnesses or three witnesses, shall a person be put to death; a person shall not be put to death on the word of one witness.* Integral to the judicial system, the Torah establishes the principle of “two witnesses” as the minimum to establish a legal fact, in this case, a capital offense. Two witnesses are also required in civil cases. In an extenuatingly rare circumstance, a woman whose husband has gone missing thereby rendering her unfree to marry anyone else, can be permitted to marry on the basis of a single witnesses testifying to the first husband’s death.

**Ha-Kohanim Ha-Levi'im – Levitical Priests**

דברים י"ז:ט' ובאת אל-הפננים הלויים ואל-השפט אשר יהיה בימים ההם ודרשת והגידו לך את דבר המשפט:

**Deuteronomy 17:9** *and appear before the levitical priests...* There is some dispute over this terminology, unique to Devarim. Were the Kohanim descendants of Aaron or were there in fact, some Kohanim who were from other branches of the Levite tribe? Traditionally we understand Kohanim as having descended from Aaron. The Kohanim evidently had a role alongside judges, in addition to their cultic role.

**The King**

דברים י"ז:י"ד

כי-תבא אל-הארץ אשר ה' אלקיך נתן לך וירשתה וישבתה בה ואמרת אשימה עלי מלך ככל-הגוים אשר סביבתי:

**Deuteronomy 17:14** *If, after you have entered the land that the LORD your God has assigned to you, and taken possession of it and settled in it, you decide, “I will set a king over me, as do all the nations about me,”* Theoretically, the king

would have been the supreme authority in Israel but unlike other nations, the Israelite king’s power was limited. The king must actually “write a sefer Torah” reading it daily in order to learn to fear God. The king also had limitations imposed on him in terms of excessive wives and horses.

**The Ban Against Sorcerers and Charlatans**

דברים י"ח:י-י"ב לא-ימצא בך מעביר בנ-ובתו באש קסם קסמים מעוגן ומנחש ומכשף: וחבר חקר ושאל או בידעני ודרש אל-המתים: כיתועבת ה' כל-עשה אלה ובגלל התועבת האלה ה' אלקיך מוריש אותם מפניך:

**Deuteronomy 18:10-12** *Let no one be found among you who consigns his son or daughter to the fire, or who is an augur, a soothsayer, a diviner, a sorcerer, one who casts spells, or one who consults ghosts or familiar spirits, or one who inquires of the dead. For anyone who does such things is abhorrent to the LORD, and it is because of these abhorrent things that the LORD your God is dispossessing them before you.* Your polity is defined by who can and who **cannot** be a leader: augurs, soothsayers, sorcerers, ie. anyone whose life is connected to magic or the occult. Throughout Jewish history, magic played an influential role. Some rabbis utilized talismans potions, incantations, and in one case according to legend, the secret name of God to vivify a clump of clay. Exorcism was a known practice (popularized in the Yiddish play, *The Dybbuk*). The Torah is unsparing in its criticism of magic because of its association with paganism. Fortune tellers and augurs obstruct human freedom. When someone with magical power tells your future or casts a spell on you, you feel limited in your ability to change your fate; this opposes the biblical view of human freedom. Human beings are endowed with moral freedom, magic dissolves that freedom. Rather than choosing the course of their lives, magic engenders passivity.

**The Prophet:**

דברים י"ח:ט"ו

נביא מקרבך מאתוך כמני נקים לך ה' אלקיך אגיו תשמעון: **Deuteronomy 18:15** *The LORD your God will raise up for you a prophet from among your own*

people, like me; him you shall heed. Rashi: like me doesn't mean someone who is like me, say in personality, temperament, ability, but like you like me, someone who is from your midst, a brother. Ibn Ezra: like me, means someone who is a prophet like me, not a sorcerer. Ramban: like me, someone who is believable and trustworthy like me. Prophets are unique individuals: the moral voice, God's representative to the people, the people's representative to God, a comforter (like Isaiah), the embodiment of the national narrative. Heschel: the prophet "feels fiercely"; the prophet is imbued with the "divine pathos."

**The Elders** דברים י"ט:י"ב  
 וְשָׁלְחוּ זִקְנֵי עִירָו וְלָקְחוּ אֹתוֹ מִשָּׁם וְנָתְנוּ אֹתוֹ בְּיַד גֹּאֵל הַדָּם וּמָת:  
**Deuteronomy 19:12** the elders of his town shall have him brought back from there and shall hand him over to the blood-avenger to be put to death; Elders are not quite judges, but they are not quite ordinary citizens either. These are probably eminent influential members of the community, who, in situations of crisis, like the one in this verse, are entrusted with keeping the peace.

