

PARSHAT SHOFTIM

What is the ideal form of leadership for Am Yisrael:
 a NAVI [a prophet];
 a SHOFET [a judge];
 a KOHEN [a priest];
 a MELECH [a king]?

As Parshat Shoftim mentions each of these four 'models', this week's shiur will discuss this important question, and how it relates to the nature of the mitzvot of Sefer Devarim.

INTRODUCTION

It is not by chance that Parshat Shoftim discusses different forms of national leadership. Recall how the main speech of Sefer Devarim (chapters 5-26) contains the mitzvot that Bnei Yisrael must observe upon their entry into the Land. Considering that Parshat Shoftim is part of that speech, it only makes sense that this speech would contain a set of laws relating to the establishment of national leadership. With this in mind, we begin our shiur with an analysis of the progression of topics from Parshat Re'ay to Parshat Shoftim.

FROM A NATIONAL CENTER TO NATIONAL LEADERSHIP

Recall from our previous shiurim how Parshat Re'ay began the important "chukim u'mishpatim" section of the main speech (i.e. chapters 12-26). This section contains an assortment of laws that Bnei Yisrael must observe when they enter the Land. In last week's shiur we discussed how this section opened with the topic of "ha'makom asher yivchar Hashem" - the site of the Bet Ha'Mikdash - which was to become the National and Religious Center for God's special nation. Afterward, the Torah discussed topics relating to the establishment of other laws that would facilitate the creation of an "am kadosh" [a holy nation], such as special dietary laws, and a unique economic system protecting the 'poor from the rich'.

Parshat Shoftim continues this general theme, as it opens by commanding the establishment of a comprehensive judicial system (see 16:18-17:13). That topic, concluding with the establishment of a 'supreme court, is followed by laws relating to the appointment of a king (see 17:14-20); laws relating to shevet Levi (see 18:1-8) and some guidelines relating to proper and improper 'guidance counselors' (see 18:9-22).

As all of these mitzvot pertain to the political and religious leadership of the people, we can assume that the Moshe Rabeinu presents these laws at this point in his speech, as these institutions will facilitate the realization of God's goal for Am Yisrael to become His 'model' nation (see Breishit 12:1-3). In this manner, the nation's character will be crystallized not only by the special mitzvot that each individual must follow, but also by its national institutions and form of government.

"OR LA'GOYIM"

This conclusion is supported not only by our analysis of the progression of these mitzvot, but also by Moshe Rabeinu's own remarks at the conclusion his first speech (i.e. chapters 1->4). In that speech, recall how Moshe had explained WHY Bnei Yisrael should keep all these mitzvot - which he is about to teach them (in the main speech):

- "See I am teaching you **CHUKIM & MISHPATIM**...for you to abide in the LAND that you are about to conquer. Observe them faithfully:
- * For that will be PROOF of your wisdom in the EYES OF THE NATIONS, who will say upon hearing all these laws: Surely, THIS GREAT NATION is a wise people.
 - * For what great nation is there that has GOD SO CLOSE to

them...

- * and what great nation has laws as perfect as THIS TORAH which I set before you today!"

(see Devarim 4:5-8).

These psukim inform us that the CHUKIM & MISHPATIM section of Sefer Devarim will contain mitzvot that Bnei Yisrael must keep IN ORDER to achieve this divine goal - to become an "or la'goyim" - a shining light for all nations. This requires the establishment of national institutions to mold its unique character. These institutions are to facilitate not only the spiritual growth of each individual citizen, but also the creation of a 'model nation' that will bring God's Name to all mankind.

FROM RE'AY TO SHOFTIM

As we mentioned in our introduction, the first commandment of the CHUKIM & MISHPATIM section was the establishment of a National Center - BA'MAKOM ASHER YIVCHAR HASHEM. It is here where Bnei Yisrael will gather on joyous occasions while offering their "korbanot" (see chapter 12), eat their "ma'aser sheni" (see chapter 14), and gather on the "shalosh regalim" (the three pilgrimage holidays/ see chapter 16).

