

**SIDRA OF THE WEEK : שופטים**

1. This Sidra continues the theme of the Jewish People settled on their land and the laws in this week's Sidra are in the main those that govern and regulate the life of the Jewish Nation. The basis that ensures the secure and happy functioning of any society is the institution of justice. When people know that their personal safety and their liberty and rights are upheld and safe and they clearly know not only their rights but also their responsibilities to others; when people feel that their possessions are safe; when they know that those that offend against people and their possessions are punished fairly and at the same time given a chance for rehabilitation — and when the leaders of the people ensure these things — then the people can be confident and happy and free of anxiety and worry. But if this basis is lacking, if people feel insecure, if they can have no confidence in the institutions of law and order — in this lack lies the malaise of society: the individual person feels threatened and this leads ultimately to the breakdown of social order.
2. The first laws in this Sidra are an exhortation by Mosheh our Teacher that we are to appoint judges and law enforcement officers who shall be just and fair and true upholders of the law. Mosheh warns us against bribery and corruption and favouritism either in the implementation of justice or indeed in the appointment of our judges and officers, for bribery blinds the eyes of even the wise and corrupts even the righteous. We are exhorted to pursue justice and what is right (and to use only just and right means to that end itself) and in that way will we merit a life blessed of HaShem.
3. The implementation of justice is not only a prerequisite for a happy society but it is indeed a holy duty. The law that stipulates that the Sanhedrin, the highest court in the land, is actually sited within the precincts of the Sanctuary underlines this and in this connexion Mosheh repeats some of the laws of the *Mizbayach* of the Sanctuary. Thus the Torah teaches that the Courts of Justice and the Beis HaMikdash are both holy to G-d.
4. The Sidra then describes how the courts of justice are to function and uses as illustration some examples of the variety of issues to be brought before them. One of the cornerstones of the system of justice of the Torah is the establishment of the facts of a case by the testimony of proper witnesses. Circumstantial evidence on its own can never be the basis of a conviction of wrongdoing. Anonymous denunciation or information obtained through any kind of inquisition — and all the more so, by means of any kind of torture — are never admissible in a Jewish court, however serious the crime and its results. Interestingly, the first example the Torah uses to teach these rules of justice is a case of alleged idolatry — arguably the worst offence against HaShem and His Torah — and even in such a case the due process of justice must be

followed. “Rough justice” is simply not an option, even when the allegation is that the fundamental tenets of the Torah have been violated. The Torah teaches that it must always be established that the offender knew that what he was doing was wrong and that he was aware of the punishment for his actions.

5. In a case of the judges not being able to render a decision in any matter brought before them, the question is to be sent up to a higher court and onward, up till the Supreme Court, situated (as mentioned) within the precincts of HaShem’s Sanctuary. Besides the symbolism in this, there is a practical reason for the Sanhedrin being in the Mikdash and it is this: On those rare occasions when even the Supreme Court cannot come to a decision about a matter, the President of the Court puts the question to the Kohen Ga’dol for him to make enquiry, through the Breastplate worn by the Kohen Ga’dol, from HaShem Himself. This procedure of enquiry is a powerful demonstration that “Justice is of G-d” and that HaShem Himself is involved, so to speak, in the revelation and implementation of Torah law, through all time. The Torah does not change, neither its laws nor its values. Once a decision has been rendered by the Sanhedrin, it is forbidden for anyone — even the greatest Rabbi — to rule in a practical case differently or to deviate from the laws of the Torah in any way. Even if times change and some bright, new ideas might appear to challenge the teachings of the Torah, yet the values of the Torah stand firm for as HaShem never changes nor do the values of His Torah. Law made by human lawmakers, in sharp contrast, so often bears the imprint of the men that make them. Such laws are fickle and ever-changing, reflecting the whims and fashions of the passing ages and fleeting times. A great deal of man-made law is clearly the result of the uncertainty and shakiness, of the hit and miss, of the action and reaction, of the human lawmakers, however well-intentioned they might be, with all their biases and self-interests and their limitations. A glance back through the ages at what were considered crimes in times past, and the weirdly cruel punishments inflicted for them, makes one wonder today at the morality — and indeed the mentality — of some of the judges of olden days in much the same way as future generations will without a doubt gape in wonder at what passes for law and justice in today’s non-Jewish world.
6. The Torah is to be obeyed and safeguarded not only by the Jewish people but also by the Torah-leaders themselves. No person, however great, is above the Torah of HaShem. This fundamental principle is clearly reinforced by the next Mitzvah taught by Mosheh our Teacher, namely, the setting up of a mortal king over the Jewish people, for this Mitzvah teaches that however great is his authority, the king too is subject to the law of the Torah. Of course, investing so much authority and power in one vulnerable and undependable human being is very risky — as the lessons of history so sadly show. Nevertheless, the great good that can come about through a righteous and just king leading the people by his personal example of nobility, piety and fear of G-d and by his encouragement and promotion of goodness and justice, makes monarchy the ideal form of leadership for the Jewish People and the combination of the Sanhedrin and King the best form of government. But the Torah’s concept of monarchy is not at all

