

Verse 1:1

וַיְהִי בַיָּמֵי שְׁפֹט הַשֹּׁפְטִים וַיְהִי רָעַב בְּאֶרֶץ וְיִלְךְ אִישׁ מִבֵּית לֶחֶם יְהוּדָה לְגוֹר בְּשָׂדֵי מוֹאָב הוּא
וְאִשְׁתּוֹ וּשְׁנֵי בָנָיו:

And it came to pass, in the days when the judges judged, that there was a famine in the land. And a man went from Bethlehem, in Judah, to sojourn in the fields of Moab – he, his wife, and his two sons.

Judging and Being Judged¹

When the Judges Were Judged

[The expression שֹׁפֵט הַשֹּׁפְטִים in our verse, which literally means “the judges judged,” can be interpreted homiletically as “the judges *were* judged.” This interpretation is the basis of the commentary below.]

The Midrash comments (*Ruth Rabbah* 1:1): “Woe to the generation that judged its judges! And woe to the generation whose judges need to be judged!” The Midrash aims to shed light on the phrase “when the judges judged.” From a literal point of view, this phrase is unduly repetitive: it would have sufficed to write simply “in the days of the judges.”²

On the surface, the Midrash seems to deviate markedly from the plain meaning of the verse. The plain meaning is that the judges did the judging, whereas the Midrash says that the general populace did the judging. But the Midrash can be explained in a way that fits with the plain meaning of the verse. After some background development, we will show how.

Rulership Ability

The key is to understand what typifies the ideal Jewish ruler.³ In this connection, the Midrash states elsewhere (*Tanchuma Beha'alo secha* 9): “It is written (Proverbs 24:21): ‘Fear the Lord, my son, and the king.’ Whoever fears the Holy One Blessed Be He is eventually made a king.” Similarly, it is written (Proverbs 8:15): “Through me [wisdom] shall kings reign.”⁴ The *Kuzari*⁵ notes that to serve God well, a person needs rulership skills: the person’s intellect must act as master over all of his bodily faculties and emotions. As our Sages teach (e.g. *Vayikra Rabbah* 4:8), just as the Holy One Blessed Be He is unique and elevated above the entire world, so too the soul is unique and elevated above the entire

¹ This piece is closely related to the Maggid’s commentaries on Esther 1:2 and 3:2-4 (the pieces *A Tale of Two Kingships* and *A Unique Level of Greatness* in my translation). See also the Maggid’s commentary on *Haftaras Ki Savo* in *Kochav MiYaacov*.

² Referring to the period of Jewish settlement in the Land of Israel between the time of Joshua and the advent of the Jewish monarchy.

³ Sentence added to guide the flow.

⁴ Cf. *Gittin* 62a, where this verse is cited as a proof that Torah scholars are called kings.

⁵ A classic work of Jewish philosophy by the medieval sage Rav Yehudah HaLevi (ca. 1075-1141), presented in a question and answer format. The passage cited in the text is in Part 3, Paragraph 5.

body.⁶ It is the duty of the intellect to subjugate the body and rule over it absolutely: to weigh every impulse in order to assess whether it is good or evil. Thus our Sages tell us (*Avos* 4:1): "Who is mighty? One who subdues his inclinations." But when a person is lured by his desires, driven by urges like an animal, he is being ruled over (*נמשל*) rather than being a ruler (*מורש*). As it is written (Psalms 49:13,21): "He who is ruled over is like an animal,"⁷ which is ruled over by its instinctual impulses.

A person who rules over his inclinations is worthy to rule over others as well. He has the firmness of mind to guide them in the path that God has set. Thus King David declared (II Samuel 23:3): "The God of Israel said—the Rock of Israel spoke to me: 'Be a righteous ruler over man, you who rules by the fear of God.'"⁸ That is, one whose fear of God prompts him to rule over himself is worthy to be a ruler over men as well. King David made this statement to vindicate himself in the face of the challenge cast at him: "Why do you raise yourself up to rule over us? You are just one of us."⁹ His answer, in effect, was as follows: "Initially I was sovereign only over myself. As I wrote (Psalms 109:23): 'My heart is emptied out within me.' That is, I emptied myself out of all passion and ruled over my desires. God saw that I am a righteous man—that I rule over myself. Hence He chose me from among all the tribes of Israel to rule over the entire Jewish People as well. For Jewish kings are supposed to use their power solely to establish justice in the land, and to rebuke the people to guide them along the proper path. Thus I am well suited to be sovereign."

