

TEMPLE BETH-EL SHABBAT AM TORAH STUDY 5782

D'VARIM...Deuteronomy 1:1-18

KOSHI:

WHY does Deuteronomy begin with a focus on the Biblical judicial system?

How is Moses' admonition to HEAR a template for the ways we strive to seek justice even today?

Verse	JPS	HEBREW
1	These are the words that Moses addressed to all Israel on the other side of the Jordan. — Through the wilderness, in the Arabah near Suph, between Paran and Tophel, Laban, Hazeroth, and Di-zahab,	אֵלֶּה הַדְּבָרִים אֲשֶׁר דִּבֶּר מֹשֶׁה אֶל-כָּל- יִשְׂרָאֵל בְּעֵבֶר הַיַּרְדֵּן בְּמִדְבַּר בְּעֶרְבָה מִזֶּה סוּף בֵּין-פָּאֵרָן וּבֵין-תּוֹפֵל וְלָבָן וְחִצְרֹת וְדִי- זָהָב:
2	it is eleven days from Horeb to Kadesh-barnea by the Mount Seir route.	אֶחָד עָשָׂר יוֹם מִחֹרֵב דָּרָךְ הַר-שַׁעִיר עַד קֹדֶשׁ בְּרִנְעֵ:
3	It was in the fortieth year, on the first day of the eleventh month, that Moses addressed the Israelites in accordance with the instructions that Adonai had given him for them,	וַיְהִי בְּאַרְבָּעִים שָׁנָה בְּעִשְׁתֵּי-עָשָׂר חֹדֶשׁ בְּאַחַד לַחֹדֶשׁ דִּבֶּר מֹשֶׁה אֶל-בְּנֵי יִשְׂרָאֵל כְּכֹל אֲשֶׁר צִוָּה יְהוָה אֹתוֹ אֱלֹהִים:
4	after he had defeated Sihon king of the Amorites, who dwelt in Heshbon, and King Og of Bashan, who dwelt at Ashtaroth [and] Edrei.	אֲחֵרֵי הַכְּתוֹ אֶת סִיחֹן מֶלֶךְ הָאֱמֹרִי אֲשֶׁר יוֹשֵׁב בְּחֶשְׁבוֹן וְאֶת עוֹג מֶלֶךְ הַבָּשָׁן אֲשֶׁר- יוֹשֵׁב בְּעַשְׂתָּרֹת בְּאֶדְרֵעִי:
5	On the other side of the Jordan, in the land of Moab, Moses undertook to expound this Teaching. He said:	בְּעֵבֶר הַיַּרְדֵּן בְּאֶרֶץ מוֹאָב הוֹאִיל מֹשֶׁה בְּאֶר- אֶת-הַתּוֹרָה הַזֹּאת לֵאמֹר:
6	Our God Adonai spoke to us at Horeb, saying: You have stayed long enough at this mountain.	יְהוָה אֱלֹהֵינוּ דִּבֶּר אֵלֵינוּ בְּחֹרֵב לֵאמֹר רַב- לָכֶם שָׁבַת בְּהַר הַזֶּה:
7	Start out and make your way to the hill country of the Amorites and to all their neighbors in the Arabah, the hill country, the Shephelah, the Negeb, the seacoast, the land of the Canaanites, and the Lebanon, as far as the Great River, the river Euphrates.	וַיִּסְעוּ לָכֶם וּבָאוּ הָרַ הָאֱמֹרִי וְאֶל-כָּל-פְּנֵי שְׂכֵנֵי בְּעֶרְבָה בְּהַר וּבְשִׁפְלָה וּבְגִבּוֹ וּבְחוֹף הַיָּם אֶרֶץ הַכְּנַעֲנִי וְהַלְבָּנוֹן עַד-הַנָּהָר הַגָּדֹל נְהַר-פָּרָת:
8	See, I place the land at your disposal. Go, take possession of the land that Adonai swore to your fathers Abraham, Isaac, and Jacob, to assign to them and to their heirs after them.	רְאֵה נָתַתִּי לְפָנֵיכֶם אֶת-הָאָרֶץ בָּאוּ וּרְשׁוּ אֶת-הָאָרֶץ אֲשֶׁר נִשְׁבַּע יְהוָה לְאַבְרָהָם לְאִבְרָהָם לְיִצְחָק וְלִיעֲקֹב לָתֵת לָהֶם וְלְזַרְעָם אַחֲרֵיהֶם:
9	Thereupon I said to you, "I cannot bear the burden of you by myself.	וְאָמַר אֲלֵכֶם בְּעֵת הַהוּא לֵאמֹר לֹא-אוּכַל לְבַדִּי שְׂאת אֶתְכֶם:
10	Your God Adonai has multiplied you until you are today as numerous as the stars in the sky.—	יְהוָה אֱלֹהֵיכֶם הִרְבָּה אֶתְכֶם וְהִנֵּנֶם הַיּוֹם כְּכּוֹכְבֵי הַשָּׁמַיִם לְרֹב:
11	May Adonai, the God of your ancestors, increase your numbers a thousandfold, and bless you as promised.—	יְהוָה אֱלֹהֵי אֲבוֹתְכֶם יִסּוֹף עֲלֵיכֶם כְּכֶם אֶלֶף פְּעָמִים וַיְבָרֶךְ אֶתְכֶם כַּאֲשֶׁר דִּבֶּר לָכֶם:

