

A Weekly Byte... from Isralight

Portion of Shoftim

Small Tastings of Torah, Judaism and Spirituality
From **Rav Binny Freedman**

Court; a place and a system any healthy society needs, but no one really wants to visit. Just like a judge: someone you want as a friend, but not someone you want to meet at work all too often. A date in court is not something most people look forward to, and the feelings such a visit generates range from frustration and trepidation, all the way to outright fear and terror.

The army has its own system of courts and judges, and military court, like any other court in the world, is not somewhere you really want to be. In the field, though, court is not someplace separate that you visit, it is most often the office of the commander, and, depending on the issue involved, it is usually the battalion commander who deals with the more serious issues.

When I was in the regular army, I was in the 195th battalion of the 500th armored division, and our battalion commander, a legend in his own right, gave new meaning to the fear of 'going to court'. His name was Shimon Ben Maimon, though he was known by his nickname (the acronym of his name) "Shabam", and a court martial with him, was known as a 'Mishpat Shabam' (a Shabam trial or sentence).

His reputation stemmed first and foremost from the fact that all of us thought he was a little bit mad, though he was as loved as he was feared, and his men would have followed him anywhere.

In the Lebanon war, when the 195th got stuck trying to cross the Awali River, he jumped out of his tank, under fire, and waded into the river yelling to his tank driver to follow, leading the tanks to the right crossing, while seemingly oblivious to the heavy fire he was under. This, along with various other stories earned him the reputation of being fearless.

He had a colorful reputation, to say the least, and his court-martials were no exception. Every Thursday night, the soldiers who had committed some offense, whether real or imagined, waited outside his office through the night as he 'held court' to determine guilt or innocence and hand out sentences. This experience, known as lailah lavan (or 'white night', because you stayed up all night), was unique to the 195th.

More than often than not, the offenders were cooks or mechanics who had snuck home or gone AWOL for a few days hoping to get away with it. Shabam usually had no patience for the normal system of confinement to base, days in the brig, or hard labor around the base, and often he conducted what we liked to call a 'mishpat mahir' or 'quick sentencing'. He would excuse everyone else from the office save the offender, and you could hear his screams and shouts out in the courtyard which more often than not ended with a loud bang or thump, after which the offenders would exit the office limping, or nursing a black eye. (He knew an official verdict would go on the soldier's record, and even delay their release from the army, so he would close the issue with a more direct system.) He was personally offended when

anyone of his soldiers displayed disloyalty by taking matters into their own hands rather than coming to him to beg for a pass, and rare was the man who repeated the offense and risked ending up back in his office a second time.

This 'system' probably wouldn't fly in today's army, but the men actually admired it in a perverse sort of way, and were proud to boast of it when meeting men from other battalions. I still remember the raw fear you would see on a soldier's face when he was out there waiting for his trial, listening the shouting and banging coming from inside the office while those before him were 'tried'.

To this day, I am convinced that Shabam left his window open on purpose, and had a clever system to make sure the more serious offenders waited outside for longer, to heighten the fearful experience. I can still recall the one time I was forced, while still a Private, to experience a 'Mishpat Shabam', for the heinous crime of leaving my post on guard duty for a moment, in order to relieve myself. The screams and the yelling, and his face up close, next to mine (fortunately he gauged that to be enough for me), demanding an explanation as to why I felt my own needs to be greater than the entire base, the brigade, the Israeli army, and the entire Jewish people, is something I still recall with total clarity. And I wonder sometimes, how different society and life would be if everyone had the same fear of 'the judge' that the men of the 195th carried for the 'mishpat Shabam'.

This week, the portion of *Shoftim* speaks of the importance of appointing Judges and a system of courts designed to ensure a society of law and order as well as moral clarity.

"Shoftim ve'shotrim ti'ten lecha' be'chol she'arecha', asher Hashem Elokechah' noten lecha' lish'vatechah', ve'shaftu' et ha'am mishpat tzedek."

"Place for yourselves judges and officers in all your gates that Hashem (G-d) gives you, for your tribes, and they shall judge the people with righteous judgment."

(Devarim (Deuteronomy) 16:18)

It is interesting, as we celebrate the new month of Elul and the coming of the days of Awe, (also known as the days of judgment) that this issue has become even more relevant than usual, given the challenges we are experiencing in our current war with Hamas and Hezbollah.

The nature of judgment would seem to require three things:

1. An acceptance of the right of the judge to render judgment
2. A certain fear or awe of the judge and the court he or she represents...
3. A system which ensures that the judgment will indeed be carried out, which means a system that is consistent.

And it would seem these are precisely the issues that are at the core of our current conflict:

We are faced with an enemy that does not recognize our right to exist let alone hold itself accountable to any Israeli, or Western system of judgment. Furthermore, we seem to have lost the requisite deterrent factor; Hamas terrorist leaders hiding in tunnels underneath hospitals and children's daycare centers know we will not target them at the expense of such significant potential collateral damage and civilian

deaths. And with over 1,000 terrorist freed in the Gilad Shalit exchange alone, we have demonstrated that we are not consistent; enemies do not necessarily pay as severe a price as we declare they will.

It is easy, however, to play armchair strategist, and much more difficult to actually devise and execute the appropriate strategy with all of the inherent long term implications.

We can however consider the appropriate lesson in our own lives.

The Baal Shem Tov suggests that whatever we see and experience in life is really a message for us. If we see, as an example, someone desecrating Shabbat, rather than assuming we should be judging that person's relationship with Shabbat, we need to be struggling with whether our own Shabbat needs a little work.

We are very quick to judge others ,and very good at offering and rendering our own quick verdict (or judgment calls) as to what everyone else needs to fix; perhaps we all need to spend a little more time considering what we need to judge in ourselves. What are our mistakes? Where has our moral compass gone astray? Do we really know that this world is bigger than ourselves? Have we worked this year on our relationship with our creator who must love us to have troubled to create us in the first place....

Do we have a certain awe of and love for Hashem? Are we willing to see every day as an opportunity to place ourselves in Hashem's hands; to be part of something bigger than ourselves?

And are we ready to work hard to make the system, which has been around for the Jewish people for a few thousand years, work as it should?

Perhaps while we remain so focused on the challenging events unfolding day by day in Israel, it would be valuable with the New Jewish year around the corner, to focus as well on judging ourselves, with love and an honest look at who we are and who we could be...

Shabbat Shalom from Jerusalem,

Binny Freedman