

## CAN YOU ANSWER THESE QUESTIONS?

1. Describe the events that occurred immediately after the death of Joshua and the elders.
2. Describe the three ways in which the people of Israel were punished during the period of the Judges.
3. Describe five aspects which were common to both the Judges and the Kings of Israel.
4. Describe five aspects which distinguished the Judges from the Kings of Israel.
5. Who was the first of the Judges?

This and much more will be addressed in the ninth lecture of this series:  
**"The Period of the Judges: Part One"**.

To derive maximum benefit from this lecture, keep these questions in mind as you listen to the lecture and read through the outline. Go back to these questions once again at the end of the lecture and see how well you answer them.

PLEASE NOTE: This outline and source book were designed as a powerful tool to help you appreciate and understand the basis of Jewish History. Although the lectures can be listened to without the use of the outline, we advise you to read the outline to enhance your comprehension. Use it, as well, as a handy reference guide and for quick review.

**This lecture is dedicated to the honor and merit of  
Dr. and Mrs. Gabriel Sosne and their family.**

THE EPIC OF THE ETERNAL PEOPLE  
Presented by Rabbi Shmuel Irons

Series XV Lecture #9

THE PERIOD OF THE JUDGES: PART ONE

I. The Emergence of the Judges

A.

וַיַּעֲבְדוּ הָעָם אֶת ד' כָּל יְמֵי יְהוֹשֻׁעַ וְכָל יְמֵי הַזִּקְנִים אֲשֶׁר הָאָרִיכוּ יָמִים אַחֲרֵי יְהוֹשֻׁעַ אֲשֶׁר רָאוּ אֶת כָּל מַעֲשֵׂה ד' הַגְּדוֹל אֲשֶׁר עָשָׂה לְיִשְׂרָאֵל: וַיָּמָת יְהוֹשֻׁעַ בֶּן נֹחַן עֶבֶד ד' בֶּן מֵאָה וָעֶשֶׂר שָׁנִים: וַיִּקְבְּרוּ אוֹתוֹ בְּגִבּוֹל נַחֲלָתוֹ בְּתִמְנַת חֶרֶס בְּהַר אֶפְרַיִם מִצְפּוֹן לְהַר גֵּעֵשׁ: וְגַם כָּל הַדּוֹר הַהוּא נֶאֱסָפוּ אֶל אֲבוֹתָיו וַיָּקָם דּוֹר אַחֵר אַחֲרֵיהֶם אֲשֶׁר לֹא יָדְעוּ אֶת ד' וְגַם אֶת הַמַּעֲשֵׂה אֲשֶׁר עָשָׂה לְיִשְׂרָאֵל: שׁוֹפְטִים ב:ז-י

And the people served the L-rd all the days of Joshua, and all the days of the elders who outlived Joshua, who had seen all the great works of the L-rd, that He did for Israel. And Joshua, the son of Nun, the servant of the L-rd, died, being one hundred and ten years old. And they buried him in the border of his inheritance in Timnath-Heres, in the Mount of Ephraim, on the north side of the hill Gaash. And also all of that generation were gathered unto their fathers; and there arose another generation after them, who knew not the L-rd, nor the works which He had done for Israel. **Judges 2:7-10**

B.

(1) וַיַּעֲשׂוּ בְנֵי יִשְׂרָאֵל אֶת הָרַע בְּעֵינֵי ד' וַיַּעֲבְדוּ אֶת הַבְּעָלִים: וַיַּעֲזְבוּ אֶת ד' | א-לֹהֵי אֲבוֹתָם הַמוֹצִיא אוֹתָם מֵאֶרֶץ מִצְרַיִם וַיִּלְכוּ אַחֲרָיו | אֱלֹהִים אַחֲרֵים מֵאֱלֹהֵי הָעַמִּים אֲשֶׁר סְבִיבוֹתֵיהֶם וַיִּשְׁתַּחֲווּ לָהֶם וַיִּכְעֲסוּ אֶת ד': וַיַּעֲזְבוּ אֶת ד' וַיַּעֲבְדוּ לְבַעַל וְלַעֲשָׂתָרוֹת: שׁוֹפְטִים ב:יא-יג

And the people of Israel did evil in the sight of the L-rd, and served Baalim; And they forsook the L-rd G-d of their fathers, who brought them out of the land of Egypt, and followed other gods, of the gods of the people who were around them, and prostrated themselves to them, and provoked the L-rd to anger. And they forsook the L-rd, and served Baal and the Ashtarot. **Judges 2:11-13**

(2) מִן פְּסוּק י"א עַד פְּסוּק כ' הוּא מֵאִמֵּר מוֹסְגֵר וְהוּא כַּעֲיֵן הוֹצֵעָה וְהַקְדָּמָה לְכָל הַסֵּפֶר וּלְכָל סְפוּרֵי יְמֵי הַשׁוֹפְטִים: וַיַּעֲשׂוּ, חוֹשֵׁב כִּי הַתְּמוֹטְטוּ בְּשִׁלְשָׁה מַדְרָגוֹת זֶה אַחֵר זֶה, (א) תַּחֲלָה עָשׂוּ אֶת הָרַע בְּעֵינֵי ד' שַׁחֲטָאוּ נֶגֶד מִצְוֹת הַתּוֹרָה, (ב) אַחֵר כִּךְ הִגִּיעוּ לְקִצְהָ הַמְרִי עַד שֶׁעֲבָדוּ אֶת הַבְּעָלִים, וְעַתָּה בִּיָּאֵר כִּי בְּמִרְיָה זֶה שֶׁעֲבָדוּ ע"ז הִיָּה ג"כ שְׁתֵּי מַדְרָגוֹת, כִּי יֵשׁ הַעוֹבֵד ע"ז בְּשִׁיתוּף, וַיֵּשׁ שְׁשׁוּכַח א-לֹהִים עָשׂוּ בְּהַחֲלֵט. וְתַחֲלָה עֲבָדוּ בְּשִׁיתוּף. וּז"ש: וַיַּעֲזְבוּ אֶת ד' א-לֹהֵי אֲבוֹתָם - יֵשׁ הַבְּדֵל אֲצִלִּי בְּכ"מ בֵּין כְּשֶׁמְזַכֵּיר שֵׁם ד' סֵתֵם שְׂאֵז יִדְבַר עֲלֵיו מִצַּד הַיּוֹתוֹ בּוֹרָא הָעוֹלָם וּמַחֲדָשׁוּ וּבֵין כְּשִׁיזְכִּיר שֵׁם א-לֹהִים בְּכִינוּי כְּמוֹ א-לֹהֵי יִשְׂרָאֵל א-לֹהֵי אֲבוֹתָם שְׂאֵז יִדְבַר עֲלֵיו מִצַּד הַקֶּשֶׁר שִׁי"ל עִם יִשְׂרָאֵל וְעִם אֲבוֹתֵיהֶם שֶׁבַחֲרָם לְחַלְקוֹ וְהַשְּׂגִיחַ עֲלֵיהֶם בְּהַשְּׂגָחָה מוֹפְלָאָת וּמִצַּד זֶה אֲסוּר לָהֶם לַעֲבֹד בְּשִׁיתוּף כִּי אֵינֶם נִתּוֹנִים תַּחַת שׁוֹם שֶׁר וְכוּכֵב רַק תַּחַת הַשְּׂגָחָת ד', כְּמ"ש אֲשֶׁר חֲלַק ד' לְכָל הָעַמִּים וְאַתְּכֶם לְקַח ד', וּבַעַת יַעֲבְדוּ בְּשִׁיתוּף הַגַּם שְׂאֵינֶם עוֹזְבִים אֶת ד' מִצַּד עֲצָמוֹ כִּי עַדִּינֵן מֵאִמִּינִים שֶׁהוּא בּוֹרָא הָעוֹלָם וּמַחֲדָשׁוּ, בְּכ"ז עוֹזְבִים אֶת ד' א-לֹהֵי יִשְׂרָאֵל אוֹ אֶת ד' א-לֹהֵי אֲבוֹתָם, ר"ל שֶׁעוֹזְבִים אוֹתוֹ מִצַּד שֶׁהוּא א-לֹהֵי יִשְׂרָאֵל וְא-לֹהֵי אֲבוֹתָם שֶׁעִי"כ הֵם תַּחַת פְּקוּדַת הַשְּׂגָחָתוֹ וְאֵין אֶתוֹ אֶל נִכְר, וּז"ש וַיַּעֲזְבוּ - תַּחֲלָה עֲזָבוּ אֶת ד' א-לֹהֵי אֲבוֹתָם - ר"ל שֶׁהַתְּחִלָּה לַעֲבֹד בְּשִׁיתוּף וְעֲזָבוּ א-לֹהֵי אֲבוֹתָם הַמוֹצִיא

אותם מארץ מצרים שמאז השלם בהשגחה מיוחדת ויחדם לחלקו, וילכו אחרי אלהים אחרים – ובזה הכעיסו את ד' במה ששתפו ש"ש ודבר אחר. ואחר כך התמוטטו יותר וירדו פלאים: ויעזבו את ד' – גם מצד שהוא ד' בורא המציאות כי כחשו בד' ויאמרו לא הוא ויעבדו לבעל ולעשתרות: מלבי"ם שם

