

SHOFTIM (DEUTERONOMY 17:18-21:9)

Clean Hands and Clear Conscience

2002 · Rabbi Yerachmiel Sepowitz

The Month of Elul is upon us once again. This final month before Rosh Hashanah is a time for introspection and preparation for the High Holidays. It is a time for getting our spiritual house in order. It is the time for us to make sure we are doing what's right. (See the suggestions at the end of "Advice for the Foxholes of Life".)

"Clean Hands and Clear Conscience"

Appoint judges and police for your tribes in all your settlements that G-d is giving you. (Deuteronomy, 16:8) Without judges, there is no justice, and without enforcement, justice is meaningless.

It is our responsibility to see to it that we live in a just society. This week we read of many justice-related Commandments. I would like to share three of them with you.

1 -- REFUGE CITIES -- Back in Numbers, Chapter 35, we read about the special cities of refuge that were set up for accidental murderers. This Mitzvah is repeated in this week's reading. If someone had committed manslaughter, he was exiled to a city of refuge, maintained by Levites, where he would live in protective custody. Living in this city protected him from relatives of his victim who might want to avenge his death. The killer was not given a choice. He HAD to stay there, even if he was not afraid of the victim's relative. He was, after all, a killer, and could not get off without being punished.

2 -- CONSPIRING WITNESSES -- Witnesses testify against a defendant in court. For example, they testify that they saw so-and-so commit murder on Tuesday the 13th at 7:30 in the evening in New York. Or they may testify that they saw him borrow \$500 from his neighbor. Along come additional witnesses who testify that the first witnesses could not possibly be telling the truth. They say, "The first witnesses could not have seen those events in New York because they were with us in California on Tuesday the 13th."

The judges will carefully interrogate (the refuting witnesses) and if (the first) witnesses are found to have testified falsely against their brother, YOU MUST DO TO THEM AS THEY PLOTTED (i.e., execute them if they testified about murder, or make them pay him \$500 if they claimed he owed money, etc.). . . When the other people will hear about this, they will have fear and never again do such a thing in your midst. (Ibid, 19:18-20)

3 --THE UNSOLVED MURDER -- If the body of a murder victim is found, the judges are supposed to measure the distance to surrounding cities to see which city is closest. The elders of that city and *Kohanim* -- Priests, go to an uncultivated field. A calf is killed in that field, to serve as an atonement for the murder. (Rashi explains that a calf, too young to "bear fruit," is killed in a field that doesn't produce fruit, to atone for the death of a person who can no longer produce "fruit," i.e., fulfill commandments.)

The elders . . . will wash their hands over the calf . . . and say, "Our hands have not spilled this blood, and our eyes did not see." (The Priests say) "Forgive Your People, whom You, G-d, have redeemed. Do not allow (the guilt for) innocent blood to remain with Your People Israel." (Ibid. 21:6-8)

Isn't it strange that the elders would make such a statement? Do we really suspect the elders of spilling innocent blood? Do the rabbinic leaders have to publicly state that they are not murderers?! Would anyone actually think to accuse the LEADERS of committing this heinous crime?

What do they mean when they say, "*Our hands have not spilled this blood, and our eyes did not see?*"

Rashi explains: "*We didn't see him and send him away unfed and unescorted...*" The Torah is teaching us a powerful message.

A man has been found murdered. The elders have to claim innocence by stating that they didn't ignore a stranger passing through town. Had they seen him and ignored him, they would have been partially guilty for his death!

There is a common thread that runs through the three above-mentioned commandments. It is the idea of responsibility.

A person kills another human being. "I didn't do it on purpose," he says. "It's not my fault!" He goes into exile.

A person is almost punished for a crime he didn't commit. In the nick of time, the witnesses are discredited. "All's well that ends well," say the witnesses. He wasn't punished. No harm done!" The witnesses receive the punishment that they had planned for the defendant.

An unknown vagrant passes through town and ends up dead. "He was a stranger," the townspeople would say. Why should we feed and protect a stranger? The elders of the town are considered accomplices in the murder.

You don't have to aim a gun and pull a trigger in order to kill someone. There are crimes of commission and crimes of omission.

Do we make sure that other people's needs are met? Do we reach out to help them with charity, a loan or an encouraging word? Or do we speak against them, and use verbal daggers to stab them in back? The Torah is telling us that we are responsible for the well being of our neighbor. There are no excuses.

I received a letter from the White House this week. (No, "W" does NOT subscribe to TorahTalk!) They were responding to my letter to the President encouraging him in his support of Israel and his war on terrorism. We have to do everything we can, every gesture possible to aid Israel.

A resident of the retirement home where I serve as chaplain said goodbye to me the other day. "I'll see you after Rosh Hashanah," she said. "I'm going to Israel tomorrow."

"Please do me two favors," I said. "Be careful and spend lots of money!"

If Israel doesn't have the full support of our elected officials, if the Israeli economy falters because no one is visiting, if the slanted "testimony" of CNN and the New York Times goes unanswered, will WE be able to wash our hands and say, "our hands did not spill this blood?"

Have a great Shabbos.

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