Appointing a King—Some Questions

Based on this idea, we can grasp well the Torah passage dealing with appointing a king. The Torah states (Deuteronomy 17:14-15): "When you come to the land that the Lord your God is giving you, and you inherit it and dwell within it, and you say: 'I shall set over myself a king like all the nations around me.' You should surely set over yourself a king, whom the Lord your God will choose. Set yourself a king from among your brethren—you cannot set over yourself a foreigner who is not your brother."

This passage presents several difficulties. First, the meaning of the phrase "like all the nations" is unclear. This phrase seems to denigrate the general idea of appointing a king, suggesting that it is a gentile practice that is fitting for them but not for us, the Nation of God. But our Sages tell us that God issued three commandments to the People of Israel to be carried out when they entered the Land of Israel, and one of them was to appoint a king.¹⁰

Even more perplexing is the fact that Samuel the Prophet got very angry when the Jewish People asked him to appoint a king (I Samuel Ch. 8). Samuel was so upset that God had to

⁶ See *Matnos Kehunah* on *Vayikra Rabbah* 4:8.

⁷ Hebrew: *נמשל כבהמות נדמו*. The literal meaning of the phrase is *likened to the animals* (*Radak*) or *likened to the mute animals* (*Rashi*), depending on how *נדמו* is rendered. The Maggid employs a play on words, rendering *נמשל* as *ruled over* rather than *likened to*.

⁸ The verse has been rendered according to the Maggid's commentary.

⁹ Cf. Numbers 16:3 (the challenge that Korach's cohorts raised against Moses).

¹⁰ *Sanhedrin* 20b. Cf. *Sifrei* 106 on the passage in Deuteronomy, where R. Nahorai says it is a disgrace for the Jewish People to appoint a king, while R. Yehudah says it is a mitzvah.

console him, saying (I Samuel 8:7): "It is not you whom they have rejected; rather, it is Me Whom they have rejected." This is all the more at odds with the statement of our Sages that we just cited.

Also puzzling is the double language: "Set yourself a king from among your brethren—you cannot set over yourself a foreigner who is not your brother." Another difficulty is the meaning of the phrase "you cannot." As our Sages remark on another passage involving this phrase:¹¹ we actually *can*, but we are just *not allowed*.

The King As Moral Leader

Using the principle we discussed above, we can resolve all these difficulties. A king has two possible functions. One of these we have already described: to bring the people to repentance and guide them in the straight and proper path. This was the basis of Moses's rulership, as it is written (Deuteronomy 33:5): "And he [Moses] became king over Jeshurun when the heads of the people gathered, the tribes of Israel all together." Moses's rulership was not founded simply on mutual agreement among the people to appoint him as ruler. Rather, he was intrinsically worthy to be a ruler, for the reason we discussed above: he was a righteous man who ruled over himself by fearing God. Indeed, our Sages say that Moses was equal in stature to the entire Jewish People.¹²

Therefore, no agreement among the people was needed to put Moses in the position of ruler, for whatever has intrinsic worth does not need to have its worth established by public convention. By way of analogy, consider jewels and coins. No agreement is needed to establish the value of a precious jewel. It is valuable in its own right. The value of a silver coin, on the other hand, must be established by the governing authorities, since the silver in the coin is of no great worth in itself.

This is precisely the difference between Moses's dominion over the People of Israel and the dominion of gentile rulers over their subjects. A gentile ruler attains his position only when a certain group of people accept him as their leader.¹³ Jewish leaders like Moses, however, are worthy of leadership in their own right, and do not need popular approval to merit their position. And so it is written (Proverbs 8:15, quoted above): "Through Me shall kings reign." The true Jewish king rules because *God* finds him worthy, not because the people admire him.¹⁴ *This* is the type of rulership our Sages were referring to when they said that God told the Jews to appoint a king when they entered the Land of Israel. The Sages had in mind a king such as Hezekiah, who thrust a sword into the ground at the entrance of the House of Study and declared (*Yalkut Shimoni* II:235): "Whoever does not engage in Torah study will be stabbed with a sword." They meant a king of true moral worth, who can be relied on to promote adherence to God's commandments.