Verses 11 till 20 form a parenthetical statement which serves as an introduction to the entire Book of Judges and to all of the various events that took place during the period of the Judges. **And the people of Israel did evil in the sight of the L-rd:** Scripture describes a three step decline: **1)** They initially did evil in the sight of Hashem by violating the commandments of the Torah. **2)** Afterwards, they reached such a state of rebellion that they worshipped the Baalim. At this point, Scripture explains that there were two steps in the rebellion. **1)** There were those who worshipped pagan gods together with Hashem **2)** and there were those that went on to forget Hashem, their Maker, entirely. Originally, though, even this latter group worshipped Hashem together with the other gods. This is the meaning of the verse, “**And they forsook the L-rd G-d of their fathers.**” I have [already] explained in many places that there is a distinction between the usage of the term “G-d,” without qualification, which refers to G-d as the Creator of the world and its Renewer, and when the word G-d is modified, as in “the G-d of Israel,” or “G-d of our fathers,” for it is then referring to Him as He relates to the people of Israel or with their forefathers, who chose them to be His portion and supervised over them in a miraculous manner. Regarding that aspect of Him, is it forbidden to serve any other god in conjunction with Him, as [the people of Israel] are not under the supervision of any angel or star, only under Divine Providence, as it says (Deuteronomy 4:19-20), “[And lest you lift up your eyes to the skies, and when you see the sun, and the moon, and the stars, all the host of the skies, should you be driven to worship them, and serve them,] which the L-rd your G-d has allotted to all nations under the whole sky. But the L-rd has taken you, [and brought you out of the iron furnace, out of Egypt, to be for him a people of inheritance, as you are this day.]” And at the time they worshipped other gods in conjunction with Hashem, even though they didn’t forsake Hashem entirely, as they still believed Him to be the Creator of the world and the One who constantly renews it, but, nonetheless, they forsook Him to be the “the G-d of Israel,” or “G-d of our fathers,” the title that indicates that they are totally under His Providence, without the aid of any other force. This is what is meant by the phrase, “And they forsook the L-rd G-d of their fathers, which indicates that the first step that they took was to serve other gods in conjunction with Hashem and doing so they forsook, “the L-rd G-d of their fathers, who brought them out of the land of Egypt.” It was that act, the exodus from Egypt, which finalized His special Providential relation with Israel, taking them to Him as His portion. But they, “followed other gods, of the gods of the people who were around them, and prostrated themselves to them, and provoked the L-rd to anger,” through serving other gods in conjunction with Hashem. Subsequently their [connection] weakened even further and they fell precipitously, “**forsaking the L-rd**” as the Creator of all existence, denied His Being “**and served [only] Baal and the Ashtarot**”. **Malbim, ibid.**

C.

(1) וַיִּחַר-אַף ד' בְּיִשְׂרָאֵל וַיִּתְּנֵם בְּיַד שׂוֹמְרֵי וַיִּשְׁפּוּ אוֹתָם וַיִּמְכְּרֵם בְּיַד אוֹיְבֵיהֶם מִסְבִּיב וְלֹא יָכְלוּ עוֹד לַעֲמֹד לִפְנֵי אוֹיְבֵיהֶם: בְּכָל | אֲשֶׁר יֵצְאוּ יַד ד' הֵיטָה בָּם לְרָעָה כְּאֲשֶׁר דִּבֶּר ד' וְכַאֲשֶׁר נִשְׁבַּע ד' לָהֶם וַיַּצַּר לָהֶם מְאֹד: שׁוֹפְטִים בִּיד-טו

And the anger of the L-rd burned against Israel, and He delivered them into the hands of destroyers who destroyed them, and He sold them into the hands of their enemies around, so that they could not any longer stand before their enemies. Where ever they went out, the Hand of the L-rd was against them for evil, as the L-rd had said, and as the L-rd had sworn to them; and they were greatly distressed. **Judges 2:14-15**

(2) ויחר – כמו שחטאו בג' מדרגות, כן העלה עונשם בג' מדרגות, א) תחלה ויתנם ביד שטים – שבאו לשוסס ממונם ורכושם, ב) אח"כ וימכרם ביד אויביהם מסביב – שהיו אויבים להם עצמם כאשר הם שכניהם הרעים, ופירוש וימכרם שמסרם בידם שע"י שסלק השגחתו מאתם סר צלם מעליהם ונעזבו ביד הטבע והמקרה, ולא יכלו עוד לעמוד לפני אויביהם – שהיו חזקים מהם בטבע, ג) ואח"כ הוסיף להענישם בפועל לא ע"י סילוק השגחתו לבר, עד כי: בכל אשר יצאו יד ה' היתה במ לרעה – ר"ל כי תחלה שהיה רק הסתרת פנים לא היתה הרעה ע"י יד ד' רק באה בטבע מעצמה ועתה הענישם בפועל ובמכת ידו, ותחלה שהיה רק הסתרת פנים יצוייר שלפעמים יצליחו גם הם בדרך הטבע נגד אויב שחלש בטבע, ועתה שהענישם בפועל כפיו הנה בכל אשר יצאו הגם שהיה ראוי שיצליחו בדרך הטבע יד ד' היתה במ לבל יצליחו כאשר דבר כו' להם שבעת יעבדו ע"ז יענישם בפועל, וכך התמיד להרע להם עד שהצר להם מאד והכירו את אשר הרעו והתחילו לשוב: מלבי"ם שם

**And the anger of the L-rd burned against Israel:** Just as they sinned by taking three [downward] steps, so too, their punishment was meted out to them in three steps. **1)** Initially he gave them over into the hands of marauders who came to rob them of their money and possessions. **2)** Subsequently, "He sold them into the hands of their enemies around," i.e. they became enemies of their neighbors as a result of they themselves becoming bad (evil) neighbors. The explanation of the phrase, "and they sold them," is that by removing His Providence from them, their protection was removed and they were abandoned to be subject to the [capriciousness] of nature and chance and were no longer able to stand up against their enemies, who were naturally stronger than they. **3)** After that, He increased their punishment by directly punishing them and not merely removing from them His Providence. It reached such a state that, "Where ever they went out, the hand of the L-rd was against them for evil," i.e. originally when the punishment was through the "hiding of His face," the punishment was only indirect and was a result of natural forces. But now, He punished them directly, through the blows "of His Hand." Initially, when the punishment was merely through the "hiding of His face" it was conceivable that they would be successful at times against a weaker enemy. But now that He was punishing them directly, wherever they went out, even when they should have naturally been successful, the Divine Hand was there against them so that they shouldn't have any success "as the L-rd had said . . ." that He would directly punish them whenever they would worship idols. They continued to do evil until it became so difficult that they recognized the extent of their evil and began to repent. **Malbim, ibid.**

D.

(1) ויָקָם ד' שְׁפָטִים וַיּוֹשִׁיעוּם מִיַּד שֹׁטְיָהֶם: וְגַם אֶל שְׁפָטֵיהֶם לֹא שָׁמְעוּ כִּי זָנוּ אַחֲרֵי אֱלֹהִים אַחֲרֵים וַיִּשְׁתַּחֲוּ לָהֶם סָרוּ מִהָרַךְ מִן הַדֶּרֶךְ אֲשֶׁר הָלְכוּ אֲבוֹתָם לְשֹׁמֵעַ מִצְוֹת ד' לֹא עָשׂוּ כֵן: וְכִי הָקִים ד' | לָהֶם שְׁפָטִים וְהָיָה ד' עִם הַשֹּׁפֵט וְהוֹשִׁיעֵם מִיַּד אֹיְבֵיהֶם כֹּל יְמֵי הַשׁוֹפֵט כִּי יִנָּחֵם ד' מִנְּאֻקָתָם מִפְּנֵי לְחֻצֵיהֶם וְדַחְקֵיהֶם: וְהָיָה | בְּמוֹת הַשׁוֹפֵט יָשְׁבוּ וְהִשְׁחִיתוּ מֵאֲבוֹתָם לְלָקֵת אַחֲרֵי אֱלֹהִים אַחֲרֵים לְעַבְדָּם וְלִהְשֹׁתַחֲוֹת לָהֶם לֹא הִפִּילוּ מִמַּעַלְלֵיהֶם וּמִדְרָכָם הַקָּשָׁה: שׁוֹפָטִים בִּיטוּ-יט

**And the L-rd raised up Judges,** who saved them from the hand of those who oppressed them. And yet (in addition) they would not listen to their Judges, but they went astray after other gods, and prostrated themselves before them; they turned aside quickly from the way on which their fathers had walked, obeying the commandments of the L-rd; but they did not do so. And when the L-rd raised them up Judges, then the L-rd was with the Judge, and saved them from the hand of their enemies all the days of the Judge; for the L-rd relented because of their groaning, caused by those who oppressed them and troubled them. And it came to pass, when the Judge was dead, that they returned, and became more corrupt than their fathers, in following other gods to serve

them, and to prostrate themselves to them; they did not cease any of their practices, nor their stubborn way. **Judges 2:16-19**

(2) ויקם – כבר כתבתי שמאמר זה בכללו מן פסוק יו"ד עד סוף הסימן היא כעין הוצעה כוללת לכל הספר, שספר ענין ישראל כל ימות השופטים עד שמואל הנביא כותב הספר, שבמשך הזמן ההוא נמשך חטאם באחד משלשה מדרגות הנ"ל, ועונשם באחד מג' מיני עונשים הנ"ל, ועתה יספר איך היה ענין השופטים שקמו בכל דור להושיע לישראל, תחלה אמר דרך כלל ויקם ד' שפטים ויושיעום – שתמיד עת צר להם הקים להם שופטים וכל השופטים שהיו להם הושיעום מיד שוסייהם, בזה הושוו כל השופטים שהגיע לישראל תשועה על ידם. אבל היה הבדל במשך זמן התשועה שמצאנו שופטים שהיה להם תשועה כל ימי חיי השופט כמו עתניאל ודבורה ודומיהם, ומצאנו שופטים שעוד בחיי השופט חזרו האויבים לשלוט בהם כמו אהוד ושמשון ודומיהם, ומבאר שזה היה תלוי לפי הדור שאם שמעו לקול השופט כל ימי חייו, ואז נושעו כל ימי חיי השופט עד מותו שחזרו לרשעתם, ולפעמים מרו וסרו מהר בעוד השופט חי, ושלט עליהם אויב בחיי השופט, וז"ש. וגם – ר"ל לפעמים גם אל שופטיהם לא שמעו כי זנו וכו' סרו מהר בחיי השופט ובזה סרו מן הדרך אשר הלכו אבותם לשמוע מצות ד' – שאבותם היה דרכם לשמוע מצות נביאיהם ושופטיהם, כמ"ש (בפסוק ז') ויעבדו העם את ד' כל ימי יהושע וכל ימי הזקנים והם לא עשו כן – ובעת הזאת גבר אויב בעוד השופט חי: וכי – ר"ל ולפעמים הקים – כו' שופטים והיה ד' – כו' והושיעם – כו' כל ימי חיי השופט – וגם זה היה לפי מעשה הדור כי ינחם ד' מנאקתם מפני לוחציהם – כי עמדו בצדקם כל ימי השופט, וצעקו אל ד' ונחם על הרעה כל ימי השופט, ומ"ש לוחציהם ודוחקיהם, הלוחץ נגשו במס ועבדות והדוחק בא במקומו וצר לו המקום כמ"ש ואיש אחיו לא ידחקון (יואל ב'), אבל בכ"ז. והיה במות השופט ישובו והשחיתו מאבותם – וזה היה הסבה שאחר מות השופט נתנו לבז ולמשסה: מלבי"ם שם

