Small Tastings of Torah, Judaism and Spirituality

From Rav Binny Freedman

(Portion of Shoftim)

Court - 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, it is not somewhere you really want to be. In the field, 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).

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, as well as being 'off his rocker'.

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 handed 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 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). 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 proudly boasted 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 to mine, 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'.

All of which leaves one wondering: is this the feeling we are meant to have as we approach Rosh Hashanah, the 'Day of Judgement'?

This week we celebrated *Rosh Chodesh*, the beginning of the new month of Elul, the month that leads up to Rosh Hashanah. In four weeks, we will stand before G-d in judgment, and we will ask for a good year. The Rosh Hashanah liturgy is full of our requests for a year of life and blessing, peace and prosperity, as well as an intense awareness of the pitfalls of life.

One of the central prayers of the day make abundantly clear the fact, that on this day, at the beginning of the new year, our fate is determined:

"Who will live and who will die? Who in their time and who in an untimely (young?) manner? Who (will die this year) by fire and who by water? Who by earthquake and who by plague...?

"Like the shepherd whose flock pass beneath His staff, (G-d) passes His sheep (us) beneath his rod (club?)..."

And in the days and weeks preceding this awesome day, we begin to offer special prayers beseeching G-d for forgiveness, and hoping to repent and mend our ways, in time, before our 'day in court'.

Is this really the relationship we are meant to have with Hashem (G-d) and this special day? If indeed G- d is 'The Judge' as described in the Rosh Hashanah Machzor (prayer book), what does this mean in terms of our relationship with G-d? Who would want a relationship with a G-d that insists on 'bringing us to court' and standing over us in judgment? Does G-d want us to fear Him? Does Hashem get some perverse form of pleasure out of our trembling?

After all, everywhere else in the world, anniversaries are opportunities for celebration and parties; why are we standing in judgement instead of celebrating the birthday of the world?

Not only does this seem to be a major theme of Rosh Hashanah, but also part of the entire focus of the month of Elul (preceding Rosh Hashanah).Witness the fact that this week's portion, *Shoftim,* (literally: *"Judges*") always falls in the first week of Elul.

This week, as Moshe continues his farewell soliloquy to the Jewish people prior to their entering the land of Israel, the Torah tells us that one of the principle responsibilities of the Jewish people in creating a just society, is to appoint Judges. Moshe teaches them to appoint judges in all the cities and communities that they build in the land of Israel.

" 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)

What really, is a judge, and how are we to relate to the concept of being judged? It is interesting that in this month of Elul, the month when we prepare to meet the judge, we have the custom of blowing the *Shofar*, the ram's horn every morning, in preparation for Rosh Hashanah whose central mitzvah is indeed, the blowing of the Shofar. The ***Sefer ha'minhagim*** (book of customs) suggests that the idea of hearing the Shofar blown every day (during the month of Elul) is:

"... In order to instill fear ("yirah") and trembling ("re'adah") in us, at the approaching of the days of awe (the "Yamim Nora'im"). Just as the Shofar was blown before the high court sat to justice, so too we, who prepare for judgement, hear the Shofar and tremble in anticipation of the day of judgement (Yom haDin) which approaches...."

What does the Shofar have to do with judgement, and why is this the central theme of this day? Perhaps a closer look at the nature of the Shofar will allow us some insight into the nature of Rosh Hashanah in general, and the theme of judgement in particular.

The Talmud tells us that the experience that forms the backbone of the origins of the Jewish people's relationship with the Shofar, is the story of the binding of Isaac.

G-d tells Avraham to take his only son, whom he loves so much (Bereishit (Genesis) 22; 2), and "*offer him up as an offering*" (ibid.). Some commentaries suggest that in the three days it takes Avraham to journey to the land of Moriah, he must contemplate exactly what Hashem meant in giving him this command. All too often, we want so desperately to understand what it is that Hashem wants of us; but life is usually not quite so accommodating, and we struggle to understand which decisions are the right ones, and whether the path we have chosen is really the path we are meant to be on.

