

44 — Shoftim: We Want "Justice, Justice," Not "War, War"

Content note: non-graphic discussion of war in the second half of the episode

Lulav: Hi Jaz, has anything cool or queer or Jewish happened to you recently?

Jaz: Hey Lulav. I think that a cool queer thing that has happened to me recently is that I have now, for the first time, played a whole video game all of the way through.

Lulav: Hot diggity! *(Both laugh)*

Jaz: First of all, this feels like a trans milestone because *(wistful)* I feel like all of the other trans people I know play video games, and it's just not a thing that I ever did. Also, it's a very bisexual video game and I'm happy about that.

Lulav: *(chuckles)* Good.

Jaz: My friend Ava told me about this game called *Monster Prom* and the whole point of the game is to get monsters to fall in love with you, or, more to the point, to just get them to go to prom with you and you have three weeks to make one of them agree to go to prom with you. And so far I have succeeded in getting rejected by many of them and none of them have gone to prom with me.

Lulav: *(Laughs)* Wow, okay.

Jaz: Which is fine. I didn't go to my high school senior prom anyway in real life, so this feels true.

Lulav: I like how you revised it down from "fall in love with you" to like, "go to prom with you," because those are two different goal posts.

Jaz: It's true. The game kind of used both of the terms semi-interchangeable, which is very fun.

Lulav: *(chuckles)* I feel like as a high schooler that definitely would have been the paradigm *(Jaz laughs)* is that they're the same, but it's not, in retrospect. *(giggles)*

Jaz: Yeah, very isn't. But the game is very fun. Also, they have decided, since there's like, swearing and mentions of sex and also mentions of violent brutality, though none of that, like, happens on screen —

Lulav: Mm hmm.

Jaz: All of the characters at this high school are over 18. *(Lulav laughs)*

Lulav: Okay. *(chuckles a little more)* Sure.

Jaz: They make jokes about it occasionally

Lulav: Wait, every single student at this high school?

Jaz: Well, you only interact with a subset of students but all of the ones you interact with.

Lulav: Okay. Cuz the world-building implications of having a high school where everybody's at least 18 years old are profound.

Jaz: It is possible that some of the characters who you can't ask out are younger.

Lulav: Mm.

Jaz: We do learn their names, but I don't think we learn their ages.

Lulav: Okay. Sorry, I'm just thinking about a variety of education systems now... okay. focusing back on this podcast. *(laughs)* Yeah, so what did you think about it, first play-through? Or, first seven playthroughs?

Jaz: *(laughs)* I enjoyed it. It's just very based on, on this turn you go to class and on this turn you go to the cafeteria so the mechanics are relatively intuitive to me because I have been to a high school *(Lulav laughs)* and you pick it up pretty quickly. It's like fairly simple to operate in that respect and it's just mostly picking between your dialogue options. Like, are you gonna tell this monster to poison somebody's food or are you going to tell the other one to go to a party with you?

Lulav: Cool. *(pause)* Wait, did you say poison someone's food?

Jaz: Yeah, that definitely comes up at some point

Lulav: *(Laughs)* that just slipped past my internal filters and I was like, yeah, that seems reasonable — wait. *(laughs)*

Jaz: A good chunk of them don't eat, so there is a subplot that comes up occasionally where you're like, hanging out with a vampire who doesn't eat the food but does take Instagram pictures of it all the time.

Lulav: Awww.

Jaz: (*chuckles*) So that's fun. But yeah, it is very cute. I enjoy it.

Lulav: Congrats on becoming a leet gamer.

Jaz: Oh no. (*Lulav snorts*) Lulav, what cool or queer or Jewish thing have you done this week?

Lulav: Tova and I had a date where we just synced up some Netflix movies and just texted each other while watching movies in different houses, because we're currently in quarantine pending results of COVID testing.

Jaz: Mm hmm.

Lulav: So we watched (*dramatic voice*) *The Darkness*, which I added to my list because it's like, this white boy steals some rocks from the Grand Canyon and his house gets haunted, and that seemed appealing. But it was an actually bad horror movie.

Jaz: Mm hmm .

Lulav: But not in the way where it's like, oh I *hate* this hate this? It's just like, oh I hate this but it's exactly what I was looking for when I chose this movie. (*Jaz laughs*) And a lot of that is around the fact that the protagonists are very white and very Christian and very homeowners who can afford to stay in a presidential suite when they get spooked out of their house.

Jaz: Okay.

Lulav: Like there was a scene where they were talking about how there aren't Bibles in hotel rooms anymore, and like, (*right-winger voice*) probably someone got offended (*modal voice*) and it's just like, wow, that wasn't played ironically. That's just where this movie is coming from, huh. (*giggles*)

Jaz: Uh huh.

Lulav: And all of the evil things and also all of the people who stop the evil things and put their bodies in the way of the evil things fighting back, all of that are people of color.

Jaz: Whoa.

Lulav: There's some vague, like, "Anasazi ritual but also Hopi but also —" and nonsense like that and also some Latina medicine women come and have glass shards flung in their face (*Jaz makes a distressed noise*) while the family is safe in the other room (*Jaz makes another distressed noise*) and — (*sigh*) It's just, the politics of the movie that are completely unintended, were really —

Jaz: Horrifying?