the same as what monarchy means in the world generally. To the nations of the world, the king is supposed to be their warrior-leader, their conqueror and protector. By contrast, the Torah introduces the Mitzvah of setting up a king as follows: “When you have come to the Land which HaShem your G-d gives to you and you have taken possession of it and settled it, you will then say, ‘I would like to set up a king over me like all the nations that are round about me.’” In other words, the Torah says that we are to set the king over ourselves only *after* the Land has been conquered and settled. It is HaShem Who drives out our enemies before us and gives us possession of the Land — we have no need for a human warrior-king or conqueror. We merely have to go through the motions but it is HaShem Who wages war for us. The rôle of the king of the Torah Nation is therefore very different from the non-Jewish king for his task is not to conquer but to be the moral leader of the Nation. His task is two-fold. In general terms it is to initiate and bring about the destruction of evil and godlessness and to put in its place goodness and holiness. In particular terms, that means to destroy Ammolayk, the self-appointed antithesis of G-dliness and then to put in hand the building of the Beis HaMikdash, the place dedicated to the pure worship of HaShem.

7. The priorities for the Jewish king are set out very pointedly in the Torah: As soon as he is established on his throne, he shall write two copies of this Torah at the dictation of the Kohanim, the Torah teachers of the people. One copy shall be deposited with him in his private residence, the other shall be with him at all times “and he shall read in it all the days of his life in order to learn to fear HaShem, not to transgress any of the laws of the Torah but to take care to do them ...” With a king whose primary duty is to promote and teach G-dliness and Torah-observance as our figurehead and example, the future of the Jewish Nation, with its king, is assuredly blessed, “that he and his descendents will merit many years’ reign in the midst of Israel.”
8. Continuing the theme of leadership and ideal rôle-models of the Jewish Nation, Mosheh repeats some of the gifts which are to be given to the Kohanim and to the Levi'im. In return, they are to make it their primary concern to be the full-time Torah teachers and guides and mentors of the Nation as well as represent the people in the Mikdash of HaShem. For this reason, too, the Torah stipulates that the Tribe of Levi has no share in the Land of Israel: they are to be freed from the ordinary worries of earning a livelihood and instead are to dedicate themselves to teach Torah and ensure the spiritual and sacred progress of the Nation.
9. Again and again, Mosheh exhorts us to follow the Torah and warns us not to be tempted to emulate the fashions and cults of the former inhabitants of our Land, however alluring they are. We are to keep our faith with HaShem and strive for perfection with His Torah. It is not worthy that people who are so close to HaShem should turn to necromancers and soothsayers and fortune-tellers, for our lives are guided by HaShem through the accredited and genuine prophets that He will raise up from our midst.

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10. After having reviewed the laws governing the leaders who are in authority over the Jewish Nation, namely, the judges, the King, the Kohanim and the prophets, each with his specific area of jurisdiction, Mosheh our Teacher turns now to the duties of these Jewish leaders. Firstly, and reflecting the overall principle of the sacredness of human life, the Torah insists that the institutions of law and order shall safeguard human life. Any inadvertent killing should never lead to a vendetta of retaliation and result in a spiral of reciprocated violence and revenge. To this purpose, Mosheh our Teacher reiterates the laws of the City of Refuge [explained in **SIDRA OF THE WEEK : מסעי** — refer to it] with the further requirement that there shall be a country-wide network of well-maintained and clearly-signposted highways and roads to make it easy to get to a City of Refuge from anywhere in the Land.
11. The second area of law in the category of Mitzvos that govern man's conduct vis-à-vis his fellow-man (the **מִצְוֹת בֵּין אָדָם לְחֵבֵירוֹ**) concerns the property and rights of the individual. Together with the fundamental sacredness of human life, the area of law which protects the individual's property and rights are a principle responsibility of the Courts. Indeed, the infringement, real or imagined, of the rights of an individual oftentimes leads to physical attack and by the Courts looking after the individual's property and rights this will help to safeguard life and limb.
12. Because so much of the Courts' work depends upon trustworthy witnesses and they are so fundamental to the procedure and implementation of Jewish jurisprudence, therefore the Torah warns us yet again about false witnesses or plotting witnesses (there is a difference) and their punishment which is to be publicised (and so serve as a powerful deterrent, too).
13. With these laws concerning the internal administration of the Torah state thus set in place, the Torah continues with the laws that are to govern the Jewish People in its relations with other sovereign states. The sad reality of the threat of enemies from without makes a force of fighting men an unfortunate necessity and the rules of how this army is to be conscripted and prepared and how they are to conduct themselves are set out. The Jewish soldier is to be aware at all times that HaShem our G-d is in the midst of our camp, that HaShem gives us protection and victory according to our closeness to Him. We have no need to be afraid of the superior numbers of our enemies for HaShem it is Who fights our just cause. All this is proclaimed to the assembly of men — from whom the fighting men will be conscripted — by the Kohen Ga'dol anointed for the duration of the war and who is responsible for maintaining not only the morale of the men but also the high moral standards that the Torah expects from all of us, in all circumstances and situations, whether in stability or in turmoil, in peace or in war, in order or in chaos.
14. The Torah exempts certain categories of people from going to war. Some of those exempted have nevertheless to assist behind the fighting line by bringing up provisions, maintaining the roads and supply lines, etc., whereas others are exempted from any military service at all. (The fact that the Torah legislates concerning the different

