



Shoftim 2022

Self-Regulate

< 1 minute | Straightforward

As part of the functioning society the Torah seeks to create, the Torah requires us to have a judiciary to interpret the law, and an executive to apply it:

שֹׁפְטִים וְשָׂרִים, תִּתֶּן-לָהֶם בְּכָל-שַׁעְרֵיךָ – You shall place judges and police within all your gates... (16:18)

As with many mitzvos, the Torah speaks to individuals here, and not the community. Does the Torah expect each of us to individually to create a roster of judges and a police force?

While the simple reading is about judges and police, it is not simply a law about the branches of government.

The Shelah instead reads it as Judaism's source for the principle of personal development and self-regulation. Building a great society starts with individuals. The mitzvah is literally given to you, in the second person possessive, because nobody else could possibly judge or police you in the way only you are uniquely able.

The Kotzker suggests that the mitzvah is literally to gatekeep the openings to our bodies, the sights, sounds, smells, and ideas we let in and out.

R' Shlomo Farhi notes that we pray every day for a return of the judges of old – הַשִּׁיבָה שׁוֹפְטֵינוּ כְּבְרָאשׁוּנָה – which on this reading, would mean a return to our youthful ideals.

R' Yisrael Salanter taught that our natural intuition is the only judge and policeman we ever need.

R' Jonathan Sacks explains that this is a microcosm of the Jewish People's mission. In our personal lives and in our communities, we have a duty to determine whether there is a gap between where we are and where we ought to be, then taking the necessary steps to bridge it.

Because if we're tuned in, we know what's wrong, and we know how to fix it too.

Fit for a King

3 minute read | Straightforward

There's an interesting discussion about what the Torah's constitution might look like, and many famous scholars looked to the Torah as a source of political theory. One particular thread of that discussion is the role of a king. The Torah doesn't particularly advocate for monarchy, and imposes many constraints:

כִּי־תבֹא אֶל־הָאָרֶץ אֲשֶׁר ה' אֱלֹהֶיךָ נָתַן לְךָ וַיִּרְשָׁתָהּ וַיִּשְׁבָּתָהּ בָּהּ וְאַמְרַת אֲשִׁימָה עָלַי מֶלֶךְ כְּכָל־הַגּוֹיִם אֲשֶׁר סְבִיבֹתַי: שׁוּם תִּשִׂים עָלֶיךָ מֶלֶךְ אֲשֶׁר יִבְחַר ה' אֱלֹהֶיךָ בּוֹ מִקִּרְבֵּי תִשִׂים עָלֶיךָ מֶלֶךְ לֹא תוּכַל לָתֵת עָלֶיךָ אִישׁ נְכָרִי אֲשֶׁר לֹא־אֶחָיֶךָ הוּא: רַק לֹא־יִרְבֶּה־לוֹ סוּסִים וְלֹא־יִשְׁיב אֶת־הָעָם מִצְרַיִמָה לְמַעַן הִרְבוּת סוּס וַיִּהְיֶה אָמַר לָכֶם לֹא תִסְפוּן לְשׁוּב בַּדָּרֶךְ הַזֶּה עוֹד: וְלֹא יִרְבֶּה־לוֹ נָשִׁים וְלֹא יִסּוּר לְכַבּוֹ וְכֶסֶף וְזָהָב לֹא יִרְבֶּה־לוֹ מְאֹד: וְהָיָה כִּשְׁבָתוֹ עַל כֶּסֶף מִמֶּלְכָתוֹ וְכֹתֵב לוֹ אֶת־מִשְׁנֵה הַתּוֹרָה הַזֹּאת עַל־סֵפֶר מַלְפָּנַי הַכְּהֻנִּים הַלְוִיִּם: וְהָיְתָה עִמּוֹ וְקָרָא בּוֹ כָּל־יְמֵי יָרְבֶּה־לוֹ לְמַעַן יִלְמַד לְיִרְאַה אֶת־יְהוָה אֱלֹהָיו לְשִׁמּוֹר אֶת־כְּלֵד־בְּרִי הַתּוֹרָה הַזֹּאת וְאֶת־הַחֻקִּים הָאֵלֶּה לְעִשְׂתָּם: – If, after you have entered the land that Hashem has assigned to you, taken possession of it and settled in it, you decide, “I want a king over me, like all the nations around me,” you shall be free to set a king over yourself, one chosen by Hashem. Be sure to select your king from your own people; you must not select a foreigner over you, one who is not your kin. Moreover, he shall not keep many horses... And he shall not have many wives, lest his heart go astray; nor shall he amass silver and gold to excess. When he is seated on his royal throne, he must write a copy of this Torah written for him on a scroll by the levitical priests. Thus he will not act haughtily toward his fellows or deviate from the Instruction to the right or to the left, to the end that he and his descendants may reign long in the midst of Israel. (18:14-20)