However, the establishment of this center is only one of the many mitzvot that will facilitate the formation of God's model nation. Recall that Parshat Re'ay contains several other mitzvot that help create this "am kadosh" (holy nation):

- * the special dietary laws (see 14:2-21);
- * the laws of the seven year "shmitah" cycle (15:1-18), a national economic policy which helps guarantee social justice;
- * warnings against 'bad influences' which could thwart the development of God's special nation (12:29-13:19).

This theme continues in Parshat Shoftim, which describes several institutions of national LEADERSHIP:

- 1) the SHOFET - a judicial system
- 2) the LEVI - religious leadership & civil servants
- 3) the NAVI - religious guidance & national direction
- 4) the MELECH - political leadership

Therefore, our shiur will discuss the Torah's presentation of each of these topics:

THE SHOFET

Parshat Shoftim opens with the commandment to establish a nationwide judicial system:

"You shall appoint 'shoftim v'shotrim' [judges and officers] at ALL YOUR GATES (i.e. in every city) that God is giving you, and they shall govern the people with due justice. Don't pervert judgment... don't take bribes... [instead] JUSTICE, JUSTICE, you must pursue, IN ORDER that you thrive and inherit the LAND... (16:18-20).

As we know from story of Moshe & Yitro (see Shmot 18:13-26), the establishment of a judicial system is not unique to Judaism, nor an invention of the Bible. Since ancient times, every society has developed some system for law and order. However, the Torah commands the Jewish people to ensure that their judicial system is just and upright. As God's model nation, it is not sufficient to simply appoint judges; we must make sure that our judges and officers of the law keep to the highest standard of moral behavior. We also have to ensure that judges will be found in every market place in every city. [In ancient times, the gate of the city was the central market place, and hence the ideal place for a court to sit - to take immediate care of any complaint that would arise.]

Several psukim later (an explanation of the interim psukim 16:21-17:6 is beyond the scope of the shiur), Parshat Shoftim continues this theme with the commandment to establish a SUPREME COURT at that NATIONAL CENTER:

"If there is a case too baffling for you to decide...matters of dispute in your courts - YOU SHALL GO UP to HAMAKOM ASHER YIVCHAR HASHEM, before the KOHANIM, LEVIIM, or SHOFET, and present your case..." (17:8-11).

This institution serves as the HIGHEST authority for both civil disputes and halachic questions. Both TORAH and JUSTICE must emanate specifically from the site of the Temple, the National Center (see also Yeshayahu 2:1-5).

The Torah's emphasis on the need to establish centers of Justice is congruent with the primary purpose for God's choice of a special nation, as God had already explained in Sefer Breishit:

"For Avraham is to become a great NATION, and the nations of the world shall be blessed by him; for I have designated him IN ORDER that he command his children and his posterity to follow the WAY OF THE LORD by **keeping TZDAKA & MISHPAT...**"

(see Breishit 18:17-19 and its context!).

SHEVET LEVI

Not only does the Torah require the appointment of judges, it also commissions an entire tribe - SHEVET LEVI - to become 'civil servants' for this very purpose. The Leviim are not only to officiate in the Temple, but they must also serve as judges. Additionally, they are responsible for the teaching of Torah and the instruction of the halacha (Jewish Law).

This educational responsibility (even though it is only implicit in Parshat Shoftim /see 17:9), is stated explicitly by Moshe Rabeinu in his final blessing to Shevet Levi:

"They shall TEACH Your LAWS to Yaakov and Your TORAH to Yisrael" (Devarim 33:9).

[See also Vayikra 10:8-11.]

In fact, Parshat Shoftim identifies this tribal obligation as the reason why Shevet Levi does not receive a portion in the land:

"The KOHANIM & LEVIIM - the entire tribe of Levi - shall have no territorial portion within Israel. [Instead] they shall receive their portion from God's offerings... for God is their portion... You shall also give them the first portion of your grain, wine and oil, and the first shearing of your sheep. For God has chosen him [Levi] and his descendants from out of all your tribes TO SERVE IN THE NAME OF THE LORD for all time" (see 18:1->5).