The conclusion of this story is one of the most dramatic moments in Jewish history, and could not have been scripted better in Hollywood: at the last possible moment, with his knife raised high over his beloved son Yitzchak's head, Abraham hears the voice of an angel telling him: "*Do not send forth your hand against the lad, and do nothing to him...."* (22:12)

And at this point the text tells us that: *"Avraham lifted his eyes and saw, and behold, there was a ram caught in the underbrush by its antlers...."* (22:13)

And so, Avraham takes this as a sign, and offers up the ram in place of his son. Four thousand years later, we blow the ram's horn on Rosh Hashanah to remind G-d as it were, of the merit of our forefather Abraham, whose faith was so pure that he was even willing to offer up his only son Yitzchak in service of G-d.

But take a moment to consider the implications of all this: we are blowing a horn in a few weeks (and indeed every day this month) to remember that our forefather was willing to perform child sacrifice four thousand years ago? How can we relate to this today? And even more puzzling, if this is the basis of our relationship with the Shofar on Rosh Hashanah, then the last thing we should be using as a symbol, is the ram's horn, which represents the decision (albeit at the behest of an angel) ***not*** to sacrifice Yitzchak; instead, one would have expected we should hold up a piece of wood symbolizing the altar Abraham built for his son, or a length of rope to recall his willingness to tie Yitzchak down; why the Shofar?

And a closer look at this story leaves us even more puzzled: if Hashem really wanted Avraham to offer the ram in place of his son, then why does Avraham have to "raise his eyes" and see the ram, caught 'coincidentally' in the brush? Why doesn't G-d just magically drop the ram straight onto the altar? (After all, if you're going to do a miracle, do a miracle!)

And for that matter, where is G-d at the end of the story? Why is it an angel discoursing with Avraham now, instead of G-d, who directly command Abraham to go in the first place?? (Where is G-d when you need Him?!)

And why does the Torah take pains to make it appear as though the ram just coincidentally got caught in the brush *("ve'hineh*" "*and behold*" a ram was caught...)?

If indeed whatever happens in this world is straight from G-d, then why make it appear (especially to no less than Abraham himself) that it is some great cosmic coincidence?

In truth, the story of the binding of Isaac is not only the essence of Rosh Hashanah and the month of Elul, but indeed of life itself.

Most people struggle with how G-d could 'command' Avraham to offer up his son, and in truth this is no different from the struggle any modern day Avraham and Sarah experience here, in the State of Israel, when confronted with the decision of 'offering' up their sons to the Israeli army.

As much as living in the land of Israel in our generation is a tremendous privilege, it is also a painful responsibility.

As much as I love this land, and as overjoyed as I am to be able to once again sit in our garden overlooking the same mountains of Judea Abraham walked on his way to Mount Moriah, this privilege comes with a price, which all too often is painfully paid due.

The decision to join the army myself twenty years ago and even the reality of returning to reserve duty is really not all that big a deal. But the thought that my sons, whom I love so dearly, will most probably one day soon have to don the same green uniform and head off to the battlefield, is one that fills me with pain; like most parents, I just don't let myself go there. And in truth, I can understand any parent who cannot bring him or her self to come home because of that difficult decision.

And now, just like then, the right and the wrong of it are not quite as clear as we would like, because life was never meant to be black and white.

The ***Ishbitzer*** suggests that G-d gives Avraham three days precisely because Hashem wants him to struggle with this question. ***Rashi***, points out here that Hashem does not actually tell Avraham to *slaughter* Yitzchak, but rather to *offer* him up; an ambiguous term, to say the least. What exactly does G-d mean? Is he meant to kill Yitzchak, or transform him into a living offering to G-d? Indeed, G-d could have woken Avraham up, demanding an instantaneous offering; yet He tells Avraham to journey with this question for three days, which for Abraham must have been three very long days indeed. Because for three days Avraham must struggle with understanding what G-d meant, and even second-guessing himself as to whether G-d really meant what he thought G-d meant.

Note that as the story progresses, once Hashem has communicated to Avraham the initial command, there is no further communication from G-d to further clarify what Avraham is meant to actually do!