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categories of exemptions is itself an indication to us as to which tasks we are to hold to be important in our lives.)

15. Following the laws of warfare, and in the same theme, are the laws of besieging a town. The Torah stipulates that the option of peace must always be offered first. If the town surrenders, no person and no property suffers any injury whatsoever: they have only to pay tribute and to be held in subjection, to give up idolatry and accept upon themselves the universal laws of morality and justice, that is, the Seven Noachide Laws. If, however, a city has to be taken by force of arms, then only men who pose a military threat are allowed by the Torah to be killed. The women and children as well as all livestock and other property are not to suffer any injury or destruction. But in all cases, the Torah warns that we may not allow these conquered peoples to exert any influence which could corrupt or deprave in any way.
16. Even when we have to go to war and even when we have to lay siege to a city, the Torah warns that we may not destroy anything unnecessarily. This commandment against wanton destruction is the most comprehensive warning against general wastefulness and against at all misusing the world that G-d has given over to mankind “to work it and to guard it.” The Torah exhorts us to always have a high regard for the world of G-d’s creation and we are in duty bound to treat everything in His world — animals, plants and even the inanimate — with deep respect, with great consideration and due regard. We are always to be mindful that ultimately, “the world and everything in it belongs to G-d” and that Man is appointed to manage and preserve G-d’s creation.
17. The Sidra ends with the procedure to be carried out in the case of an unsolved murder. Much of this Sidra is concerned with the administration of Torah law and order and with governing the Jewish Nation, both in peace and in war and a murder victim is a serious reproach to those charged with maintaining law and order. Law and order is the very basis upon which the peaceful function of society rests and the Torah lays the blame for this crime of murder upon the Elders. This law of the unsolved murder thus stresses the great responsibility for good governance that the Torah places upon the Nation’s Elders who are its law officers. Hence it is the Elders of the city nearest to the murder who are required to publicly absolve themselves by proclaiming that they have not been lax in their duty to ensure the safety and security of all, including every lonely traveller. Besides the lessons that are taught through the law itself in all its details, there is no less a practical purpose in the dramatic procedure that has to be carried out and that purpose is that it shall draw attention to the crime, to help jog the memory of someone who might have seen something. For besides atonement for the leaders of the Nation, there is the obvious duty to bring the murderer to justice.
18. The laws immediately before this one were concerned with how the Jewish Nation is to conduct itself when it must go to war and the next section of laws that immediately follows this law (which is the first part of the next Sidra) is likewise connected with going to war. By placing the law of the unsolved murder of the lonely traveller in between the laws of war and battle, the Torah imparts the great and fundamental

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principle of the sanctity of human life, as follows: Events and circumstances in our national life may very well dictate that we have to go to war, with the dreadful result that there will be slayers and slain and destruction and upheaval. But this is not to allow any lessening in respect for the good and noble. Even if the horrors of war, of killing and destruction, have to be faced and experienced, this must not weaken our high regard for human life. It is in time of war, when the dead and dying and destruction and havoc can numb the conscience into indifference so that some people might perhaps come to consider the killing of merely one unidentified individual as acceptable within the wider context of the general carnage of war, even then, warns the Torah, we must take utmost care to preserve the sanctity of life. That is why this law of the unsolved murder of an unknown lonely individual is placed together with the laws of war. All life is sacred and, says the Torah, especially in time of war and killing when there is the danger that we might become hardened and uncaring, we must be mindful of the sanctity of every human life.

**The explanation of the Haftorah of Sidra שופטים is being prepared.**