The Gemara notes that the king actually must write two Sifrei Torah; one that remains in the royal treasury, and another that he carries with him wherever he goes.

The Rambam explains that during a king's reign, he must write a Torah scroll for himself in addition to the scroll left to him in the treasury by his ancestors.

Even if the king inherits a treasury filled with beautiful Sifrei Torah from ancestors, the very act of writing the Torah scroll is a way of making the Torah, quite literally, one's own. The act of doing that writing becomes a powerful pedagogy through which the king comes to understand what his moral position must be.

In political theory, this is called the rule of law, that all persons, institutions, and entities are accountable to the same body of law. In real day to day life, laws matter only as far as they command the collective loyalty of those in power; it requires a governing class that cares about law and government and tradition, rather than personal power and gain. By making the king go through this exercise, the Torah hopes and envisions that a king will understand the gravity of his office.

The Torah's perspective is that all men are just men – in the very beginning, the Torah says that humans are formed “in the image of God,” which R' Jonathan Sacks teaches to mean as destroying a



divine right to oppress others. It is political dynamite, from which we can learn about the sanctity of life, the dignity of individuals and human rights, the sovereignty of justice and the rule of law, free society, all because God bestows his image on everyone, not just kings and emperors. It follows that we would expect a Jewish conception of a king to look qualitatively different.

R' Shlomo Farhi explains that the higher in stature and authority someone is, the closer scrutiny they can expect. Intuitively, a powerful person needs more humbling – not necessarily in a negative way, but more so that a successful leader is someone whose leadership exists to help his people.

Leadership is about being of service to others, not being served by others.

Who Watches the Watchman?

6 minute read | Straightforward

The Torah details many laws that help regulate society. As with any legal system, the Torah anticipates that sometimes people will fail, break the law, and what to do about it.

But sometimes, it's already too late. Some crimes go unsolved in what is called a cold case, when there are no leads, no suspects, and no witnesses, which is particularly dangerous for the obvious reason that the perpetrator remains at large and unidentified.

The Torah describes such an example.

In the event an unidentified body is discovered in an unpopulated area, the Torah commands a specific and highly bizarre ritual, where the elders and leaders of the closest city take a calf to a nearby river or stream, break its neck, and make a public proclamation they didn't kill this innocent person:

וַעֲנוּ, וְאָמְרוּ: לֹא שָׁפְכוּ אֶת-הַדָּם הַזֶּה, וְעֵינֵינוּ, לֹא רָאוּ. כִּפָּר לְעַמֶּךָ יִשְׂרָאֵל אֱשֶׁר-פָּדִיתָ, ה', וְאֵל-תָּמוֹן דָּם נָקִי, בְּקָרֶב עִמָּךָ יִשְׂרָאֵל; ה' יִשְׁמָע וְיִסְלַח לְעַמֶּךָ יִשְׂרָאֵל, וְנִכְפַּר לָהֶם, הַדָּם. וְאָתָּה, תִּבְעַר הַדָּם הַנָּקִי-מִקִּרְבֶּךָ: כִּי-תַעֲשֶׂה הַיְיָשָׁר, בְּעֵינֵי ה'

They shall speak and say “Our hands did not shed this blood, and our eyes were blind. Hashem, forgive Israel, Your people, and do not tolerate innocent blood to remain among Israel, your people,” and the blood shall be forgiven. Purge yourself of the guilt of innocent blood, and do what is right and proper in the eyes of God. (21:7-9)

Beyond the specifics of the ritual that require their own explanation, it's quite something for the Torah to require the elders, sages, and leaders to say they weren't the killers.

