

**PARASHAH:** Shof'tim (Judges)  
**ADDRESS:** D'varim (Deuteronomy) 16:18-21:9  
**READING DATE:** Shabbat  
**AUTHOR:** Torah Teacher Ariel ben-Lyman

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(Note: all quotations are taken from the Complete Jewish Bible, translation by David H. Stern, Jewish New Testament Publications, Inc., unless otherwise noted)

Let's begin with the opening blessing for the Torah:

***“Baruch atah YHVH, Eloheynu, Melech ha-O'lam,  
asher bachar banu m'kol ha-amim,  
v'natan lanu eht Torah-to.  
Baruch atah YHVH, noteyn ha-Torah.  
Ameyn.”***

(Blessed are you, O' LORD, our God, King of the Universe,  
you have selected us from among all the peoples,  
and have given us your Torah.  
Blessed are you, LORD, giver of the Torah.  
Ameyn.)

“Having left its heavenly abode, it had to be accommodated in the modest cottages of human uncertainty and inadequacy. This, in essence is the task of the **Halakha**. The “humanization” of the word of God....”<sup>1</sup> This quote from “*Lo bashamayim hi* (Not in Heaven) – **The Nature and Function of Halakha**, by Eliezer Berkovits, sets the tone for this week's portion or parashah, **Shof'tim**.

The parashah starts off with the Hebrew,

שֹׁפְטִים וְשׂוֹטְרִים תִּתֶּן-לָךְ בְּכָל-שַׁעֲרֶיךָ  
אֲשֶׁר יְהוָה אֱלֹהֶיךָ נֹתֵן לָךְ לְשִׁבְטֶיךָ וְשֹׁפְטֵי  
אֶת-הָעָם מִשְׁפַּט-צְדָקָה

***“Shof'tim v'shotrim titen-l'cha b'chol-sh'arecha asher ADONAI Elohecha  
noteyn l'cha lishvatecha v'shaf'tu et-ha'am mishpat tsedek.”***

(You are to appoint judges and officers for all your gates [in the cities] ADONAI your God is giving you, tribe by tribe; and they are to judge the people with righteous judgment.)

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<sup>1</sup> Eliezer Berkovits, *לא בשמים הוא* “Not in Heaven” – *The Nature and Function of Halakha* (Ktav Publishing House, Inc., 1983), p. 73.

Following the normal procedures for naming a portion after the opening few words, we see why it is called **Shof'tim**, or judges. By naming it this, the tone is set to deal with the opening subject: justice.

The pursuit of justice in the land, given by **HaShem** to **Avraham** and his descendants, was not just some novel concept; it was a *mitzvah*, a command. Indeed the Hebrew word translated 'pursue', of verse 20, is an adequate picture of what the Torah was trying to get across to the people: pursue it, seek after it actively. Why was this concept so important to the Holy One? Because justice, being one of His many attributes, when properly understood, brought about the implementation of the right attitude needed for proper relationships. The relationship between HaShem and man is important, most would agree; the relationships between themselves, however is equally important. Justice is a pillar in the righteous community. R. Simeon B. Gamaliel said,

“Do not make mock of justice, for it is one of the three feet of the world. Why? For the Sages have taught, on three things the world rests: on justice, on truth, and on peace. Know then full well that if you wrest judgment, you shake the world, for it is one of its pillars” (**D'varim Rabbah 5.1**).

## **Establishing Halakhah**

Chapter 17 of this parashah talks about the details surrounding official, legal matters. Of particular interest is the subject dealt with in verses 8-13. To be sure, the sages of old understood this to be talking about the matter of *halakhah* and the authority of what is known in rabbinical circles as “**Oral Torah**.” And just what is Oral Torah and why do we Christians need to know? I shall explain why below, but first, a treatment of what has come to be known as Oral Torah in Judaic circles must come first.