**And the Lord raised up Judges:** I have already written that the statement in its entirety, from verse 10 until the end of the chapter, is actually an introduction to the entire Book [of Judges]. It is a description of the state of the people of Israel during the entire period of the Judges up until the time of Samuel, the prophet (Shmuel HaNavi), the writer of the Book [of Judges]. During this period, their sinning took one of the three above mentioned forms of sin and they were punished through one of the three above mentioned punishments. Now [the author] is relating the way the Judges arose in every generation to save Israel. He began by making a general statement that G-d established Judges and He saved the people of Israel [through them], i.e. that whenever there was a difficult time for them, he established Judges for them and all of their Judges saved them from their oppressors. In this respect, all of the Judges were alike, i.e. that through them a salvation was wrought for the people of Israel. The contrast between them was the duration of the salvation. We find Judges under whom the salvation lasted their entire term of office, such as Othniel, Deborah and others. [On the other hand,] we find [other] Judges who experienced a reversal as their enemies came back to rule over them. [For instance,] this occurred to Ehud, Samson, and others. [The writer] explains that this depended on the spiritual level of the generation, i.e. if they listened to the voice of the Judge throughout his lifetime, then they experienced salvation throughout his lifetime, up until his death, when they reverted back to their evil ways. At other times, during the lifetime of the Judge, they would immediately rebel after [their salvation] and turn away from the right path. The enemy [would then come back,] during the lifetime of the Judge, and rule over them. This is what is meant by, **“And yet (in addition) they would not listen to their Judges”**, i.e. at times they wouldn't even listen to their Judges, “but they went astray . . . they turned aside quickly,” i.e. during the lifetime of the Judge, and with this “they turned aside quickly from the way on which their fathers had walked, obeying the

commandments of the L-rd,” for the way of their fathers was to listen to the commandments of their prophets and Judges, as it says (Judges 2:7), “And the people served the L-rd all the days of Joshua, and all the days of the elders.” But they didn’t do so. During that time, during the lifetime of the Judge, the enemy overpowered them. **And when the L-rd raised them up Judges:** This means that at times, He raised up Judges and “then the L-rd was with the Judge, and saved them . . . all the days of the Judge.” This was also due to the conditions of the generation, “for the L-rd relented because of their groaning, caused by those who oppressed them and troubled them,” for they were steadfast in their righteousness during the entire lifetime of the prophet and they cried out unto the L-rd and during the entire lifetime of the Judge He relented of the terrible [decrees that He had made]. Regarding the phrase, “those who oppressed them and troubled (*dochek* - pressures) them,” the oppressor is one who demands of them to pay duty and imposes upon them servitude. The *dochek* comes to the place of the victim and pushes him and forces him to live in crowded conditions, as it says (Joel 2:8), “Nor does one thrust another.” But despite this, “**And it came to pass, when the Judge was dead, that they returned, and became more corrupt than their fathers.**” For that reason, after the death of the Judge, they were plundered [by their enemies] and became oppressed. **Malbim, ibid.**

E.

(1) ויחר אף ד' בְּיִשְׂרָאֵל וַיֹּאמֶר יְעֶזְבֵּן אֲשֶׁר עָבְרוּ הַגּוֹי הַזֶּה אֶת בְּרִיתִי אֲשֶׁר צִוִּיתִי אֶת אֲבוֹתָם וְלֹא שָׁמְעוּ לְקוֹלִי: גַּם אֲנִי לֹא אוֹסִיף לְהוֹרִישׁ אִישׁ מִפְּנֵיהֶם מִן הַגּוֹיִם אֲשֶׁר עִזַּב יְהוֹשֻׁעַ וַיָּמָת: לְמַעַן נִסּוֹת בָּם אֶת יִשְׂרָאֵל הַשְּׂמֵרִים הֵם אֶת דְּרֹךְ ד' לְלַכֵּת בָּם כַּאֲשֶׁר שָׁמְרוּ אֲבוֹתָם אִם לֹא: וַיִּנַּח ד' אֶת הַגּוֹיִם הָאֵלֶּה לְבִלְתִּי הוֹרִישָׁם מִהָרָה וְלֹא נָתַנָּם בְּיַד יְהוֹשֻׁעַ: שׁוֹפְטִים בֵּי-כ-כַּג

And the anger of the L-rd burned against Israel; and He said, Because this people has transgressed my covenant which I commanded their fathers, and have not listened to my voice; I also will not continue to drive out from before them any of the nations which Joshua left when he died; That through them I may test Israel, whether they will keep the way of the L-rd to walk in it, as their fathers kept it, or not. And the L-rd left these nations, without driving them out hastily; nor did He deliver them into the hand of Joshua. **Judges 2:20-23**

(2) גַּם אֲנִי לֹא אוֹסִיף לְהוֹרִישׁ אִישׁ מִפְּנֵיהֶם – רַק יִשְׁאָרוּ הַגּוֹיִם בְּאִי לֵהוֹיֹת לְצַנִּינִים, אֲשֶׁר עִזַּב יְהוֹשֻׁעַ – הוּא מֵאֹמֶר מוֹסְגֵר ר"ל מֵה שִׁיְהוֹשֻׁעַ עִזַּבם וְלֹא הוֹרִישָׁם בְּחַיּוֹ כְּבָר, הִיָּה סִבָּה מֵאֵת ד', וְהוּא. לְמַעַן נִסּוֹת – שֶׁרָצָה לְנִסּוֹת הַדּוֹר שֶׁאֲחֵרֵי יְהוֹשֻׁעַ אִם יִשְׁמְרוּ דֶרֶךְ ד' – לְהוֹרִישׁ אֶת הַגּוֹיִם וְשֶׁלֹּא יִכְרְתוּ בְרִית עִמָּהֶם. וּמִטַּעַם זֶה: וַיִּנַּח ד' אֶת הַגּוֹיִם הָאֵלֶּה לְבִלְתִּי הוֹרִישָׁם מִהָרָה – וּנְמַשְׁכוּ יָמֵי הַכִּיבוּשׁ עַד אַחֲרֵי מוֹת יְהוֹשֻׁעַ, לְמַעַן יִרְאֶה אִם הַדּוֹר שֶׁאֲחֵרֵי יִשְׁמְרוּ תוֹרַת ד' לְהוֹרִישָׁם וְשֶׁלֹּא יִכְרְתוּ בְרִית עִמָּם, וְכ"ז מֵאֹמֶר מוֹסְגֵר, שֶׁמִּזֶּה יוֹצֵא מ"ש שֶׁאֲחֵר שֶׁלֹּא עִמְדוּ בְּנִסְיוֹן וְלֹא הוֹרִישוּ אוֹתָם, וְכמ"ש בְּאוֹרֶךְ בְּקַאֲפִיטָאֵל א', לִכְן כִּשְׁחָרָה אֶף ד' גִּזַּר שֶׁלֹּא יוֹסִיף לְהוֹרִישׁ אִישׁ מִפְּנֵיהֶם, וְלֹא יִכְלוּ עוֹד לְהַתְּגַבֵּר עֲלֵיהֶם, וְכִמוּ שִׁיעַד לָהֶם יְהוֹשֻׁעַ (כ"ג:י"ב–י"ג) אִם שׁוֹב תִּשׁוּבוּן וְכו' יְדוּעַ תְּדוּעוּ כִּי לֹא יוֹסִיף ד' לְהוֹרִישׁ אוֹתָם וְהָיוּ לָכֶם לְפַח עַד אֲבִדְכֶם וְכו' וְזֶה מִתְּקִיִּים אַחֲרֵי מוֹתוֹ: מִלְּבִי"ם בֵּי-כַא-כַּג

**I also will not continue to drive out from before them:** Rather, the nations shall remain in the Land of Israel as thorns [in their sides and in their eyes]. The phrase, “the nations which Joshua left,” is a parenthetical statement, i.e. the real reason why Joshua neglected them and didn’t drive them out in his lifetime was actually caused by G-d “**that through them I may test Israel,**” for He wanted to test the generation after Joshua “**whether they will keep the way of the L-rd to walk in it**” to conquer the nations and not to make a covenant with them. For that reason “**He left these nations, without driving them out hastily**” and the period of conquest continued on beyond the lifetime of Joshua. This was in order to see whether the generation after him would

keep G-d's Torah and not make a treaty with them. All of this is a parenthetical statement and gives us the background to understand that because they did not withstand the test and did not conquer [the nations], as is described at length in the first chapter, the anger of G-d was incited against them and He decreed that they would no longer conquer the [nations] and would not have the ability to overcome them, as Joshua had [previously] warned them (Joshua 23:12-13), "If you should at all turn back to attach yourselves [to the remnant of these nations], . . . know for a certainty that the L-rd your G-d will no longer drive out any of these nations from before you; but they shall be snares and traps to you, and scourges in your sides, and thorns in your eyes, until you perish from off this good land which the L-rd your G-d has given you." This was fulfilled after [Joshua's] death. **Malbim 2:21-23**

## II. The Judges: Their Role and Powers

### A.

אחרי אשר הספר השני הזה יגיד עניני השופטים שקמו בישראל אחרי מות יהושע, עד שנוולד שמואל, ובספר הרביעי יבואו ענין המלכים אשר מלכו בישראל וביהודה. ראיתי אני לחקור בכאן אם שופטים ומלכים הם שמות נרדפים, ייאמרו על ענין אחד שוה ומתדמה, או הם שמות מתחלפים ייאמרו על הנהגות שונות. ועם העיון הטוב מצאתי השופטים והמלכים ישתתפו בחמשה דברים יכללום, ויובדלו ויתחלפו גם כן בחמשה דברים אחרים.