**M'shuah Milhama-Priest Anointed for War**  
 דברים כ':ב' וְהָיָה כִּכְרַבְכֶם אֶל־הַמִּלְחָמָה וּנְגַשׁ הַכֹּהֵן וּדְבַר אֶל־הָעָם:  
**Deuteronomy 20:2** Before you join battle, the priest shall come forward and address the troops. The Mishnah defines this individual as a specific priest whose job it was to rally the troops. In the following verse, he is to say: Hear Israel, you draw near today to battle against your enemies; let not your heart faint; fear not, nor be alarmed, and do not be terrified of them" The Mishna (Sotah 8:1) augments this: The priest expounds: "Against your enemies" and not against your brothers...if you fall into their hands your brothers will have mercy on you... Rather, you are marching to war against your enemies, and if you fall into their hands, they will not have mercy on you. The Mishnah casts the M'shuah Milhama as someone whose role it is a) allay the fears of the soldiers, and b) to preserve the unity of the nation.

דברים כ':ה' וְדַבְּרוּ הַשְּׂטָרִים אֶל־הָעָם לֵאמֹר מִי־הָאִישׁ אֲשֶׁר בָּנָה בַּיַּת־חֲדָשׁ וְלֹא חֲנָכּוֹ יֵלֶךְ וַיֵּשֶׁב בְּבֵיתוֹ פְּו־יָמוּת בַּמִּלְחָמָה וְאִישׁ אֲחֵר יִחַנְּכֶנּוּ:

**Deuteronomy 20:5** Then the officials shall address the troops, as follows: "Is there anyone who has built a new house but has not dedicated it? Let him go back to his home, lest he die in battle and another dedicate it. The parasha

introduced us to the שוטרים in the first verse. Here we get a better picture of their role as part of the administrative state.

דברים כ"א:ב' וַיֵּצְאוּ זִקְנֵיהֶ וְשַׁפְטֵיהֶ וּמְדַדוֹ אֶל־הַעֲרִים אֲשֶׁר סְבִיבֹת הַחֲלָל:

**Deuteronomy 21:2** your elders and judges shall go out and measure the distances from the corpse to the nearby towns. In this case - the discovery of a murder victim in an open field - the elders and the judges team up to adjudicate and rectify the situation. The judges help in ascertaining which town is closest; the elders of that town go with them to mitigate the catastrophic implications to the town, namely the scourge of blood-guilt. Those elders then take the leading role in the atonement through the ritual of the heifer, and their declaration, (21:7-8) Our hands did not shed this blood, nor did our eyes see it done, O Lord, atone your people...do not let the blood of the innocent remain among your people, and they will be atoned for bloodguilt.

Judges, officials, witnesses, Kohanim, Kings, Prophets, Elders, the M'shuah Milhama, are conveniently and coincidentally collated in this one collection. Absent from this list are wisdom teachers, scribes and poets who also played a significant role in the life of the nation. The words of the wisdom teachers are in Proverbs and Ecclesiastes (and Psalms); Ezra is a scribe. Poets are present in the Psalms (and elsewhere). Rabbis do not appear until well after the Bible. Other important post-biblical leaders were the Nasi, the Resh Galuta-Exilarch, the Naggid. The archetypes listed in this parasha provided the spiritual and intellectual genealogy for the various leadership models that existed throughout Jewish history until today, both in Israel and in the Diaspora. SHABBAT SHALOM! שבת שלום!

**Iconic verses in the Haftarah:**

Rouse, rouse yourself! Arise, O Jerusalem,	התעוררי התעוררי קומי ירושלים
Awake, awake, O Zion! Clothe yourself in splendor; Put on your robes of majesty,	עוררי עוררי לבשי ענה ציון לבשי בגדי תפארתך
Arise, shake off the dust, Sit [on your throne], Jerusalem!	התנערי מעפר קומי שבי ירושלים
How welcome on the mountain Are the footsteps of the herald Announcing happiness, Heraldng good fortune, Announcing victory, Telling Zion, "Your God is King!"	מה־נאו על־ההרים רגלי מבשר משמיע שלום מבשר טוב משמיע וְשִׁוּעָה אמר לציון מלה אלקה: "Your God is King!"