Lulav: Yeah, a lot of time people talk about how white people don't have a culture, but we do? And you can see it in certain places and being able to see it so clearly, like I could while watching *The Darkness*, is just a profound thing.

Jaz: Mm.

Lulav: Not that these people are like, the same culture as me.

Jaz: Mm hmm.

Lulav: But it's close enough and I definitely benefit from a lot of the systems that they do.

Jaz: Mm. May I add an additional thing to our queer and Jewish segment?

Lulav: Okay.

Jaz: It is not technically this week, but we didn't talk about it last week, which is that I wrote a vaguely queer and Jewish poem (*Lulav giggles*) and gave it to you, and it took you roughly a half hour to read the one-page poem — (*Lulav laughs*)

Lulav: (*overlapping and underneath Jaz's voice*) It did!

Jaz: — because you stopped in the middle to explain chemistry to me for 10 minutes.

Lulav: Yeah.

Jaz: (*chuckles*) Maybe 20 minutes.

Lulav: Wait, was it astronomy or chemistry?

Jaz: No, chemistry! You explained astronomy to me on a different night. (*Lulav laughs*) This time you explained chemistry to me for like 20 minutes because I included a chemistry thing in the middle that I did not fully understand or understand at all, and you explained to me how it worked.

Lulav: (*laughs*) Yeah and it was really good and apt and I'm glad that you chose that. (*Jaz laughs*) even without knowing how apt it was.

Jaz: Literally the only thing I knew about this chemistry thing was that it was that it was related to the number three, which is what the poem was themed around.

Lulav: Yeah.

Jaz: And Lulav was like, let me explain to you all of how it works. (*chuckles*)

Lulav: What a cyclopropene radical is.

Jaz: Yes.

Lulav: (*laughs*) It's got resonance y'all. (*Jaz laughs*) Anyway. You could say that was a... resonant reference.

Jaz: Okay.

Lulav: (*laughs*) Anyway, thanks for writing me gay poetry. (*Jaz laughs*) I really appreciate it.

Jaz: Can we start the episode?

[Brivele intro music]

Lulav: Welcome to Kosher Queers, a podcast with at least two Jews and generally more than three opinions! Each week we bring you queer takes on Torah. They're Jaz —

Jaz: And she's Lulav —

Lulav: And we're here to joke about Judaism and talk Tanakh together. Today, our chevruta is learning Shoftim.

Jaz: Sure are!

Lulav: Okay so this is a whole parsha — mostly just like a grab bag of things that Moshe is saying, right?

Jaz: Yeah, the whole parsha, as I believe was also true last week and mostly the week before, is Moshe talking. (*Lulav chuckles*) You could imagine this whole parsha in quotes.

Lulav: Yeah! So I would like 75 seconds here, just because there are so many different topics that he's talking about.

Jaz: Yeah. Before I give you those 75 seconds, I'll just note for our listeners that Shoftim means roughly "magistrates."

Lulav: Yeah.

Jaz: And to ask you if that feels like a proper name for this parsha?

Lulav: I do. Because everything, except for maybe the sacred post bit in 21 and 22 — all of this is advice directed at judges, I feel like.

Jaz: Hmm!

Lulav: So calling this parsha magistrates, Shoftim, seems like a reasonable encapsulation of what all is being said here.

Jaz: Okay. I don't know if I feel like all of it is directed at judges, but I do feel like all of it is about setting up systems of law, so.

Lulav: Right.

Jaz: Anyway. Three, two, one, go.

Lulav: Moshe messages magistrates: Appoint judges who will have no partiality and take no bribes - tzedek, tzedek tirdof. Also, only yonic imagery is allowed for Hashem's altars. Stone heathens who pretend to be part of the covenant, but only with evidence. Pass cases you're not sure about up the chain, then abide by the results. If you gotta have a king, make sure they 1) believe in the system, 2) don't have too complicated a polycule, 3) don't hoard wealth, and 4) aren't a horse girl. The only thing worse than a horse girl is a birdwatcher — no one is allowed to be that. Since we didn't want to get the bass-boosted words directly, we'll occasionally have prophets to channel Hashem's messages. Listen, sometimes manslaughter happens!! Make those cities. Um, don't do real estate fraud, and, moving onto pre-battle speeches, remind the soldiers that Adonai is on their side, and then do an estate-planning workshop, and round it out by calling them cowards. *(Jaz laughs)* Make sieges, not blitzkrieg — well, except when it comes to the soon-to-be dispossessed. Lastly for this particular parsha, if you find a random human corpse, do a ritual in the nearest city to feel like it's not your fault. *(ringer)*

Jaz: Wow, okay.

Lulav: And that was like, every topic that we haven't already covered, even if I was making a joke about it instead of actually saying what the topic was.

Lulav: We'll talk about that with horse girls and birdwatchers.

Jaz: Please.

Lulav: *(laughs)* Yeah, so Moshe starts us out saying you shall appoint magistrates and officials. It's the same kind of system that we've been talking about for a while, but I think that this is kind of a thesis statement for what a lot of the things he says in this parsha are going to be about. We get the famous line "tzedek tzedek tirdof —"¹

Jaz: Yeah.

Lulav: Or "justice, justice shall you pursue."

Jaz: I have a question for you about that one.

Lulav: Yeah.

