

דבר אחר | A Different Perspective

Limbs

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Limbs (2017)

Sharpie, colored pencil,
and acrylic on plexiglass

This work was created as part of JTS's artist-in-residence program and is on display at JTS as part of the *Corridors II* exhibition.

When in your war against a city you have to besiege it a long time in order to capture it, you must not destroy its trees, wielding the ax against them. You may eat of them, but you must not cut them down. **Are trees of the field human** to withdraw before you into the besieged city? (Deut. 20:19)

כִּי־תִצּוּר אֶל־עִיר יָמִים רַבִּים
לְהִלָּחֵם עָלֶיהָ לְתַפְשָׁהּ לֹא־
תִשְׁחִית אֶת־עֵצָהּ לְנִדַּח עָלֶיךָ
גִּרְזֹן כִּי מִמֶּנּוּ תֹאכַל וְאֵתוֹ
לֹא תִכְרֹת כִּי הָאָדָם עֵץ
הַשָּׂדֶה לֵבֵא מִפְּנֵיךָ בַּמָּצוֹר:

View the image in color at: www.jtsa.edu/limbs

Shofetim 5777

שופטים תשע"ז



The King's Torah and the Torah's King

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This week's Torah portion focuses on a wide array of topics, but underlying virtually everything we can see a thematic coherence well reflected in the parashah's name ("judges"). The *sidrah* contains one of the most famous lines in the entire Bible, *tzedeq, tzedeq tirdof*: "Justice, justice shall you pursue" (Deut. 16:20). And throughout the parashah we see the Torah outlining various aspects of the pursuit of justice.

First is the establishment of courts, their organization and their authority. But the parashah has a larger vision than establishing the nature of the judiciary alone. Bernard M. Levinson, in his commentary on Deuteronomy in *The Oxford Jewish Study Bible*, points out "Although western political theory is normally traced back to ancient Athens, this section is remarkable for providing what seems to be the first blueprint for a constitutional system of government." Over the course of this week's reading the Torah presents a careful balance among four specific elements of power in ancient Israel: the judges, the priests, the prophets, and the king. No one element has absolute authority. Judges may assert their authority in matters of criminal and civil offenses; prophets may assert their vision about wrongdoing and future consequences; priests may hold sway over the primary ritual elements of ancient Israelite life, the sacrificial cult; and the king may rule "over them" (Deut. 17:14–15). But none of these powerful figures can be dominant over the others.

Of course, the parashah is laying out the idealized model. How it worked in real life is another matter, one which we can only infer from the meager evidence that we have. For example just considering the stories of Saul and David as the Bible reports them to us gives us a good deal of insight into the complexity of operating this system of what we might call "checks and balances"; in the same way that reading the United States Constitution only gives us a picture of the way that the three branches of our government are "supposed to" work. As we have seen in a

variety of instances sometimes a “check” on one branch of government may not lead to much “balance” in the world of realpolitik. Yet without the ideal we would have no standard by which to evaluate the real, and these chapters in our Torah reading give us a picture of what the Bible viewed as the proper functioning of a system of government.

For me the most powerful and moving part of the description in Shofetim is the delineation of the limitations on the king. Sometime in the future, God says, you will be settled in Eretz Yisrael and you will want to set a king over yourselves to be like “all the other nations” (Deut. 17:14). With almost an exasperated acceptance, God tells them if that’s what you want, you can do it. But there are restrictions that need to be in place—you can’t choose someone who is not one of your own people; the king can’t keep many horses, nor can he have many wives. But what is most striking to me is the following passage:

When he is seated on his royal throne, he shall have a copy of this Teaching (*Torah*) written for him on a scroll by the levitical priests. Let it remain with him and let him read in it all his life, so that he may learn to revere the Lord his God, to observe faithfully every word of this Teaching as well as these laws. (Deut. 17:18–19)

The version above is from the standard contemporary New Jewish Publication Society translation used in the Conservative movement’s *Etz Hayim Humash* as well as *The Oxford Jewish Study Bible*, and it has the advantage of readability and up-to-date biblical scholarship. But there are times that its very clarity obscures the way certain biblical passages have been interpreted and understood in Jewish commentary across the generations. In our passage, for instance, *torah*, a common biblical word, is quite properly understood as “teaching,” as we see above. It appears that in their original context the verses are meant to say that the king should have before him a specific “teaching,” the biblical verses that apply to a king, and that he should keep those verses with him as a written document. But in this case the word *torah* has in classic Jewish sources been understood in a different way: to refer quite literally to a Sefer Torah scroll. In addition, the NJPS smooths over some confusing elements of the Hebrew original, leading to an interpretation that is essentially completely different from the way that this passage has been understood in our traditional texts.

NJPS tells us that the “levitical priests” write the “Teaching” for the king. But later Jewish tradition sees it differently. This becomes quite clear by simply looking at the way the Mishnah interprets the obligations of a king:

And he shall write in his own name a Sefer Torah. When he goes forth to war he must take it with him; on returning, he brings it back with him; when he sits in judgment it shall be with him, and when he sits down to eat, before him, as it is written: and it shall be with him and he shall read therein all the days of his life. (M Sanhedrin 2:4)

The Mishnah sees the king as *writing the Torah scroll for himself*. The Talmud elaborates on this concept:

A Tanna taught: And he must not take credit for one belonging to his ancestors. Rabbah said: Even if one’s parents have left him a Sefer Torah, yet it is proper that he should write one of his own . . . (BT Sanhedrin 21b)

Moreover, NJPS renders one phrase in our passage as “let him read in it *all his life*” (italics added)—a perfectly reasonable translation of כָּל-יְמֵי תְּיִיו, but older translations’ more literal “all the days of his life” has a greater appeal. The latter suggests, in capturing the specificity of “days of,” that the king should read this Torah every single day, a more powerful understanding of the injunction on the king than “all his life.”

What difference do these distinctions make? Am I quibbling over minor details? I’d like to argue that this is a case where the translation matters. First, no matter what this text may have meant in its own time, it is worthwhile to remember the way it has been viewed by the core texts of our tradition—the Mishnah, the Babylonian Talmud, and later commentators such as Rashi and Maimonides.

But more than that, I believe that in emphasizing the need for the king to do the writing himself—even if he inherited a perfectly fine Sefer Torah from his parents or ancestors—the tradition understood that the very act of writing the Torah scroll is a way of making the Torah, quite literally, one’s own. The act of doing that writing becomes a powerful pedagogy through which the king comes to understand what his moral position must be. As the Torah tells us, this connection, this act of identification with the values inherent in God’s “teaching,” will insure that “he will not act haughtily toward his fellows” (Deut. 17:20), which, as Ibn Ezra points out, would be likely to happen if the king were “free” from the commandments. As we think about leaders in our times, it may be helpful to remember that being “above the law” is not the way for any king to view himself. Rather, as the Torah says, to “reign long” means to know that the “law” is above us all.