

## Lesson 5 – Appointing Judges – 1:9-18

### Objective:

1. To start thinking about structure: how each section fits in the whole.
2. To appreciate that Debarim is not a word for word repetition of the rest of Humash but rather a speech which uses historical events to deliver a message.
3. To understand that the Jewish people represent both a nation and a religion and therefore requires many layers of leadership.
4. To develop the skill of comparing many parallel texts and find their similarities and differences.

### Background:

Only four *pesukim* into Moshe's first speech, we already encounter a digression concerning the appointment of judges. This is the first major event that Moshe chooses to discuss. Why is it so important to this introduction? The answer may be found by comparing this story with Shemot 18 and Bemidbar 11. Ramban and Abarbanel address the contradictions between Debarim and Shemot but this lesson does not use their approach. Instead, we show that Debarim is a conflation of two stories concerning both the judicial leadership (Shemot) and the spiritual leadership (Bemidbar). Therefore Moshe here reminds Bnei Yisrael of being not only just but also holy.

This also serves as a good introduction to studying Torah in general. As Americans, we are brought up with a strong sense of social justice and morality. However, the secular world lacks the spiritual goal of having consciousness of God and living in a sanctified manner. We learn *humash* not only to know right and wrong, reward and punishment, but also to be inspired by the prophetic messages of the Torah.

### Notes on Peshat:

9. בעת ההיא occurs frequently in Dt 1-11 (2:34, 3:4, 18) and usually introduces a tangent. Here too it interrupts the story of the journey from Horeb which only resumes in pasuk 19.

**Activity:** (2-3 periods)

1. Have students fill out this worksheet in small groups.

Worksheet for Debarim 1:9-18 - Appointing Judges	
1. What is this digression doing here? Why do you think it is important for Moshe to bring up this event? (Opinion question. There is no one right answer so just give it your best shot.)	_____
2. Moshe, in this final speech, reminds Bnei Yisrael of many incidents that happened before. Where are we told about the appointing of judges in the first four <i>sefarim</i> of the <i>humash</i> ? (If you don't know then just continue.)	_____
A. Read <b>Debarim 1:6-18</b> and answer the following questions. Cite the <i>pasuk</i> in Debarim where you found the answer.	
3. When are the judges appointed? Before or after Matan Torah? _____	_____
4. Whose idea is it to appoint them? _____	_____
5. What are the qualifications to be a judge? _____	_____
B. Read <b>Shemot 18:14-26</b> . For each question, cite the <i>pasuk</i> that proves your answer and compare with what it says in Debarim.	
6. When are the judges appointed? Before or after Matan Torah? _____	_____
7. Whose idea is it to appoint them? _____	_____
8. What are the qualifications to be a judge? _____	_____
9. What other similarities or differences do you notice between Shemot and Debarim? _____	_____
10. Can you give an explanation for any of the differences? Why would Moshe change the details of the story? _____	_____
C. Now look at <b>Bemidbar 11:4-34</b> (especially 11-17) and answer the same questions as above.	
11. When are the judges appointed? Before or after Matan Torah? _____	_____
12. Whose idea is it to appoint them? _____	_____
13. What are the qualifications to be a judge? _____	_____
14. What other similarities or differences do you notice? _____	_____
15. Can you give an explanation for any of the differences? Why would Moshe change the details of the story? _____	_____
16. What is the difference between Shemot and Bemidbar. If Moshe already has a system of judges, why can't they help him with the Bemidbar complaints? _____	_____

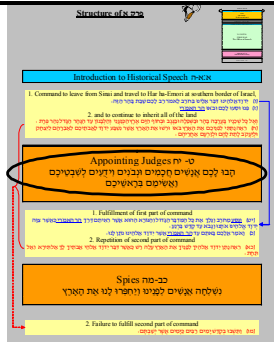
[L05 Perek 1 - Judges - Worksheet.doc](#)

