

In the heart of Yerushalayim - on the night before the first shofar blasts of Elul – on the night before the sweet sounds of Torah returned in full strength to the batei midrash of Israel – a group of Jewish teens nearly lynched an Arab teen named Jamal Julani, while many other (thankfully not all) Jews watched and did nothing. Afterward, an organization posted signs warning Arab youths to stay away from Ben Yehuda lest they be harmed.

It was the last night of my trip to Israel, and I was in Efrat; I don't know whether I would have had the courage to intervene if I had been in Kikar Tziyyon instead. But the realization that I might have been there intensifies my sense that kol yisrael arevim zeh bazeh, that all Jews are responsible for one another's souls and actions, and I know this - the heart of Yerushalayim is broken, and it is our obligation to repair it.

May this brief dvar Torah contribute to the beginning of that process, an *atchalta d'teshuvah*.

Parashat Shoftim begins

דברים טז:יז-כ

שפטים ושטרות תתן לך בכל שעריך

אשר ה' אלקיך נתן לך

לשבטיך

ושפטו את העם משפט צדק

לא תטה משפט

לא תכיר פנים

ולא תקח שחד

כי השחד יעור עיני חכמים ויסלף דברי צדיקים

צדק צדק תרדף

למען תחיה וירשת את הארץ

אשר ה' אלקיך נתן לך: ס

Judges and police you must establish in all your gates
which Hashem your G-d is giving to you

by tribe

and they must judge the nation with righteous judgment.

You must not slant judgment

You must not recognize favorites

and you must not take bribes

because bribery blinds wise eyes

and distorts righteous words.

Righteousness, righteousness you must pursue

in order that you live and inherit the land

which Hashem your G-d is giving to you.

Rashi:

"למען תחיה וירשת" - כדאי הוא מנוי הדיינים הכשרים להחיות את ישראל ולהושיבן על אדמתן

“In order that you live and inherit” - The appointment of proper judges is sufficient to keep Israel alive and place them on their land

Rashi notices the repetition of “which Hashem your G-d is giving to you”, and understands this to mean that the entire second unit should be read as a *commentary* on the first. Therefore the reward of the land is not the result merely of the pursuit of *tzedek*, or even of the fervent pursuit of *tzedek*, but rather of the pursuit of *tzedek* via the establishment of enforceable judicial authority. This is the core mitzvah of sovereignty – making sure that the weak are protected from the strong, and the minority from the mob, by the rule of law.

Properly fulfilling this mitzvah ensures Jewish continuity on the Land. Incomplete fulfillment – that is to say, the establishment of a judicial authority that slants judgment, shows favoritism, and is corruptible, but nonetheless maintains the rule of law – permits Jewish continuity on the Land. But anarchy and mob rule lead inevitably to destruction. Thus the Book of Judges bewails that “In those days there was no king in Israel – each man did what was proper in his own opinion”, without naively assuming that every king in Israel would be a paradigmatically moral or ethical figure. The rise of a recognized enforcement authority at least made it possible for Israel to avoid exile for hundreds of years.

At some point exile and destruction happened anyway. Yeshayahu 1:21 makes clear why:

איכה היתה לזונה קריה נאמנה מלאתי משפט צדק ילין בה ועתה מרצחים:

How did she become a strayer, that faithful fortress-city which I filled with *mishpat*; *tzedek* once rested in it, but now only murderers.

Yirmiyahu similarly denounces those who believe that ה'יכל is immune to destruction, and therefore see no reason to prevent murder.

Now commitment to *toras emes* requires the admission here that the Torah contains at least two narratives which seemingly leave space for vigilantism, and worse, both deal with physical intimacy between Jews and non-Jews. And it seems possible that the Jews who nearly murdered Jamal Julani were, in their own minds, heroically reprising the roles of Shimon, Levi, and Pinchas. Almost certainly the Jews who valorize the mob see them that way. We are at risk of another Yigal Amir-style perversion of Torah.

The question is how best to respond to such perversions. In the aftermath of the Rabin assassination, I published and taught what I consider legally compelling explanations of why one could not halakhically declare an elected prime minister a *rodef* because he pursued policies that one believed were tragically mistaken. Similar expositions are necessary here - It is vitally important for us to develop a rhetoric that firmly opposes intermarriage but does not depend on devaluing Gentiles.

But in the short term, what I think is necessary is that an overwhelming halakhic voice be heard simply rejecting this act of violence, and more – that a powerful public halakhic voice emerge that can be counted on to reject all similar actions. I am cheered that those rabbis to whom I have reached out thus far to discuss this specific issue – including a shul rabbi, a high school mechanekh, a rosh yeshiva, and a political activist – have shared my moral outrage. Perhaps some redemption can yet emerge from this tragedy.

Shabbat Shalom

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