



PhiloTorah D'var Torah

CHUKAT MISHPAT

The strange Case of Dr. Juan Cirujano

Dr. Cirujano was born in Spain to parents of crypto-Jewish (PC term for Marrano, which is an offensive term) descent. The family emigrated to the United States when Juan was a young boy. Juan grew up to become a world-renowned heart surgeon. He developed a life-saving procedure that only he and his hand-picked and trained team could perform.

At the height of his career, he made the momentous decision to make Aliya. He was courted by many hospitals in many of the cities in Israel, and he chose a particular hospital in Petach Tikva to join their staff as chief surgeon.

As soon as he and his family were settled into day-to-day life as Olim Chadashim, he began training a team of doctors and nurses and subsequently started performing his unique operation on an ever-increasing list of patients from Israel and other countries around the world.

The hospital built a hotel and mini-mall next door to accommodate the many patients and their families who came from abroad. The hospital

developed a sparkling reputation worldwide, and its investors prospered financially - all thanks to Dr. Cirujano.

One day, the doctor decided to take the day off and go to Caesarea for a round of golf, a game he became fond of from his days in the States.

On the fifth hole, he missed an easy putt and reacted in frustration by tossing his putter away. Tragically, the putter struck a bystander in the head and killed him.

Following correct halachic procedure, Dr. Cirujano fled to an IR MIKLAT to await trial.

A few days later, he was brought back to the Petach Tikva Beit Din, a mini-Sanhedrin of 23 judges.

Several witnesses testified at his trial, were questioned and examined by the Beit Din, and the Dayanim retired to their conference room to discuss the case.

The overwhelming consensus was that this was a classic case of ROTZEI'ACH B'SHOGEG, inadvertent killing, and that the doctor must be returned to the IR MIKLAT and remain there until the death of the Kohen Gadol. (Sorry, I forgot to mention that this fictional story takes place sometime in the future [near-future, we hope and pray] when we will have a Beit HaMikdash, a Great Sanhedrin

and the full infrastructure of Torah Judaism in place.)

One of the judges spoke up at this point in the deliberations. He said that if we declare that this is a SHOGEG situation, we will lose this great surgeon. We will lose the profits of the surgery, of the hospital stays. Many people will lose their jobs. The hospital's hotel will probably have to close. It will be a disaster to Petach Tikva. I have an idea - this judge offered. Instead of sending him to an IR MIKLAT, which will result not only in the loss to us, but it is highly unlikely that the good doctor would be able to continue his vital operations that save so many lives. I suggest that we place the doctor under house arrest, right here in PT, in the hospital campus. That would provide the same protection from a blood-avenging relative. That would have the same punitive value as an IR MIKLAT. And we will not lose out on all of the benefits and profits that are due to Dr. Cirujano. And, think of the lives he would be able to continue saving.

Sounds like a great idea. A great plan. But this is exactly why the Torah has to command that a Beit Din not deviate from the required handling of a SHOGEG killer. Not fair? Not logical? Defies common sense?

Maybe. But we say to this issue - which is deemed a CHUKAT MISHPAT

- the same as we say with ZOT CHUKAT HATORAH, and which we should say about all mitzvot:

G'ZEIRA HI MILFANAI, V'EIN L'HAR-HEIR ACHARAV - This is a decree of the King, AVINU MALKEINU, and we cannot challenge it. **PTDT**