

The Torah: A Women's Commentary

Parashat Shof'tim DEUTERONOMY 16:18–21:9

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Parashat Shof'tim Study Guide Themes

Theme 1: Pursuing Justice in the Promised Land

Theme 2: Until Swords Become Plowshares—Rules for the Conduct of War

INTRODUCTION



In *parashat Shof'tim* Moses continues to outline legal teachings for Israel. The parashah focuses on organizing the community and establishing rules that will promote justice within it. The juxtaposition of religious and civil laws demonstrates that the impartial application of civil law is as important to God as the proper performance of religious obligations. Although the individual rules in *parashat Shof'tim* are practical in nature, together they form a picture of a society with equity at its core. In ancient Israel these laws apply to everyone—even the king—for every member of the society is entitled to due process. The parashah delineates procedures for appointing officials who will administer these laws at the local level. These officials (kings, priests, and prophets) are charged with administering the law in a fair manner. While many of the rules in *parashat Shof'tim* concern the internal workings of the community, others establish rules for the conduct of war, thus emphasizing that carrying out God's charge to act justly in all areas of life will ensure Israel's future in the Promised Land.

BEFORE GETTING STARTED



Before turning to the biblical text and the questions presented below, use the introductory material in *The Torah: A Women's Commentary* to provide an overview of the parashah as a whole. Draw attention to a few key quotations from the introduction to the Central Commentary on pages 1141–42 and/or survey the outline on page 1142. This will help you highlight some of the main themes in this parashah and give participants a context for the sections they will study within the larger portion. Also, remember that when the study guide asks you to read biblical text, take the time to examine



the associated comments in the Central Commentary. This will help you answer questions and gain a deeper understanding of the biblical text.

THEME 1: PURSUING JUSTICE IN THE PROMISED LAND



The laws in *parashat Shoftim* provide the blueprint for a judicial system that will be administered locally and publicly by officials comprised of lay people—not priests or prophets. The text mandates capital punishment for the severe transgression of idolatry, yet establishes a minimum number of witnesses in capital cases. Those who give false testimony will be punished, a way to discourage others from doing the same and to ensure that such acts do not undermine the judicial system.

1. Read Deuteronomy 16:18–20, which describes the appointment of officials for the judicial system in the Promised Land.
 - a. According to verse 18, what kind of officials should be appointed to govern the people? What is the significance of the fact that these officials are lay people rather than priests or prophets?
 - b. The book of Deuteronomy centralizes sacrifice (see 12:2–14) but not the judicial system. In your view, why might the authors of Deuteronomy want to centralize sacrifice but not the court system?
 - c. The word translated as “settlements” (16:18) literally means “gates,” as in the gates of a city. What does this suggest about the nature of justice in the Promised Land?
 - d. What is the importance of the command in verse 19 that judicial officials not take bribes? Why do you think this is emphasized so strongly?
 - e. What is the connection between pursuing justice and occupying the land (v. 20)? Why do you think these two concepts are linked? In your view, why is the word *tzedek* (justice) repeated twice in this verse?
2. Read Deuteronomy 17:2–7, which describes the procedure for capital punishment for apostates.
 - a. What is the offense described in these verses? In your view, why does this offense warrant such a severe punishment?
 - b. What does the fact that this punishment applies to both women and men indicate about how this text views women’s responsibility for their actions?
 - c. What is the procedure for establishing guilt, according to verse 4?
 - d. What is the role of witnesses in establishing guilt (v. 6) and in carrying out punishment (v. 7)?
 - e. In your view, what is the significance of the command that after the witnesses, “the hands of the rest of the people” put the guilty person to death (v. 7)?

3. Read Deuteronomy 19:15–21, which reiterates the principle that a minimum of two witnesses is required in a judicial case and discusses issues related to witnesses who give false testimony.
 - a. According to 17:6 and 19:15, how many witnesses are necessary to establish guilt? In your view, what are the reasons for this rule?
 - b. What are the legal procedures if a witness gives incriminating, yet false, testimony? In your view, why are these procedures necessary? Why do you think that the parties in a dispute where false testimony is an issue must also appear before God and the priests? What is the punishment for a witness who, after a thorough investigation, is found to have testified falsely? Why, in your view, does the Bible command such a punishment?
 - c. What is the underlying purpose of the phrase “sweep out evil from your midst” (19:19)? Why do you think this phrase is found repeatedly in the book of Deuteronomy (see, for example, 13:6, 21:22, 24:7)?
 - d. What is the purpose of invoking the law of talion, or precise retribution (“life for life, eye for eye”), in 19:21?