¹¹ *Yalkut Shimoni* I:883 on Deuteronomy 12:17.

¹² *Yalkut Shimoni* I:268.

¹³ Even a leader who rules by force needs some group of supporters who agree to his rulership in order to maintain his position.

¹⁴ Explanatory sentence added in an effort to bring out the Maggid's intent.

The King As Military Leader

This is one possible function of a king. Another is to lead the people in battle. But this is the wrong reason for appointing a king. God is the only One Who holds the power to save – to rely on a mortal for salvation is a false hope. When the Jewish People clamor for a king to fight their battles, they are showing a lack of faith in God, their true Champion.

This is what God meant when he told Samuel: “It is not you whom they have rejected; rather, it is Me Whom they have rejected.” God’s message was this: “You do not see why the people are asking for a king – you think they want a king to maintain adherence to the Torah. Were this the reason, you would have good cause to be upset: As a promoter of Torah observance, what fault could the people have found with you? But in fact this is *not* the reason. Rather, they want a king to lead them in battle, which in truth is beyond your capability. But they have rejected *Me* – they have not put their trust in My salvation.”

It is this motive for appointing a king that the Torah is addressing in the passage we quoted above. The Torah describes the Jewish People as saying: “I shall set over myself a king *like all the nations around me.*” This refers to appointing a king to serve as a leader in battle, as the gentile nations do. Still, the Torah commands: “Set yourself a king from among your brethren – you cannot set over yourself a foreigner who is not your brother.” The Torah insists that we appoint a king only from among our own Jewish brethren, even though a seasoned gentile warrior might well be a fine army chief.

At the same time, the Torah hints that a king who is appointed as a battle leader is not the type of king that God wants us to have. Rather, God wants us to appoint a king for a different function, one for which we *cannot* set over ourselves a foreigner. We are supposed to appoint a king primarily for the purpose of ensuring adherence to the Torah. A gentile unversed in the Torah’s laws cannot possibly serve this function.

*Leadership by Example*¹⁵

The ideal Jewish ruler is one whose very presence strikes the fear of God in the hearts of the people. The ruler should not need to chastise the people with lashes, or even with words. As Isaiah writes of the Messiah (Isaiah 42:2): “He shall not shout nor raise his voice, nor make his voice heard in the street.” Rather, the ruler should simply exude the fear of God, as Isaiah writes of the Messiah elsewhere (Isaiah 11:3): “He shall exude the fragrance of God-fearingness.”¹⁶ Here, fragrance is a metaphor for the influences that a person issues forth.¹⁷

¹⁵ A parallel passage appears in the Maggid’s commentary on Deuteronomy 10:12, which also expounds on the famous Gemara in *Berachos* 33b on this verse (*Ohel Yaacov, Parshas Re’eh*; see also *Ohel Yaacov Parshios Tazria* and *V’zos HaBerachah*). In this passage there appears a famous analogy, which the Maggid relates in the name of the Vilna Gaon, to a large vessel that is being poured into until it overflows and spills liquid into surrounding smaller vessels. *Ohel Yaacov, Parshas Balak*, contains another related passage. The idea there is that while Balaam did not consciously see the angel who had come to challenge him, he sensed the angel subliminally, and his fear of the angel spilled over to the donkey. Like our text, this passage discusses God’s charge to Noah and the comparison between Rachel and Jethro’s daughters.

¹⁶ Homiletical rendering following the Maggid’s commentary. See *Kochav MiYaacov, Haftaras Parshas Shekalim*, for another interpretation.

¹⁷ Cf. *Berachos* 6b: “If a person is filled with the fear of God, his words are listened to.”