(1) השתוף הראשון הוא, שהשופטים והמלכים הם ממונים על ידי ב"ד וקבלום ישראל על עצמם. אם בשופטים אמר הכתוב (שופטים ב:טז) "ויקם ד' שופטים" וגו', וזה בהיותם ממונים ע"פ ב"ד אשר רוח ד' דבר בם, וגם קבלת ישראל אותם מבואר, שכן הוא אומר בגדעון (שם ח:כב) "משול בנו גם אתה" וגו'. וביפתח נאמר (שם יא:ח) "והלכת עמנו ונלחמת בבני עמון והיית לנו לראש" וגו'. ואין ספק שהשופטים היה מעירם ראשונה רוח ד', רוח עצה וגבורה, ובראות ישראל ששם ד' נקרא עליהם, יבחרו בהם וימנו אותם לשופטים ע"פ ב"ד. ואמנם במלכים הדבר מבואר שאין מושחין אותם כי אם ב"ד הגדול והנביא, ומלבד זה היו העם ממליכים אותם, כמו ובא בענין שאול ודוד ושלמה וזולתם. ושני הדברים האלה זכרה התורה כאמרה (דברים י"ז:טו) "שום תשים עליך מלך אשר יבחר ד' א-להיך בו". הנה שימת המלך הוא הקמתו מהעם, והבחירה הא-להית היתה על ידי נביא באמצעות המשיחה.

(2) השתוף השני הוא, שהשופטים הנזכרים בספר הזה והמלכים, אלה ואלה היו ממונים על המלחמות לצאת ולבוא לפני העם, וג"כ על דבר המשפט. לזה נאמר בעתניאל בן קנז (שופטים ג:י) "ותהי עליו רוח ד' וישפוט את ישראל יצא למלחמה" וגו'. וכן יזכיר בשאר השופטים שהיו נלחמים מלחמות ד' שהיו שופטים את ישראל. ועם היות שבקצת השופטים לא זכר ענין ומלחמות כי אם ענין המשפט כתולע, ויאיר, ואבצן, ואילון, ועבדון. בקצתם זכר המלחמות ולא אמר ששפטו את ישראל, כגדעון ואבימלך בנו, הנה היה זה, לפי שקצתם לא היו מתעסקים במלחמה ולא היתה מלחמה בימיהם ונתעסקו לבד במשפט, ומהם היה בהפך. אבל מנויים בשני הדברים היה יחד. ואמנם המלכים מבואר מעניניהם שתי הנהגות אלה, כמו שאמרו ישראל בשאלם מלך (שמואל א ח:כ) "ושפטנו מלכנו ויצא לפנינו ונלחם את מלחמותנו".

(3) ושתוף השלישי הוא, שהמלכים והשופטים כלם מכים ועונשים פעמים שלא בדין ושלא מן התורה כפי צורך השעה. ומפני זה היו שופטי ישראל עושין דברים שלא כמשפט וכהלכה להיותם להוראת שעה. הלא תראה גדעון בעבור שאנשי סוכות ואנשי פנואל לא נתנו לחם לאנשיו ברדפו אחרי זבח וצלמונע (שופטים ח:ו) דש את בשר אנשי סוכות בקוצי המדבר והרג את כל אנשי פנואל,

ואין זה עפ"י התורה. גם יפתח בכעסו על בני אפרים לפי שאמרו (שם יב:ד-ה) "פליטי אפרים אתם" וגו', לכד את מעברות הירדן, היה אומר לכל איש אפרים העובר "אמור נא שבולת" והיה אוחז בהם וישחטם אל מעברות הירדן. האם היה זה כפי הדין. ולכן אמרו ז"ל במסכת סנהדרין פרק נגמר הדין (מו, א): "תניא ר' אליעזר אומר שמעתי, שב"ד מכין ועונשין שלא כדין ושלא מן התורה, לא לעבור על דברי תורה כי אם לעשות סייג לתורה" וכו', והביאו שם מעשים ועובדות מורות על זה. אמנם המלכים העניין מבואר בהם, ולכן הרג דוד את האיש העמלקי, לפי שאמר שהרג את שאול, עם היות שאין הורגים במקום שאין עדים והתראה ואין אדם משים עצמו רשע. וכשספר נתן הנביא ענין האיש העשיר שלקח כבשת האיש הרש אמר דוד (שמואל ב יב:ה): "חי ד' כי בן מות האיש העושה זאת" וגו', וכל זה לצורך שעה היה.

(4) השתוף הרביעי הוא, שכלם, המלכים והשופטים, ישתתפו במורא ובכבוד, והממרה את פיהם חייב מיתה. אם בענין השופט אמרה תורה (דברים יז:כ) "והאיש אשר יעשה בזדון לבלתי שמוע את הכהן או אל השופט ומת האיש ההוא" וגו', ומזה הצד ג"כ העניש גדעון את אנשי פנואל ואת אנשי סוכות שזכרתי, לפי שדן אותם ממרים את פיו, והיו חייבים מיתה על עברם את מצותו. אמנם במלכים, חז"ל דרשוהו ממנה שנאמר ביהושע (יהושע א:יח) "כל איש אשר ימרה את פיך ולא ישמע את דבריך לכל אשר תצוונו יומת". ודרשו בפרק נגמר הדין (סנהדרין מט.) "כל איש אשר ימרה את פיך", יכול אף לדברי תורה, ת"ל "רק חזק ואמץ", ולכן אמרו שהמקלל את המלך, המלך רשאי להרגו, כמו שעשה דוד לשמעיה בן גרא, כי הוא היה ממרה את פי המלך וחייב מיתה.

(5) השתוף החמשי הוא, סמיכות השופטים בזמן והמשכם זה אחר זה, כמו שמלכי ישראל ג"כ נמשכו זה אחר זה, וכמו שלא היה זמן שמלך אין בישראל מעת שהתחילו המלכים, ככה לרעתי כל ימי השופטים לא היה ישראל זמן מה בלי שופט, אם לא שבימיהם פעמים היו ישראל משועבדים לאויביהם ופעמים היו נושעים מהם, ולכן היו נכללים שנות השעבוד בתוך שנות השופטים, כמו שאבאר בע"ה. והיה זה כדי שמשנותם נדע ימות העולם שנות דור ודור, כי אין לנו דרך לדעת מספר השנים אשר עברו בין דבר לדבר כי אם משנות השופטים והמלכים. ובואלה שמות רבה (פרשה מ') אמרו, שהראה הקב"ה למשה בהר סיני ספרו של אדם הראשון, שהיו כתובים בו כל הדורות שהיו עתידים להיות, דור דור ומנהיגיהם דור דור ומלכיהם וכו'. הנה השוו ענין המנהיגים והשופטים למלכים שכלם נמשכים זה אחר זה בהמשך הדורות, ומה שאמר בסוף זה הספר: "בימים ההם אין מלך בישראל" אפרשהו במקומו, שאין הרצון שהיה ישראל בלא שופט, כי אם שלא היה השופט אז בקרב ישראל, כי הוא היה שמשון, ולא היה בימים ההם בישראל כי אם אסור בידי פלשתים. אלה הם חמישה שיתופים, אשר יכללו השופטים והמלכים כולם.

(6) אמנם הבדליהם החמשה הם אלה שאזכור, ההבדל הראשון הוא, שהמלכים בחירתם מהא-ל יתברך הוא ע"י משיחה, ובמשיחה ראוי שתדע ענינים חמשה. מי ימשח, ולמי ימשח, ובמה ימשח ואיך ימשח, ובאיזה מקום ימשח וכו'. אמנם השופטים אין בהם משיחה כלל, והוא ההבדל הראשון.

(7) ההבדל השני הוא, שכח המלך ומנויו אינו בענין הדין ולשפוט בין איש ובין רעהו על פי התורה, אבל הוא לבד בתקון הקבוץ המדיני, להושיע את העם מאויביהם ולפסוק הדין בדברים כפי הוראת השעה וצורך העת לא בדרך דין צודק. ואמנם השופטים הם בחלוף זה, שמנויים בייחוד הוא לדון בין אדם לחברו ע"פ התורה, ושפטו את העם משפט צדק, הלא תראה שהתורה בפרשת שופטים צוה על הב"ד הקטן שבכל עיר ועיר, כמו שאמר (דברים טז:יח) שופטים ושוטרים תתן לך בכל שעריך וגו', ובפרשת כי יפלא (שם יז:ח) הזהיר על הב"ד הגדול (והם הסנהדרין אשר בירושלים) ועל השופט והוא הגדול שבכלם העומד במקום אדוננו משה בזמן שהיה עומד עם השבעים זקנים, ועליהם אמר (שם יז:ט-יא) והגידו לך את דבר המשפט, ועשית ע"פ הדבר אשר יגידו לך וגו', וע"פ



התורה אשר ירוך וגו'. הנה א"כ הנהגתם בעצם וראשונה ובייחוד היה לדון כפי המשפט הצודק ולזה נקראו שופטים. ואם מצינו שהשופטים הנזכרים בספר הזה היו יוצאים במלחמות, והיה מסור אליהם היכולת המוחלט לדון כפי הוראת שעה ושלא ע"פ התורה, לא היה זה אליהם במה שהם שופטים, כי אם לפי שלא היה בישראל עדיין מלך והיה להם כח השופט וכח המלך וכו'.

