

FEBRUARY 8, 2010

Parashat Mishpatim

Judges Ignoring Justice

V'eileh mishpatim – “Now these are the ordinances...” (Exodus 21:1)

Parashat Yitro ends with the prohibition against building steps leading up to an altar, and Parashat Mishpatim begins with the laws dealing with the Jewish legal system. Why does the Torah place these two seemingly unrelated subjects next to each other? Rabbi Avina (Midrash Shemot Rabbah 30:1) explains: “Just as the Holy One warned the priests not to take large, haughty steps [when walking] to the altar...so too the Holy One warns the judge not to take large haughty steps in judgment.” Thus, the Torah juxtaposes these two subjects to highlight the care which judges must take to properly wield their great power and influence over society.

This approach towards judicial responsibility remains valid today, however, there continue to be countries which ignore the role of justice in the legal system.

The New York Times recently reported that Iran hastily ordered the executions of two political prisoners “to intimidate the opposition and to silence the protests that have persisted” since last summer’s disputed presidential elections. The government charged the two, as well as nine others, with the crime of *moharebeh*—waging war against God. Iranian cleric Ayatollah Ahmad Jannati “praised the executions during the Friday Prayer sermons at Tehran University and called for more. ‘I thank the judiciary for executing these two men so quickly...but the judiciary needs to stand firmly. Otherwise, if it shows weakness, we will suffer more. There is no room for Islamic mercy.’ These statements highlight the tragic abuse of the Iranian judiciary to achieve political means. Meanwhile, with another large demonstration planned for February 11th, the country is preparing for the possibility of even more arrests and death sentences. For more information on Iran, visit www.aipac.org/Iran.

When the Iranian judiciary denies justice in favor of political goals, they take the large, haughty steps which the Torah warns against. In doing so, they transform the judiciary from a tool of justice to a tool of oppression. ■

Discovering the Guilty

V’haelohim inah l’yado – “but God causes it to come to hand” (Exodus 21:13)

In the Torah’s description of an accidental killing we read: “And if a man lies not in wait, but God causes it to come to hand...” The rabbis in the Talmud (Makkot 10) wonder why God would ever want to bring about the accidental death of one person at the hands of another. The Talmud explains that this verse refers to a rather unusual case where two people killed others—one intentionally, the other accidentally—and there were no witnesses. While the Torah’s court system could not have prosecuted either person for the lack of witnesses, God guided the two killers to an inn where they received justice. In a mishap witnessed by onlookers, the accidental killer fell while climbing down a ladder and took the life of the murderer. Thus, both killers received their proper punishments: the murderer was put to death and the accidental killer was forced to flee to a city of refuge.

The Talmud states that in this way the verse teaches us that even at times when the truth is hidden, divine justice can ensure that criminals are punished. Nowadays we cannot merely rely on such supernatural events to punish criminals,

we must be proactive in stopping the crimes. Thanks to a new Israeli company, we may finally have the ability to do just that.

Israeli security firm WeCu has developed a biometric detection system that includes technology capable of recognizing potential criminals in airports. The system flashes stimuli—such as photos, symbols or code words relating to the information authorities are most interested in—to passengers as they go through terminal checkpoints. Hidden biometric sensors then detect travelers’ physical reactions and subtle behavioral changes to the stimuli, indicating whether further investigation is necessary. The website Israel21c reports that “tests in both lab and real-life situations with hundreds of subjects have shown that 95 percent of the people flagged by the WeCu system are indeed ‘persons of interest’ with whom authorities would want to have a chat.” According to WeCu CEO Ehud Givon, “Profiling doesn’t always work and it makes many people angry...Our method focuses not on an external profile, but instead checks each individual’s reactions to specific stimuli...Based on the criteria and the response, we can accurately determine whether a candidate is likely to behave in an illegal or dangerous manner.”

While in Talmudic times we relied upon God’s helping hand to differentiate between the innocent and the guilty, security personnel today do not have that luxury. Systems like WeCu can help fill this void and root out people with nefarious intentions. In doing so, WeCu will help us discover the guilty and keep air travelers safe. ■

The Distance of Lies

Midvar sheker tirchak – “Keep far from a false manner” (Exodus 23:7)

According to S’forno, in the admonition to “keep far from a false manner” the Torah warns judges not only to uphold the truth, but to avoid making any pronouncement that could be misconstrued and unintentionally spread falsehood. However, Rabbi Zusia of Anapoly offered a different interpretation of this well-known verse, interpreting it to mean that one who is a speaker of falsehoods will be distanced from God. Thus, Rav Zusia taught that one who lies or promotes falsehoods is not only distanced from God, but that all of that person’s good deeds cannot help them regain that sense of closeness until they return to a path of truth.

Rav Zusia’s interpretation places an even greater responsibility on one to tell the truth, reminding us that through lying we actually distance ourselves from our goals. Sadly, the Palestinian Authority (PA) has not recognized this fact. Rather than objectively educating the Palestinian public about Israel, the PA encourages the dissemination of myths and falsehoods which demonize Israel—making peace even more difficult to achieve.

Israeli Deputy Foreign Minister Danny Ayalon recently participated in a press conference with the TaxPayers’ Alliance, a London-based advocacy group, to highlight how the PA uses international donor funds to directly incite the Palestinian population to hate Israel. “The recent Fatah Conference, which we [Israel] helped facilitate, came out with very negative messages which emphasized education to the armed struggle. The Fatah Constitution still calls for the eradication of the State of Israel...As long as Israel is not accepted as a legitimate and natural part of this region then we will not see a desire for peace,” Ayalon said. Matthew Sinclair, Research Director of the TaxPayers’ Alliance, gave a recent example of a Palestinian Imam calling Jews “the enemy of humanity” during a Friday sermon on the official government Palestinian Broadcasting Corporation television station. For more on how the PA obstructs peace efforts, click [here](#).

If the PA truly desires a permanent peace with Israel they must end incitement against the Jewish state. As it stands, the lies inherent in their anti-Israel incitement only serve to distance the PA from Israel—promoting hatred in the generations to come. ■