

# Parashat Shoftim סופטים

Torah: Deuteronomy 16:18–21:9

Haftarah: Isaiah 51:12–52:12

## The Institutions of the Holy Community

Parashat Shoftim discusses the main institutions that make the holy community tick and therefore our commentary this week will center on exploring what is taught about each of these.

- I. Justice
- II. Levites
- III. Royalty
- IV. Prophets
- V. Soldiers

In this excerpt from Parashat Shoftim, we will focus on section I, Justice.

### I. Justice

The concept of justice is not new to our study. There were important judicial passages found in Exodus 23, Leviticus 19, and elsewhere in Deuteronomy, including in last week's parasha. It seems, however, that the information concerning justice in this passage is unequalled in the rest of Torah — indeed, unequalled in the rest of man's covenants and laws!

#### A. *The Meaning of Justice*

The Hebrew word in this passage for justice, *tsedek* (צדק), can also be translated “righteousness.” The same is also true for the Greek word for justice in the Renewed Covenant Scriptures. It can be translated either as righteousness or justice (justification). This teaches us that to be just is also to be righteous. In theological terms, the justice of God is, therefore, the expression of His fairness or His righteousness. Whatever He decrees and judges, we can be assured that it is always completely righteous, fair, good, equitable, and honest.

#### B. *The Importance of Justice*

The Torah in 16:20 sets the tone for the attitude God's people are to have towards justice. Many English translations read, “Justice, justice, follow after it.” However, the Hebrew is much stronger. It carries the sense of actively pursuing justice, as a hunter seeks out his prey. In other words, the Torah is pleading with the holy community to make an active pursuit for justice and to make sure it is always practiced.

There are several other factors that, taken together, provide for us a good sense of the priority that God places on justice. First, notice how many times the concept is discussed in the Torah. Secondly, observe that among Israel's official institutions mentioned in this parasha, the first one to be discussed is justice and judges.

### **C. The Implementers of Justice**

There are two kinds of officials mentioned in 16:18 whose responsibility is to carry out judgement in the holy community. They are called *shoftim* (שופטים) and *shterim* (שטרים). The first term (it is in the plural) is the most common Hebrew word for “judge.” The second term (also in the plural) is a little more difficult to interpret. BDB suggests that it can mean “lesser judges.”<sup>1</sup> However, in Modern Hebrew, it forms the root base for the term police, *mishterah* (משטרה). Perhaps the *shterim* were the ones who assisted the *shoftim* in carrying out justice. Thompson, upon examining these two officials, suggests that,

It is not improbable that the judges (*shoftim*) were the leaders of the local councils of elders (cf. 19:12), perhaps local chiefs. ... The second group, the “officers” or “officials” (*shterim*) were assistants of some kind ... . Perhaps they were “clerks of court” attached to the judges ... . The same term is used elsewhere to denote officers in charge of forced labour.<sup>2</sup>

We are told that every locality was to have its own court with locally appointed judges. Therefore, it seems that the Lord intended that justice should be accessible to every one — and quickly.

Sometimes, there would be cases that were too difficult to render proper decisions. The Holy One made provision for that as well in 17:8ff. Here we are told that in such difficult cases the matter was permitted to be brought to a larger, more central court.

In the Second Temple Period, a national court of 71 priests and elders, called the *Sanhedrin*, was established and located in Jerusalem. There was no appeal beyond this court. All decisions were final.

### **D. The Principles of Justice**

The first judicial principle, stated in 16:18, was that the judges had to act in justice the same way God does — their justice had to be righteous judgement. Thus, “The judges must be both competent and impartial, and are not to be appointed for social or family reasons.”<sup>3</sup> Rashi also adds, “This means, appoint expert and righteous judges to judge righteously.”<sup>4</sup>

The text suggests a second principle of justice. We read in 16:19, “Do not pervert justice.” The word translated pervert has the sense of “turning,” “twisting,” or “bending” justice. The one who does so, he himself will be subject to the justice of God (27:19), “for such an action is contrary to the character and purpose of God.”<sup>5</sup>

A third principle of justice follows quickly in the text: “Do not ... show partiality” (16:19). The idea here is that the judge cannot be partial.