Jaz: We have that repetition here of the word tzedek and often rabbis interpret a repetition to mean that there's two different versions of something being implied. Like, Ibn Ezra reading this line says, "the word appears twice, because one must pursue justice whether it be to one's gain or to one's loss, or the repetition denotes time after time, all the days of your life." So —

Lulav: *(singing)* Time after time.

Jaz: *(chuckles)* Uh huh.

Lulav: *(laughs)* Sorry.

Jaz: So.

Lulav: So.

Jaz: What two forms of justice do you think it's telling us to pursue?

Lulav: I think it is pursuing both justice in making sure that there is recompense to wronged people and justice in making sure that the system does not do unjust things,

Jaz: Mm.

Lulav: That's not my interpretation originally — I have read some tweets or Tumblr posts about this particular line and how different people interpret it and I thought that dichotomy of justices was probably the closest to how I feel.

Jaz: Mm. Lovely.

Deut 16:20 צֶדֶק צֶדֶק תִּרְדּוֹף ¹

Lulav: Yeah, do you have a different one?

Jaz: No, not necessarily. (*Lulav giggles*) I do like this Ibn Ezra thing of like, you have to pursue justice whether it's going to be ultimately good for you personally or bad for you personally.

Lulav: Yeah. And that makes a lot of sense, especially coming right after a line about "don't take bribes."

Jaz: Right.

Lulav: It blinds the eyes of the discerning and upsets the pleas of the just.

Jaz: Yeah. And it's also like, even if you think about that in our modern day life, you know like, white people are responsible for dismantling systems of privilege as well, that probably there is some aspect of people giving things up there and also you still have to do it.

Lulav: There's also, speaking of bribes, the idea that a lot of judges are elected.

Jaz: Mm.

Lulav: And they will have election challengers if they actually, you know, try to do a *justice* system, but the ones who evict a whole bunch of people or incarcerate hundreds of people as felons, those judges are fine. They stick around.

Jaz: Oof. Yeah.

Lulav: And so you're incentivised — not only do people who have a particular bent towards justice not pass the bar exam, but like, the ones who do don't get into positions of power generally speaking.

Jaz: Mm. This also is interesting because it has this thing about impartiality.

Lulav: Mm hmm.

Jaz: And I've been reading a book recently that was recommended by my friend Gabe Schneider who is a journalist, and we were part of the same newspaper in college that he founded, and this book is called *The View from Somewhere* by Lewis Raven Wallace and its subtitle is "Undoing the Myth of Journalistic Objectivity" and it talks about how like, the journalism industry has been pretending that they're such a thing as an objective reporter or objective reporting, and that actually, we all come at things with our own biases and perspectives. And I'm in the middle right now; I just finished the chapter about AIDS.

Lulav: Oh G-d.

Jaz: Right. And how newspapers refused to report on it, because they were like, "This isn't the news that's fit to print."

Lulav: Well, the government isn't doing anything about it, and it's about homos, so.

Jaz: And also, they weren't close to the story, so they didn't feel affected by it, so when they were pitching stories, it wasn't on their radar. Except for the gay newspapers, which did know about it and it was happening to people they knew and cared about, so they were tracking it.

Lulav: Yeah.

Jaz: And the story that I'm reading now is not about AIDS, but it's a gay reporter. I believe Sandy Nelson is her name.

Lulav: Mm hmm.

Jaz: And she was moved from being an education reporter to just doing copy editing behind a desk where she couldn't do reporting because she was out in the streets protesting for unrelated gay rights and socialism.

Lulav: Yeah.

Jaz: And nobody had ever complained about her reporting, which she kept fairly separate but the newspaper got taken over and they did not like her, partially because of her union connections and they used it to this frame of, "Well, we gotta be *objective* and you can't be objective, and you'll tarnish our image" to make sure that she couldn't report.

Lulav: Yeah. A pretense to objectivity in the face of injustice, by the way, is support of that injustice.

Jaz: Yeah.

Lulav: Like, if you repeat something that the President of the United States says and don't provide a variety, especially of leftist interpretations of the issue, that's just platforming fascists.

Jaz: Right.

Lulav: So. I do want to talk about this in the context of judges, which is that, like, when you pretend to impartiality in an unjust system, you do injustice.

Jaz: Mm.

Lulav: So if you, as a judge, come at a case like, “Oh, my hands are tied, I am proscribed to give you this certain penalty” for something that maybe isn't actually a crime or like, does not deserve so intense a punishment, being impartial in that situation makes you a bad judge in the moral sense.

Jaz: Sure. And it's one of those things about like at that point, sometimes your options are: be part of the system or not be part of it. Like —

Lulav: Mm hmm.

Jaz: If you're a judge and you don't want to send somebody to prison for life but also your state has mandatory minimums as the law, you don't have dispensation there, so your option is either to do it and keep being a judge or not do it, and stop being a judge. So when the system itself is enshrining doing evil things —

Lulav: Mm hmm.

Jaz: You have limited options if you're working within the system.

Lulav: Right. Okay so no sacrificing things with defects... ooh, here's a fun thing. If you find someone among you, someone who has transgressed the covenant by turning to the worship of other gods —

Jaz: Mm hmm.

Lulav: And you know about it, you have to investigate that and then if they just keep holding to that, the thing that you're supposed to do is stone them to death.