(8) ההבדל השלישי הוא, במצות שהמלך חייב בהם במה שהוא מלך, שהשופט פטור מהם. אם שלא ירבה לו נשים, ואם שלא ירבה לו סוסים, ואם שכסף וזהב לא ירבה לו מאד, ואם שלא ישתכר מעשה שכרות, שנאמר (משלי לא:ד) אל למלכים למואל אל למלכים שתו יין, ואם שיכתוב ספר תורה לעצמו יתר על הספר שהניח לו אביו. והחיובים האלה וזולתם שהזכירו חז"ל (סנהדרין פ"ב) במלכים, פטורים מהם השופטים. והסבה בזה היא לפי שהם משועבדים למשפטי התורה מאד יותר מהמלכים, כמו שביארתי, ולזה הוצרכה התורה להזהיר את המלך שלא יטה אחרי התאוות ואחרי החמדה ואחרי הגאווה, והכריחו לכתוב ספר תורה לעצמו ושלא מלפניו, והתרה בו לבלתי רום לבבו מאחיו ולבלתי סור מן המצוה ימין ושמאל, וכל זה לבל יחשוב המלך שאינו משועבד למשפטי התורה ומצותיה אחרי שהוא מלך. אבל השופטים אינן צריכין לזה, להיותם משועבדים למשפטים והתורות, והם פטורים מזה ככל שאר ישראל.

(9) ההבדל הרביעי הוא, בדברים שהמלך זוכה בהם כפי התורה שאין השופט זוכה בהם. אם בעניני כבודו, שאין יושבים על כסאו, ואין רוכבין על סוסו, ואין משתמשין בשרביטו ולא בכל תשמישיו, ואין נושאים אלמנתו, אינו חולץ ולא מיבם ולא חולצין ולא מיבמין את אשתו, אסור לראותו ערום וכשהוא בבית המרחץ וכשהוא מסתפר, כל איש מישראל ואפילו נביא עומד לפניו ומשתחוה לו. הנה כל המעלות האלה וזולתם שזכרו חז"ל המלך זוכה בהם ואין השופט זוכה בהם. ואם בתועלתו וקנינו כבר אמרו חז"ל כל הכתוב בפרשת המלך המלך זוכה בו, ושם נאמר (שמואל א ח:יד-יז) כרמיכם וזיתים הטובים יקח וגו', וזרעכם וכרמיכם יעשר וגו', ואף לעבדים ושפחות בנים ובנות יקח, ובסוף אמר ואתם תהיו לו לעבדים. וקבלו חז"ל שיש רשות למלך ליטול מס מהעם לצרכיו או לצרכי המלחמה, וקוצב לו מכס, ואסור לברוח מלפרוע מס שלו, ויש לו לגזור שמי שיגנוב המכס יהרג וכל הרוגי המלך ממונם ונכסיהם למלך, וכל הארץ שכוּבש בעצמו הרי היא שלו, כל הדברים האלה וזולתם המלך זוכה בהם ואין השופט זוכה בהם.

(10) ההבדל החמשי הוא, שהמלך משנמשח זכה בכתר המלכות לו ולבניו עד עולם, שהמלכות ירושה היא לו, שנאמר (דברים יז:כ) למען יאריך ימים על ממלכתו הוא ובניו בקרב ישראל, ובא בקבלה (הוריות יא:ג) שאם הניח בן קטן משמרין לו את המלכות עד שיגדל כמו שעשה יהוידע ליואש, וכל הקודם בנחלה קודם בירושת המלכות והבן הגדול קודם לבן הקטן, ואם מצינו שקרע ד' את המלכות משאול ומשאר המלכים והרשעים היה זה בחטאם. אמנם השופטים לא היו יורשים שררותיהם לבניהם כי היה הדבר מיוחד להם בפרט, כפי גבורתם והכנתם בחכמה וביראה וכו'. הנה התבאר מזה שהשופטים אין ענינם כענין המלכים, עם היות שהשופטים הנזכרים בזה הספר היה כחם כח השופטים וכח המלכים. הקדמה לפירוש רב יצחק אברבנאל לס' שופטים

Since this second Book [of the Prophets - *Shoftim*, Judges] is dedicated to the subject of the Judges who arose amongst the people of Israel after the death of Joshua (*Yehoshua*) until the birth of Samuel (*Shmuel*) and the fourth Book [of the Prophets] is dedicated to the subject of the kings (the Book of Kings - *Sefer Melachim*) who ruled over Israel and Judah, I saw fit to inquire whether [the terms] Judges and Kings are really synonyms, referring to [leaders] who are similar with similar attributes, or are they dissimilar, [the terms denoting] different modes of leadership. After giving it some serious thought, I discovered that the Judges and Kings have five things in common and five things that set them apart

1) The first area of commonality between them is that both Judges and Kings were appointed through *Bais Din* (a Sanhedrin or synod of elders) and the people of Israel [subsequently] accepted them as their leaders. Regarding the Judges it is written, (Judges 2:16), “And the L-rd raised up judges . . .” i.e. [they were considered as if they were appointed by G-d] since they were appointed by *Bais Din*, through which the Divine Spirit speaks. Also the acceptance by the people of Israel is clearly stated, as it says regarding Gideon (Judges 8:22), “Then the men of Israel said to Gideon, Rule over us . . .” Regarding Jephthah it is written (Judges 11:8), “And the elders of Gilead said to Jephthah, Therefore we turn again to you now, that you may go with us, and fight against the Ammonites, and be our chief over all the inhabitants of Gilead.” There is no doubt that initially the Divine spirit inspired the Judges with the spirit of counsel and strength and when the people of Israel saw that the Name of G-d was called upon them, they chose them and they appointed them to be Judges through the involvement of *Bais Din*. However in regards to the Kings it is evident that we only anoint them through the involvement of the Sanhedrin (*Bais Din Hagadol*) and a prophet. And besides their involvement, the people would appoint him as King, as we found in the narratives regarding Saul, David, Solomon, and others. These two aspects are mentioned in the Torah (Deut. 17:15), “You shall set him king over you, whom the L-rd your G-d shall choose . . .” Behold, the setting up is done through the people and the Divine choice was through a prophet through the medium of an anointment.

2) The second of area of commonality between them is that both Judges and Kings were appointed to both lead the people forth in battle and to become involved in judgement. In regards to Othniel ben Knaz is stated (Judges 3:10), “And the spirit of the L-rd came upon him, and he judged Israel, and went out to war.” Similarly it is stated in regards to the other Judges that they fought G-d’s wars and that they judged the people of Israel. Even though in regards to some of the Judges, as in the case of Tola, Jair, Ibzan, Elon, and Abdon there was only mention of their judging [the people] and not their leadership in battle, and in regards to other Judges there was only mention of their leadership in battle, such as in the case of Gideon and Abimelech, his son, and not about their judging the people, it was because some needed only to judge, as there were no wars during their term of office, and with others it was just the opposite. They were appointed, however, to fulfill both roles. Regarding Kings, however, it is evident from their histories that they fulfilled both roles, as it stated when the people of Israel [first] asked for a King (Samuel I 8:20), “That we also may be like all the nations; and that our king may judge us, and go out before us, and fight our battles.”

3) The third area which they had in common was that both Kings and Judges can inflict punishment as a temporary injunction, when the need arises, even though it is not within the normative guidelines of the Torah. For that reason, the Judges of Israel would do things that were not within the confines of law (*mishpat* and *halachah*) but were necessary measures at the time. We see this, for instance, when Gideon punished the men of Succoth and Penuel who didn’t provide his men with bread in their pursuit of [the Midianite generals] Zebah and Zalmunna (see Judges Chapter 8). He took thorns of the wilderness and briars, and with them he chastised (threshed) the men of Succoth and he killed the men of Penuel. Such a punishment is not in accordance with normative Torah law. In addition, Jephthah, in his anger against the men of Ephraim, because they referred to the people of Gilead as (Judges 12:4-5), “fugitives of Ephraim,” took possession of the passage of the Jordan and told those who passed through to pronounce the word, “Shibboleth.” and captured and slaughtered [those who spoke in the dialect of Ephraim and pronounced it “Sibboleth”]. Was this according to [Torah] law? For this reason, our Sages of blessed memory said (Sanhedrin 46a), “It has been taught: R. Eliezer b. Yaakov

said: I have heard that the Beth din may, [when necessary,] impose flagellation and pronounce [capital] sentences even where not [warranted] by the Torah; yet not with the intention of disregarding the Torah but [on the contrary] in order to safeguard it.” They go on to cite various incidents that illustrate this principle. Whereas in regards to the Kings, this is evident. For that reason David killed the Amalekite because he said that he killed Saul, even though one is not [normally] allowed to kill (impose the death sentence) when there are no witnesses or a warning nor can one incriminate himself. [Another example is] when Nathan, the prophet, related [to David] the incident of the wealthy man who took the lamb of the impoverished man, David said (Samuel II 12:5), “. . . As the L-rd lives, the man who has done this thing shall surely die.” All of this was a response to the needs of the time.

4) The fourth area which was common to both of them was that one is required to fear and honor them and one who disobeys them is condemned to death. Regarding the Judge, the Torah states (Deut. 17:12), “And the man who will act presumptuously, and will not listen to the priest who stands to minister there before the L-rd your G-d, or to the judge, that man shall die; and you shall put away the evil from Israel.” On that basis, also, Gideon had the right to punish the men of Penuel and Sukkoth, which I previously mentioned, as he judged them to be rebels and they were condemned to die because of their violation of his command. With regards to Kings, however, our Sages commented on the verse in Joshua (Joshua 1:18), “If any rebels against your commandment, and will not listen to your words in all that you command him, he shall be put to death . . .” In *Perek Nigmar Hadin* (Sanhedrin 49a) it says, “I would have thought that the verse, ‘If any rebels against your commandment,’ applies even if the King demands that his subject violates the Torah, had it not been written (ibid.), ‘only [*rak*] be strong and of good courage,’ [as the word *rak* comes to qualify and limit the King’s power and implies that the King has no power to force his subjects to violate the Torah].” For this reason they said that one who curses the King can be condemned to death by the King, as David did to Shimi ben Gera, for he rebelled against the King and was condemned to death.

