Parashat Shofetim
Deuteronomy 16:18–21:9
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Parashah Commentary
This week's commentary was written by Rabbi Robert Harris, associate professor of Bible, JTS.

“Alas, Poor Yorick”: A Grave Affair

“Alas, poor Yorick! I knew him, Horatio, a fellow of infinite jest, of most excellent fancy. He hath bore me on his back a thousand times, and now how abhor’d in my imagination it is! My gorge rises at it.” (Hamlet, act 5, scene 1, lines 185–188)

As most everyone knows, these lines (even as they are often misremembered) are spoken as Hamlet lifts the skull of his father’s court jester from the grave, and contemplates the common fate—decay—of both kings and court jesters. And while this sentiment would be a worthy topic of its own (see Eccles. 11:7–8: “How sweet is the light, what a delight for the eyes to behold the sun! Even if a man lives many years, let him enjoy himself in all of them, remembering how many the days of darkness are going to be. The only future is nothingness!”), what, might you ask, has this to do with our weekly Torah portion?

A fair question, indeed. Among the far-ranging topics of our parashah is the following paragraph:

When you enter the land that the LORD your God is giving you, you shall not learn to imitate the abhorrent practices of those nations. Let no one be found among you who consigns his son or daughter to the fire, or who is an augur, a soothsayer, a diviner, a sorcerer, one who casts spells, or one who consults ghosts or familiar spirits, or one who inquires of the dead. For anyone who does such things is abhorrent to the LORD, and it is because of these abhorrent things that the LORD your God is dispossessing them before you. You must be wholehearted with the LORD your God. (Deut. 18:9–13)

I wish to call your attention specifically to the Torah’s prohibition of “inquiring of the dead.” Rashi seems to adumbrate Shakespeare, when he includes “one who asks questions of a skull” among the possible actions that would represent a violation of the biblical commandment. But the Torah is not imagining a philosophical discourse about life when it prohibits “inquiring of the dead,” but...
rather, in what is likely its original context, necromancy—an act whereby a person would either approach or occupy a tomb (see Isa. 65:1–4) and seek the presence of the departed in order that she or he might give some specific information that would be of supposed benefit to the questioner, or that the dead might intercede with God on behalf of the questioner. This is likely the background of the "witch at Endor" narrative in 1 Samuel 28, when King Saul wishes to communicate with his dead prophet, Samuel, before the fateful battle with the Philistines. It might be such a practice that was characterized by the prophet Isaiah in the following words: "Then deep from the earth you shall speak, from low in the dust your words shall come; your voice shall come from the ground like the voice of a ghost, and your speech shall whisper out of the dust" (Isa. 29:4). This is the practice that the Torah prohibits, and it equates the "abhorrence" of such an act along with one who would "consign his son or daughter to the fire" and all of the other various proscribed practices on the list.

What lasting impact, you might ask, might this section of the Torah have for us? Who among our people today “practices necromancy,” or “augury,” or any of the other terrible customs described by the Torah? Perhaps it is true that none indulge in these specific behaviors, but nonetheless many people do turn to other practices that contravene the intent of this biblical passage. I am referring to those who would visit (or travel to) a grave in order to seek intercession of the dead in beseeching that God might grant this or that request, even if this be a worthwhile one. For example, a single person despairing of ever finding a mate, or a woman who has thus far been unable to conceive, might visit the grave of some tzadik or holy sage in order to attract God’s attention to that individual’s plight. Or a person might go to the grave of a dearly departed loved one to ask that she or he act as an intermediary before God in granting the hoped-for request. However, despite the time-honored convention in some Jewish communities that sanctions these very acts, I would argue that the spirit—if not the exact words—of our Torah portion would continue to prohibit such practices.

As R. Moses Nahmanides (Ramban) explains in a long note on our section, “all human beings desire to know what the future has in store for them, and they will indulge in various types of ‘wisdom’ like these in order to learn this.” Nonetheless, and despite Ramban’s—and perhaps our—sympathy for those who would wish to know the future or would have a sincere prayer answered by any means, our passage concludes, “You must be wholehearted with the LORD your God” (Deut. 18:13). The Torah expects that “with united heart we will be dedicated to God alone, who alone performs all” (Ramban). Neither through necromancy nor through astrology nor through lucky talisman or charm must we know God, but only through our good deeds, performance of the mitzvot, prayer, and Torah study.

When we approach a grave, we must do so only to recall the wonderful things our loved ones, or the heroes of our people, did in the “land of the living,” and we must not do so in order to seek their assistance in our worldly affairs. We rather recite el maleh rahamin, to express our love for, and admiration and memory of the dead; and we recite kaddish, accepting God’s judgment and praising God’s name.

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