**Answer Key:**

1. Don't go into this at the beginning. The answer will become clear in the end. This question is first just so that we keep it in mind.
2. Shemot 18 and Bemidbar 11.
3. After – pasuk 6.
4. Seemingly Moshe's own idea but not mentioned explicitly – pasuk 13.
5. Intelligent, wise, and well-known (respected) – pasuk 13.
6. Before. Matan Torah is in next chapter. (This answer is according to order of chapters - Ramban, not according to Ibn Ezra.)
7. Yitro – pasuk 21.
8. Capable men, who fear God, trustworthy men who hate bribes – 21.
9. This question is only meant to encourage students who finish more quickly to continue analyzing. There are many other differences but they will not be addressed in this lesson.
10. Ramban and Abarbanel suggest possible explanations.
11. After – this story takes place while wandering the desert.
12. Hashem – pasuk 16.
13. Elders whom are known as elders and officers – pasuk 16.
14. see 9 above.
15. Rishonim don't compare this story with the others but see what students come up with.
16. Bemidbar leaders fulfill a different purpose than Shemot judges. Judges of Shemot teach the law and decide court cases. Elders in Bemidbar bring prophetic inspiration to the people. Debarim recalls the importance of both types of leadership.

2. Review answers and give out this summary chart of textual comparisons:

במדבר פרק יא	שמות פרק יח	דברים פרק א
<p><b>Prophetic Leadership +</b></p> <p>(יא) וַיֹּאמֶר מֹשֶׁה אֶל יְדִנְהוּ לְמַה הִרְעִיתָ לְעַבְדְּךָ וּלְמַה לֹּא מִצִּיתִי חַן בְּעֵינֶיךָ לְשׁוּם אֶת מֹשֶׁה כָּל הַעַם הִזְהָה עָלָי: (יב) הָאֲנֹכִי הִרִיתִי אֶת כָּל הָעַם הִזְהָה אִם אֲנֹכִי וְלִדְתִיהוּ כִּי תֹאמְרוּ אֵלַי שְׂאֵהוּ בְּחִיקְךָ כַּאֲשֶׁר יִשָּׂא הָאֲמֹן אֶת הַיִּנְקָה עַל הָאֲדָמָה אֲשֶׁר נִשְׁבַּעְתָּ לְאַבְתָּיו: (יג) מֵאִין לִי בָשָׂר לִתֵּת לְכֶם הָעַם הִזְהָה כִּי יִבְנוּ עָלַי לֵאמֹר תִּנְהַלְנוּ בָשָׂר וְנֹאכְלָהּ: (יד) לֹא אוֹכֵל לְבָדִי לְשֹׂאת אֶת כָּל הָעַם הִזְהָה כִּי כָבֹד מִמֶּנִּי: (טו) וְאִם כִּכָּהֵן אֶת עֲשֵׂה לִי הִרְגִנִי נָא הֲרֹג אִם מִצִּאתִי חוֹן בְּעֵינֶיךָ וְאֵל אֲרָאָה בְּרַעְתִּי: פ</p>	<p><b>Judicial Leadership =</b></p> <p>(יד) וַיִּרְא חֲתָן מֹשֶׁה אֶת כָּל אֲשֶׁר הוּא עֹשֶׂה לְעַם וַיֹּאמֶר מַה הַדָּבָר הִזְהָה אֲשֶׁר אַתָּה עֹשֶׂה לְעַם מִדּוּעַ אַתָּה יוֹשֵׁב לְבָדִי וְכָל הָעַם נֹצֵב עָלֶיךָ מִן בִּקְרָעַד עַד עַרְב: (טו) וַיֹּאמֶר מֹשֶׁה לְחֻתְנֹו כִּי בָא אֵלַי הָעַם לְדַרֵּשׁ אֱלֹהִים: (טז) כִּי יִהְיֶה לָהֶם דָּבָר בָּא אֵלַי וְשִׁפְטִיתִי בֵּין אִישׁ וּבֵין רֵעֵהוּ וְהוֹדַעְתִּי אֶת חֻקֵי אֱלֹהִים וְאֶת תּוֹרֹתָיו: (יז) וַיֹּאמֶר חֲתָן מֹשֶׁה אֵלָיו לֹא טוֹב