In this vein, God tells Noah and his family as they leave the ark (Genesis 9:2): "And the fear and the dread of you shall be upon every beast of the field and every bird of the sky – upon all that creeps on the ground and all the fish of the sea. In your hands they are given." This does *not* mean that God instilled a natural fear of man in every creature. Were this the case, the animals would have total fear of every human being. But we see this is not so: animals often attack people.

Rather, the idea is that people should overflow with the fear of God so much that their fear of God spills over onto all their surroundings. The Midrash¹⁸ discusses how Rachel had this quality. Jethro's daughters would be chased away from their local well by the shepherds. But when Rachel went to her local well, the shepherds never disturbed her. The reason is that Rachel was a deeply righteous woman. As it is written (Psalms 34:8): "The angel of the Lord encamps around those who fear Him and rescues them." Rachel's great fear of God spilled over onto those who saw her, so that they could not touch her.

In this vein, it is written (Deuteronomy 28:10): "And all the nations of the world will see the Name of the Lord written upon¹⁹ you, and they shall be fearful on account of you."²⁰ That is, on account of your overflowing fear of God, the gentiles will be infused with the fear of God also, and therefore will not harm you.²¹ God's statement to Noah's family was along the same lines. God was telling them that they should fear Him so profusely that the fear carries over to all the creatures around them. Upon attaining the proper level of God-fearingness, they would become immune to attack by other creatures.²² Thus our Sages say (*Shabbos* 151b): "A beast has no dominion over a person unless he seems to it like an animal."²³ This occurs when a person ceases to be enveloped with the aura of fear.²⁴ Since the person himself is not fully imbued with fear, it goes without saying that no waves of fear issue forth from him to affect other creatures. But when a person radiates God-fearingness, he is invulnerable.²⁵

Such is the person who is truly fit to lead the Jewish People. A person who is thoroughly righteous, and rules over his impulses, can exercise rulership over the people by virtue of his fear of God alone. In Isaiah's words, the ideal Jewish ruler exudes the fragrance of God-fearingness – so much so that the fragrance reaches even the distant. The sweetness of the fragrance penetrates every breathing soul, so that everyone becomes imbued with the fear of God and reaches spiritual wholeness. This is how it was with our forefathers of old.

¹⁸ *Bereishis Rabbah* 70:11 and *Midrash Seichel Tov* (Buber ed.), Genesis Ch. 29, Paragraph 10. The original Hebrew text appears to be a paraphrase on the Midrash in *Bereishis Rabbah*, but the commentators on this Midrash generally interpret it differently than the Maggid does here. The version in *Midrash Seichel Tov* fits better with the Maggid's commentary.

¹⁹ The Hebrew reads *וְקָרָא עֲלֵיךְ*, literally meaning *is read off of you*. (The phrase is often rendered alternately as *is called upon you*.)

²⁰ The rendering *shall be fearful on account of you* is a homiletical one following the Maggid's commentary; the literal meaning is *shall fear you*.

²¹ Concluding phrase added to complete the thought.

²² Sentence added to guide the flow.

²³ Interestingly, the Gemara's proof-text is Psalms 49:13,21, which the Maggid cited earlier in the present piece.

²⁴ Literally, in the Hebrew text, *the veil of fear has been removed from his face*.

²⁵ Sentence added to guide the flow.

Leadership by Threats and Force

Conversely, when a ruler must chastise the people and frontally rebuke them for their ways, this is a sign that the ruler *himself* has not attained the proper level of spiritual wholeness. His fear of God does not radiate forth from him onto others, for if it did, he would not need to chastise the people at all. The people would submit themselves to his command of their own accord, without any coercion whatsoever. They would be led to obey him simply by the waves of God-fearingness emanating forth from him onto them.

The Midrash we began with can now be understood simply. Our verse states: "And it came to pass, in the days when the judges judged." The judges were compelled to judge the people with rebukes and beatings. On this state of affairs the Midrash remarks: "Woe to the generation whose judges need to be judged!" The very fact that the judges ruled by force is clear evidence that they were not truly fit to be judges. Thus, the phrase "in the days when the judges judged" can indeed be understood literally, as meaning that the judges were doing the judging. According to what we have explained, the fact that the judges needed to judge in itself implies what the Midrash says of them – that they needed *to be judged*