Would anyone seriously suspect that they were?

Rashi explains the proclamation to mean that they didn't know there was a traveler and therefore were not complicit in the murder by letting them travel in a dangerous area alone. The Sforno similarly explains that they must affirm that they didn't knowingly permit a murderer to roam free.



TorahRedux

The Chasam Sofer takes a very different approach, observing that it is straightforward to say the murder was not their fault, but they don't get to say that. In this reading, the ceremony is not a declaration of innocence; but a public statement of collective responsibility and guilt, a confession and acknowledgment that the crime happened on their watch.

Or in other words, there is no question of why the Torah summons the elders and sages and leaders to answer for the quiet mystery death of an innocent; it's the answer.

“Our hands didn't kill this person; we didn't hold the knife, or the gun, or give them the pills. But that's as far as we can go in disclaiming responsibility. Because we weren't looking, we weren't paying the close attention this person deserved and needed, so the criminal – and the victim – slipped right through our fingers.”

When the Torah describes the Mishkan construction process, it presents an exhaustive account of each donation because the leaders were publicly accountable for each contribution; and that's just for finances! As the Lubavitcher Rebbe said, people are not dollars.

If you are surprised the Torah requires leaders to account for human life, then, like the sages who perform the ritual, you haven't been paying attention.

In the section detailing the rituals for sacrificial atonement, the Torah talks about leaders who make mistakes:

אָשֶׁר נָשִׂיא יִקְטֹא וְעָשָׂה אַחַת מִכָּל־מִצְוֹת הַאֲלֹקִים אֲשֶׁר לֹא־תַעֲשֶׂינָהּ בְּשִׁגְגָה וְאָשָׁם – When a leader incurs guilt by doing unwittingly any of the things which God commanded not to do, and he realizes his guilt... (4:22)

The Torah plainly and unambiguously talks about when, and not if, leaders make mistakes because avoiding mistakes in power is impossible; we need to stop pretending otherwise because denying errors compounds them and makes things worse. Very few people expect a society without any wrongdoing, but corruption and impotence in dealing with misconduct are highly destructive; the cover-up is always worse than the crime.

When politics demands a lie, but people demand the truth, you get corruption. Leaders that face painful truths are not just morally preferable; they save lives. Wilfully blind leaders playing make-believe about real problems in our community alienate and disillusion people who care, weakening their ties to a community that won't show care and concern to the people who need it! We can't afford to tolerate leaders who fixate on maintaining the illusion of infallible perfection and divine knowledge. We will never correct our community's mistakes so long as we deny them and don't confront them. While we can't reasonably expect perfect leaders, we can reasonably expect perfectly compassionate and honest leaders who will do what is right and proper.

On Yom Kippur, the great Day of Atonement, the Kohen Gadol's first atonement ritual is a personal confession for himself and his family, publicly owning his mistakes.



Every year before Tisha b'Av, we publicly read Isaiah's explicit rage against corrupt leadership and broken institutions that don't protect the vulnerable – רָחֲצוּ הַזְכוּ הַסִּירוּ רֵעַ מֵעַלְלֵיכֶם מִמֶּנֶד עֵינֵי תְדִלוּ הָרַע: לְמַדּוּ הַיָּטֵב – דַּרְשׁוּ מִשְׁפָּט אֲשֶׁרוֹ חֲמוּץ שִׁפְטוֹ יָתוּם רִיבוֹ אֶלְמָנָה... שְׂרִידֵי סוֹרְרִים וְחֲבָרֵי גִבּוֹרִים בָּלוּ אֶהָב שָׁחַד וְרִדְף שְׁלֹמֹנִים יָתוּם לֹא יִשְׁפֹּטוּ וְרִיב אֶלְמָנָה לֹא יִבּוֹא אֲלֵיהֶם.

The Ibn Ezra explains that the Torah is suggesting that when something terrible happens in a community, that community has some introspection and soul searching to do. In fact, this is the Rambam's universal guidance on how to respond to tragedy; bad things happen in a climate and environment, and we can identify the factors that make them more likely to occur in a given context and change them.