He must treat all equally. Rashi gives us a keen insight concerning this principle. He says that the judge,

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<sup>1</sup> Brown, Driver, and Briggs, Hebrew and English Lexicon of the Old Testament (“BDB”), 1009.

<sup>2</sup> Thompson, *Deuteronomy* (TOTC), 209.

<sup>3</sup> J. H. Hertz, *Pentateuch and Haftarahs*, 820.

<sup>4</sup> *Rashi: Devarim*, ArtScroll Edition, 183.

<sup>5</sup> Peter Craige, *Deuteronomy* (NICOT), 247.

Should not be pleasant to one of the litigants and harsh to the other and that he should not have one stand and the other sit. For when this one sees that the judge shows honour to his fellow litigant his arguments become blocked, i.e., he cannot express his arguments effectively.<sup>6</sup>

Interestingly enough, however, the rabbis were so protective for the plight of the unfortunate that they ruled that cases involving orphans and widows must always be heard first.<sup>7</sup> This may technically be a violation of the Torah, but it demonstrated fairness to those whom society oftentimes abused. Hence, in light of the protective care Torah demands for such people, the rabbinic custom, in reality, is not a violation of Torah, but rather a just application of all of its principles.

There is, yet, a fourth principle for conducting justice in the holy community. The text also says, “Do not accept a bribe” (verse 19). No gifts of any sort may be given or offered to a judge that are intended to influence his impartiality and ability to be fair. This seems rather self-explanatory. However, it is the only one of the principles that comes with a clarification. The Torah continues: “for a bribe blinds the eyes of the wise and twists the words of the righteous.”

The fifth principle we will glean from this parasha involves the principle of thorough investigation. We discussed this point in last week’s commentary. However, because it is a part of this particular text, we are compelled to mention it again. A reading of Tractate Sanhedrin in the Talmud will show how thorough the investigative procedure was, at least during the Second Temple period.

The sixth and last judicial principle is the importance of reliable witnesses. Deuteronomy 17:6 states that, in cases involving the death sentence, there must be two or three witnesses. One particular responsibility that our text states is that the chief witness is the first one to administer the death penalty because the sentence was based on his testimony. What a heavy responsibility! The Talmud (Sanhedrin) lays out for us other responsibilities and qualifications of the witnesses. They are very specific and stringent.

### ***E. The Procedure for Justice***

The sidra mentions three guidelines where a case is put forth to the judges and a certain decision was to be followed. The first case, though we do not know the specifics, involves a man who made appeal to the highest court. We read in 17:9 that when inquiry is made of such a court, they are required to give the answer concerning the case.

Then verses 10 and 11 make a most remarkable — and controversial — statement. They say that whatever the high court, the highest Torah teachers in the country teach us, we should do it; we should “not turn aside from what they tell you, to the right or to the left.” In fact, if we do not follow exactly as they say, we face the death sentence (verse 12)! What are we to make of this?

Let us say from the start that this whole subject is far too large for us to deal with fairly in the limited scope of this commentary. All we can do is to outline the issues and to suggest some possible solutions to dealing with them.

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<sup>6</sup> Rashi *Devarim*, 183.

<sup>7</sup> Hertz, *Pentateuch and Haftarahs*, 820.

## ***The Issues***

Rabbinic Judaism sees in these verses the basis for establishing rabbinical authority. Let us explain.

According to the sages of old when God gave Moshe the written Torah on Mount Sinai, He also gave him instruction that was to be passed on orally from generation to generation. This oral instruction encompassed several things. First, it provided the details, that the Written Torah did not possess, that are necessary in order to carry out the written teachings of the Torah. The Oral Torah, according to the Sages, also contained the divinely inspired interpretation of the Written Torah.

Furthermore, the rabbis assert that according to passages such as our present one in Deuteronomy 17, the Jewish religious leaders of each new generation have authority to make legal decisions about the specific needs of that generation, which previous generations may not have faced. These decisions, they assert, were already decided by God and Moshe on Mount Sinai and, therefore, also comprise the Oral Torah.