4. Read the passage on “A person shall be put to death only on the testimony of two or more witnesses” in Post-biblical Interpretations by Susan Marks (pp. 1158–59).
 - a. How does *Sifrei D’varim* 190 answer the question of whether or not women are qualified to give testimony? On what language in this parashah do the Rabbis base their answer?
 - b. How does the Jewish historian Josephus answer this question?
 - c. In what situation, according to the Mishnah (*Y’vamos* 15:1–5 and 16:5), is a woman permitted to serve as a witness?
 - d. According to Marks, if rabbinic courts accepted women’s testimony in certain situations, why were women excluded as witnesses from most civil and criminal cases?

5. Read “Judgment” by Eleanor Wilner, in *Voices* (p. 1162).
 - a. To what image of Justice does the poet refer in the first sentence? How does the poet expand your understanding of this image in the following sentences?
 - b. What are the consequences for Justice, according to the poet, of having her eyes bandaged? In your view, what is the relationship between this image and the phrase “blind the eyes of the discerning” in Deuteronomy 16:19?
 - c. What is the poet’s view of what remains, despite the damage to Justice she describes in the first stanza? Do you agree or disagree with this view and why?
 - d. What is the relationship between Justice and those who weep while looking at their sleeping children? If you are a parent, how do you relate to this image?

- e. In your view, why is Justice portrayed as a woman? Can you think of a time in your own life when your decision to respond to an injustice was rooted in your identity as a woman?

THEME 2: UNTIL SWORDS BECOME PLOWSHARES—RULES FOR THE CONDUCT OF WAR



Parashat Shof'tim makes clear that the core principle of justice applies even to waging war. The parashah establishes separate rules for wars conducted inside and outside of the Promised Land, as well as specific laws regarding the siege of a city. These laws reflect an understanding of the importance of maintaining the major anchors of Israelite society: home, family, and agricultural livelihood.

1. Read Deuteronomy 20:1–4, which introduces the procedures for going to war.
 - a. According to verse 1, what is God's role when an Israelite warrior takes the field against his enemies? Why does the text, in your view, remind the Israelites that God "brought you from the land of Egypt"? What does this reminder suggest about the challenge confronting the Israelites as they prepare to enter the Promised Land?
 - b. What is the role of the priest in preparing the people for battle? In your view, what are the reasons for the priest's involvement?
 - c. According to verses 1–4, what are the various roles God will play in the Israelites' battles? What images of God are presented in these verses?
2. Read Deuteronomy 20:5–8, which concerns exemptions from war.
 - a. What are the exemptions from battle discussed in verses 5–7? What do these exemptions have in common? In your view, what is the purpose of these exemptions? What are the values at the root of these exemptions?
 - b. What is the exemption for a man who has "paid the bride-price for a wife, but who has not yet married her" (v. 7)? In your view, why is this exception important?
 - c. What does the exemption in verse 8 tell us about how the authors of the biblical text understood human psychology and its impact on troop cohesion?
3. Read Deuteronomy 20:10–14, which describes the rules for war within Canaan, and 20:15–18, which describes the rules for wars outside of Canaan.
 - a. What are the rules for conducting wars inside of Canaan? What was the impact of these procedures on the conquered peoples?
 - b. According to the Central Commentary on verses 10–14, what was the purpose of killing the adult males and taking the women, children, and livestock as booty?