Jaz: Hmm.

Lulav: You do need the testimony of multiple people. One person can't just be like, “Hmm, you seem heretical. Let's stone you.” It's like specifically about that abhorrent thing being perpetrated in Yisrael, in a community of people who agree to the covenant and have chosen to be part of it.

Jaz: Okay.

Lulav: And so I think the major thing here is like, you can't both say that you are part of this community that defines itself by adherence to an agreement and also fundamentally violate that agreement.

Jaz: Mm.

Lulav: How do you feel about that?

Jaz: Mixed, I guess. (*Lulav laughs*) But I had a question for you about this segment.

Lulav: Yes.

Jaz: Which is, if it's about people who are doing something and other people are like, hey, you can't be doing that, is this what cancel culture is?

Lulav: Oh G-d. (*Jaz laughs*) Like, yeah? But also, ugh! How dare you! (*Jaz giggles*) I'm going to write to Harpers right this instant! (*both chuckle*) Sorry, that's going to be a really old joke by the time this episode goes out. (*laughs*)

Jaz: Yeah.

Lulav: Anyway.

Jaz: Anyway. We skipped a bit, and you made a joke about it in your summary, so I felt like we should touch on it briefly.

Lulav: Oh right, we did skip that bit. (*laughs*)

Jaz: Which is the sacred posts thing.

Lulav: Right. So you shan't set up a sacred post, any kind of pole other than the altar of Hashem that you may make, and you definitely shouldn't erect a stone pillar, for G-d hates that.

Jaz: Uh huh.

Jaz: So I interpret this as you're not supposed to use phallic imagery in the worship of Hashem. Only yonic imagery.

Jaz: I love it.

Lulav: You just gotta get that mercy seat up there. (*Jaz chokes*) Okay. (*laughs*) Thank you for redirecting me to that bit. Moving on, we have, pass cases that you're not sure about up the chain and then abide by the results. There's a whole bit here about what happens if a case is too baffling for you to decide and specifically in this line, Moshe is saying, "If it is a controversy over homicide, civil law, or assault, matters of dispute in your courts," and so I think this is directed at the people who are supposed to be in charge of solving disputes.

Jaz: Mm.

Lulav: So like, the judges and magistrates.

Jaz: Got it. This is partly why you were saying this parsha feels like instructions to judges

Lulav: Right. And it's saying to these judges, hey if you're unsure, pass it up to a higher court. Appear before the Levitical priests or the magistrate in charge and present the problem and then when they announce the verdict, make sure that that verdict is carried out the same way that you would have carried out your own verdict. There's a lot here about not disregarding the advice of people with authority.

Jaz: Mmm.

Lulav: Which is something that we've seen before.

Jaz: Mm hmm.

Lulav: What's the next thing... let's see... if you gotta have a king!

Jaz: If you gotta have a king!

Lulav: If after you enter the land you decide, "Oh, I'm going to set up a king, as do all the nations about me, you can do that," says Moshe. It will be a king chosen by Hashem and it won't be a *ger*. I think this is like harkening back to the whole "being part of the community" thing, actively signing on to a covenant and like, saying that you are part of the people who hold by that covenant.

Jaz: Mm. This is maybe like a, don't send your male representatives to the committee on the affairs of women or whatever.

Lulav: G-d. Okay. (*Jaz laughs and then Lulav laughs*) I think that's a different thing, but a very insightful thing for justice. You did a very Jewish thing, which I am not good at, which is like reading something which was intended for a different purpose and being like, this applies to a completely different topic, which is structurally somewhat similar. (*Jaz laughs*) And I love that.

Jaz: I come by it honestly (*Lulav laughs*) in that, growing up my mother used to tell me stories about how my grandfather once got an essay question and he didn't know the answer to it, and so he wrote on it, this is a bad question and then he wrote a different question and then wrote an essay about that one.

Lulav: Oh, I did that too at least once in my life. (*Jaz laughs*) It's so good.

Jaz: It's so good.

Lulav: Okay, so there's something about not keeping many horses or sending people back to Mitzrayim to add to his horses. I'm not sure what that's about, but this is where I get point four: the king mustn't be a horse girl.

Jaz: (*Chuckles*) Okay.

Lulav: That was a joke because it seems like it's fine for the king to be into horses.

Jaz: But not have too many of them.

Lulav: And to whisper sweet nothings in their ear, but not have too many of them. Correct. the other thing is (*laughs*) you shan't have too many wives lest his heart go astray.

Jaz: Uh huh. What do you think of that bit?

Lulav: So the way I phrased it was don't have too complicated a polycule.

Jaz: Uh huh.

Lulav: I think that is reasonable in that a leader who is focused on personal issues will be less likely to pay attention to the governance of a nation and so they don't really have room to experiment with having like five wives. They gotta make sure they have capacity before they make romantic or economic obligations to other people (*Jaz laughs*) is how I interpret this line.

Jaz: Ohhhkay.

Lulav: Instead of just being like, okay we're dating and now let's see how that shakes out (*laughs*) I think that this is a reasonable thing, for qualifications for a king. If you gotta have a monarch.

Jaz: If you gotta have a monarch they should maybe be focused on the actual country stuff?

