

SEPTEMBER 1, 2008

Parashat Shoftim

Justice and Enforcement

Shoftim v'shotrim... – “Judges and policemen...” (Deuteronomy 16:18)

Every society necessitates a system of justice. We require *shoftim* - judges who can determine whether a behavior is appropriate, and *shotrim* - policemen to enforce the decisions of those judges. These two arms of the law depend on each other. The Midrash connects these two arms of the justice system together teaching us: “Said Rabbi Elazar ben Shamo: If there is a policeman, there is a judge, and if there’s no policeman, there’s no judge. How is this so? If two men came to the judge and he exonerated the innocent and charged the guilty – and then they walked outside. If they do not wish to accept his judgment, what can the judge do? For this reason God said, ‘Judges and policemen shall you place.’” Put simply judgment without enforcement is not justice.

The Midrash teaches that it is not enough for a judge to make a decision, but that someone must also enforce that decision. Today, the world has judged Iran guilty of violating her commitments by developing a uranium enrichment program, and the time has come to pass further sanctions to halt this illegal activity.

The world has correctly passed judgment on Iran’s nuclear program. The United Nations has already approved three resolutions calling on Iran to halt her nuclear program, but the enforcement of that judgment has proven insufficient. While the previous rounds of sanctions have had an effect on the Iranian economy, the Islamic Republic persists with its quest to enrich uranium. Just last week Iranian Supreme Leader Ayatollah Ali Khamenei praised the Iranian government’s refusal to halt its nuclear work calling it a symbol of the country’s “national identity.” To help persuade Iran that her national interest do not lie in nuclear proliferation the U.N. Security Council should impose a fourth round of sanctions against Iran demanding a halt to the country’s uranium enrichment activity. In addition, the United States and our allies need to aggressively spearhead international efforts to impose tougher sanctions on Iran, including a ban on the sale of refined petroleum products, to further isolate and pressure the regime to change course.

The international community has correctly judged Iran, declaring that their nuclear program poses a direct threat to peaceful democratic countries throughout the world. However, the *shofet* is not enough. We also need the *shoter* to compel Iran to comply with international demands to halt its nuclear activities. ■

Indirect Leadership

Yadeinu lo shafchu et ha’dam ha’zeh – “Our hands did not spill this blood” (Deuteronomy 21:7)

In the *eglah arufah* ceremony, the elders of the town closest to an unclaimed corpse are required to declare their innocence in the death. Rashi asks the obvious question: “Would it enter our minds that the elders of the court are murderers? Why must they profess their innocence to a crime we do not suspect them of committing? Rashi elaborates: “Rather, they did not see him and sent him on his way without food or accompaniment.” Rashi’s answer teaches us that while the elders may not have directly caused the death, their lack of leadership and involvement

brought about conditions that allowed the death to occur. For their oversight, they bear responsibility that they must accept and rectify.

Leadership demands not just direct responsibility for terrible events, but indirect responsibility as well. The *eglah arufah* reminds us that preventing tragedies falls not only on those who actually perpetrate the events, but also on people who could have prevented the incident from taking place.

This concept of accountability applies today as well, particularly on the Syrian-Lebanese border where United Nations troops have not lived up to their mandate. Under the watchful eye of the United Nations Interim Force in Lebanon (UNIFIL), and despite the arms embargo imposed by U.N. Security Council Resolution 1701, which ended the Second Lebanon War in 2006, Hizballah has tripled the size and scope of its rocket arsenal to more than 40,000 rockets and missiles. Despite repeated promises by Lebanon and Syria to address the issue Hizballah has constructed a sophisticated network of underground bunkers throughout southern Lebanon. UNIFIL has refused to confront Hizballah over its repeated violations of U.N. Security Council Resolution 1701 despite the fact that under the resolution, U.N. forces in Lebanon are specifically authorized to “take all necessary action ... to ensure that its area of operations is not utilized for hostile activities of any kind.”

The international community must provide U.N. troops in Lebanon with the legal mandate and political support to help the Lebanese government assert its authority and maintain stability. If it fails to do so, and Hizballah uses these weapons, the leaders of the United Nations will not be able to claim, “Our hands did not shed this blood.” ■

The Blindness of Bribery

V’lo tikach shochad – “Neither shall you take a bribe” (Deuteronomy 16:19)

Our *parashah* cautions judges to preside with honesty and to refuse bribes, “for bribery blinds the eyes of the wise, and perverts the words of the righteous” (verse 19). This negative commandment appears twice in the Torah – here and in Exodus (23:8), where we learn that bribery “blinds those that have sight.” Sefer Hachinuch (negative commandment 87) states that the prohibition against bribes is “obvious and needs no elaboration.” Moreover, the Midrash presents a powerful parable: “To what may one [who accepts bribes] be compared? To a man who stands by the sea and puts a worm on his hook and throws the hook into the sea. A fish comes, swallows the worm but is caught. Woe to that fish who was caught for nothing!” (Midrash Tanaim Deuteronomy 16)

Nowadays this one parable relates to another: Iran is that fisherman, standing by the sea, trying to reel in companies with small worms. While German companies might profess innocence, the Torah reminds us that their profits from Iranian business blind them to the moral sensitivity crucial to their decision making process.

Despite political pressure from the German government, Iran is making the round of German firms, courting business partnerships, seeking to undermine international sanctions. Acting Iranian Foreign Minister Mehdi Safari told the daily Financial Times Deutschland, “We are open for any and all business.” Going further, Safari told the paper that, “We will give guarantees for their investment,” speaking of Iran’s active courting of business investment from German companies. Offering guarantees to those willing to invest in Iranian infrastructure is the Islamic Republic’s best attempt to subvert international sanctions designed to halt her uranium enrichment program. Safari’s efforts come on the heels of Iran’s recent announcement of a deal worth \$156 million to the Steiner-Prematechnik-Gastec company to turn gas into liquid fuel at three plants in Iran. German government spokesman Thomas Steg claimed that the deal is legal under laws that ban certain kinds of trade with Iran, however, the company should feel a “moral duty” to forfeit the deal due to the “sensitive conditions regarding trade with Iran.”

Caught on Iran’s hook of financial incentives some German companies are blinded to the damage these contracts inflict on international efforts to halt Iran’s nuclear enrichment program. The United States must pressure its European partners to not take the bait, and close these loopholes that allow such deals to proceed. ■

Sermon tidbits are intended for your use without attribution. Please feel free to use some or all of the material. Although it is not necessary, it is appreciated if copies of sermons or articles that use the ideas presented here are sent to synagogue@aipac.org.