We don't often have to deal with murders in our community, but the Torah doesn't explicitly talk about murder at all – כִּי־יִמָּצֵא חָלָל בְּאֶדְמָה... נִפְלַ בְּשָׂדֶה לֹא נוֹדַע מִי הִכּוּהוּ –

R' Aaron Lopiansky teaches that we must not mistakenly classify sexual abuse as a sin or misdemeanor. It is no exaggeration to say that sexual abuse is a matter of life and death, among the most severe crimes a human can commit, right alongside murder, which ties back into the severity of the sage's confession over an unidentified body.

If a survivor of abuse commits suicide, who really killed them?

R' Aharon Lichtenstein warns against resorting to the no-true-Scotsman fallacy – “he wasn't really one of us!” We don't get to disclaim wrongdoers after the fact when they fit in seamlessly alongside the best and brightest our community has to offer until being found out. We have to be willing to ask the difficult question of what allowed them to hurt vulnerable people yet blend right in with us.

There are good reasons why victims are scared to report crimes in our community, and if you want to sleep well at night, make sure you're not one of them. People who have experienced abuse and trauma are not damaged goods, not pitiful, stained misfits who deserve your deepest sympathies. It's not their fault. You need to believe them, and you need to believe in them. The abuser's best friend is the Sefer Chofetz Chaim; they rely on and exploit the fact that their victim will remain silent.

You can be very sure there are victimized and vulnerable people in your circles. If you don't know of any offhand, you ought to wonder why no one trusts you enough to share that with you. It starts with not turning away or keeping silent when people misguidedly or maliciously defend abusers; victims must know in their bones that you are with them all the way, otherwise you are complicit.

The Torah uses emotion extremely sparingly, so we ought to sit up and notice when it does. The way the Torah uses the imagery of spilled innocent blood to demand the sages publicly beg forgiveness is particularly powerful; the Torah has no tolerance for unanswered crimes, where the victim dies alone and invisible – וְאֵל־תִּתֵּן דָם נָקִי, בְּקִרְבְּ עַמֶּךָ יִשְׂרָאֵל; וְנִכְפַּר לָהֶם, הַדָּם. וְאַתָּה, תִּבְעַר הַדָּם. הַנָּקִי־מִקִּרְבְּךָ –

Every time one of our institutions acts to protect a victimizer instead of the victim, we fail that test.



On Shabbos, Jewish communities worldwide for generations have said a prayer for the victims with a particularly stirring line:

כִּי־דָרַשׁ דְּמִים אֹתָם זָכַר לֹא־שָׁכַח צְעַקְתָּ עַנְוִים – For He does not ignore the cry of the distressed; He who requites bloodshed is mindful of them.

The Torah plainly and unambiguously demands that leaders take extreme ownership and recognize the systemic failures that lead to an innocent person's untimely death, with a ritual of collective responsibility for contributory negligence, that they did not meet their duties of care to the standards the victim required.

Today, purging ourselves from the guilt of innocent blood and doing what is right and proper in the eyes of God means allegations should be taken seriously and thoroughly, and impartially investigated. We do what is right and proper by upholding the rule of law, applying the law evenly, without fear or favor, even if the accused is someone we care about and look up to. Call the police, and report the abuse. Make sure the authorities know and make sure competent mental health professionals are involved. If there's the slightest hint of impropriety or wrongdoing, the institution must reorganize.

The Torah's consistent vision of our society is that we stand up for each other, and most especially for those who cannot stand up for themselves. Systemic failures in our entire communal framework allow such things to happen, and the Torah calls on the leaders of that framework to account for bad things that happen on their watch.

“We didn't see! We didn't know!” These excuses don't cut it when your head is in the sand and you didn't do anything last time around.

If good people don't enforce what is right and proper against abusers and criminals because we're afraid of backlash or negative attention, then the abusers and criminals win by default because no one bothered to stop them.

It's not the mayor, Rosh Yeshiva, or local rabbi who must perform the ritual; it's all of them, which is to say that no one gets to say it's not their fault, specifically requiring them to answer for what they were not paying attention to. We are responsible for both our actions and inactions. Who watches the watchers? All of us – שְׂפָטִים וְשֹׁטְרִים תִּתְּנוּ־לָהֶם בְּכָל־שְׁעָרֵי־הָאָרֶץ.