Lulav: Mm hmm. Yeah. Also I do want to point out that it says "He shall not have *many* wives," not "he shall not more than one".

Jaz: It's true.

Lulav: Probably as we read through Ketuvim and Neviim, we will see certain ways in which rulers had too many wives (*laughs*) but...

Jaz: I think David has at least 8.

Lulav: At least... that's unconscionable. (*Jaz laughs*) I can't imagine —

Jaz: What would you think is too many wives?

Lulav: Two! I think two is an appropriate amount, at least for me. The number is a little more wibbly when you get into, how many connections can somebody maintain that aren't their primary connections in life but are also important to them, but yeah, I cannot fathom having more than two wives.

Jaz: Okay!

Lulav: Also I'm not literally talking about wives.

Jaz: Yes, I —

Lulav: That's just how it says it here. *(both laugh)*

Jaz: So David is definitely doing too much.

Lulav: Oh G-d yeah. Either that or he like, married some people who he wasn't on the same terms with as other people he married.

Jaz: Well, I do think that that's true. I do think that part of the deal is that David definitely marries some people to cement alliances with other kingdoms and so those are not necessarily romantic serious relationships so much as they are political alliances where he also has one of the leaders daughters living with him.

Lulav: *(laughs)* Yeah.

Jaz: He's like, only romantically entangled, I think, with like, maybe two or three.

Lulav: Okay. That's not great, but it's better. *(laughs)* Also —

Jaz: I mean, at least one of those people is Batsheva, so it's really not great, but...

Lulav: Guh. Yeah. So one of the thing I really appreciate about accidentally exclusively dating nonbinary people —

Jaz: Uh huh?

Lulav: Is you have to figure out what you want to call each other relationally.

Jaz: Okay.

Lulav: And so that makes it a lot better for figuring out the intensity of relationship that you want.

Jaz: Why is this a nonbinary specific thing?

Lulav: There isn't an easy go-to "you're my girlfriend now" or "you're my boyfriend now" or "you're my wife or husband." Foundationally as part of it, you have to discuss what you call each other, and so I think there's more explicit negotiation about relationships than like, you might get when dating cis people.

Jaz: *(laughs)* Wouldn't know.

Lulav: *(laughs)* Yeah.

Jaz: So, I have another question actually about this ruler.

Lulav: Okay.

Jaz: So this whole passage in the ruler, in the Hebrew, it's all conjugated in singular masculine

Lulav: Mm hmm.

Jaz: But Hebrew doesn't have gender-neutral forms, you know, like it has to be conjugated in masculine or feminine and one thing that is interesting to me about these couple paragraphs is that it doesn't have any pronouns, it doesn't say "and he does this" until the very last line. It has conjugation, but when it says in the English "and he shall not have many wives lest his heart go astray," there's not a "he" in the Hebrew. It's just kind of implied.

Lulav: Oh, yeah. For sure.

Jaz: So does this passage change connotatively in terms of what kind of ruler you have if you think that the ruler can be any gender.

Lulav: Firstly, I was doing mental editing, as usual, and so I already had the assumption that the gender of the monarch wasn't actually important—

Jaz: Okay

Lulav: — hence why I said, they're not allowed to be a horse girl.

Jaz: Uh huh.

Lulav: Which also can't be a horse boy, but that's less of an archetype, you know?

Jaz: Uh huh.

Lulav: Yeah, I — I don't think that this interpretation is a big change from one it means to be a monarch. I do think that a gender restricted interpretation is a big change.

Jaz: Mmm.

Lulav: Like, an idea of only men are allowed to be kings? Like, why? That makes no sense. What?

Jaz: True. Although I guess one of the things that's fair is that like, sometimes when we think of liberation type of deals, there's an idea of hey, I'm not looking for a world where like, women can be rulers too! I'm looking for a world without rulers, you know? Like — (*chuckles*)

Lulav: Do you think Gina Haspel effectively utilized girl power (*Jaz laughs*) when operating black sites for the CIA? (*Jaz groans and Lulav laughs*) Like, that's definitely a thing.

Jaz: Yeah. Yeah. Okay, let's keep moving.

Lulav: Please. Okay. Um, what was the next part of my summary... um, the only thing worse than a horse girl is a birdwatcher! There's some stuff in here about what priests do, but we've already gone over that multiple times, Levites may serve as Levites — like, if there are Levites in the countryside and they come to the city, Yerushalem (*sic*), to do Levite duties, they get paid out of the payment to Levites.

Jaz: Mm hmm.

Lulav: Regardless if they were poor Levites or rich Levites before then.

Jaz: Mm hmm.

Lulav: And then here we come to the birdwatching. So when you enter the land, you shan't imitate the abhorrent practices. Let no one be found among you who consigns their child to the fire or is an auger or a soothsayer or a diviner or a sorcerer. One who casts spells or one who consults ghosts or familiar spirits or one who inquires of the dead.

Jaz: Mm hmm.

Lulav: So this is a long list that I attempted to read in Hebrew and look up roots for —

Jaz: Awww!

Lulav: Thanks. But I didn't find roots for a lot of them. I did find like, one of the grammatical constructions here is someone who charms charms.

Jaz: Aww.

Lulav: Which was fun (*laughs*)

Jaz: Yeah.

Lulav: So the reason that I said birdwatchers are illegal —

Jaz: Mm hmm.

