



**DVAR TZEDEK:**  
*Inspired by the Jewish commitment to justice for 30 years*

**AJWS**  
**at 30**

*The 5776 (2015-2016) cycle of Dvar Tzedek is a special one. To commemorate AJWS's 30th anniversary, we are sharing a selection of some of our favorite commentaries from past years. Each legacy commentary will be introduced with a related reflection on AJWS's work and contemporary issues.*

### Introductory Reflection

Judaism is not only a religious or spiritual path. As Rabbi James Jacobson-Maisels lays out in his 2008 Dvar Tzedek, the Judaism described in the Torah is a framework not just for how we relate to God, but also for how we build a just society. Like in the American system, Judaism mandates a separation of powers. "The Rabbis," he tells us, "speak of Israel as crowned with three crowns—the crown of kingship [governance], the crown of Torah [courts] and the crown of priesthood [religious life]."<sup>1</sup>

*Parashat Shoftim* address each of these centers in turn. The king is bound to follow the law, judges must be impartial, and the priesthood can have no landholdings, but must be dependent on the contributions of the community. This same pattern can be seen in American constitutional democracy, which mandates the separation of legislative, executive and judicial power, while guaranteeing the separation of church and state.

Unfortunately, many governments in the Global South do not maintain this kind of balance. For example, in 2014, 43 college students "disappeared" from Iguala, Mexico [when police surrounded the bus they were taking to a march in commemoration of a student massacre from 1968](#). For years the Mexican government and courts have [stonewalled the investigation](#). There has not been an impartial investigation to bring the perpetrators to justice because there is so little separation between the courts, the police, and the governing authorities. AJWS grantee *Tlachinollan Centro De Derechos Humanos De La Montaña* (Tlachinollan Human Rights Center of the Mountain) has [taken the lead to mobilize pressure for an investigation](#) while supporting and protecting the families of the missing students.

Read more about [Tlachinollan Human Rights Center of the Mountain](#), and see below for more of Rabbi Jacobson-Maisels's exploration of the political philosophy in *Parashat Shoftim*.

## Parashat Shoftim 5776

By Rabbi James Jacobson-Maisels

September 10, 2016

*(Reprinted from September 6, 2008)*

*Parashat Shoftim* is concerned with the structures of governance of biblical society and their just operation: the government and its military, the courts and the religious authorities. Having emerged from the foreign slavery of Egypt and now attempting to maintain the freedom achieved in the Exodus, the *parashah* is concerned with ensuring the fair functioning of these three institutions. That is, the Torah explicitly limits exploitative possibilities by separating the centers of power and placing constraints that keep these institutions functioning appropriately.

The Rabbis speak of Israel as crowned with three crowns—the crown of kingship, the crown of Torah and the crown of priesthood.<sup>1</sup> In early Jewish history these three crowns were, for the most part, kept distinct as rival centers of power in Jewish society. Most democracies today have echoed this model. Religious, judicial and governing bodies are kept separate from each other and each saddled with limits so that their exploitative and oppressive potentials are restricted, while their productive and progressive possibilities are cultivated. For the Jews, to not limit these institutions would have been to exchange the foreign slavery of Egypt for the internal slavery of fellow Israelite domination. This week’s *parashah* outlines the original separation of powers.

It first discusses the legal system, stressing that judges must decide cases justly, show no favoritism and take no bribes.<sup>2</sup> The *parashah* clearly lays out rules for the exercise and limitation of their power. We learn that it is only when judges are bound by such rules that their decisions are legitimate and can be enforced.<sup>3</sup>

Next, the *parashah* turns to the institution of kingship. We are told that an Israelite king must regularly review the law to which he is bound and not “act haughtily toward his fellows.”<sup>4</sup> Moreover, the Torah particularly instructs that the king should not multiply his horses, women or wealth<sup>5</sup> and must not “send people back to Egypt to add to his horses, since the Lord has warned you, ‘You must not go back that way again.’”<sup>6</sup> The Torah is warning that if the king engages in reckless military aggrandizement, the Israelites will experience an internal oppression in their own land that harks to their days of foreign domination in Egypt. These limitations are designed to prevent kingship from becoming an exploitative institution.

The third crown—the priesthood—is discussed next. The *parashah* states that the Kohens and Levites, the tribes that conduct and oversee the ritual observance in the Temple, have “no territorial portion” of their own in Israel but rather must live off the offerings made by the Israelites to God.<sup>7</sup> Here, the center of religious power is prevented from amassing economic power and is forced to live off the generosity of the rest of the nation. The nation’s religious leaders, themselves the center of great power, are prevented from exploiting their rank.

These limitations are designed to keep biblical society functioning altruistically and without corruption, to distinguish it from the unjust governance of Egyptian slavery. Sadly, this lesson has been lost in much of the Global South, where external colonial oppression has too often been exchanged for home-grown tyranny, precisely because power and institutions were not limited and separated. Mugabe’s Zimbabwe, Musharraf’s Pakistan and Castro’s Cuba are all examples of power gone awry. The centralization of all power forms in one person, coupled with the limitless of their use of power, results in unjust and unbearable societies. We witness the results in the news daily and grieve for the communities struggling under the burden of such oppressive and unfettered governance.

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<sup>1</sup> Mechilta de-Rashbi 19:6

<sup>2</sup> Dvarim 16:18-20

<sup>3</sup> Dvarim 17:10-11

<sup>4</sup> Dvarim 17:18-20

<sup>5</sup> Dvarim 17:15-17

<sup>6</sup> Dvarim 17:16

<sup>7</sup> Dvarim 18:1-8

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Yet this week's *parashah* offers a glimpse of a society of a different order. Through promoting the development of civil society, AJWS grantees help to bring into reality the promise of our *parashah*: a just society of limited power held by many.



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