### **Oral Torah: “Torah sh'be'al peh”**

Although the Written Torah seems to be precise in its description of legal codes and commandments, it would be impossible to write down every conceivable human behavior and ascertain whether or not the Torah allowed each one. Concerning the prohibition of work on the Sabbath, for example, we notice that nowhere in the Torah is there a definition of what constitutes labor (Heb: *melachah*) on the Sabbath and what does not. Amos (8:5) and Jeremiah (17:21-24) mention keeping the Sabbath in concrete terms—forbidding trading and bearing a burden—but it is impossible to enumerate all the probable behaviors and circumstances and give judgment as to whether or not they violate the Sabbath. This became more of a problem as time went on and the historical and cultural circumstances changed in later periods. The violation of the Sabbath is a very serious offense for Jewish people everywhere (a capital offense in ancient times), but the absence of a precise definition of working on the Sabbath in the

Pentateuch has been a persistent problem. Unless people have a clear definition of what constitutes labor on the Sabbath, they cannot objectively observe it. Even for contemporary pious Christians, this is a serious problem. Like Amos and Jeremiah, the believing community had their own understanding about the Sabbath, and that became the tradition of the community. Since the time of Ezra in the post-exilic period, many experts on the Law (scribes, Sofrim) were interpreting the Torah in and for their covenant community, and the community regarded their words as having the same binding authority as the Written Torah.

The traditional interpretations of the Torah by the experts on the Torah as well as those of the **Chazal** (Our Rabbis of Blessed Memory), particularly after the destruction of Jerusalem in A.D. 70, became the "Torah sh'be'al peh" (Torah from the mouth), also known as unwritten or Oral Torah. The Oral Torah gained equal footing and took on the same kind of binding authority as the Written Torah. The function of the Oral Torah is to "make a fence for the Law" (Avot 1.1). The Written Torah is to be protected by keeping and observing the tradition (Oral Torah). Consequently, Judaism has been able "keep" the Written Torah merely by observing the Oral Torah. By obeying the tradition in concrete terms (no business on the Sabbath, for instance), they could observe the commandment about the Sabbath.

During the highlight of the period of Rabbinic Judaism it was believed that HaShem revealed his Will not only through the Written Torah, but through unwritten traditions as well. The rabbis claimed that the Oral Torah, which was transmitted by word of mouth, was also given to Moshe at Mount Sinai, teaching that it had in fact existed side by side along with the Written Torah ever since. **"Moshe received the Law (written and unwritten) from Sinai (from God) and transmitted it to Joshua, and Joshua to the elders, and the elders to the prophets, the prophets transmitted it to the men of Great Assembly" (Avot 1.1).** This unwritten Torah was eventually written down and collected in the voluminous book referred to as the **Talmud**. The **Mishnah**, which was compiled by Rabbi Judah the Prince (born in A.D. 135), is the most important tradition in the Talmud.

Jacob Neusner has compiled a most helpful rendition of the Talmud, available both in print as well as on CD-ROM. In the introduction to the material he makes these insightful comments about the formulation of the Talmud:

The Mishnah of 200 C.E. and the Gemara of 600 C.E. mark two of the four major stages in the history of the formation of normative Judaism that begins with Scripture and makes its authoritative statement in the Talmud.

The first stage finds its complete presentation in the Pentateuch, the Five Books of Moses, which came to closure, it is commonly supposed, in ca. 450 B.C.E. The Pentateuch defined both the foundations of law and the master-narrative of Judaism.

The second stage is comprised by the long period of oral tradition ca. 450 B.C.E. to 200 C.E. that followed the closure of the Pentateuch and ended with the first steps in the formation of the Mishnah, taken in the first century of the Common Era. During this period oral traditions augmented the laws of the Pentateuch by covering topics not treated in the written part of the Mosaic revelation. This stage is a matter of surmise because we have no surviving written documents in the tradition of the ancient Rabbinic sages deriving from the period between the close of the writing of the Pentateuch and the writing of the Mishnah. We return to this second stage in a moment.

