

Rabbi Noah Arnow  
Kol Rinah  
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## Judicial Reminders

“Writing about Shofetim (Judges) feels like too much at this particular moment, when the judiciary of both the United States and Israel are beset by challenges,” wrote Ellie Gettinger, Director of Digital Learning at JTS, in this week’s d’var Torah published by JTS (<https://www.jtsa.edu/torah/who-are-you-to-judge/>). She continues, “In Israel, judicial reform pursued by the ruling party is shifting the balance of powers, pushing Israeli society to a schism. In the US, questions of judicial ethics are at the forefront. What does it mean to have a lifetime appointment, and what is the line between friendship and bribery? Shofetim positions the need for righteous people to preside over courts while acknowledging the ever-present challenge human nature presents to this ideal.”

The justices of the Israeli Supreme Court will have to rule in September on the legality of restrictions on their own power, an impossible judicial quandary.

And in America, with the four indictments of President Trump, there is attention like never before on some particular judges. When was the last time we knew the names of judges who are not Supreme Court justices?

This is all context for a relevant and beautiful midrashic use of our parashah. If you read the first several verses of our parashah (Deuteronomy 16:19, 21, 22, 17:1), you’ll see six prohibitions:

1. "You shall not pervert justice, (v. 19)
2. nor show partiality, (v. 19)
3. nor take a bribe, (v. 19)
4. you shall not plant for yourself an Asherah (a tree to be worshipped), (v. 21)
5. nor set up a stone pillar, (v. 22)
6. nor sacrifice to the Lord your God an ox or a sheep that has any defect of a serious kind." (v. 17:1)

The midrash (Deuteronomy Rabbah 5:6) reminds us of 1 Kings 10:18-20: “The king (Solomon) also made a large throne of ivory, and he overlaid it with refined gold. Six steps led up to the throne, and the throne had a back with a rounded top, and arms on either side of the seat. Two lions stood beside the arms, and twelve lions stood on the six steps, six on either side. No such throne was ever made for any other kingdom.”

Then, said Rav Aha: “And a herald stood before Solomon's throne. As Solomon ascended the first step, he would proclaim (Deuteronomy 16:19), "You shall not pervert justice." On the second step, he would proclaim (Deuteronomy 16:19), "nor show partiality." On the third, he would proclaim (Deuteronomy 16:19), "nor take a bribe." On the fourth (Deuteronomy 16:21), "You shall not plant for yourself an Asherah." On the fifth (Deuteronomy 16:22), "nor set up a stone pillar." And on the sixth (Deuteronomy 17:1), "nor sacrifice to the Lord your God an ox or a sheep that has any defect.”

We don't need to explain the first three. Judge fairly, don't be partial, and don't take bribes. For a person in a position of judgement and authority and decision-making, having this read out loud every time you sit down in the throne, or in your seat of judgement, would be a powerful reminder.

And what I find so insightful is that even Solomon (the wise!!!) needed this reminder, and if he needed it, קל וחומר, all the more so, everyone else, every other judge.

The last three prohibitions do need need some unpacking to make them make sense in this context.

Don't plant an ashera—a tree of idolatry. The Talmud (Sanhedrin 7b) says: "anyone who appoints an unqualified judge over the community is like they planted a tree of idolatry near the altar." Judges are like God: they are called, sometimes in the Torah, elokim, another word for God! An ashera is mistakenly worshipped and respected—it's something that people think is holy but really isn't. A judge should not become a mistakenly revered figure, who people think is trustworthy, but is not.

A matzevah is a stone pillar, a single piece of stone. But the altar has to be many stones, says Rashi (on Dt. 16:22). A judge is not a lone single stone, but is part of a system, and is better as part of a group of judges.

Don't sacrifice a blemished animal – it's not bringing your best self, best judgment. It's cutting corners, without admitting it publicly. It's everything we're afraid a judge will do. Spiritual corruption in a judge is put on an equivalent footing of bribery. Judges must be trusted.

I'm not a huge fan of putting up the Ten Commandments everywhere. And for First Amendment, Establishment Clause reasons, I wouldn't love the bailiff intoning these six prohibitions every time a judge is seated.

But I can't help but wonder if that kind of constant reminder, and expectation, with all the midrashic references explained and understood, would actually make any impact on judges' integrity. It wouldn't be completely sufficient. But it wouldn't hurt. I'm

In a moment, I'll ask us to stand and we'll read together the Prayer for our Country, with particular emphasis on our prayers for judges, here and in Israel.

Shabbat shalom.