Lulav: is that the translation the JPS uses is augur —

Jaz: Uh huh.

Lulav: Which in the Roman context was often somebody who watched the way that birds flapped around —

Jaz: Oooh.

Lulav: and made predictions based on that.

Jaz: That's cool.

Lulav: So I jokingly condensed all of this into "it's illegal to be a birdwatcher."

Jaz: That's beautiful. I thought the summary of this would have been it's illegal to try to predict the future (*Lulav cracks up*) using mysterious methods (*Lulav continues to laugh*) and therefore, my question is does G-d hate Nate Silver?

Lulav: Oh yeah, absolutely. (*Jaz laughs*) G-d thinks Nate Silver is a bit too much of liberal (*Jaz laughs*). Sorry, that's blasphemous. Though to be fair, if he's not too much of a liberal, he can show it, and it will be clear that the words came not from G-d but from myself.

Jaz: Uh huh.

Lulav: Cuz that's the next section that we get to here, is what it means to be a prophet. Because you didn't want to hear those bass-boosted words, you were like, let me not hear these voices or see this wondrous fire so that I don't die.

Jaz: Uh huh.

Lulav: Because of that, you gotta get communication with G-d through somebody who has the authority to do that.

Jaz: Right

Lulav: You're going to get somebody who will have words from G-d and make prophecies, basically. If that prophet says anything that you didn't command them to say or speaks in the name of other gods, that prophet will die. And I think what that means here is get rid of them as a prophet because the next line is how can we know that the oracle was or was not spoken by you?

Jaz: Mm hmm.

Lulav: And so the thing there is, if the prophet speaks and that oracle does not come true, then it wasn't actually spoken in Hashem It was something that they came up with.

Jaz: Sure. Do you remember we had a thing about how do you know if somebody's a real prophet a couple episodes ago?

Lulav: Yeah.

Jaz: And this one talks about you'll know if it's a real prophet because the prophecy comes true, and that one said regardless of whether it comes true or not, you have to pay attention to whether or not the words are consistent with the type of things that I would tell you to do.

Lulav: *(laughs)* Yup! *(chuckles)* If three houses do not name him Hortator and five nations do not name him Nerevarine, you have to stone him. That's just how it is.

Jaz: Help

Lulav: *(laughs)* Okay. So manslaughter happens. We are told for probably the fourth time, maybe the fifth time about these manslaughter cities, which are very important and here were actually given an example of what would qualify. We're told if a dude is chopping wood And the axe head wasn't properly fixed to the axe and it just flies off and guts another dude —

Jaz: Uh huh...

Lulav: — then the guy who was swinging the axe has to run as fast as he can to one of the cities so that he'll be saved and the blood avenger won't overtake and kill him.

Jaz: Yeah.

Lulav: So there are three things that I want to hold at once here. There's manslaughter is not something that you should be killed over—

Jaz: Okay.

Lulav: — is one thing that this is saying. Another thing is family vengeance is so ingrained in the culture that this is coming from that it is officially part of the law.

Jaz: Mm hmm.

Lulav: And also like if somebody tries to use systems of protection for innocent people to protect themselves as a guilty person, like an actual murderer, then they have to be brought to justice.

Jaz: Mmm.

Lulav: Which might be by that blood avenger and it might also be the elders of his town shall have him brought back from the city of refuge and shall hand him over to the blood avenger to be put to death.

Jaz: Right.

Lulav: There is room within this particular system of like blood avenging both for safety for somebody who doesn't deserve it and punishment for people who do deserve some sort of punishment.

Jaz: And there is sort of a notion of the person who has been most damage, the blood avenger is a close relative, a loved one presumably —

Lulav: Right.

Jaz:— The elders also sort of relinquish that to the relative, like there's a point in which somebody whose cause damage, it is somewhat up to the one that they've hurt to determine what is appropriate.

Lulav: Hm. I like that.

Jaz: And there's another note about the Cities of Refuge, which is If your physical territory grows you have to have more Cities of Refuge, so —

Lulav: Yeah.

Jaz:—You can't always have the same number no matter how big you get, if you get bigger you have to have more cities.

Lulav: (*singing*) Perchik corner. We see from this message that the Lord is against austerity from each according to their ability to each according to their need. If we have the people for six cities of refuge we will have six cities of refuge.

Jaz: Beautiful.

Lulav: Thanks. Sorry, I hadn't done the jingle for a while and I'm sure there's somebody out there who is like “aw, I really want her to do jingle again.” (*Jaz laughs*) Okay, so then speaking of increasing boundaries I came upon 19:14 and I read the first half and I was like, “Oh no is this about Christopher Columbus statues?”

Jaz: Oh no.

Lulav: So you've got, “you shall not move your countrymen landmark set up by previous generations.” And so I was like, come on, that can't be part of Torah! And it turns out it isn't. Because the other phrase is, “in the property that will be allotted to you in the land that Hashem has given you to that.” So basically what it's saying is the people who do the fighting will have land equally split among them and it is absolutely forbidden like by G-d himself to move the boundaries of that land that has been assigned to you falsely.

Jaz: Mmm.

Lulav: So basically, don't do real estate fraud.

Jaz: Nice!

Lulav: Yeah! So, that's my take on that. Any other questions about the stuff around here?

