



Society's Duty

1. Rabbeinu Nisim (14th century Spain), Derashah 11

When Israel has a sanhedrin and king, the sanhedrin only judges the nation justly, not exceeding this mandate to improve the nation's affairs unless the king empowers them. But when there is no king in Israel, the "judge" incorporates two powers – the powers of the judge and the powers of the king.

2. Talmud, Moed Katan 5a

The courts go to de-thorn paths, fix roads and plazas, and measure *mikvaot*... And how do we know that if they fail to do this, then they are biblically liable for any blood which is spilled, as though they had done it? Deuteronomy 19:10 says, "[Innocent blood shall not be shed in your land...] and the blood will be on your head."...

3. Midrash Tanchuma, Shoftim 3

Rabbi Elazar said: If there is no *shoteir*, there is no judge. How so? A person is found in court to owe someone else. If there is no *shoteir* to produce payment from him, then once he leaves the court, the judge will have no means to affect him – unless he turns this person over to a *shoteir*, and the *shoteir* will produce it from him.

4. Rabbi Moses Maimonides (12th century Egypt), Mishneh Torah, Laws of Courts 1:1

There is a biblical command to appoint judges and officers in every land and area, as it is written... *Shoftim* are the judges who are fixed in court, with litigants coming before them. *Shotrim* are the wielders of the staff and lash. They stand before the judges, [and] they circulate in the markets and streets and stores to fix the prices and measures, and to strike all who are corrupt. All of their deeds are at the word of the judges, and when they see impropriety in a person then they bring him to court, and judge him according to his wickedness.

5. Rabbeinu Asher (13th-14th c. Germany/Spain), Commentary to Makkot 1:11

Anyone who sees impropriety is obligated to testify, fulfilling, "And you shall eradicate evil from your midst."

The Problem is Inherent!

6. Tosefta, Bava Kama 9:11

If the court agent strikes with their authority and causes harm, he is exempt from liability. If he is excessive, he is liable.

7. Rabbi Chaim David haLevi, Torah sheb'al Peh 16

G-d, who "shows the way for penitents" after they descend into the world of sin, did not choose to punish them with imprisonment. He is good and just. Although imprisonment seems righteous and just, it certainly is not good – not in itself, because it involves removing human liberty, and not in its results...

8. Rabbi Yosef Chagiz (17th century Morocco), Halachot Ketanot 1:276

It appears that one may not seek out another's secrets, and what is the difference between gossip about others and about one's self?

9. Rabbi Moshe Isserless (16th century Poland), Code of Jewish Law Choshen Mishpat 154:7

One may not stand at a window and look into another's yard, lest he cause harm with his sight. This is prohibited.

Mindset and Mechanics

10. Talmud, Kiddushin 76a

Anyone whose ancestors were known to have been public officers and tzedakah collectors may marry among the kohanim, and there is no need to check their lineage.

11. Henry McGee, *Arrests in Civil Disturbances*, Rutgers Law Review 22 (1968), pg. 717

It is critical to distinguish mass breakdown in respect for, and fear of, the law from isolated, single transgressions. Police have hitherto been trained to operate in a context in which the lawbreaker stands not only opposed to the law enforcement authority, but to the community itself. In such situations, the police can rely at least upon the passivity of the community, if not upon its cooperation in the criminal's apprehension. Deadly force used against a lone felon may even evoke approval of citizens bred in a "cops and robbers" culture. Deadly force used against large numbers of citizens, who just prior to the riots were for the most part law-abiding and peaceful, can have crushing social consequences.

12. Deuteronomy 1:17

Do not recognize faces in judgment; hear the small like the great. Do not fear [*taguru*] anyone, for justice is of Gd...

13. Talmud, Sanhedrin 6b

When two litigants come for judgment, one gentle and one harsh, until you hear their words, or having heard their words but not yet knowing which way the verdict is inclined, you may tell them, "I will not address your case," lest the strong one be found liable, and the strong one might then pursue the judge. Once you hear their words and you know which way the verdict is inclined, you may not tell them, "I will not address your case," as in Deuteronomy 1:17.

14. Samuel I 14:38-45 (JPS 1985 tr. via sefaria.org)

Then Saul said, "Come forward, all chief officers of the troops, and find out how this guilt was incurred today. For as the Lord lives who brings victory to Israel, even if it was through my son Jonathan, he shall be put to death!" Not one soldier answered him. And he said to all the Israelites, "You stand on one side, and my son Jonathan and I shall stand on the other." The troops said to Saul, "Do as you please."

Saul then said to the Lord, the Gd of Israel, "Show Thammim." Jonathan and Saul were indicated by lot, and the troops were cleared. And Saul said, "Cast the lots between my son and me"; and Jonathan was indicated.

Saul said to Jonathan, "Tell me, what have you done?" And Jonathan told him, "I only tasted a bit of honey with the tip of the stick in my hand. I am ready to die." Saul said, "Thus and more may Gd do: You shall be put to death, Jonathan!" But the troops said to Saul, "Shall Jonathan die, after bringing this great victory to Israel? Never! As the Lord lives, not a hair of his head shall fall to the ground! For he brought this day to pass with the help of Gd." Thus the troops saved Jonathan and he did not die.

15. Midrash Shemuel 17:3

Rabbi Elazar said: They gave his weight in gold and redeemed him.

16. Malbim to Shemuel I 14:45

Even if he sinned, "he performed this great redemption, etc." And the nation should give their lives for him, as he gave his life for them, and they should protect him...

17. Midrash Shemuel 17:3

Rabbi Yochanan said: Did he eat bread? He only ate honey, not bread! Reish Lakish said: Did he eat? He only tasted... not requiring a blessing.

18. Malbim to Shemuel I 14:45

"And the nation redeemed Yonatan" working with Shaul to repeal his vow. He had room to express regret, as the nation said, "Should Yonatan die?"