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JUDGING THE JUDGING OF THE JUDGES: A SAMPLE FROM THE 2018 CMTL SHAVUOT READER

Rabbi Aryeh Klapper, Dean

Chazal read Tanakh. This may seem too obvious to bother saying, but I think it bears repetition and emphasis, because there is a popular misimpression that Chazal instead used or mined Tanakh. One cause of this misimpression is that we generally encounter Chazal's readings in the context of public performances. These performances were generally intended to convey the outcomes of Chazal's readings with pedagogic and mnemonic effectiveness, rather than to convey their methodology.

Here is a parable: A teacher of astronomy taught the names of the planets from the following verse My Very Eager Mother Just Set Up Nine Pins. A student mistakenly concluded that the teacher had learned of the planets by unpacking the mnemonic, rather than by looking at the stars. So too, Chazal often used clever manipulations of verses to convey their readings memorably, but one must not conclude that they derived their readings from those manipulations.

Furthermore: The records of Chazal's performances often leave out many of the direct justifications of their readings. Reading Midrash is often akin to reading a technical article from which the footnotes have been removed, and concluding that the author was ignorant of all colleagues and predecessors. Often the key footnote is simply the instruction to read every verse cited in its own context.

Here is an example relating to Megillat Rut: Tehillim 50:7 reads

שמעה עמי ואדברה
ישראל ואעידה בך
א-להים א-להיך אנכי:

*Listen, My nation, and I will speak;
Israel, and I will testify about you;
E-lohim, I am E-lohekha.*

One of the formal performances (*petichtaot*) that introduces Midrash Rut Rabbah presents this as follows: The word E-lohim is a reference to Exodus 22:27, which reads

א-להים לא תקלל

You must not curse E-lohim

which is understood halakhically as a prohibition against cursing human judges. But the word E-lohim also refers to G-d. Tehillim 50:7 therefore is simultaneously a reminder to Israel that G-d has bestowed His authority on human judges – they are called Elohim - and to those judges that G-d judges them – they are subordinate to E-lohim. Therefore human beings must treat human judges with the respect due to Divine agents, but those agents must remember their subordinate status.

This reading superficially depends on translating verse 7

O Judges! I am your Judge

rather than the more likely

By G-d! I am your G-d.

However, verse 7 is the introduction to a paragraph – not cited in the *petichta* - which builds toward the declaration in verses 16-18

ולרשע אמר א-להים
מה לך לספר חקי ותשא בריתי עלי פיך:
ואתה שנאת מוסר ותשלך דברי אחריך:
אם ראית גנב ותרוץ עמו ועם מנאפים חלקך

To the wicked said E-lohim:

*"What right have you to tell My statutes, and to have assumed My covenant in your mouth?
You have hated rebuke, and thrown My words behind you;
If you have seen a thief – you ran with him, and you share fortune with adulterers.*

So the rebuke in 7 is indeed to those who tell G-d's statutes, and who run with thieves when they are responsible for restraining them.

Now Tehillim 50:6 – also never cited in the *petichta* – reads as follows:

ויגידו שמים צדקו
כי א-להים שפט הוא
סלה
*Heavens declare His righteousness
that E-lohim is a judge
Selah*

This likely stimulates – although it does not compel – a connection to Rut 1:1:

ויהי בימי שפוט השופטים
It was in the days when the judges (were) judged
אוי לדור ששופט את שופטיו
ואוי לדור ששופטיו צריכים להשפט
*Woe to the generation which judges its judges,
and woe to the generation whose judges deserve to be judged.*

In other words: Tehillim 50:7 aspires to a society in which judges are respected and deserve that respect. Tehillim 50:16-18 acknowledges the breakdown of that ideal in part – the judges do not deserve respect. It does not discuss whether they should nonetheless be treated as if they deserved respect. Rut Rabbah may not take a position either – but it recognizes explicitly that there is a cost to treating judges with disrespect *even* when they don't deserve respect, and so a decision to treat them disrespectfully must not be taken lightly.

Now is this reading derived from *ויהי בימי שפוט השופטים*? Put differently, is this how the author of the *petichta* read Rut 1:1? I suggest that a close reader would note immediately that the word *שפוט* seems unnecessary – tautologically, “shoftim” engaged in “shefitah”. If this reader has a bias – let us call it a Rabbi Akiva bias – toward assuming that such redundancies are substantively significant rather than inefficient idioms, s/he will argue either that

1. the text is seeking to contextualize itself more precisely than would be accomplished by “In the days of the *shoftim*”, or that
2. the reference is to a particular form of *shefita*, or that

3. the phrase *שפוט השופטים* takes advantage of the syntactic ambiguity of *שפוט*, as in the awkward English translation “the judging of the judges”, which can mean either “the judging (of others) by the judges” or else “the judging (by others) of the judges”.

This *petichta* takes option 3.

But why does it take option 3? Not because option 3 is linguistically compelling, but rather because option 3 seems to be a proper frame for the book. In other words, option 3 is *contextually* compelling. Having read Megillat Rut, the author of the *petichta* concludes that one useful background for the story is a recognition that it occurs during a time when respect for authority has collapsed.

It must be understood as well that option 3 itself has two branches:

1. “the judging (by others) of the judges”
2. “the judging (by Another) of the judges”

The apparent redundancy of *שפוט* is adequately accounted for if one takes option 1. The *petichta*'s decision to take both options together reflects a reading of the entire megillah, and possibly as well of the entire Sefer Shoftim. This reading is derived in the *petichta* by noting that Shoftim 2:17 seems to criticize Israel for not following the shoftim, and yet that such shoftim as Shimshon and Gid'on seem not to have been models of propriety – although here again, other footnotes are almost certainly missing.

To sum up: The *petichta*, taken naively, cleverly overreads Rut 1:1 on the basis of a clever overreading of Tehillim 50:7. I argue that the substantive reading of Tehillim 50:7 is actually well-grounded in the full text of Tehillim 50, and that the substantive reading of Rut 1:1 is rooted in a well-grounded reading of the entire megillah and of Sefer Shoftim.

Please turn to the [2018 CMTL Shavuot Reader](#) for an exposition of those readings of Rut and Shoftim; a presentation of a *petichta* that adopts option 1 above; a discussion of whether one can choose both 1 and 3; and especially for a new edition/presentation of the astonishing Rut Rabbah, which may not be a midrash after all, but rather a Chazalic commentary *al derekh hapshat*.

Shabbat shalom v'chag sameiach!