Jaz: I don't think so.

Lulav: So then we have pre-battle speeches. When you take the field a priest comes out and says “Hey, you're about to do battle against your enemy, don't falter, don't fear, Hashem is with you”. And then some officials come forward and they say “has anyone bought a new house and you have dedicated it yet? Leave now cuz if you die in battle you won't be able to dedicate your house. Has anybody planted a vineyard but didn't harvest it? Leave now because if you die you will be able to harvest it. And has anybody paid the prime price for a wife, which is to say done the legal half of marriage but who is not yet married her, which is to say the spiritual and procreative part of marriage, let him go back to his home lest he die in battle and another one shall marry her. So I think that this is saying in inverse “the soldiers who are here should have nothing hold them back from death, no unresolved issues.”

Jaz: Yeah, I also think that that is the case and also that it is the case that you don't want any troops who really don't want to be there because they will make other people not want to be there.

Lulav: Yeah, cuz that's the next line after the officials say all of the things they have to say, "Is there anyone afraid and disheartened? Get the frick out."

Jaz: Yeah, I also saw an interpretation that the thing about someone's spouse was actually just in practice or interpreted to be they don't send people to battle in the first year of their marriage.

Lulav: Oh! Interesting.

Jaz: Yup.

Lulav: I'm guessing that is for procreative reasons right?

Jaz: Probably! Yeah.

Lulav: Okay, So, when you approach a town to attack it, offer terms of peace or call on it to surrender is an alternate translation here. I prefer the latter because that's what's actually happening. If they respond peaceably and let you in and just surrender, they'll do forced labour. If the city does not surrender to you and instead fights you lay siege to it. And the kind of siege that you're laying is it just burning everything down, you are starving people out and when it's delivered into your hand you exterminate them. Except for women, children, livestock and material goods.

Jaz: Yeah...

Lulav: So, this is stuff that we've heard before.

Jaz: It's stuff that we've heard before, except when we heard it before it was, as I understood it pretty specifically limited to conquering the place that you then going to live and this is more deliberately expansionist. I mean, it was terrible before —

Lulav: *(laughs)* Yeah.

Jaz: —but it was place limited before and this implies that you could go anywhere, and just continue expanding once you already have the land.

Lulav: So, I don't think that the mandate of "this is your land" follows any expansionist wars, so like you still gotta follow protocol, like offer peaceable surrender. I don't think there is an implication here of expansionism but like, I think the thing about humans is that people in power

are going to try and get more power and so I don't think it was intended by the text that there will be expansion, that this procedure will be used anywhere other than in the one genocide that they're supposed to do—

Jaz: Huh.

Lulav: Oh wait actually, sorry! You were right because 20:15 is “thus you shall deal with all towns that lie very far from you.”

Jaz: Yeah.

Lulav: So this is explicitly towns that you do not have a mandate to occupy?

Jaz: Yeah.

Lulav: G-d! This sucks.

Jaz: It does! It's a hard thing for a lot of reasons because it's like, terrible and also in the text. When you were saying it's been used historically to justify things, you know historically jews didn't have that much power so like, we weren't at least not in the last 2000 years conquering other people because we did not have the ability to do that. So, other people that have picked up this text *may* have used it (*Lulav laughs*) in that way. I can't speak to what text Christians use to validate their... things.

Lulav: Yeah, I mean, when I said ‘mandate’, the Crusaders were totally free and in fact encouraged by G-d to slaughter people and burn their cities to the ground almost.

Jaz: Right.

Lulav: So there are two things here. One is the whole terms of peace thing is for towns that lie far away from you which you're conquering after the whole promised land thing.

Jaz: Mm hmm.

Lulav: So, during the promised land conquering, murder literally everyone. And then the second thing is something that is I guess redeeming cuz when in your war against the city, like when you're doing a siege, what that means is you're camping outside of the city and making sure that food isn't coming in and people aren't going out so that you can starve them out until they either surrender or you can charge the 10% of people who are left after starving. So like this is a brutal thing right, but specifically you're not supposed to do brutality to the trees because they can't withdraw before you into the city and they're important to the land —

Jaz: And the people!

Lulav: Basically this is a biblical prohibition against bulldozing olive trees.

Jaz: Yeah! I mean, it notes that the trees can't hurt you, the trees can't flee, the trees are necessary to feed people and in particular any that could possibly be a fruit, you can't hurt them.

Lulav: Right. So the cynical interpretation is “dude, don't cut down the olive trees we could use those to feed our armies while we're at siege” and the less cynical interpretation is like “no matter what human nonsense is going on you got to make sure that the ecology is okay and that innocent things aren't caught up as much as possible.”

Jaz: Mmm.

Lulav: And I feel like we could go from that heuristic to the rabbinical argument where it ends up that you're actually not allowed to do war ever because they're always negative externalities and so you just can't fight.

Jaz: I'd buy it!

Lulav: (*laughs*) Yeah! So we finish out with a really long paragraph about how if somebody is slain and lying out in the open and you don't know who killed them you measure the distance from the corpse to the towns around to see who has jurisdiction and then the ones who have jurisdiction sacrifice a pregnant cow which has never been worked they go to a river and basically the priest say you are blessed and your hands did not shed this blood.

Jaz: Mmm.