12	How can I bear unaided the trouble of you, and the burden, and the bickering!	אֵיכָה אֶשָׂא לְבַדִּי טְרוֹחֵכֶם וּמִשְׂאָכֶם וְרִיבֵכֶם:
13	Pick from each of your tribes candidates (<i>men.</i>) who are wise, discerning, and experienced, and I will appoint them as your heads.”	הֲבֹ לָכֶם אַנְשִׁים חֲכָמִים וְנִבְנָיִם וַיִּדְעִים לְשִׁבְטֵיכֶם וְאֲשִׁימֵם בְּרָאשֵׁיכֶם:
14	You answered me and said, “What you propose to do is good.”	וַתַּעֲנוּ אֵתִי וַתֹּאמְרוּ טוֹב־הַדָּבָר אֲשֶׁר־דִּבַּרְתָּ לַעֲשׂוֹת:
15	So I took your tribal leaders, wise and experienced men and appointed them heads over you: chiefs of thousands, chiefs of hundreds, chiefs of fifties, and chiefs of tens, and officials for your tribes.	וְאָקַח אֶת־רָאשֵׁי שִׁבְטֵיכֶם אַנְשִׁים חֲכָמִים וַיִּדְעִים וְאֶתֶּן אוֹתָם רָאשִׁים עֲלֵיכֶם שָׂרֵי אֲלָפִים וְשָׂרֵי מֵאוֹת וְשָׂרֵי חֲמִשִּׁים וְשָׂרֵי עֶשְׂרֵת וְשֹׁטְרִים לְשִׁבְטֵיכֶם:
16	I charged your magistrates at that time as follows, “Hear out your fellow Israelites, and decide justly between one party and the other—be it a fellow Israelite or a stranger.	וְאֶצְוֶה אֶת־שֹׁפְטֵיכֶם בְּעֵת הַהוּא לֵאמֹר שִׁמְעוּ בֵּין־אֲחֵיכֶם וּשְׁפֹטֶתֶם צְדָק בֵּין־אִישׁ וּבֵין־אֲחִיו וּבֵין־גֵּרוֹ:
17	You shall not be partial in judgment: hear out low and high alike. Fear neither party, or judgment is God’s. And any matter that is too difficult for you, you shall bring to me and I will hear it.”	לֹא־תִזְוֶוּ בְּפָנַי בְּמִשְׁפָּט כִּקְטָן כְּגָדֹל תִּשְׁמָעוּן לֹא תִגְוְרוּ מִפְּנֵי־אִישׁ כִּי הַמִּשְׁפָּט לֵאלֹהִים הוּא וְהַדָּבָר אֲשֶׁר יִקְשֶׁה מִכֶּם תִּקְרְבוּן אֵלַי וְשִׁמַּעְתִּיו:
18	Thus I instructed you, at that time, about the various things that you should do.	וְאֶצְוֶה אֶתְכֶם בְּעֵת הַהוּא אֵת כָּל־הַדְּבָרִים אֲשֶׁר תַּעֲשׂוּן:

REMEZ...The Hint

Searching for clues that give us greater insight into the world of our ancestors

V. 1 *These are the words that Moses addressed to all Israel on the other side of the Jordan....*

RASHI...*these are the words*...Since these are words of rebuke and he [Moses] enumerates here all the places where they angered God, therefore it makes no explicit mention of the incidents [in which they transgressed], but rather merely alludes to them out of respect for Israel.

NETZIV... “Mishneh” means “review,” i.e., the main purpose of Sefer Devarim is to encourage us to delve deeply into, and review, the laws of the Torah. All of the rebuke found in this Book also boils down to this message: Accept upon yourselves the yoke of studying Torah in depth so that you do not deviate from its laws. True, many laws found in other books are repeated in Deuteronomy. The purpose of this repetition is to teach us to look beneath the surface of the verse. The surface message of the repeated law or halachah was already learned elsewhere. Therefore, if you find a verse or law repeated, look deeper. [R’Naftali Zvi Yehuda Berlin]

V. 16 *I charged your magistrates at that time as follows, “Hear out your fellow Israelites, and decide justly between one party and the other—be it a fellow Israelite or a stranger.”*

LEIBOWITZ...The word “hear” is understood in the sense of “pay attention” or “grasp”. The equal treatment to be accorded both litigants can be distilled from the word “between.”

OR HA-YAYIM...Why is the unusual infinitive form *shamo’a* (hear) used instead of the imperative *shim’u* (hear ye)? The implication to be drawn...is that the judges must be patient and hear them out...This same text also teaches the judge to go behind the words of the litigants and get at the truth, and though the arguments and evidence of one superficially appear to be decisive, if he feels that they are not in good faith, he should use his own judgment. Hear the cause between your brethren implies that he should pay attention to every nuance of their utterances and all that takes place in court between them in arriving at the truth.

RABEYNU BACHYA... *“listen among your brethren and judge righteously.”* This means that the judges should attempt to settle conflicting claims by getting the litigants to agree to arbitration. Technically, the wording suggests: *mishpat*, “judgment,” which is the result of, *tzedek* “charitable attitudes” by both litigants.

RASHI...*and I commanded your judges* — I said to them: be deliberate in judgment: if a certain point of law comes before you once, twice, three times, do not say, “This point of law has already come before me several times,” but discuss it well on that occasion also (Sifrei Devarim 16:1).

V. 17 *You shall not be partial in judgment: hear out low and high alike. Fear neither party, or judgment is God’s. And any matter that is too difficult for you, you shall bring to me and I will hear it.”*

TALMUD...Said Rabbi Hanina: This constitutes an admonition to the court not to hear the words of one litigant before his opponent has arrived, and an admonition to the litigant that he should not present his case to the judge before his opponent arrives. Apply the text: “Hear the cause between your brethren”. [Sanhedrin 7b]

RASHI...*You shall hear the great and small alike...*That the case involving a *peruta* should be as important to you as one involving a hundred, so that if it comes first, do not put it off till last. Another explanation: Do not say, this one is poor and the other rich, and it is a sacred duty to support the poor. I shall acquit the poor man so that he can make a decent living. Another explanation: That you should not say, “How can I slight this rich man for the sake of denar? I shall acquit him and when he goes out I shall say to him: Give him what you owe him.”

OR HA-HAYYIM...The judge must not serenely look at one and avert his gaze from the other, but his hearing must be “between,” equally balanced- if he looks at one he should look at the other, if he averts his gaze, it should be from both or from neither...A certain pious and scholarly judge Rabbi Moses Berdugo would avert his gaze from both, because he felt that if he gazed at one of them his opponent was bound to be flustered for the moment. He said that the text “hear the cause of your brethren” implied that it was the duty of the judge simply to hear, and nothing more, and let the words of the litigants reach his ears without making the slightest differentiation between them both. In this way you will “*judge righteously between a man and his brother.*”

DRASH...The Interpretation

How do Ancient Truths Impact our Modern Reality?

