

Dvar Torah -- *Shoftim*

Deuteronomy 16:18 – 21:9

September 6, 2024 – Anne Carey

This week's parasha, *Shoftim*, from the book of Deuteronomy is an interesting assortment of instructions, laws, and at its end the inclusion of a rite for how to address the question of responsibility for a crime committed by an unknown person or persons. It is a lot to wade through, and as always, I am looking for *whether*, and if so, *how* this ancient text can inform our understanding of the world, our place in it, and the responsibility we have to and for it as well as to and for each other. What can we find that will give us more clarity in these matters?

As I was reading about judges, kings, priests and prophets, all these examples of leadership, my mind wandered just a bit, and I began to think about corruption in high places as we have seen it in our present time. Let us take the example of a certain Associate Justice of the Supreme Court of the United States. (Naming no names.....) In the section on judges, our text reads, in part, "...no bribe shall you take, for a bribe blinds the eyes of the wise..." Robert Alter reads this command as emphasizing that even the wise lose the guidance of their wisdom if they succumb to bribery. How else than a bribe are we to characterize the funds and favors given to this Justice and his spouse? How can his judgment in cases that come before him be trusted? Just saying....

That's a small example of the kind of reflection this parasha called forth. We could go on and on about kings (political leaders), priests (religious leaders), and prophets (leaders in public commentary) with innumerable examples of corruption in each category. However, my purpose is not to drive you into deeper depression. So I will skip to the ending portion of *Shoftim*, which describes a method for how to solve an unsolved murder. To make the best use of time, I am now quoting from a fascinating essay on TheTorah.com by Gary Rendsburg, Professor of Jewish History at Rutgers University. The essay is entitled "If the Criminal Is Unknown, Should We Punish the Crime?" Here goes Prof. Rendsburg:

Deuteronomy 21:1-9 describes a situation in which a slain corpse is found in the field between two cities and the identity of the slayer is unknown. The elders of each town are called upon to measure the distance between the scene of the crime and the cities. The elders of the closest town must then perform an unusual ritual in which they break the neck of a heifer that has

never been worked over a body of running water, at which point the elders wash their hands over the heifer and then declare that they are not responsible for the person's death. Why do the village elders need to deny culpability for the murder? Because by virtue of their being leaders, they are responsible for a trespass, even if they did not directly cause it. In this ritual of exculpation, the washing of hands, the elders declare both that they – and presumably this includes everyone in the community they represent – have not committed the murder and that they have not witnessed it, and so have no knowledge of the killer's identity.

Rendsburg expands on this point by relating a story from one of his teachers. Here it is.

In 1931 his late teacher Cyrus Gordon was a young archaeologist working at an excavation in the Kurdish region of northern Iraq. The region was much safer then than it is in our day; usually there were no problems with the local villagers on such scholarly expeditions. On one occasion, however, a minor annoyance occurred.

Each morning the archeological team would awake to find that its jeep had been overturned. The staff would turn the jeep right side up each time, but the next day, the jeep was overturned again. After several days of such activity, the archeologists complained to the local *mukhtar* (the Arabic word for “mayor” or “village head”). The *mukhtar* replied that he would take care of the matter.

Later that day the *mukhtar* came to the archeologists and said, “Your jeep will not be overturned again.” The excavators asked, “What did you do?” The *mukhtar* pointed to the nearest house situated atop one of the nearby hills and said, “Do you see that house up there? My men went in there and roughed up the place.” The archeologists asked, “Are they the ones who overturned the jeep?” And the *mukhtar* replied, “No, but they will find who did it, and they will take care of them.”

The archeologists understandably were astonished by such a display of justice, but the *mukhtar* had a ready reply. He had been exposed to some Western ideas of jurisprudence and he explained to the visitors from America, “You see, we have a different sense of justice than in your society. In your society, you punish criminals. In our society, we punish crimes.”

There are so many ways to reflect on this story and the text of Deuteronomy 21 from millennia earlier. Our system of jurisprudence would never tolerate the approach of the Kurdish *mukhtar*, where leaders were responsible for the behavior of the entire community. However, going back to the consideration of corruption in high places and the degree to which it has been

demonstrated in the past decade or so in our country (you all know what and whom I am referring to), it might be worth considering. Maybe the text has something to teach us after all.

And finally, because this is the way my mind works, I am suddenly recalling the famous baptismal scene in the film *The Godfather*. Michael Corleone is responding to the promises the priest is asking of him as godfather to his baby nephew. In a brilliant directorial move, scenes of Michael affirming his promises are cross-cut with scenes of members of his criminal family committing multiple homicides to ensure his complete dominance over the entire La Cosa Nostra enterprise. A more dramatic portrayal of personal corruption would be hard to imagine. Maybe if someone ever makes a movie of the past eight years in America.... That would be one movie I will never bother seeing.

Thank you for listening.

Baptismal Scene Dialogue:

Priest: Michael, do you believe in God the Father Almighty, maker of heaven and earth?

Michael: I do.

P. Do you believe in Jesus Christ, His only Son, our Lord?

M. I do.

P. Do you believe in the Holy Ghost, the Holy Catholic Church?

M. I do.

P. Michael Francis, do you renounce Satan?

M. I do renounce them.

P. And all his works?

M. I renounce them.

P. And all his promises?

M. I do renounce them.