Lulav: So this is wild (*Jaz laughs*) because the implication here is instead of investigating where the serial killer is the magistrates a. have to sacrifice something because presumably the serial killer came from their town but b. they also have to be like we bear no responsibility for this.

Jaz: I think that that's not the interpretation I would have gone with—

Lulav: Okay.

Jaz:—in that I think it's a dead body. I don't think there's an implication that somebody killed it. I think somebody died and they don't know who it is and that the ritual is about like ritual impurity—

Lulav: Okay.

Jaz: —but you could have ritual impurity from a death that's from any cause. It doesn't have to be murder. This is more like they're arguing over jurisdiction because it's like who's responsible

for the burial and who's responsible for the ritual impurity and who's responsible for the body of this homeless person who died and we don't know why.

Lulav: Mm hmm. I do want to point out that it's not that the identity of the slain is not known, it's that the identity of the slayer is not known.

Jaz: Yeah. I see where you could read it as a serial killer, I'm not disputing that entirely, I just think that there's some ambiguity here.

Lulav: Right, so I think we could both hold interpretation this is about absolving ritual impurity and also the interpretation that this is absolving responsibility for preventing further murder.

Jaz: Right.

Lulav: And I think definitely the assumption in this text is that if somebody turns up dead just out in the open, you assume that it wasn't someone who killed them. That you do this regardless whether they were murdered or just died.

Jaz: Yeah.

Lulav: Okay so that's the parsha.

Jaz: That's the parsha!

Lulav: Now we come to Rating G-ds Writing, the segment where we make up scales that generally have to do with a text but sometimes it's a little tenuous and then we make each other rate the parsha on the scales.

Jaz: Uh huh, so Lulav...

Lulav: Out of number of partners a ruler can have (*Lulav laughs*), how many partners would you rate this parsha?

Lulav: I would rate this parsha, okay this is partners in general, not specifically spouses?

Jaz: Uh huh.

Lulav: I would rate this parsha four partners because I think that for me personally that is the point at which I am kissing too many people to have an adequate amount of attention to any of those people let alone attention to my work. So, I would rate this parsha for partners that our ruler may have because there's a lot here and so it feels like we're giving attention to a lot of different things.

Jaz: Mmm.

Lulav: And also, all of the things here have something important to say about them as is evidenced by the fact that we've been recording for over an hour. So yeah. Four partners that a ruler may have.

Jaz: Okay.

Lulav: Jaz, how far did the axe head that accidentally killed this parsha fly?

Jaz: Oh no. Uhm.

Lulav: (*laughs*) I think, just to get a baseline for the scale how hard do you think you could swing an axe? Like you personally.

Jaz: I have swung an axe before but I don't know how to measure units of force like that?

Lulav: Sure. That's fair.

Jaz: So I don't know how to say how hard I can swing an axe. I think it would be unlikely that I personally could swing an axe with enough force to kill somebody though I do think I could do some damage because axes are designed to do damage to things.

Lulav: Yeah. Like at the very least it's going to hurt even if you're struck with the blunt end of the ax head.

Jaz: I mean, it would hurt, you just probably wouldn't die (*Lulav laughs*) Which is fine, actually, with me.

Lulav: Okay, yes sorry I revised my scales and this is not "how long did the axe head fly off the handle to kill this parsha accidentally," it's "how far did the ax head fly to mildly injure this parsha (*Jaz laughs*) accidentally".

Jaz: Okay. It flew about six feet.

Lulav: Ooh! Okay!

Jaz: Which is about how close I'm down to be to a stranger.

Lulav: (*Laughs*) Good. Is that saying that you keep this parsha close to you?

Jaz: No. Which is to say that I want to keep it a little bit at arm's length because there is like valuable things in here but it's mostly about systems of laws that may or may not be in the

interest of pursuing justice and it has the intent of pursuing justice but it may or may not actually doing so and so I'm keeping a wary eye on it.

Lulav: Good. Jaz can you take us to the close?

Jaz: Yeah! Thanks for listening to Kosher Queers If you like what you've heard, you can support us on Patreon at patreon.com/kosherqueers, which will give you bonus content and help us keep making this for you. You can also follow us on Twitter @kosherqueers or like us on Facebook at Kosher Queers, or email us your questions, comments, and concerns at kosherqueers@gmail.com, and please spread the word about our podcast! Our artwork is by the talented Lior Gross. Our music is courtesy of the fabulous band Brivele, whose work you can find on Bandcamp. Go buy their album, they're great. Our sound production this week is done by our excellent audio editor, Ezra Faust.

Lulav: Woo hoo! Our transcript team of Jaz, Reuben, DiCo, and Khesed brings you full transcripts of every episode. You can find a link to those in the episode descriptions on Buzzsprout.

Jaz: I'm Jaz Twersky and you can find me @WordNerdKnitter on Twitter. I recorded this audio on the traditional lands of the Ohlone people.

Lulav: I'm Lulav Arnow and you can find me @spacetrucksix on Twitter, or yell at me @palmliker! I recorded this audio on the traditional lands of the Wahpékute and Anishinaabeg.

Lulav and Jaz: Have a lovely queer Jewish day!

[Brivele outro music]

Jaz: This week's gender is surprisingly stabilizing.

Lulav: This week's pronouns are xe and xer.