הַדָּבָר אֲשֶׁר אַתָּה עֹשֶׂה: (יח) נָבֵל תִּבְלַג גַּם אַתָּה גַּם הָעַם הִזְהָה אֲשֶׁר עִמָּךְ כִּי כָבֹד מִמֶּנִּי הַדָּבָר לֹא תוֹכֵל עֲשֹׂהוּ לְבָדֶיךָ:</p>	<p><b>Summary of Both Together</b></p> <p>(ט) וַיֹּאמֶר אֲלֵכֶם בַּעַת הַהוּא לֹאמוֹר לֹא אוֹכֵל לְבָדִי שְׂאֵת אֲתֵכֶם: (י) וְדַדְךָ אֱלֹהִיכֶם הִרְבָּה אֲתֵכֶם וְהִנֵּכֶם הַיּוֹם כְּכֹכְבֵי הַשָּׁמַיִם לְרֹב: (יא) וְדַדְךָ אֱלֹהֵי אֲבוֹתֵכֶם יִסְרֹף עֲלֵיכֶם כִּכֶּם אֶלֶף פְּעָמִים וַיִּבְרַךְ אֲתֵכֶם כַּאֲשֶׁר דָּבַר לָכֶם: (יב) אֵיכָה אֲשָׂא לְבָדִי טְרַחְכֶם וּמִשְׁאָכֶם וּרְיִבְכֶם:</p>
<p>(טו) וַיֹּאמֶר יְדִנְהוּ אֶל מֹשֶׁה אֲסַפְּהָ לִּי שְׂבָעִים אִישׁ מִזִּקְנֵי יִשְׂרָאֵל אֲשֶׁר יִדְעָתָה כִּי הֵם זִקְנֵי הָעַם וְשִׁטְרֵנוּ וְלִקְחָתָה אִתָּם אֶל אֹהֶל מוֹעֵד וְהִתְלַצְבוּ שָׁם עִמָּךְ: (יז) וַיִּרְדְּתִי וְדִבַּרְתִּי עִמָּךְ שָׁם וְאֶצְלָתִי מִן הָרוּחַ אֲשֶׁר עָלֶיךָ וְשִׁמְתִי עֲלֵיהֶם וְנִשְׂאוּ אִתָּךְ בְּמִשְׁאֵה הָעַם וְלֹא תִשָּׂא אִתָּךְ לְבָדֶיךָ:</p>	<p>(יט) עָתָה שְׁמַע בְּקוֹלִי אִיעָצְךָ וַיְהִי אֱלֹהִים עִמָּךְ הִיָּה אַתָּה לְעַם מוֹלֵד הָאֱלֹהִים וְהַבֵּאתָ אֶתְּךָ אֶת הַדְּבָרִים אֶל הָאֱלֹהִים: (כ) וְהִזְהַרְתָּה אֶתְּךָ אֶת הַחֻקִּים וְאֶת הַתּוֹרֹת וְהוֹדַעְתָּ לָהֶם אֶת הַדְּבָרִים יִלְכוּ בָהּ וְאֶת הַמַּעֲשֵׂה אֲשֶׁר יַעֲשׂוּ: (כא) וְאַתָּה תִּחְזָה מִכָּל הָעַם אֲנָשִׁי חוֹל רָאִי אֱלֹהִים אֲנָשִׁי אֲמַת שְׂנָאִי בְּצַע וְשִׁמְתָה עֲלֵהֶם שְׂרֵי אֲלֵפִים וְשְׂרֵי מֵאוֹת שְׂרֵי חֲמִשִּׁים וְשְׂרֵי עֶשְׂרֵת: (כב) וְשִׁפְטוּ אֶת הָעַם בְּכָל עֵת וְהִיָּה כָּל הַדָּבָר הַגָּדוֹל יִבְיֵאוּ אֵלֶיךָ וְכָל הַדָּבָר הַקָּטָן יִשְׁפְּטוּ הֵם וְהִקַּל מֵעֲלֶיךָ וְנִשְׂאוּ אִתָּךְ: (כג) אִם אַתָּה הַדָּבָר הִזְהָה תַּעֲשֶׂה וְצִוְּךָ אֱלֹהִים וְכִלְתָּ עֵמֶד וְגַם כָּל הָעַם הִזְהָה עַל מִקְמוֹ יִבָּא בְּשִׁלּוֹם: (כד) וַיִּשְׁמַע מֹשֶׁה לְקוֹל חֲתָנֹו וַיַּעַשׂ כֹּל אֲשֶׁר אָמַר:</p>	<p>(יג) הִבּוּ לָכֶם אֲנָשִׁים חַכְמִים וְגִבּוֹנִים וַיְדַעִים לְשִׁבְטֵיכֶם וְאֲשִׁימֶם בְּרִאשֵׁיכֶם: (יד) וַתַּעֲנֵנו אֹתִי וַתֹּאמְרוּ טוֹב הַדָּבָר אֲשֶׁר דִּבַּרְתָּ לַעֲשׂוֹת: (טו) וְאָסַח אֶת רֵאשֵׁי שְׁבֻטֵיכֶם אֲנָשִׁים חַכְמִים וַיְדַעִים וְאִתָּן אִתָּם רֵאשִׁים עֲלֵיכֶם שְׂרֵי אֲלֵפִים וְשְׂרֵי מֵאוֹת וְשְׂרֵי חֲמִשִּׁים וְשְׂרֵי עֶשְׂרֵת וְשִׁבְטֵיכֶם: (טז) וְאֶצְוָה אֶת שִׁפְטֵיכֶם בַּעַת הַהוּא לֹאמוֹר שְׁמַע בֵּין אֲחֵיכֶם וּשְׁפֹטֵתֶם צְדָק בֵּין אִישׁ וּבֵין אָחִיו וּבֵין גֵּרוֹ: (יז) לֹא תִכְיֹרוּ פְּנִים בְּמִשְׁפָּט פְּקוּטָן כִּגְדֹל תִּשְׁמְעוּן לֹא תִגּוּרוּ מִפְּנֵי אִישׁ כִּי הַמִּשְׁפָּט לְאֱלֹהִים הוּא וְהַדָּבָר אֲשֶׁר יִקְשֶׁה מִכֶּם תִּקְרְבוּ וְאֵלֵי וְשִׁמְעֵתִיו: (יח) וְאֶצְוָה אֲתֵכֶם בַּעַת הַהוּא אֶת כָּל הַדְּבָרִים אֲשֶׁר תַּעֲשׂוּן:</p>