Not only does the Torah define their duty as civil servants, but also the details of their 'compensation' for this service (see 18:6-8).

THE NAVI

After its short discussion of shevet Levi, the Torah continues with a discussion concerning **who** [and who not] Bnei Yisrael should turn to for guidance:

"When you ENTER THE LAND which God is giving you, DO NOT learn to imitate the abhorrent practices of those nations. Let no one become...a soothsayer, a sorcerer, one who casts spells, or one who consults ghosts and spirits, or inquires of the dead. For anyone who does such things is abhorrent to the Lord...

[INSTEAD] God will raise up for you a NAVI - a Prophet, like myself (Moshe Rabeinu). To HIM you shall listen...I will put My words in his mouth, and he will speak to them all that I command him..." (8:9-22).

These psukim prohibit the consultation of any of a wide variety of popular 'soothsayers,' as was the practice of the nations of Canaan. Bnei Yisrael should rather seek guidance from the NAVI, who is to serve as a national 'advisor' through whom God will communicate His message.

SO WHO'S IN CHARGE?

Thus far, we have encountered a court system, judges, the tribe of Levi (the Torah instructors), and the NAVI (who offers spiritual guidance). What about political leadership? In our discussion of leadership thus far, we have not found anyone who would deal with such issues. For example:

- * Whose responsibility is it to actually oversee the CONSTRUCTION of the Bet HaMikdash, BAMAKOM

ASHER YIVCHAR?

- * Whose duty is it to organize a standing army and lead the nation in battle?
- * Who will determine foreign and domestic policy?
- * Who will conduct and supervise the collection of taxes, the building of roads, the minting of coins, etc.?
- * Basically, who will run the country?

Neither from Parshat Shoftim or anywhere else in Chumash does it appear that these tasks are the responsibility of the kohanim, leviim, or the shoftim. Are they the responsibility of the NAVI - the Prophet?

The NAVI may, and probably should, serve as an ADVISOR to the political leadership, representing 'God's opinion' on important issues. Nevertheless, Parshat Shoftim clearly does not present the navi [prophet] as the ideal political leader.

Neither does the "shofet," presented at the beginning of the Parsha, emerge from the psukim as a 'political leader.' Although he must ensure the execution of justice (16:20), he is not portrayed as a political leader.

[Note: The use of the name "shofet" in Sefer Shoftim to define the ad-hoc political leadership of that time is a fascinating topic unto itself, but requires independent treatment, beyond the scope of our shiur.]

THE "MELECH"

The answer to this question lies in one last category of national leadership discussed in Parshat Shoftim - the "melech" (king):

"When you have entered the land... and you will say: 'I want to have a KING, as do all the nations surrounding me,' appoint a KING over yourself, ONE CHOSEN BY GOD...

- * He must NOT keep too many horses...;
- * He must NOT have too many wives...;
- * He must NOT amass too much silver and gold.

When he is seated on his royal throne

- * He must WRITE down this "mishne torah" (the laws of Sefer Devarim) from in front of the Kohanim and Leviim;
- * He must KEEP IT with him and READ IT every day of his life IN ORDER that he learn to FEAR GOD...;
- * Thus, he will not act haughtily...or deviate from the Torah...IN ORDER that he and his children may continue to reign over Am Yisrael...(see Devarim 17:14-20).

From the above psukim alone, it is unclear whether the Torah OBLIGATES or merely ALLOWS for the appointment of a king. [See Sanhedrin 20b and all the classic commentaries.]

However, it appears from the context of these psukim, especially in their relation to the other types of national leadership presented in Parshat Shoftim, that specifically the king is expected to provide political leadership. After all, who else will 'run the show'?

Even though Moshe Rabeinu himself acted as BOTH the "navi" and king (i.e. the political leader), it seems that this 'double duty' is the exception rather than the norm. [Later in Jewish History, certain situations may arise [e.g. Shmuel] when the national leader may also serve as NAVI, but this happens as an exception more than as a rule.]

THE MAKING OF A NATION

Given God's desire that Bnei Yisrael become His 'model nation,' it is quite understandable why some form of central government is necessary. After all, in order to become a prosperous nation, at least some form of political leadership is needed to coordinate and administer its development.