- c. What is the reason given in verse 18 for the rules of war against peoples outside of Canaan? How do the rules for wars within Canaan differ from those for wars outside of Canaan? What do you think accounts for these differences?
 - d. How do these verses portray God's role in waging wars?
4. Read Deuteronomy 20:19–20, which describes rules connected with besieging a city.
 - a. According to these verses, for what purposes may trees be used during the siege of a city?
 - b. What are these commands designed to prevent? What are the principles that underlie these rules?
 - c. According to the Central Commentary, what is the meaning of the statement, "Are the trees of the field human" (v. 19)? How do you understand this phrase?
 - d. What reasons can you think of for placing this injunction in the biblical context?
5. Read the Another View section by Nili Wazana (p. 1158).
 - a. According to Wazana, how do the rules for warfare in *parashat Shof'tim* differ from those in a typical collection of laws concerning war?
 - b. What attitudes toward war do we see in the rules concerning who may be exempt from war (20:5–7)? What do these verses teach us about how Deuteronomy views war?
 - c. According to Wazana, how can Deuteronomy's rules of warfare be understood as an ideological polemic?
6. Read the passage on "Is there anyone who has paid the bride-price for a wife?" in Post-biblical Interpretations by Susan Marks (pp. 1159–60).
 - a. What is the purpose of the bride-price? What does the bride-price imply about the wife's status?
 - b. According to Tosefta Kiddushin 1:1 and BT *Kiddushin* 5b, what makes a betrothal legitimate? What role does a woman's speech or actions play during betrothal?
 - c. What do we learn from Mishnah *Kiddushin* 1:1 and 3:7 about how the Rabbis handled cases in which men did not fulfill the obligations of betrothal expeditiously?
 - d. What kind of problems may have existed in both Roman law and in ancient Israel, as well as during the rabbinic era, related to laws of betrothal?
7. Read the Contemporary Reflection by Beth Kissileff (pp. 1160–61).
 - a. According to Kissileff, what does this parashah teach us about the relationship between conflict and war?

- b. How can the Jewish value of mercy (*rachamim*) guide our approach to daily life, national crises, and our enemies?
 - c. According to Kissileff, how does the biblical story of Joab and the “wise woman” (II Samuel 20:14–22) illustrate this sense of mercy and of calling out in peace?
 - d. How does the research of Professor Galia Golan help us to understand the distinct ways that women strive to infuse our world with more mercy and peace?
 - e. In your own experience, professionally or in the volunteer world, what differences have you observed in how women deal with potentially difficult issues in a group? Do you agree with Professor Golan’s conclusions about how women approach conflict?
8. Read “Mobilization” by Karen Alkalay-Gut, in *Voices* (p. 1163).
- a. Karen Alkalay-Gut is an Israeli poet. How does this inform your reading of this poem?
 - b. What are the reasons for the daughter’s actions in the poem’s first stanza?
 - c. How do you understand the mother’s reaction when her daughter sings the “tuneless lullaby” that her grandmother sang to her mother? Have you ever had a similar experience with one of your own children?
 - d. How does the juxtaposition between what is in her daughter’s kitbag and the funny doll add to your understanding of what both mother and daughter are experiencing?
 - e. How do the daughter’s feelings about where women—and men—belong differ from those of the rabbi on TV (in part 3 of the poem)?
 - f. If you have had the experience of sending a child to the military, how did your own feelings compare with those of the mother in this poem? How can the mother’s reactions inspire us to “call out in peace”?
 - g. In your view, in what ways do women have a special perspective and role to play in pursuing peace?

OVERARCHING QUESTIONS

As you study these parts of the *parashah*, keep in mind the following overarching questions. If time permits, conclude the class with these broader questions:

1. *Parashat Shoftim* describes a locally administered judicial system, emphasizing the importance of the people's right to obtain justice in their communities. In our own society, the court system relies on juries composed of members of the community. If you have served on a jury, how did this experience inform your understanding of the importance of obtaining justice locally? How did the experience of serving on a jury influence your views of the process of obtaining justice? How are these views reflected in the laws in this parashah?
2. What is your reaction to the implicit understanding in *parashat Shoftim* that war exists? How can we reconcile this understanding with the underlying principle of the pursuit of justice? How can the laws of war in this parashah inform our understanding of how wars in our time should be conducted?

CLOSING QUESTIONS

1. What new insight into the Torah did you gain from today's study?
2. What other new insights did you gain from this study?
3. What questions remain?



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