This example also serves as a good example into the concept of “history” in Debarim. Notice how Moshe here joins together two separate incidents. The important point here is not to record the details of exactly what happened at each time but rather to summarize what is necessary to deliver this lesson about the importance to all kinds of leadership. Especially since Moshe is about to die, he reassures the people that they are in good hands.

Summary Blackboard:

Why does Moshe talk about Appointing Judges here?

- To reassure them that even though he will die, they will be in good hands.
- To remind them how numerous they are. Hashem has already fulfilled part of His promise in Gen 15:5.
- To remind them that they already had military leaders (v 15) ready to take them into Israel. The first generation had no excuse to fail and this generation still has proper leadership to help fulfill God’s commandment to enter the land.
- Foreshadows a primary goal of all the laws to follow – to ensure social justice.
- Remind them of their goals both as a political entity (Ex 18) and as a holy nation (Num 11).

**Discussion:** Are there any times when you feel holy? Are there times when you feel you want to grow spiritually? Who do you look to for spiritual leadership? In the absence of prophets today what can we do to find inspired guidance? (Learn the words of the prophets...like Debarim.)

Quiz:

במדבר י"א	שמות י"ח	דברים א'	
			When are the judges appointed – before or after מתן תורה?
			Whose idea is it to appoint them?
			What are the qualification to be a judge?