The only thing necessary for the triumph of evil is for good people to do nothing. We deserve leaders who protect the people who need it most, and we ought to demand that; if we can't disempower bad leaders, we need new institutions and leadership.

Leaders are responsible for their communities, but communities are responsible for who they will follow.



Uncertain Futures

4 minute read | Straightforward

The Torah treats idolatry and pagan practices with extreme severity, condemning them repeatedly throughout the Tanach. In Moshe's last address, he issues the same instruction to be weary of these foreign practices:

כִּי אַתָּה בָּא אֶל-הָאָרֶץ אֲשֶׁר-ה' אֱלֹהֶיךָ נָתַן לְךָ לֵאמֹר לִמְד לְעֲשׂוֹת כְּתוֹעֲבַת הַגּוֹיִם הָהֵם: לֹא-יִמָּצֵא בְּךָ מְעַבִּיר בְּנוֹ-יָבִתוֹ בְּאֵשׁ קִסֵּם קְסָמִים מְעוֹנֵן וּמְנַחֵשׁ וּמְכַשֵּׁף: וְחֹבֵר חֶבֶר וְשֹׂאֵל אוֹב וְיִדְעֹנֵי וְדֹרָשׁ אֱלֹהִים מְתִים: כִּי-תוֹעֲבַת הַכְּלֵעָשָׂה אֵלֶּה וּבְגִלְלֵי הַתּוֹעֲבַת הָאֵלֶּה ה' אֱלֹהֶיךָ מוֹרִישׁ: תְּמִים תִּהְיֶה עִם ה' אֱלֹהֶיךָ: – When you enter the land that Hashem is giving you, you shall not learn to imitate the abominable practices of those nations. Let no one be found among you who sends his son or daughter to the fire, or who is an augur, a soothsayer, a diviner, a sorcerer, one who casts spells, or one who consults ghosts or familiar spirits, or one who inquires of the dead. For anyone who does such things is abhorrent to Hashem, and it is because of these abominable things that the Hashem is dispossessing them before you. You must be perfectly wholehearted with Hashem. (18:9-13)

While extremely difficult to reconcile with a modern understanding of how the world works, it would be obtuse to deny that a sizable portion of Jewish tradition incorporates magic and superstition as having some actual basis and realism – the book of Shmuel tells of an incident where years after the settlement of the Land of Israel, a Philistine army threatened the young state, and King Saul sought a witch out to consult with the ghostly spirit of the dead prophet Shmuel.

Be that as it may, there is a divergent rationalist school of thought more aligned with a modern understanding of the world, notably the Rambam, that does not treat these as genuine, but still equally forbidden.

Real or not, the Torah is explicit that seeking out future knowledge is taboo and, therefore, off-limits. Instead, we should embrace the future straightforwardly as it comes – תְּמִים תִּהְיֶה עִם ה' אֱלֹהֶיךָ.

What's so wrong about wanting to know the future?

R' Yakov Hillel explains that someone seeking future knowledge yearns to eliminate doubt and uncertainty, which is antithetical to the human condition.

Humans hate uncertainty. It is stressful and makes us worry. Every day, we navigate over the shaky, uncertain, and constantly changing landscape of probabilities that lie before us.

We have natural pattern recognition abilities, which is why humans are prone to believe in magic and superstition. Doubt and uncertainty are fundamental and intrinsic to the human condition – we aren't computer programs. Uncertainty is central to the Jewish conception of prophecy; counterintuitively, a prophet's job is not to foretell an inevitable future – instead, their job is to warn people away from the



path they are on. A prophet whose warning comes true has failed! The future is not set, which is also a central theme of the High Holy Days.

