**Class #35- Parshat Shoftim - Defund the Police or not? A real conversation**

Advanced Fellowship Parsha Class - Sponsored in memory of Alice Toby Barbanel *Z”l*

Rabbi Pinny Rosenthal - prepared collaboratively with Rabbi Yoni Sacks

Intro: Should the Police Be Defunded?

Arguing for: Simone Wiechselbaum

Arguing against: Stephanie Hausner

Closing Arguments – Dr. David [Heath] Grant

What is the Torah’s attitude to this contentious issue?

Fiddler on the roof - <https://www.youtube.com/watch?v=9UiF7BsC1Ig>

Talmud Kiddushin 40b

**And** there **already was** an incident in which **Rabbi Tarfon and the Elders were reclining in the loft of the house of Nit’za in Lod,** when **this question was asked of them:** Is **study greater or is action greater?**

**Rabbi Tarfon answered and said: Action is greater.**

**Rabbi Akiva answered and said: Study is greater.**

**Everyone answered and said: Study is greater,** **as study leads to action.**

1. According to the Talmud what is the true cause of proper behavior?
2. How does study lead to proper behavior?
3. Does “study” mean merely memorizing rules? What are all the dimensions which must be included in “study” if it is to successfully change a person’s behavior?
4. Give an example of the type of study which would change a Non-Observant MJE’rs behavior regarding Shabbat? Being honest in business?

Talmud Kiddushin 29a

**Rabbi Yehuda says: Any** father **who does not teach his son a trade teaches him banditry [*listut*].** The Gemara expresses surprise at this statement: Can it **enter your mind** that he actually teaches him **banditry? Rather,** the *baraita* means that it is **as though he teaches him banditry.** Since the son has no profession with which to support himself, he is likely to turn to theft for a livelihood.

1. What important insight does this Gemara teach about the underlying cause of crime?
2. Does the Gemara modify the idea of Torah alone bringing about proper action? What is the modification?
3. Why is study alone insufficient to ensure honest behavior?

Judges and Justice

16:18 Appoint yourselves judges and police for your tribes in all your settlements that God your Lord is giving you, and make sure that they administer honest judgment for the people. 16:19 Do not bend justice and do not give special consideration [to anyone]. Do not take bribes, since bribery makes the wise blind and perverts the words of the righteous. 16:20 Pursue perfect honesty, so that you will live and occupy the land that God your Lord is giving you.

**יח** שֹׁפְטִים וְשֹׁטְרִים, תִּתֶּן-לְךָ בְּכָל-שְׁעָרֶיךָ, אֲשֶׁר יְהוָה אֱלֹהֶיךָ נֹתֵן לְךָ, לִשְׁבָטֶיךָ; וְשָׁפְטוּ אֶת-הָעָם, מִשְׁפַּט-צֶדֶק.  **יט** לֹא-תַטֶּה מִשְׁפָּט, לֹא תַכִּיר פָּנִים; וְלֹא-תִקַּח שֹׁחַד--כִּי הַשֹּׁחַד יְעַוֵּר עֵינֵי חֲכָמִים, וִיסַלֵּף דִּבְרֵי צַדִּיקִם.  **כ** צֶדֶק צֶדֶק, תִּרְדֹּף--לְמַעַן תִּחְיֶה וְיָרַשְׁתָּ אֶת-הָאָרֶץ, אֲשֶׁר-יְהוָה אֱלֹהֶיךָ נֹתֵן לָךְ.

Rashi

**JUDGES AND POLICE** – שופטים are the judges who pronounce sentence, and שוטרים are those who chastise the people at their (the judges') order [beating and binding the recalcitrant] with a stick and a strap until he accepts the judge's sentence ([Sanhedrin 16b](https://shas.alhatorah.org/#!Sanhedrin/16b) and Rashi thereon; cf. Sifrei Devarim 144:6).

**בכל שעריך IN ALL YOUR GATES** – i.e. in each town ([Sifrei Devarim 144:3](https://mg.alhatorah.org/SP/Sifre%20Devarim/Devarim/144.3#e2)).

**לשבטיך THROUGHOUT YOUR TRIBES** – This is to be connected with תתן לך, thus: judges and police shall you make yourself for your tribes in all all your cities that the Lord, your God, gives you.

1. What role does enforcement of the law play in maintaining honest behavior in society?
2. Why are study of Torah and skill in a useful profession still not enough to guarantee good behavior?
3. Explain the need for consequences in the example of texting while driving. Speeding? Paying taxes?
4. What is the ordinary law abiding “texter”’s reaction to getting a ticket? Does he completely deny the need for the police giving such tickets or does he, deep down, know it is necessary?

**An Israeli Beis Din has ordered the Egged bus company to fire one of its employees because of his refusal to divorce his wife.**

**Haaretz February 19th, 2019** - A rabbinical court has ordered the Egged bus cooperative to fire one of its employees because of his refusal to divorce his wife. The order, issued by the Jerusalem Rabbinical Court last Thursday, gave the company 30 days to comply….

**Jerusalem Post - April 4, 2019** A physically abusive husband who refused to grant his wife a divorce, tried to extort money from her in the divorce proceedings and absconded from legal proceedings, has finally agreed to the divorce, after being fired from his job and arrested for failing to appear before a rabbinical court.

**Rambam Laws of Divorce 2:20**

……Why is this  (coerced) *get*  not null and void? For he is being compelled - either by Jews or by gentiles - [to divorce] against his will [and a *get* must be given voluntarily]

Because the concept of being compelled against one's will applies only when speaking about a person who is being compelled and forced to do something that the Torah does not obligate him to do - e.g., a person who was (coerced) until he consented to a sale, or to give a present. If, however, a person's evil inclination presses him to negate [the observance of] a mitzvah or to commit a transgression, and he was (coerced) until he performed the action he was obligated to perform, or he dissociated himself from the forbidden action, he is not considered to have been forced against his will. On the contrary, it is he himself who is forcing [his own conduct to become debased]….

With regard to this person who [outwardly] refuses to divorce [his wife] - he wants to be part of the Jewish people, and he wants to perform all the mitzvot and eschew all the transgressions; it is only his evil inclination that presses him. Therefore, when he is (coerced) until his [evil] inclination has been weakened, and he consents [to the divorce], he is considered to have performed the divorce willfully.

1. What is the Torah’s theory explaining the misbehaviors of usually law-abiding citizens?
2. In what sense is the usually law abiding citizen “willingly” giving a divorce, even though they have been forced by severe consequences to do so?
3. Show this principle of the willing citizen in the case of texting?