One could suggest that when the Torah speaks of a king, it may be referring to any type of political leadership with central authority, regardless of the political system by which he is elected (be it a democracy, a monarchy, theocracy, etc.). The Torah may speak specifically of a 'kingdom,' for at the time of Matan Torah, that form of government was the most common. However, these laws regarding 'the king' could apply equally to the political leader in any system of government.

"K'CHOL HA'GOYIM"

This interpretation may help us understand the phrase "melech k'chol ha'goyim" - a king like the other nations (see 17:14 and pirush of the Netziv in Emek Davar). The Torah is not encouraging Bnei Yisrael to request a king who ACTS like the kings of neighboring countries. Rather, they will request a FORM OF GOVERNMENT similar to that of the neighboring countries.

This observation may very well relate to the very concept of the singularity the Jewish Nation. Although we must remain different from other nations, we must still be a nation, in the full sense of the term. Hence, Am Yisrael does not need to be different from other nations with regard to the FORM of its political leadership, rather in the MANNER by which its political leaderships acts!

Once a specific leader is chosen, the Torah must guarantee that he does not grow too proud of his stature (see 17:16-17,20). Instead, he should utilize his invested powers to lead Am Yisrael towards becoming an "am kadosh." To this end, he must review the mitzvot of Sefer Devarim - MISHNEH TORAH, the guide for this process - on a daily basis (see 17:19! / see also Yehoshua 1:7-8).

In this manner, the laws regarding the king in Sefer Devarim (17:14-19) set 'guidelines' for the behavior of the political leadership of Am Yisrael - in order that they can fulfill their destiny as God's special nation. Whereas this constitutes a primary theme of the main speech of Sefer Devarim, it is only appropriate that Parshat Shoftim deals specifically with this aspect of political leadership.

A CHALLENGE

Undoubtedly, an inherent danger exists once political power is invested in a strong central government. But without a stable, authoritative body, a country cannot prosper and develop to its maximum potential.

It is the Torah's challenge to Am Yisrael to become a nation that resembles all other nations with regard to the establishment of a sovereign political entity. However, at the same time, it is the Torah's challenge to Am Yisrael that they be DIFFERENT from all other nations in the manner by which that leadership behaves and governs; for we are to become God's 'model nation.'

This form of national government will not diminish the Kingdom of Heaven, but will rather promote the universal recognition of God's Kingdom and further the glorification and sanctification of His Name.

shabbat shalom,
menachem

FOR FURTHER IYUN

1. Based on Devarim 17:14-20, would you define the monarchy that the Torah describes as 'constitutional' or 'divine'?

In your answer, relate to Melachim bet 11:17.

2. In your opinion, was Moshe Rabeinu a melech, a navi, or both?

What was Yehoshua? See Rambam Hilchot M'lachim perek aleph. What was Shmuel? (Was he an exception or the ideal?)

To be considered a 'king', is it necessary that the ruler be the son of the previous ruler (a dynasty)? How does this question relate to the above shiur?

3. Read Rambam Hilchot Trumot I:1-3.

Which type of melech is the Rambam referring to?

See also the Rambam in Hilchot Melachim perek I.

See also the first Rambam in Hilchot Chanuka, where he discusses the historical background to this holiday. Note his remark, "v'he'emidu MELECH min ha'KOHANIM... and MALCHUT returned to Israel for more than two hundred years..." What type of MALCHUT is Rambam referring to? How would this relate to the above shiur?

4. Later in the Parsha, we are told that the "kohen" addresses the

army prior to battle (20:1-4). Here, his primary function is to boost the soldiers' morale, promising God's assistance in the campaign against our enemies.

Does it appear from the Torah that it is also the Kohen's task to lead the army in battle?

5. Based on this week's shiur, explain the difference between Kings Shaul, David, and Shlomo, and the "shoftim."

a. Who forms the first standing army?

b. Who first decides to construct the Bet HaMikdash?

c. Who is the first to levy taxes?