This is also the theme of Isaiah critique that is read before Tisha b'Av, where Isaiah calls his community to task, people who, instead of doing the work to alleviate poverty and suffering, and be good and kind to each other, would rather just slaughter a goat or two:

לְמָה-לִּי רַב-זְבָחֵיכֶם יֹאמֶר ה' שְׂבַעֲתִי עֲלוֹת אֵילִים וְחֶלֶב מְרִיאִים וְדָם פְּרִים וּכְבָשִׂים וְעֲתוּדִים לֹא חִפְצָתִי. כִּי תִבְאוּ לִרְאוֹת פָּנַי מִי-בְקֹשׁ זֹאת מִיָּדְכֶם רֶמֶס חֲצָרִי. לֹא תוֹסִיפוּ הִבִּיא מִנְחָת-שָׁוָא קְטֹרֶת תּוֹעֵבָה הִיא לִי חֹדֶשׁ וְשִׁבְתָּ קְרָא מְקָרָא לֹא-אוֹכֵל אֶנּוּן וְעֲצָרָה. חֲדָשֵׁיכֶם וּמוֹעֲדֵיכֶם שְׂנֵאָה נִפְשֵׁי הָיוּ עָלַי לְטָרַח גְּלֵאִיתִי נָשָׂא. וּבְפָרְשֵׁיכֶם פְּפִיכֶם אֲעָלִים עֵינַי מִכֶּם גַּם כִּי-תִרְבוּ תִפְלֶה אֵינֶנִּי שְׁמַע יְדֵיכֶם דְּמַיִם מְלֵאוּ. רַחֲצוּ הַזְכוּ – “What makes you think I want all your sacrifices?”, says Hashem. “I am stuffed with burnt offerings and ram sacrifices and cattle fats. I don’t need the blood of bulls, lambs and goats. When you come to worship me, who asked you to parade through my courts with all your ceremony? Stop bringing me your meaningless gifts; the incense of your offerings disgusts me!

“Your celebrations of Rosh Chodesh and Shabbos and your fast days, are all sinful and false. I want no more of your pious meetings! I hate your new moon celebrations and your annual festivals. They are a burden to me. I cannot stand them! When you raise your hands in prayer, I will not look. Though you might offer many prayers, I will not listen, because your hands are covered with the blood of innocents!

“Wash yourselves and become clean! Get your sins out of my sight. Give up your evil ways; learn to do good. Seek justice! Help the oppressed and vulnerable! Defend the cause of orphans! Fight for the rights of widows!” – (1:10-17)

It is normal to be scared of the future, but that fear can paralyze us from doing the work we need to do. By holding on to what we need from the future, we use shortcuts to hack the outcome.

Instead, the Torah advises us to be wholesome, to embrace the struggle the uncertainty and fear of the future straightforwardly as it comes – תָּמִים תִּהְיֶה עִם ה' אֱלֹהֶיךָ.

Maybe there are religious hacks. But R' Yitzchak Berkowitz notes that people who are wholesome and straightforward understand that shortcuts are no substitute for the real deal.

The human enterprise is trial and error, courage, and risk. R' Shlomo Farhi explains that shortcuts are pitfalls – the bad and wrong ways to do things. We need to prepare for the future properly you can't hack your way into being a decent human – you can't ask for forgiveness before making amends; you can't lose weight sorting out your diet; you can't retire without saving.

When we are afraid of the future, there is something we want to avoid. Instead of avoiding the pain, confront it, put in the work, and take decisive action.



TorahRedux

I present TorahRedux l'ilui nishmas my late grandfather, HaGaon HaRav Yehuda Leib Gertner ben HaRav HaChassid Menachem Mendel.

I hope you enjoyed this week's thoughts. If you have questions or comments, or just want to say hello, it's a point of pride for me to hear from you, and I'll always respond. And if you saw, heard, read, or watched anything that spoke to you, please send it my way - Neli@TorahRedux.com.

If you liked this week's edition of TorahRedux, why not share it with friends and family who would appreciate it?

Neli

PS - TorahRedux is my pride and joy, the product of thousands of hours of learning, research, writing, editing, and formatting. I have a niche business that allows me to spend substantial time on TorahRedux, and I welcome your assistance in furthering my goal to keep publishing quality content that matters. I help NY home care companies implement compliant Wage Parity plans that enhance recruitment and retention; whether or not that was comprehensible, if you know anyone in the New York home care field, please introduce me!

PPS - Several of my home health clients are hiring at all levels from entry-level to management. Please send me a resume and a one-line explanation of what kind of role would be the best fit and I'll make some introductions.

Redux: *adjective* – resurgence; refers to being brought back, restored, or revived; something familiar presented in a new way. Not to see what no one else has seen, but to say what nobody has yet said about something which everybody sees.