Perhaps this is because life is not about G-d telling me what to do; it is much more about me struggling with what G-d wants me to do, and more, who He wants me to be.

Again and again in this story, Avraham faced with difficult decisions, must reach deep into himself to try and intuit what the correct path really is, and perhaps the greatest example of this, is that moment, with a knife in his hand, and his son stretched out before him, upon hearing the voice of an angel ('did *I really hear that, or did I just want to hear that*...?'), looks up and sees the ram caught in the brush.

The ***Meshech Chochmah*** (see our *Tastings of Torah, Vayera 02*), actually goes so far as to suggest that Avraham actually *failed* the test, and *passed it* all at the same time, because while he did demonstrate what in society was the willingness to make the ultimate sacrifice for G-d, Hashem really wanted to teach him (and through him the world) that the true goal in this world is not to die for G-d, but to live for G-d.

Which may be why G-d does not put the ram in Abraham's hands or command him to sacrifice it in place of Yitzchak. Perhaps the Torah is telling me that I have to be willing to take that ram by the horns. If G-d had deposited the ram directly onto the altar, then it wouldn't have been Avraham making this critical decision, it would have been G-d.

And this is the essence of the Shofar; it represents our willingness to be partners with G-d in making the decisions, often-difficult ones, in partnership with G- d in making a better world.

Indeed, the **Pri Tzaddik** (Rav Tzadok Ha'Kohen of Lublin) points out that when we were first created, the Torah tells us that Hashem literally blew the soul of life into our nostrils (see Bereishit 2:7). On a certain level, what this means is that we ourselves were actually the first Shofar, and if the blowing of that first 'Shofar' (us) represents our creation, and the potential of all we are meant to achieve, then *our* blowing of the Shofar on Rosh Hashanah, the anniversary of that first 'Shofar' blowing, represents what we choose to give back to G-d.

All of which brings us back to Judges and the portion of *Shoftim*.

In truth Judaism does not necessarily view judgement as a negative experience, because Judgement is a statement that things really matter. When we are judged, it means that what we do matters, and that we are accountable for our actions. But, even more, it means that what we do actually makes a difference.

If someone can judge me, it means that they care, because if they didn't care, why would they bother passing judgement? Indeed, the people we judge the most, are the people we love the most. And this is the essence of Rosh Hashanah: on this day Hashem tells us, each of us, that we really matter, and that He really cares.

This is why discipline and judgement, in the proper proportions, are so critical in relationships, indeed, it is so sad to see children sometimes who never get judged, because often the message they take away is that no-one really cares....

And this is very much part of why Judaism takes such issue with the idea of Pan-creationism (the idea that G-d created the world and then moved on), because (aside from the illogical nature of a G-d that does not know (the minimum of involvement Judaism must assume from G-d) as being limited) a G-d that is not involved, is a G-d that does not care.

And more than anything else, Hashem is the judge on Rosh Hashanah precisely because what we do, indeed, whatever we do, really does make a difference.

And of course, a critical part of this process is not just how we are judged, or even how we judge others, but how we judge ourselves. This does not have to mean that we need necessarily be harsh on ourselves, but at the very least means that what we do matters to us, and that we think we are worth being judged.

Taking stock of where I am, and judging myself in terms of how I can improve, means that I matter to myself, (and have self-worth), such that I not only want to be better, but I am actually worth the effort and investment in becoming better.

And that is the essence of this week's portion. We need to 'appoint' judges at all our 'gates' and take a good hard look at where we are at, and how much we are worth improving.

May we all find the strength, as the sounds of the Shofar echo daily from Synagogue windows, to dream of the many ways we can become better, and to recognize that we are worth that effort.

And when we begin to see the value and the worth not only in improving ourselves, but in how much everything and everyone around us is worth that investment, then we will have come a long way towards bringing about the blowing of that ultimate Shofar, heralding a new era of peace and brotherhood, love and harmony.

Who knows? Maybe this year will finally be that year?

Shabbat Shalom from Yerushalayim,

R. Binny Freedman