5) The fifth area that they have in common is that the Judges followed one another over time, one continuing after the other, just as the Kings of Israel followed each other. Just as there wasn’t a period of time without a king, since the founding of the kingdom, so too, according to my opinion, during the period of the Judges, there was no time without a Judge, although there were times that they were subservient to their enemies and other times that they were free from their enemies. For that reason, the years of servitude are included in the years of the Judges, as I will clarify, with G-d’s help. This [form of record keeping, i.e. counting the years of servitude together with the years of freedom] was made in order that one can reconstruct from the total years the entire chronology of the succeeding generations, for there is no other way of keeping track of the years between the different events other than from the records of the Judges and Kings. In [the Midrash] *Shmos Rabbah* (Parshah 40) it is stated that the Holy One, blessed be He, showed Moshe, when he was on Mount Sinai, the Book of Adam HaRishon (the first man). In it was written all of the future generations, their leaders, and their Kings etc. Behold [the Midrash] equated leaders and Judges to Kings, as there was a continuous chain of leadership throughout the generations. The statement at the end of the Book [of Judges - Judges 21:25], “In those days there was no king in Israel; every man did that which was right in his own eyes,” [which seems to contradict this] will be explained by me in its proper place. But it does not mean that Israel was [entirely] without a Judge, but rather that the Judge of that period was not living amongst them [and could not lead the people and dispense justice], for the Judge at that time was Samson. At the time, (referring to the incident of the concubine of Geba), he was imprisoned by the Philistines and was not living amongst the people of Israel. In summation, Judges and Kings shared the above five characteristics.

6) There are, however, five areas in which they are distinct: The first distinction is that the Divine appointment of a King is done through anointment. Regarding anointment, it is fitting that you be aware that there are five essential conditions for anointment. It must be done by a specific person, to a specific person, using specific materials, in a specific manner and in a specific place. . . . The Judges, on the other hand, do not have the anointment ceremony at all. This is the first distinction.

7) The second distinction is that the function of the King is not to execute judgement and judge between fellow men according to the laws of the Torah. Rather, his goal is the improvement of society, i.e. to save the people from their enemies and to make ad hoc rulings based on the pressing needs of society, rulings not in accordance with the conventional laws of justice. The [role of the] Judges, on the other hand, is just the opposite. They were primarily appointed to issue judgements in accordance with the laws of the Torah so “they shall judge the people with just judgment.” (Deut. 16:18) Behold you see that the Torah in Parshas Shoftim commanded that there be a minor court in every city, as it says (ibid.), “Judges and officers shall you appoint in all your gates, . . .” *Parshas Ki Yipolei* (Deut. 17:8) deals with the High Court (the Sanhedrin in Jerusalem) and The Judge, referring to the Chief Justice, a successor to the position of our master Moshe, when he stood together with the seventy elders. Regarding them it is stated (ibid. 9-11), “. . . and they shall declare to you the sentence of judgment; And you shall do according to the sentence, . . . According to the sentence of the Torah which they shall teach you, and according to the judgment which they shall tell you, you shall do; you shall not decline from the sentence which they shall declare to you, to the right hand, nor to the left.” Behold their primary function is to judicate according to the correct (i.e. Torah based) guidelines of justice. For that reason they are called Judges. And if we find that the Judges mentioned in this Book [of Judges] went out to wage war and had the mandate and absolute power to make ad hoc judgements, not based upon the Torah, this was because there weren’t yet any kings and they therefore had the powers of both being a Judge and a King. But this was not the primary function of their office as Judges.

8) The third distinction are the special commandments that are specific to a King and do not apply to a Judge. These are the prohibitions of having too many wives, too many horses, too much silver and gold, of not becoming inebriated, as it says (Proverbs 31:4), “It is not for kings, O Lemuel, it is not for kings to drink wine; nor for princes to say, Where is strong drink,” and the commandment of writing a *Sefer Torah* for himself besides for the one that his father left him. These responsibilities and others which are mentioned by our Sages [in the second chapter of Sanhedrin] which apply to Kings do not apply to Judges. The reason is that Judges are much more duty bound to carry out the judgements [and ordinances] of the Torah than a King is, as I have previously explained. Consequently, the Torah needed to admonish the King not to be led astray by his physical desires, his greed, and his pride, the Torah commanded him to write a *Sefer Torah* for himself and not just avail himself of those that preceded him, and the Torah admonished him not to lift up his heart above his brethren and not to veer from the commandments right or left. All of this was in order that the King shouldn’t think that he isn’t bound by the laws of the Torah, because he is the King. The Judges, on the other hand, don’t need [such reminders] as they are duty bound to uphold the laws and statutes of the Torah and they, together with the rest of the people of Israel, are not required to fulfill the special commandments that are specific to a King.

9) The fourth distinction is those privileges which were given to the King by the Torah which are not merited by the Judge. Some relate to the special honor of a King, i.e. one is not

allowed to sit on his throne, ride his horse, use his scepter or any of his personal implements, or marry his widow. The King does not perform *chalitza* or *yibum* (levirate marriage to the wife of his deceased brother) nor do any of his brothers perform *chalitza* or *yibum* to his widow. It is forbidden to look at him in an undressed state, when he is in the bath, or when he is taking a haircut. Every member of the people of Israel, even a prophet, is required to stand up in his presence and prostrate themselves before him. Behold, all of the above mentioned privileges and others that are mentioned in the Talmud are strictly given to the King and not to the Judge. Regarding the privileges that relate to his material benefit and possessions [stated in Samuel I 8:14-17], our Sages have said (see Sanhedrin 20b) that the King actually has the right to implement them all. There it is stated: “And he will take your fields, and your vineyards, and your olive trees, the best of them, and give them to his servants. And he will take the tenth of your seed, and of your vineyards, and give to his officers, and to his servants. And he will take your menservants, and your maidservants, and your best young men, and your donkeys, and put them to his work. He will take the tenth of your sheep; and you shall be his servants.” There is a Rabbinic tradition that the King has the right to tax the people to pay for his personal needs and for the needs of the military. He can levy specific duties and it is forbidden to avoid such taxation. He [also] has the right to decree that anyone who avoids paying duty will be put to death and the property of anyone who is put to death by the King automatically becomes the property of the King. [In addition,] any land that he personally conquers becomes his. All of the above mentioned privileges only belong to the King and not to the Judge.

**10)** The fifth distinction is that a King who is anointed is privileged that the royal crown (i.e. the office of royalty) will continue to remain with him and his posterity forever, for royalty is hereditary, as it says (Deuteronomy 17:20), “. . . that he may prolong his days in his kingdom, he, and his children, in the midst of Israel.” If the deceased king left only a child [to inherit his position], measures are taken to guard the position for him until he reaches adulthood, as Jehoiada did for Joash. All those that precede their relatives in regards to inheritance also have precedence in regards to inheriting the throne and the older son precedes the younger. The reason that G-d tore away the kingship of Saul and other kings was due to their sins. The Judges, on the other hand, didn't give over their position of power to their children, as it was specific only to them because of their special qualities of strength, wisdom, fear of G-d, etc. Behold it is clear that the Judges are not exactly like the Kings, even though the powers of the Judges mentioned in this Book was similar to that of the Kings. **Preface of R. Yitzchak Abravanel to his commentary to the Book of Judges**

B.

(1) משה קבל תורה מסיני. ומסרה ליהושע. ויהושע לזקנים. וזקנים לנביאים. ונביאים מסרוה לאנשי כנסת הגדולה. אבות א:א

Moshe received the Torah at Sinai and gave it over to Joshua, Joshua to the Elders, and the Elders to the Prophets, and the Prophets gave it over to the Men of the Great Assembly. **Avos 1:1**

(2) משה קבל תורה מסיני לא מפי מלאך ולא מפי שרף אלא מפי מ"ה הקב"ה שנאמר אלה החקים והמשפטים והתורות (ויקרא כ"ו:מ"ו). ומנין שכתבם לו שנאמר ויכתבם על שני לוחות אבנים (דברים ד:י"ג). משה מסר ליהושע שנאמר ויהושע בן נון מלא רוח חכמה כי סמך משה את ידיו עליו (שם ל"ד ט'). יהושע מסר לזקנים שנאמר ויעבדו העם את ד' [וגו'] (שופטים ב:ז) אשר האריכו ימים אבל לא שנים. זקנים מסרו לשופטים שנאמר וכי הקים ד' להם שופטים וגו' (שם י"ח). שופטים מסרו

לעלי שנאמר ועלי הכהן יושב על הכסא (שמואל א' א:ט). ועלי מסר לשמואל שנאמר והנער שמואל הולך וגדל וגו' (שם ב:כ"ו). שמואל מסר לנביאים שנאמר כי לא יעשה ד' א-להים דבר כי אם גלה סודו לעבדיו הנביאים (עמוס ג' ז'). נביאים מסרו לחגי ולזכריה ולמלאכי וחגי זכריה ומלאכי מסרו לאנשי כנה"ג. אבות דרבי נתן נוסחא ב פרק א

Moshe received the Torah from Sinai, not from the mouth of an angel nor from the mouth of a *Saraph*, but, rather from the mouth of the King of kings, the Holy One, blessed be He, as it is stated (Lev. 26:46), "These are the statutes, judgments, and *Torahs*". From what source do I know that He wrote it down for him? As is stated (Deut. 4:13), "And He wrote them on the two tablets of stone." Moshe gave it over to Joshua, as it is stated, "And Joshua the son of Nun was full of the spirit of wisdom; for Moshe had laid his hands upon him; and the people of Israel listened to him, and did as the L-rd commanded Moses." Joshua gave it over to the Elders, as it is stated (Judges 2:7), "And the people served the L-rd all the days of Joshua, and all the days of the elders who outlived Joshua, who had seen all the great works of the L-rd, that He did for Israel." They had long [productive] days [after Joshua's death] but did not live on for many years after. The Elders gave it over to the Judges as it is stated (Judges 2:18,19), "And when the L-rd raised for them Judges, then the L-rd was with the Judge, and saved them from the hand of their enemies all the days of the Judge; for the L-rd relented because of their groaning, caused by those who oppressed them and troubled them. And it came to pass, when the Judge was dead, that they returned, and became more corrupt than their fathers, in following other gods to serve them, and to bow down to them; they did not cease any of their practices, nor their stubborn way." The Judges gave it over to Eli, as it is stated (Samuel I 1:9), "And Eli the priest sat upon a seat by the gate post of the temple of the L-rd." Eli gave it over to Samuel, as it is stated (Samuel I 2:26), "And the child Samuel grew on, and was in favor both with the L-rd, and also with men." Samuel gave it over to the Prophets, as it is stated (Amos 3:7), "Surely the L-rd G-d will do nothing, without revealing His secrets to His servants, the Prophets." The Prophets gave it over to Chaggai, Zechariah, and Malachi. They in turn gave it over to the men of the Great Assembly.

