

(Dvar Torah continued from front page...)

When I survey the global political scene with this d'oraita (Biblical) halachic obligation in mind, I'm struck how relevant Devarim 16:19 has remained in our day. In fact, it seems like a whole crop of politicians, across many countries and from both the "left" and "right" seem to compete over who can most absolutely repudiate the essence of justice as conceived in our verse. They openly delegitimize any attempt to objectively investigate the facts of any matter in which they have an interest. They flaunt their ability to abuse public authority for personal gain as a sign that they are powerful enough to be worthy of leadership. And they openly stoke the hatreds and fears of their audiences, against Jews or Arabs or whomever, to gather support for themselves and their discriminatory agenda.

Rabbi Hirschensohn seeks to impress upon us that how we vote is of ultimate Jewish religious significance. His teaching reflects not only the ancient prophets but also a more contemporary theme. Figures as diverse as Rabbi Samson Raphael Hirsch, Rav Kook, Martin Buber and Rabbi Heschel, argued that modernity has seen the rise of a politics *walled off* from the obligations of justice (exemplified, I believe, by the politicians described above). And they taught that our mission as the People Israel is to tear that wall down.

Rabbi Samson Raphael Hirsch expresses this theme in his explanation of the Abrahamic blessing to humanity (Bereshit 2:12): "The honesty, humanity and love which one still demands from individuals is regarded as folly in the relation of nation to nation, have no meaning in diplomacy and politics. Deception and murder which in individuals lead to prison and gallows, if exercised on a grand scale in the 'interests of the state' are crowned with laurel and medals. The Abrahamic nation is to know nothing of these national institutions, is to have no national politics and no political economy."

Rabbi Hirsch, as is his way, takes his vision to the extreme. I'm not sure that I can imagine a real society with no politics whatsoever. But I can imagine leaders who seek to embody the principles of justice laid down Devarim 16:19 rather than to brazenly flout them. And it seems clear, based on the Torah itself and the teachings of both ancient prophets and recent sages, that core to our religious mission is the struggle to guarantee that our "judges and officers" are worthy of leadership not only in their own eyes but in the eyes of God.



TORAH SPARKS

Parashat Shofetim

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Annual (Deuteronomy 16:18-21:9): Etz Hayim p. 1088-1106; Hertz p. 820-835
 Triennial (Deuteronomy 19:14-21:9): Etz Hayim p. 1099-1106; Hertz p. 829-835
 Haftarah (Isaiah 51:12-52:12): Etz Hayim p. 1107-1111; Hertz p. 835-839

D'var Torah: Justice & Politics

Dr. Shaiya Rothberg, Conservative Yeshiva Faculty

A hallmark of historical Judaism is the centrality of justice for religion. Isaiah went so far as to say, in the name of God, that God *cannot endure* the doing of injustice alongside the performance of religious ceremonies (Isaiah 1:13). When we nonetheless concoct that cocktail, teaches the prophet, the inevitable result is destruction and exile. It's hard to imagine a more absolute statement of the preeminent importance of justice for the Jewish conception of religion.

Strikingly, in just one verse in our portion, Devarim 16:19, the Torah captures what is perhaps the very essence of justice. Justice means *no discrimination* (the first half of the verse) and *no ulterior motives* (the second half). The verse's explanation of the prohibition of bribery reveals another crucial element: Bribery is forbidden because it blinds the eyes of the judge to the truth. That is to say, justice requires an honest attempt to discover *the truth about the facts*.

Rabbinic tradition understands our verse as a code of behavior for judges. Another interpretation was offered by Rabbi Chaim Hirschensohn in his monumental halachic work Malki Bakodesh (1:11). First, he argues that "judges and officers" in the context of the Bible involve all the branches of government (not just what we would today call the judicial branch but also the legislative and executive branches). Furthermore, he argues that since Devarim 16:18 commands that we appoint judges and officers, clearly the addressee of the verse is not the judges and officers themselves, but the people who appoint them. In a democracy, concludes the Rabbi Hirschensohn, you and I are those people and therefore these verses apply to us when we participate in democratic elections.