Consequently, all Jewish people were/are required to accept all of the decisions of their rabbinic courts and, therefore, to obey the specific rulings of their rabbis. For example, listen to Professor Leibowitz:

The Sages were then vested with exclusive authority to prevent religious chaos and the Torah becoming subject to contrary interpretations. In the light of this, we have a very serious obligation in accepting the discipline of the central religious authority, even if its decision seems mistaken.<sup>8</sup>

The thinking of Jewish believers in Yeshua on the issue of Oral Torah and rabbinic authority is divided. Consequently, they are also divided on their interpretation of Deuteronomy 17. Part of the division centers on how to understand Yeshua's instructions in Matthew 23. Here He seems to suggest that we follow the teachings of the rabbis (Oral Torah and rabbinic authority), but not follow their lifestyle when it contradicts the Scriptures. For example, some Messianic thinkers seem to say that we are required to submit to rabbinic authority in all areas of our lives, such as not turning on lights during Shabbat or separating meat and dairy products.

In our opinion, we need to consider a few important factors before we dive into the rabbinical pond too quickly. First, let us return to Deuteronomy 17. Does the passage really enforce the concept of Oral Torah and its corollary, Rabbinic Authority as the rabbis contend? In our opinion, it does not. It seems to us that the passage is merely giving instructions to set up courts of justice in the holy community, where legal cases are heard and court decisions are rendered. The issue of *halakhic* decisions does not seem to be found in the passage.

Secondly, it goes without saying that Yeshua certainly endorsed following the teaching of Deuteronomy 17. However, His endorsement was not in the form of supporting the concept of Rabbinic Authority and Oral Torah. Rather, according to Matthew 16:19<sup>9</sup> and 18:15–18, Yeshua is applying the instructions of

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<sup>8</sup> Nechama Leibowitz, *New Studies in Devarim*. 172.

<sup>9</sup> Many believers in Yeshua understand Matthew 16:19 and the reference to “binding” and “loosing” to be instructions concerning prayer, specifically referring to spiritual warfare. We

Deuteronomy 17 and teaching that the remnant of believers, the true believing community — His Body — has an obligation to establish courts of justice to maintain justice within the believing community. In other words, Yeshua was instructing His Body (especially in Matthew 18) to establish what the traditional Jewish community refers to as a system of “Bet Din” in its midst and in every locality.

The “Bet Din” is a Hebraic way of referring to religious courts of justice on every level, from the local congregations, to regional courts, and even higher national courts. This concept, of course, is not new to these commentators. Others have advocated such courts before us.<sup>10</sup>

What about Yeshua’s instructions in Matthew 23? We also have a few thoughts on that passage. First, in our opinion, there is more information we need to properly interpret this very difficult passage. We do not feel that commentators and scholars have yet sufficiently researched all of the background that is necessary to properly understand Yeshua’s words in the passage.

Secondly, at the very least, Yeshua was certainly not advocating that the Messianic community (His body of Jewish and Gentile believers in Him), should submit themselves to the teaching and instruction of religious leaders and Torah teachers who do not believe in Him. For example, Paul stated in 1 Corinthians 2:13–14, “This is what we speak, not in words taught us by human wisdom but in words taught by the Spirit, expressing spiritual truths in spiritual words.” Unless a person is born from above by believing in Yeshua, he does not possess the Spirit of God. Therefore, how can a believer ever submit to such authority? Thus, if Yeshua is, in fact, advocating that believers submit to the teachings of rabbinic Torah teachers, at the very least, He would have had believing regenerated Torah teachers in mind and not just any rabbis.

Furthermore, a genuine question may be asked regarding Matthew 23:1–3: Is Yeshua giving instructions here or is the passage merely *describing* what the situation was in His day? It seems from the English versions that He is providing instructions. However, it might be possible to interpret the Greek to mean that He is merely describing the situation in his day.

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interpret these words in their original Hebraic context to be a reference to practice of authoritative decision making in the Body of Messiah. Please see Dr. David Stern’s comments on these terms in his commentary to Matthew 18 verses 18-20 in his *Jewish New Testament Commentary*, page 57.

<sup>10</sup> See *Due Process*, by Dr. Daniel Juster, Destiny Image Publishers, where Dan makes a well-reasoned plea for such a Bet Din operating in the body of Messiah.