



***Authentic Kabbalah - Sephardic Studies
Benei Noah Studies - Anti-Missionary/Anti-Cult Materials***

Torah Law Enforcement Commentary to Parashat Shoftim

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**“Judges and police officers you shall place in all your gates,
which HaShem your G-d gives you, for your tribes,
and they shall judge the people with righteous justice.”**

(Dev. 16:18)

“Righteousness, righteousness, shall you pursue.”

(Dev. 16:20)

The lesson in this week’s parasha is one of the most difficult for us to deal with in modern society, the pursuit of justice. The parasha begins by commanding us to establish and empower courts of Law and to deploy enforcement officers whose job it is to impose compliance to the Law. Neither of these concepts sounds foreign to those of us today living in western democratic states. However, the Torah is speaking about the imposition of religion.

In our modern democratic society where the concept of freedom is paramount, the concept of government imposed religious coercion is considered loathsome. Yet, this is exactly what Torah is commanding us to do. Some modern Torah commentators will attempt to explain away the clear meaning of this passage, to make it more palatable for today’s audience. Nonetheless, we must understand what this commandment is really saying and how best we can fulfill it today, although we do not live under the ideal conditions to fulfill it properly in accordance to its original meaning.

The concepts of Shoftim (judges) and Shotrim (police officers) are well known to us and excepted by us as foundational to any society. No modern country would be able to survive if it did not have a court system to uphold the nation’s laws and a police force to

go after the lawbreakers. The United States and most western countries have three branches of government, the legislature (Congress), the judiciary (Federal Courts) and the executive (President and Cabinet).

According to Torah Law, the separate roles of a judiciary and a legislature were combined in one body – the Sanhedrin. The King, descended from David headed the executive. Thus, the King and the Sanhedrin were the supreme bodies of Law enactment, Law enforcement and Legal judgements.

The Grand Sanhedrin was the highest legislative and judicial body in Israel. Yet, there were lower Sanhedrins, both at the national, tribal and local levels. Indeed, every city at least had a Beit Din (a court of three). Even today, centuries after the dismantling of the Sanhedrins, the local Beit Dins in the individual cities still carry the weight of Torah law enforcers. This is clearly defined in this parasha (Dev. 17:9-12).

Unlike American law, one accused of violating Torah law was never subject to trial by a jury of one's peers. Such a concept is inherently flawed according to Torah. Torah law demands that the accused individual be judged for his alleged action. Issues peripheral to the specific case do not matter. Interpretations of the crime are inadmissible in a Torah Court. Either the evidence exists to convict or there is no conviction. Two witnesses are required to have witnessed the violator knowingly transgress the Law.

It is the job of the Torah Judges (not a jury) to decide whether the witnesses are indeed telling the truth. There are no attorneys. There are no plea bargains in Torah law, or lengthy appeals processes. The judges themselves act as both prosecutor and defense council. Their concern is only for one thing – JUSTICE! Justice is the basis upon which all Torah law is based.

In order to avoid having to punish people in court for violation of the law, a police force was established to make sure people comply with the law. Yet, understand that when this Torah commandment was given, the police force of those days was instructed to uphold Torah Law. In those days, the police would have arrested and punished anyone who dared violate the Shabat, eat something unkosher or dress in an immodest fashion.

These were the Torah police. This is a concept that sends dread and fear into the hearts of modern Jews, including many Orthodox. Yet, the establishment of a Torah Police is a Divine commandment. Although the Sanhedrins no longer stand, the commandment to establish and maintain a Torah police force still does.

To make matters worse from a modern point of view, Rashi's commentary quoting Midrash Tanhuma states that the job of the Torah police is to impose legal compliance on the populace "B'makel U'b'ritzuah" (with a cane and a strap). In other words, compliance was imposed corporeally. You observed the laws of Torah and of the Beit Din, or else you were literally beaten into submission. The job of the Torah police is to impose the orders of the Court (San. 16a). What a horrible thought by modern day

standards. Yet, this is Torah Law. How far have we fallen from understanding and supporting a Torah way of life?

One of the many sins in today's Orthodox circles is that most individuals do not fulfill the edict in Pirkei Avot (1:6) which states, "Aseh L'kha Rav" (make for yourselves a Rav). In other words, in order to avoid confusion and violations in areas of Halakha and Hashkafa, which can then lead to punishment, each individual Jew should have his own Rav whose authority he accepts in all religious matters. Alas for us, muddled as we are in our misguided attitudes of freedom, that are nothing more than justifications for rebellion.