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D'var Haftarah: Awaken, Awaken

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There are several phrases in this week's haftarah which are familiar to us from the Shabbat evening religious poem "Lekha Dodi" by Rabbi Shlomo Alkabetz. One verse opens with the words "Hit'orari, hit'orari – Awake, awake, for your light has come...", meaning that it is time to awaken to the light of the redemption, symbolized by Shabbat. The original context for the words: "Awake, awake" comes from the following verse: "Awake, awake, rise up Yerushalayim, you have drunk from the hand of the Lord the cup of His wrath, the chalice of poison you drank to the dregs. There is none to guide her of all of the sons she bore, and none to hold her hand of all the sons she raised." (51:17-18)

This verse is speaking to those who are in a state of despair. The conditions of the exile are unbearable, as are those of the city which would take them in. Both are distraught and in no condition to take on the challenges which face them. Yerushalayim, a mother figure in this verse, is drunk from her unbearable suffering. She has emptied the full cup of suffering due to her destruction and the exile, leaving her in a stupor, unable to manage on her own. Worse yet, under such circumstances, it would be expected that her children would come to her aid. Yet her children are no better off than she is and have nothing to offer.

This imagery captures the mental, spiritual and physical conditions at the advent of the return from Babylonian exile. The people and the nation as a whole are at a total loss, bereft of the necessary energy to move forward. They are commanded to awaken but the energy is not there. Without outside help, no redemption is possible. Therefore, God must step in and redeem her: "Therefore, pray hear this, afflicted woman, drunk but not from wine. Thus, said your Master the Lord and your God who contends for His people: Look, I have taken from your hand the cup of poison, the chalice of My wrath. You shall no longer drink from it..." (51:21-22)

As different as things seem today, there is a certain similarity. People look at Israel and see prosperity and power. They presume there is the strength to move forward. After all, Israel is so different from the above description. People forget the mental and spiritual capital lost from terrorism, war and constant threats - not to mention the tragedies that befell our people before and during the state's founding. They presume from the outside veneer of the country that these things have no impact. People in Israel just want quiet. They are "drunk" from this desire and are afraid to face new challenges because their experience has taught them that new challenges only cause the cup to further overflow with suffering. We pray that that burden can be lifted and Alkabetz's prayer will be answered: "Awake, awake, for your light has come".

In memory of my beloved student Steven Timoner z"l.

Parashat Shofetim Self-Study

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This week we will meet some of the institutions of the society; courts, kings and prophets, along with state, cultic and criminal laws and laws of war.

- 1) If the people choose to appoint a king, he has limitations placed upon him (17:16-17). He may not multiply horses, he may not multiply silver and gold, and he may not multiply wives. Why does the Torah not give the king a free hand to do what he sees as necessary in his position as monarch? (Especially when the behavior is in line with other monarchs of the time.)
- 2) We are warned that the people who lived in the land before us practiced abominations: passing children through fire, sorcery and divination of various sorts; it is because of these abominations that God will dispossess them before us (18:9-12). What conclusions might we draw from the reason given for our ability to dispossess the local population?
- 3) "You may not move back the border of your neighbor that earlier ones set... in your inheritance that you inherit in the land the LORD ... is giving you" (19:14). How is land ownership in the land of Israel viewed by the Torah?
- 4) "When you go to war against your enemies and you see horses and chariots, fighting people greater than you, you shall not fear them; for the LORD your God is with you, who brought you up from Egypt" (20:1). Fear in the face of war, especially against forces greater than your own, seems normal. What words of encouragement does the Torah offer, and why might this be a source of reassurance?
- 5) If a corpse is found in the field and the murderer is not found, the elders of the nearest town will perform a ceremony at the end of which they will declare: "Our hands did not shed this blood, our eyes did not see... Oh LORD do not put innocent blood amid your people Israel..."(21:1-9). As the elders are not suspected of murdering the person, why and what are they held responsible?

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We welcome your comments: torahsparks@uscj.org

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