D. Who establishes a strong central government?

6. Try to classify all the "chukim u'mishpatim" from Parshat Re'ay through Parshat Ki-Teyze into different groups, each of which focuses on a specific topic. See if you can relate these topics to the order of the Ten Commandments.

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LEADERSHIP & EGLA ARUFA - a mini shiur for Chodesh Elul

One of the "al chet's" that we recite on Yom Kippur is "al chataim sh'anu chayavim aleyhem korban ASHAM vaday v'talui" - for sins that we would have required us to bring a ASHAM offering. As Chodesh Elul is the time when we prepare ourselves for Yom Kippur, the following shiur will discuss how the law of "eglah arufah" in Parshat Shoftim can help us better understand this section of the "viduy".

INTRODUCTION

One of the categories of ASHAM that we mention in the "al chet" is the ASHAM TALUI - an offering that must be brought when one is 'not sure' if he committed a transgression. For example, if there were two pieces of meat - one kosher and one "treif" - and someone ate just one of these pieces, but has no idea which piece it was; then he is required to bring an ASHAM TALUI. [See Vayikra 5:17-19 & Rambam Hilchot Shgagot 8:1-2.]

However, should that person later find out that the piece that he ate was indeed the "treif" meat, even though he had already offered his KORBAN ASHAM, he is still required to bring the standard KORBAN CHATAT! This law suggests that the requirement to bring an ASHAM TALUI stems primarily from the fact that the person was UNAWARE if he did something wrong, more so than the fact that he actually did something wrong. [In fact, the korban for an ASHAM TALUI - is an "ayil" ; which is more expensive than the korban required for a CHATAT - a "kivshah" - suggesting that the ASHAM is a more severe transgression!]

BE AWARE

This law of ASHAM TALUI teaches us that the Torah may be more concerned if we are UNAWARE that we committed a sin, more so than if we actually committed a sin! In other words, the Torah requires that we are constantly aware of our actions. Even though this law of ASHAM TALUI relates to the individual, at the conclusion of Parshat Shoftim, we find a very similar concept in relation to a community: Should a corpse be found, and there is no known reason why this person died, then the leaders of the closest town are required to perform a ritual known as the "eglah arufa". In this ceremony these leaders must also make a public "viduy" - a declaration that they were not guilty. Afterward, they must request God's atonement. [See Devarim 21:1-9 for the complete details. Note also similarity to Yom Ppur, a "viduy" and a request of "kappara"!]]

In the description of both these cases, of ASHAM TALUI and EGLAH ARUFA, the Torah uses a similar phrase "v'lo yadah" (Vayikra 5:17) and "v'lo nodah" (Devarim 21:1). The person (or the community) did not know, i.e. they were unaware. This textual similarity points to thematic connection as well. In both cases, the Torah requires atonement for one 'not being aware' of what happened. Just as the individual must be aware of his actions, so must the leaders of a community be aware of what takes place in their city. The fact that someone is murdered (or died) for no apparent reason suggests that had the community been more involved, this tragedy could have avoided. Or as Rashi explains the wording of their "viduy", quoting the Sifri: "Our hands did not shed this blood: Would someone think that the elders of the city court actually killed this person? Rather [they may be responsible] for they may have not noticed his plight, or didn't take care of his needs..." [See also Mesechet Sotah 45b.]

PRIVILEGE or RESPONSIBILITY

This law of "eglah arufa" points once again to the Torah's view of national leadership. A leader must be one whose primary interest is the good of the community, rather than his own benefit of being in power. Answers such as: "I didn't know", or "I wasn't aware" are not acceptable. Leaders are required to actively look for ways to improve social conditions, not simply wait passively until someone comes asking for help.

In a similar manner, the laws of ASHAM TALUI, teach us the very same concept on an individual level. Being a Jew requires a constant awareness of not only his own actions, but also of what takes place in his community and nation. Ultimately, a state of constant 'awareness' will lead to positive action and the establishment of a just society at all levels. As God's special nation, our focus must always be on our responsibilities, more so than our request for special privileges.

shabbat shalom
& chodesh tov
menachem