**Avos D'R. Nosson II:Chap.1**

### III. Othniel ben Kenaz

#### A.

ויהיו לנסות בם את ישראל לדעת הישמעו את מצות ד' אשר צוה את אבותם ביד משה: ובני ישראל ישבו בקרב הכנעני החתי והאמרי והפרזי והחזי והיבואסי: ויקחו את בנותיהם להם לנשים ואת בנותיהם נתנו לבניהם ויעבדו את אלהיהם: ויעשו בני ישראל את הרע בעיני ד' וישכחו את ד' א-להיהם ויעבדו את הבועלים ואת האשרות: ויחר אף ד' בישראל וימכרם ביד כושן רשעתים מלך ארם נהרים ויעבדו בני ישראל את כושן רשעתים שמונה שנים: שופטים ג-ח

And they were to test Israel by them, to know whether they would listen to the commandments of the L-rd, which He commanded their fathers by the hand of Moses. And the people of Israel lived among the Canaanites, Hittites, and Amorites, and Perizzites, and Hivites, and Jebusites; And they took their daughters to be their wives, and gave their daughters to their sons, and served their gods. And the people of Israel did evil in the sight of the L-rd, and forgot the L-rd their G-d, and served Baalim and the Asherot. Therefore the anger of the L-rd burned against Israel, and He sold them into the hand of Kushan-Rishathaim king of Mesopotamia; and the people of Israel served Kushan-Rishathaim eight years. **Judges 3:4-8**

B.

וַיִּזְעַקוּ בְנֵי יִשְׂרָאֵל אֶל ד' וַיִּקָּם ד' מוֹשִׁיעַ לְבְנֵי יִשְׂרָאֵל וַיּוֹשִׁיעֵם אֶת עֲתַנְיָאֵל בֶּן קִנְזֵי אָחִי כָּלֵב הַקָּטָן מִמֶּנּוּ: וַתְּהִי עֲלָיו רוּחַ ד' וַיִּשְׁפֹּט אֶת יִשְׂרָאֵל וַיֵּצֵא לְמַלְחָמָה וַיִּתֵּן ד' בְּיָדוֹ אֶת כּוֹשֵׁן רִשְׁעֵתַיִם מִלֶּךְ אֲרָם וַתַּעַז יָדוֹ עַל כּוֹשֵׁן רִשְׁעֵתַיִם: וַתִּשְׁקֹט הָאָרֶץ אַרְבַּעִים שָׁנָה וַיָּמָת עֲתַנְיָאֵל בֶּן קִנְזֵי: שׁוֹפְטִים ג:ט-יא

And when the people of Israel cried to the L-rd, the L-rd raised up a savior for the people of Israel, who saved them, Othniel the son of Kenaz, Caleb's younger brother. And the spirit of the L-rd came upon him, and he judged Israel, and went out to war; and the L-rd delivered Kushan-Rishathaim, king of Mesopotamia, into his hand; and his hand prevailed against Kushan-Rishathaim. And the land had rest forty years. And Othniel the son of Kenaz died.

### Judges 3:9-11

C.

(1) וַיִּלָּחֲמוּ בְנֵי יְהוּדָה בִּירוּשָׁלַם וַיִּלְכְּדוּ אוֹתָהּ וַיַּכּוּהָ לְפִי חֶרֶב וְאֶת הָעִיר שָׁלְחוּ בָאֵשׁ: וְאַחַר יָרְדוּ בְנֵי יְהוּדָה לְהִלָּחֵם בְּכַנְעַנֵי יוֹשֵׁב הַהָר וְהַנֶּגֶב וְהַשְּׁפֵלָה: וַיִּלָּךְ יְהוּדָה אֶל הַכְּנַעֲנִי הַיּוֹשֵׁב בְּחֶבְרוֹן וְשֵׁם חֶבְרוֹן לְפָנַיִם קָרִית אַרְבַּע וַיַּכּוּ אֶת שִׁשִׁי וְאֶת אַחִימָן וְאֶת תְּלָמִי: וַיִּלָּךְ מִשָּׁם אֶל יוֹשְׁבֵי דִבְרִי וְשֵׁם דִּבְרִי לְפָנַיִם קָרִית סֶפֶר: וַיֹּאמֶר כָּלֵב אֲשֶׁר יָכָה אֶת קָרִית סֶפֶר וַיִּלְכְּדָהּ וַנִּתְּתִי לוֹ אֶת עַכְסָה בְּתִי לְאִשָּׁה: וַיִּלְכְּדָה עֲתַנְיָאֵל בֶּן קִנְזֵי אָחִי כָּלֵב הַקָּטָן מִמֶּנּוּ וַיִּתֵּן לוֹ אֶת עַכְסָה בְּתוֹ לְאִשָּׁה: וַיְהִי כַּבּוֹאָה וַתִּסְתִּיתָהּ לְשִׂאוֹל מֵאֵת אָבִיהָ הַשְּׂדֵה וַתַּצְנַח מֵעַל הַחֲמוֹר וַיֹּאמֶר לָהּ כָּלֵב מַה לָּךְ: וַתֹּאמֶר לוֹ הֲבֵה לִי בְרֵכָה כִּי אָרֶץ הַנֶּגֶב נִתְּתָנִי וְנִתְּתָה לִי גֹלֹת מַיִם וַיִּתֵּן לָהּ כָּלֵב אֶת גֹּלֹת עֲלִית וְאֶת גֹּלֹת תַּחְתִּית: שׁוֹפְטִים א:ח-טו

And the sons of Judah fought against Jerusalem, and took it, and struck it with the edge of the sword, and set the city on fire. And afterwards the sons of Judah went down to fight against the Canaanites, who lived in the mountain, and in the Negev, and in the valley. And Judah went against the Canaanites who lived in Hebron; and the name of Hebron before was Kiriath-Arba; and they slew Sheshai, and Ahiman, and Talmai. And from there he went against the inhabitants of Debir; and the name of Debir before was Kiriath-Sepher; And Caleb said, He who strikes Kiriath-Sepher, and takes it, to him will I give Achsah my daughter for a wife. And Othniel the son of Kenaz, Caleb's younger brother, took it; and he gave him Achsah, his daughter, for a wife. And it came to pass, when she came to him, that she urged him to ask her father for a field; and she alighted from her donkey; and Caleb said to her, What do you want? And she said to him, Give me a blessing; for you have given me the land of the Negev; give me also springs of water. And Caleb gave her the upper springs and the lower springs. **Shoftim 1:8-15**

(2) במתניתין תנא: אלף ושבע מאות קלין וחמורין, וגזירות שוות, ודקדוקי סופרים נשתכחו בימי אבלו של משה. אמר רבי אבהו: אעפ"כ החזירין עתניאל בן קנז מתוך פלפולו, שנאמר (יהושע ט"ו) וילכדה עתניאל בן קנז אחי כלב [ויתן לו את עכסה בתו לאשה]. ולמה נקרא שמה עכסה שכל הרואה אותה כועס על אשתו. (יהושע ט"ו) ויהי כבואה ותסיתהו לשאל מאת אביה שדה ותצנח מעל החמור, מאי ותצנח? אמר רבא א"ר יצחק, אמרה לו: מה חמור זה, כיון שאין לו מאכל באבוסו מיד צועק כך אשה, כיון שאין לה תבואה בתוך ביתה מיד צועקת. (יהושע ט"ו) ותאמר תנה לי ברכה כי ארץ הנגב נתתני בית שמנוגב מכל טובה. ונתתה לי גולות מים אדם שאין בו אלא תורה בלבד. (יהושע ט"ו) ויתן לה כלב את גולות עליות ואת גולות תחתיות, אמר לה: מי שדר עליונים ותחתונים יבקש ממנו מזונות. תמורה טז.

It has been taught: A thousand and seven hundred *kal vahomer* and *gezerah shavah* and specifications (inferences from Scripture) of the Scribes were forgotten during the period of mourning for Moses. Said R. Abbuha: Nevertheless Othniel the son of Kenaz restored [these

forgotten teachings] as a result of his dialectics, as it says (Joshua 15:17), “And Othniel the son of Kenaz, the brother of Caleb, took it; (*Kiryas Sefer* - lit. the city of the Book) and he gave him Achsah his daughter to wife.” And why was her name called Achsah? – R. Yohanan said: Because whosoever saw her was angry with his wife. “And it came to pass as she came unto him that she moved him to ask of her father a field. And she alighted [vatiznah] off her donkey.” (ibid. 18) What does the word va-tiznah mean? Rava reported in the name of R. Yitzchak: She said to him: Just as a donkey when it has no food in its trough immediately cries out, (*tzakah*) so a woman when she has no wheat in her house cries out immediately, [as it says (ibid.), “And Caleb said unto her: What do you want?].” And she answered, “Give me a blessing for you have given me a south (*negev*) land - implying a house dry [*minugav* - devoid] of all goodness [money]; give me also (you have given me only) springs of water,” meaning a man in whom is only Torah.” “And he gave her the upper springs [gulloth] and the nether springs.” He said to her, “One to whom all the secrets of the upper and nether worlds are revealed, need one ask food from him?” **Temura 16a**

3 וּבְנֵי קִינֵי הַתֵּן מִשֶּׁה עָלוּ מְעִיר הַתְּמָרִים אֶת בְּנֵי יְהוּדָה מְדַבֵּר יְהוּדָה אֲשֶׁר בְּנֶגֶב עָרֵד וַיֵּלֶךְ וַיֵּשֶׁב אֶת הָעָם: שׁוֹפְטִים א:טז

And the descendants of Keini, Moses' father-in-law, went up from the city of palm trees with the sons of Judah into the wilderness of Judah, which lies in the south of Arad; and they went and lived among the people. **Judges 1:16**

4 תנא, הוא עתניאל הוא יעבץ, ומה שמו - יהודה אחי שמעון שמו. עתניאל - שענאו א-ל, יעבץ - שיעץ וריבץ תורה בישראל. ומנלך שענאו א-ל - דכתיב (דברי הימים א ד:י) ויקרא יעבץ לא-להי ישראל לאמור אם ברך תברכני והרבית את גבולי והיתה ירך (עמדי ועשה מרעתי) לבלתי עצבי ויבא א-להים את אשר שאל. אם ברך תברכני - בתורה, והרבית את גבולי - בתלמידים, והיתה ירך עמדי - שלא ישתכח תלמודי מלבי, ועשה מרעתי - שיזדמנו לי ריעים כמותי, לבלתי עצבי - שלא ישגבני יצה"ר מלשנות, אם אתה עושה כן - מוטב, ואם לאו - הריני הולך לנסיסי לשאול, מיד - ויבא א-להים את אשר שאל. תמורה טז.