RABBI AMY SCHEINERMAN...Torah sets a high standard for its judicial system. Moses reviews how he appointed magistrates to hear disputes among the Israelites and instructed them: *"You shall not be partial in judgement; hear out low and high alike. Fear no man, for judgement is God's. And any matter that is too difficult for you, you shall bring to me and I will hear it (Deut. 1:17).* **RASHI** interprets this pasuk at length drawing on **SIFREI 17** and the **BABYLONIAN TALMUD, SANHEDRIN 8A**. He makes four points. First, judges should be appointed without consideration of their personal appeal or family connections; only their individual qualifications should secure a position for them. Second, judges should not take it upon themselves to decide the relative importance of cases: whether concerning a *p'rutah* or one hundred *maneh*, each case should receive a judge's full attention. On the basis of Targum Onkelos, Rashi adds that rendering decisions to protect the assets of the poor or the dignity of the wealthy violate Torah's standard for justice. Third, judges should not allow fear to influence their decisions, for the decisions reflect God and reflect upon God. Fourth concerning *"for judgment is God's,"* Moses reminds the magistrates that when they make a fair and fearless decision, they do so as an extension of God, but when they fail to judge fairly and fearlessly, they turn the judgment against God. *Takrivun eilai* (you shall bring it to me) reinforces the point. **RASHI** provides the example of Moses's upsurge of ego (*eilai*) that rendered him unable to decide in the case of the daughters of Zelophechad....

SOD...The Secret

What deeper knowing do we take away from spending time with the Torah text?

RABBI NANCY KASTEN....When I became a parent, I never imagined that within five short years I would also become a judge. But now here I sit, with a five-year-old son and a three-and-a-half year-old daughter, arbitrating matters ranging in importance from the serious to the most mundane. My children are already wonderful lawyers. But I make a lousy judge. First of all, I know the parties too well-their personalities, their predilections, their strengths, and their weaknesses. In addition, I have to live with the consequences of my decision, so chances are that the last fruit roll-up is going to be split regardless of who really deserves it. When my children complain about the injustice of my solution, I am often tempted to quote Scar, the evil uncle in *The Lion King*, and simply say, "Life's not fair."....The legal structure, suggested originally by Jethro in Exodus 18:13-27, consists of an egalitarian system with Moses as the presumably infallible and consummately impartial arbiter in cases too difficult for the average judge to decide. But here in Deuteronomy 1:16-17, these words are spoken as the Israelites are about to begin life in the real world, on the other side of the Jordan, without Moses to whom the judges could defer regarding the most difficult cases....Moses knows that the land is not a place in which they will live uncomplicated or easy lives. Rather, the blessing of living in this land will bring with it certain demands and responsibilities, including the challenge of living without the benefit of Moses' divinely inspired leadership. Moses does not address this challenge directly. He is unable to confront his own mortality in such a stark and pragmatic way. Yet the context in which Moses speaks these words (1:16-17) reminds us that our obligation to pursue justice does not end when perfect judgment eludes or frustrates us. Even the most scrupulous judge cannot always render completely objective decisions. When I'm in a patient and rational mood, I tell my kids they have to share because I want them to learn to understand each other's needs. And verse 16 suggests that fair judgment is not to be found in some ideal objective standard

but rather in the very real ways in which individuals relate to one another. *Ushefatem tzedek bein ish uvein achiv uvein gero* literally means "You shall judge righteousness between a person and between his brother and between a stranger." In Pirkei Avot we are taught that the world stands on three things: on Judgment, on Truth, and on Peace. (Avot 1:2) In a world without Moses, if we are to truly live in community, sometimes objective judgment can be swayed in the interest of truth and peace. (ReformJudaism.org, 8/1/1998)