The third stage, that of the formation of the Mishnah as we know it, in the first two centuries of the Common Era, came to realization in particular with the setting down to writing of the Mishnah, ca. 200 C.E. The Mishnah and its companion supplementary collections\* organized and systematized the oral traditions that accompanied the written law of the Torah contained in the Pentateuch. These topical expositions will be described, and the religious system for Israel's social order that they constructed will be defined, below.

\*The Mishnah fits together with supplementary collections of laws (the Tosefta) and of scriptural exegesis (Midrash) with special reference to legal passages of Scripture.

The fourth stage, that of the Gemara or Talmud, resulted in the systematic clarification and amplification of the Mishnah by the two Talmuds, along with collections of the exegesis of passages of Scripture important in synagogue life. These two works are the Talmud of the Land of Israel (in the Roman Empire) ca. 400 C.E. and the Babylonian Talmud (in the Iranian Empire) ca. 600 C.E. Of the two Talmuds, the Babylonian Talmud (Bavli) provides the conclusive statement of rabbinic Judaism.<sup>2</sup>

Do not think this practice to be strange. We find this phenomenon in other religions as well. Islam has the Hadith and Christianity (Catholic and Orthodox) has the apostolic traditions. The Protestant churches do not recognize the apostolic traditions as authoritative as the written Bible, yet they do recognize their importance for theology.

Returning to the p'sukim (verses) in question, and from a cursory reading of Deuteronomy 17:8-13, it indeed appears to be a valid teaching about establishing a governing body of legal authority based on the spoken opinion of the 'judge' of the day. This is where the *halakhah* gains its strength and application. The term

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<sup>2</sup> Jacob Neusner, *The Babylonian Talmud* (Hendrickson Publishers, 2005 CD-ROM), p. 3.

is roughly translated “the way in which to walk.” The rabbis see in this passage an opportunity to establish the tradition of the **Oral Torah**. As they see it, this passage instructs its readers “**In accordance with the Torah they teach you, you are to carry out the judgment they render, not turning aside to the right or the left from the verdict they declare to you**” (v.11). Taking the verse in its most natural and literal sense, it does seem to validate the right for the rabbis to impose their judgments on all succeeding generations. And to strengthen the suggested interpretation, a first century Rabbi by the name of **Yeshua** had this to say to his crowd, “**The Torah-teachers and the P’rushim,**” he said, “**sit in the seat of Moshe. So whatever they tell you, take care to do it. But don’t do what they do, because they talk but don’t act!**” (**Matt. 23:1-3**). What are we to make of Yeshua’s comments?

According to translator David Stern, writing in his **Jewish New Testament Commentary**:

“...sit in the seat of Moshe, exercising the power of “**the cohen of judge in office at that time**” (Deuteronomy 17:8-13), officially interpreting the Torah. There are some who understand this verse to mean that, according to Yeshua, the Oral Torah, as expounded in Orthodox Judaism, is binding on Messianic Jews today. I do not believe this, because I think Yeshua had already initiated a process transferring halakhic authority from the cohanim, judges and rabbis to the emissaries and later leaders of the Messianic Community”<sup>3</sup>.

I agree with this interpretation and commentary of the passage in Deuteronomy, as well as Yeshua’s own commentary on the matter. Our LORD does not seem to support the Oral Tradition as binding, that is, on par with Torah. However, any tradition, when not in direct conflict with Scripture, is harmless I’m sure.

As can be shown, a careful distinction needs to be made by the Jewish believer in Messiah, regarding matters of rabbinical authority (Oral Torah) and Torah issues as a whole. If our Messiah correctly determines correct Torah interpretation, then a misrepresentation of the true nature and intent of the Torah, whether by the sages of the Jewish People, or by the non-Jewish scholars of today, needs to be avoided at all costs. This is especially true if—since most rabbis disagree with the authority of the **B’rit Chadashah**—the believer is faced with a tough choice to make and he finds himself seeking the advice of leaders.