A Tanna taught: Othniel is actually Jabez (Yaavetz). He was called Othniel because G-d answered him, and Jabez because he counselled and fostered Torah in Israel. And what was his [real] name? Judah the brother of Simeon. And whence do we derive that G-d answered him? – Since it says (Chronicles I 4:10), “And Jabez called on the G-d of Israel saying, ‘Oh that Thou wouldst bless me indeed and enlarge my border, and that Thine hand might be with me, and that Thou wouldst keep me from evil that it may not grieve me!’ And G-d granted him that which he requested.” ‘Oh that Thou wouldst bless me indeed’ - with Torah; ‘and enlarge my border’ - with pupils; ‘that Thine hand might be with me’, that my studies may not be forgotten from my heart; ‘and that Thou wouldst keep me from evil’, - that I may meet friends like myself; ‘that it may not grieve me’, - that the evil inclination may not have power over me so as to prevent me from studying: If Thou doest so it is well, but if not, I shall go with my ‘grief’ to the grave. Immediately, ‘G-d granted him that which he requested.’ **Temurah 16a**

5 וילך משם – גם ספור זה והספור מעכסה נזכר ביהושע (שם) ור"ל שהלך כבר בחיי יהושע ואז היה הספור הזה, וחז"ל התעוררו (כפי הנראה) על שבא ספור זה שני פעמים ועל שפה ספר שבני קיני עלו מעיר התמרים שאין לו ענין כלל. ודרשוהו בתמורה (דף טז.) ששלשת אלפים הלכות נשתכחו בימי אבלו של משה ועתניאל בן קנז החזירם מפלפולו, ושמ"ש ארץ הנגב נתתני ר"ל אדם מנוגב



מכל טוב שאין בו אלא תורה, ושבני הקיני עזבו דושנה של יריחו שנתן להם יהושע והלכו אצל עתניאל בן קנז ללמוד תורה. חכמו השכילו לדעת, כי על השנות הדבר פעמים כי כיון בפעם הזאת אל ענינים משליים משובצים בזהב המליצה, כי מצאנו שדביר נקראת קרית סנה (יהושע ט"ו מ"ג) ומזה הוציאו כי עיר הזאת נתיחדה אז לקרית ספר ר"ל ששם התאספו תלמידים להגות ולשנות בספר התורה והיה שם ישיבה גדולה, ונקראת ג"כ קרית סנה ע"ש רצון שוכני סנה, וע"ש שמש קבל תורה מסיני, ושעתניאל היה ראש הישיבה, והוא הכה את קרית ספר, שההכאה תאמר בדברי חכמים על הנצוח בפלפול, כמ"ש מלחמתה של תורה, ואמר כי תשב ללחום את מושל, חציך שנונים, וכדומה שדרשוהו על מלחמת התורה, וההכאה היא מי שנוצח המלחמה ומסיק הלכה, כמ"ש ברכות (דף י"ח) על והוא ירד והכה את הארי בתוך הבור ביום השלג דתני ספרא דבי רב ביומא דסתוא, ועתניאל הוא נצח, אם מלחמת הכנעני בקרית ספר כפשוטה וזה נזכר בס' יהושע, אם הנצוח השני התוריי וזה נזכר פה, ויען ראתה עכסה כי נפל בחלקה, ארץ הנגב משני ענינים, א) שהיתה הארץ נגובה צמאה למים וזה נזכר בס' יהושע, ב) שבעלה פנה לארץ הנגב, הרוצה להחכים ידרים, וזה כל ישעו וכל חפץ כי לא יצמיח מחיה לביתו, ועז"א נתתני תחת נתת לי, שאני נעשיתי ארץ הנגב ע"י בעלי ולכן בקשה ברכה ושדה לפרנסה, ונתן לה גלות עליות וגלות תחתיות, א) להשקות את ארצה הנגובה, ב) רמז לה ג"כ כי כבר יש לך איש המושך מים חיים ממקור הברכה העליונה והתחתונה מחכמה הא-להית והאנושית, כמ"ש חז"ל במד' מי שרזי עליונים ותחתונים נגלו לו יבקש ממני דבר. ועפ"ז ספר לפי המשל והמליצה שבה דבר פה, שכאשר נתישב והרביץ תורה הרבה, כאשר שאל בדה"א (ד' י', ב' נ"ה) לפי דרוש חז"ל ובני קיני עלו אליו אל מדבר יהודה הקרובה שמה. והוא ישב את העם הזה בישיבה של חכמה: מלבי"ם שופטים א"י

**And from there he went against the inhabitants of Debir; and the name of Debir before was Kiriath-Sepher (Judges 1:11):** This narrative as well as the narrative of Achsah has already been mentioned in the Book of Joshua, which means that this event had already occurred during the lifetime of Joshua. It seems that our Sages were sensitive to this [repetition] and the fact this narrative is linked to the narrative of the descendants of Keini going up from the city of palms, which, on the surface, seems to have no connection. Our Sages expounded (Temurah 16a) that the three thousand *halachos* (laws) which were forgotten during the period of the mourning of Moshe were reconstructed through the *pilpul* (logical arguments) of Othniel the son of Kenaz. They also interpreted the phrase (Judges 1:15), "... for you have given me the land of the Negev (dryness)," to mean, "a man who is dry (devoid) of all goodness in whom is only Torah," and they also stated that the descendants of the Keini forsook the most fertile part of Jericho, which Joshua had given them, and went to Othniel the son of Kenaz to study Torah. They arrived at this conclusion because of the repetition of the two narratives and understood that this was a hint that the [second] narrative was also allegorical, using precious (lit. inlaid with gold) metaphors [to convey its message]. There is [further] evidence for this as we find that Debir is also called "Kiriath-Sannah" in the Book of Joshua (15:49). From this they deduced that only after the conquest was it referred to as Kiriath Sepher, for the students [of Othniel] gathered together to study and review the Sefer Torah creating a large yeshivah there. It was also called Kiriath-Sannah, for the word "*Sannah*" recalls (Deut. 33:16), "the good will of Him who dwelt in the bush (*sneh*)," as well as [*Har* (Mount) *Sinai*] where Moshe received the Torah, and Othniel was the head of the yeshivah [there which taught Torah]. He "struck or conquered" (*heekah*) Kiriath Sepher, for the term *heekah* (struck) is a rabbinic expression of victory through logical argument, similar to the phrase, "*milchamta shel Torah*" - the battle of Torah. We find this expression in the verses (Proverbs 23:1), "When you sit to eat (do battle) with a ruler, consider diligently what is before you," (Psalms 45:6), "Your arrows are sharp . . .," and similar verses which our Sages interpreted to refer to the battle over [discovering the truth in the

teachings of the] Torah. The term, “striking” (*hakaah*), refers to the victory in the battle [over Torah], i.e. the recognition that the ruling is in accordance with his legal opinion. We find another parallel in the Talmud’s (Berachos 18b) exposition of the verse (Samuel II 23:20), “. . . he went down also and slew (*hikah*) a lion in the midst of a pit in a time of snow,” i.e. he studied and mastered the *Sifra D’vei Rav* (the *Torah Shebaal Peh* - the Oral tradition - on *Sefer Vayikra* - the Book of Leviticus). Othniel was victorious both in the war against the Canaanites in Kiriath Sepher, the simple meaning of the text, the war that is mentioned in the Book of Joshua, and also in the second form of victory, that of discovering the truth in the Torah, that which is mentioned here (Book of Judges). And since Achsah saw that both interpretations of “Eretz HaNegev” - dry land were her lot, i.e. 1) the land was parched, thirsting for water, this is the intention of the narrative in the Book of Joshua, and 2) that her husband turned his attention to the land of the south, as in the phrase (Bava Basra 25b), “He who wishes to become wise should turn to the south,” i.e. symbolically the south, where the Menorah was placed in the Tabernacle and Temple, represents wisdom. Since this was the focus of all of his yearnings and desires, he would not produce a livelihood to satisfy the needs of his home. For this reason Scripture uses the word, “*nisatani*” (which can be interpreted you have made me) instead of the more common, “*nosata li*” (you have given me), i.e. I have become a parched land through my husband. Consequently, she requested a spring and a field to provide a livelihood for herself. [Scripture continues (Joshua 15:19)] “And he gave her the upper springs, and the lower springs.” The first narrative is to be understood literally, i.e. he gave her the springs to water her arid land. The second narrative is to be understood, in addition, that he was telling her that she already is in possession of a husband who is drawing vibrant water (*mayim chaim*) from the Source of the higher and lower blessings, i.e. Divine and human wisdom, as our Sages interpreted in the Midrash, “One to whom all the secrets of the upper and nether worlds are revealed, need one ask anything from him?” Accordingly, Scripture is poetically telling us that when [Othniel] settled himself [in the area] and had spread much Torah, which was the fulfillment of his prayers (Chronicles I 2:55, 4:10), according to the interpretation of our Sages [who identify Jabez with Othniel], the descendants of Keini came up to the Judean desert [to be] near him, and *he* settled those people in the settlement (yeshiva) of wisdom. **Malbim, Judges 1:11**