Today, if a person's Rav says something that the person disagree with, he simply goes Rabbi shopping and gets other Rabbinic opinions until he finds one that he approves of. This is a disgrace, an abuse and circumvention of Rabbinic authority.

Instead of following our holy Rabbis, some religious people today decide Jewish Law for themselves, making grievous errors because they are not willing to submit themselves to a higher authority. Instead of molding themselves to Halakha (Torah law), some religious people today endeavor to mold Halakha to themselves, to remake it over in their own image (G-d forbid).

Because we do not have today Torah law enforcement this has allowed all forms of Jewish heretical movements to flower like weeds, some even within the Orthodox communities. Yet, if anyone were to call for a grass roots organization to attempt to impose Torah Law on others, such a one would be called every bad name under the sun. He would be an extremist, a fanatic, a dangerous kook and more! Yet, what is so bad about Law enforcement?

We all respect police officers and hold them in the highest esteem. Why should this be limited to only secular officers enforcing secular law? What do you have against Torah police officers enforcing Torah Law? Think about how this makes you feel?

How would you feel if a Torah policeman gave you a \$50.00 fine for davening too fast? You probably would be outraged! Yet, how would you feel if a local police officer gave you a \$50.00 fine for driving too fast? That you would understand and accept. You would admit that you were driving too fast, pay your fine and be quiet about the matter. You accept and respect secular law, but what about Torah law?

What if your synagogue Rabbi made a new rule that those who arrive late for davening thus holding up the minyan would be fined \$25.00 each time? You would be outraged, call the Rabbi some bad names and most likely find yourself another shul to daven in. Yet, why? Why do you so adamantly reject any type of Torah law enforcement?

Please do not go hiding under the shirttails of democracy and say that we live in a free country and that one here can do what one chooses. This is a lie, both for Gentile and especially for the Jew! A Gentile is required by Divine law to observe the Sheva Mitzvot

D'Beni Noah (seven universal laws). A Jew is required by Divine writ to obey the 613 mitzvot. These laws are not subject to discussion, change or repeal! There is no majority rule here. There is only Divine rule. The Divinely ordained laws thus supercede secular law on every occasion of contradiction.

Even when our holy Rabbis enacted the ordinance of Dina D'malkhut Dina (the law of the land is to be followed as if it were Torah law), this only applies when said Gentile law does not contradict Torah law. In case of conflict, a Jew is required to follow Torah law. I know this might anger some, but nonetheless, it is the Halakha. America and other nations cannot dictate law to a Jew in contradiction to Halakha.

Nonetheless, this is no excuse for flagrant violation of Gentile secular law. Those laws must be upheld with all vigor of Torah law, just so long as they do not contradict. Thus, a Torah observant Jew must observe the laws of the Gentile country that he lives in. Even if those laws are stricter than Torah law, the Jew is required to follow them and be meticulous about them. As long as they do not contradict Torah law, they must be followed.

If a Jew were, for example, to cheat on his income taxes or in business, by taking a loophole allowed by Halakha but forbidden by secular law such an individual cannot claim that because the Torah law allows him such, he doesn't have to listen to secular law forbidding it. This violates both secular and Torah law. Such a one commits a Hillul HaShem (desecration of G-d's Name). If Torah law enforcement were available, such a one would be publicly whipped for his crime!

The major point that must be emphasized in this week's parasha is not merely the rule of law, but rather the pursuit of justice. Justice is one of those funny things that might not always be found under the letter of the law. Indeed, one attorney friend of mine once told me that American courts are courts of law, not of justice. Well, this is not satisfactory under Torah law. Torah commands us to pursue justice. This means that at whatever cost we have to run after justice, track it down, capture it and make sure that in every law case justice is the outcome and not merely the letter of the law. Justice is almost a forgotten concept in the western secular court systems.

Justice means doing what is righteous, it means doing what is right. We all too often forget about right and wrong and seek to do the convenient. This is what perverts justice. It is the lack of justice that causes resentment. Resentment turns into anger, anger turns into revolt, revolt turns into revolution and in the end, all we have left is anarchy, pain and suffering. These are the fruits of injustice, even when one wants to say that it is the letter of the law. As our holy Rabbis have taught, we have to go "Lifnim M'shurat HaDin (beyond the letter of the law). We must pursue justice! We must embrace law enforcement, especially of the Torah kind, for by doing so, we push ourselves to become better individuals. We must become better individuals of better moral character. Only in this way can we become better Jews and hasten the coming of Mashiah.