As I see it, it all comes down to “Who has the authority to determine halakhah in the life of a Messianic Jew?” Space here does not permit me to deal with the matter in great detail, but suffice to say I understand the New Covenant to be non-supportive of the supposed inspirational authority of the Oral Torah, that is,

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<sup>3</sup> David H. Stern, *Jewish New Testament Commentary* (JNT Publications, 1996), p. 67.

authority vested from heaven concerning legal matters, as expounded in the Talmud. The verses cited by the rabbis in our parashah just don't seem to conform to the Torah as a whole. In my opinion, evidence is lacking to support an authoritative Oral Torah. What is more, in instances of Oral Torah, where clear and unambiguous support is given over to the separation of Jew and Gentiles as ostensible equal covenant believers, the talmid of Yeshua must side with the authoritative Written Word of God on this matter: Jews and Gentiles are fellow heirs in the covenants of Promise made possible through genuine trusting faithfulness in Yeshua the Messiah.

To sum up my concluding thoughts on both Torah traditions:

It is crucial for us to understand theologically, that the primary purpose in HaShem's giving of the Torah (written and/or oral), as a way of making someone righteous, only achieves its goal when the person, by faith, accepts that Yeshua is the promised Messiah spoken about therein. Until the individual reaches this conclusion, his familiarity of the Torah is only so much intellectual nutrition. Only by believing in Yeshua will the person be able to properly understand HaShem, and consequently, his Word.

The "righteousness" of the Torah is two-fold: 1) "Forensic" - appropriated the moment one places his unreserved trusting faithfulness in the Messiah prophesied about in the Scriptures; and 2) "Behavioral" - the resulting lifestyle of the former-mentioned righteousness, i.e., Torah submissiveness. The primary difference are the fact that the first one is an act of faith, whereas, the latter is an act of obedience (read Ephesians 2:8-10 carefully, and you will see this progression of circumstances).

Solid hermeneutics will clearly demonstrate that the Messiah did NOT abolish the Torah of Moshe (this would consequently include the oral tradition that is based on the Torah of Moshe!). Moreover, historical, corporate Israel is not keeping (or ever kept) all of the Torah correctly—to include the traditions handed down since Avraham Avinu (Abraham our Father). The operative word is "correctly." What is more, the "freedom" of Messiah does NOT give the Church or Israel license to practice "iniquity" (the Greek word *anomia* ἀνομία equates to "Torahlessness")<sup>4</sup>. To be sure, the freedom Sha'ul speaks of is actually freedom to walk in Torah! Prior to this Christ-given freedom we were slaves to sin, and thus, unable to submit to God's Law even if we wanted to (cf. Rom. 8:7, 8). This may be hard to grasp, but if a person has accepted the faith of God, in the (historical) person and work of his Son (past or present), then they are keeping the central part of the Torah! The rest is his journey towards the "works of God" as described in Eph. 2:8-10. I shall have to conclude then that if such an oral tradition leads one towards the above-mentioned righteousness then such a tradition is good and applicable for today's follower of HaShem.

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<sup>4</sup> Thayer's and Smith's Bible Dictionary (TSBD) ἀνομία.

## The Prophet (HaNaviy אֲנִיָּהּ)

The rest of the parashah goes on to explain matters involving a chosen king, additional priestly duties, the office of prophet, military advice, and finally, what to do in case of unknown deaths in the land. I will not comment on all of these areas, but rather focus on only one: **the prophet**.

**Moshe** first describes the coming of a *naviy* (prophet) whom HaShem himself will raise up, a *naviy* similar to Moshe himself. This gives us our first qualification of such an office: chosen by HaShem. The promise is given that in his mouth will be the words of HaShem. Accordingly, all the people are to listen to him. Whoever doesn't listen to the words, which are spoken in the name of HaShem, will answer directly to the Holy One. This gives us the second qualification of a *naviy*: speaks in the name of HaShem. Finally, Moshe tells the people that if the *naviy* speaks presumptuously, or if the prophecy of the *naviy* doesn't come to pass, then you are to know that he is a false *naviy*, and that he must die.

