



by Rabbi Dr Raymond Apple z"l

SHO-F'TIM

Battling Crime

A remarkable ethical law concludes the sidra - the procedure that applied in ancient Israel to an unsolved murder.

If someone is found in a field stabbed to death and no-one knows who killed him, the elders of the nearest city have to wash their hands as a sign of innocence and say, "Our hands have not shed this blood" (D'varim 21:1-9).

You may wonder how anyone could possibly have suspected the elders of committing the crime. After all they are the most respected citizens of the city and not likely to be common criminals.

The rabbis explain that no-one is accusing them of actual murder, but by saying "Our eyes have not shed this blood, neither have our eyes seen it", they were implying, "He did not come to us hungry and we sent him away without food; we did not see him and let him go without an escort" (Sotah 46b).

A crucial question has to be asked, however. Who is it who was not sent

away without help? The Babylonian Talmud thinks it is the dead man; the Jerusalem Talmud thinks it is the murderer.

Of course, whichever way the verse is interpreted the point is the same: if something goes wrong in society the leading citizens cannot wash their hands of responsibility. Nor is it enough to have good policing. No: the government and community leaders must ensure they eradicate the conditions that lead to crime.

But come back to the two interpretations. If it is the victim who was not left without help the implication is that if left hungry he would have been too weak to stand up to his assailant; if left without an escort he would have to cope on his own in a dangerous environment.

If it is the murderer to whom the verse refers, it means that he was not left so hungry and desperate that he would resort to anything; he was not left without an escort who could have persuaded him against any foolish action.

Both views are possible. Both point to the serious duty of creating a climate in which crime will simply not happen.

Man and the Trees

It sounds like heavy sarcasm when the Torah declares that in wartime an army should not attack the trees, "for is the tree of the field a man that you should besiege it?" (D'v. 20:19-20).

The question is, "What has the tree ever done to you that you should attack it?" Fair enough, but why should you attack a human being either? What have the human beings on the opposing side ever done to you that you should want to harm them?

There is that famous story of the Xmas truce between German and allied troops in World War I. For a day both sides laid down their arms and celebrated Xmas by fraternising and showing each other photographs of their families. When the day was over it was of course business as usual, the guns started aiming and each side killed the other.

From the ethical point of view human beings and trees should both be treated alike. "Save the trees" is fair enough - but so is "Save the human beings".

What the Torah has in mind is addressed by the classical commentators and much can be said on the subject. For today let us limit ourselves to a view that Ibn Ezra quotes and rejects, though one can take issue with him on this. He says,

"What point is there in saying, 'Don't cut down a fruit tree because it is not like man who can flee from you'?"

When you attack human beings of any kind, you are compromising the dictates of ethics. But human beings can at least (sometimes) escape and run away and survive, whilst trees are fixtures. Their legs are deeply rooted in the ground. They have no chance of running away and are doomed the moment you target them.

This is an argument which has a bearing on the Holocaust. In the debate about whether the Sho'ah was unique, we should not forget that the viciousness of the enemy determined to cut off all means of escape for Jews.

All Jews, they decided, had to be eradicated. No escapes, no exemptions, no exits. Total destruction, absolute annihilation. It was not warfare in which a soldier has a chance. It was like an attack on the trees. Fleeing was impossible.

Baruch HaShem, some of European Jewry did survive, but that does not excuse one iota of the fiendish Nazi plan. -OZ

Y'HI ZICHRO BARUCH