According to the *B'rit Chadashah*, Yeshua did indeed fulfill this prophecy (see Matt. 11:3; possibly 21:11; Luke 7:16; possibly 24:19; John 1:21; 6:14; Acts 3:22; and 7:37). Presumably, because messianic expectation ran very high in the first century, many people were open to the fact that Yeshua was indeed "the prophet." But non-Messianic Judaism, in what was most likely defensive theology against Yeshua, took another stance. Rabbi Shlomo Yitzchaki, a.k.a. RaSHI (1040-1105) says it means that HaShem will raise up a prophet in Moshe's place, "and so on, from prophet to prophet." That is, the passage does not speak of only a single individual prophet to come, but of the *TaNakh's* many prophets, of whom Malachi was the last. A well-known example of defensive theology is found in the 12<sup>th</sup> Century creed of Rabbi Moshe ben-Maimon, Maimonides, a.k.a. RaMBaM (1135-1204). Reading from the *Yigdal*, "I believe with perfect faith that the prophecy of Moshe Rabbinu [Moses our teacher], peace be unto him, was true, and that he was chief of the prophets [literally, "father to the prophets"], both of those who preceded him and those who came after him."

Again quoting Stern at length,

"Was Yeshua "a prophet like Moshe"? Yes, and more. A prophet speaks for God, which Yeshua did; but he also spoke as God. He spoke what the Father gave him to say, as did all the prophets; but he and the Father are one (John 10:31). Moshe explained the sacrificial system for atonement; Yeshua was the final sacrifice for sin, the eternally effective atonement. Moshe established the system of cohanim, with his brother Aharon as the first cohen gadol of the Tabernacle; the resurrected Yeshua is the eternal cohen gadol in the heavenly Tabernacle that served as model for the earthly one (Hebrews 7-10). At no point did Yeshua contradict what

Moshe said; rather, he clarified and strengthened the Torah (Matt. 5:17-20), made its application plainer (Matt. 5:21-7:29), and sometimes himself was the application.”<sup>5</sup>

The nation as a whole failed to listen to everything that the “*naviy*” Yeshua had to say, as our parashah in chapter 18 verse 19 predicted some might. But today, we don’t have to harden our hearts as they once did and still do to this very day. To be sure, the Torah teaches that one day they will have to give an answer to Yeshua himself concerning their corporate rejection of him. But the Torah also teaches that all day long HaShem has his arms outstretched to those who would listen to him and his Messiah. Patiently he waits for us to listen to the words of the Prophet.... If you are Jewish, and without Messiah Yeshua today, I urge you to listen to the words of **the *Naviy*** today,

**“Yes, indeed! I tell you it wasn’t Moshe who gave you the bread from heaven. But my Father is giving you the genuine bread from heaven; for God’s bread is the one who comes down out of heaven and gives life to the world.”** They said to him, **“Sir, give us this bread from now on.”** Yeshua answered, **“I am the bread which is life! Whoever comes to me will never go hungry, and whoever trusts in me will never be thirsty”** (John 6:32-35).

The closing blessing is as follows:

***“Baruch atah YHVH, Eloheynu, Melech ha-O’lam,  
asher natan lanu Toraht-emet,  
v’chay-yeh o’lam nata-b’tochenu.  
Baruch atah YHVH, noteyn ha-Torah.  
Ameyn.”***

(Blessed are you O’ LORD, our God, King of the Universe,  
you have given us your Torah of truth,  
and have planted everlasting life within our midst.  
Blessed are you, LORD, giver of the Torah.  
Ameyn.)

“Shabbat Shalom!”

Torah Teacher Ariel ben-Lyman [yeshua613@hotmail.com](mailto:yeshua613@hotmail.com)

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<sup>5</sup> David H. Stern, *Jewish New Testament Commentary* (JNT Publications, 1996), p. 231.