

SHABBAT SERMON
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You be the judge ...

This morning we are going to vote. It is on an issue of great importance to the *Jewish* people. And although it relates to an event that took place two months ago, the ramifications of it are still being felt and will continue to unfold for years to come, and has an important lesson to consider before the High Holydays. The question: Did Israel do the right thing this summer when it traded with the terrorist group Hezbollah, giving up the murderer Samir Kuntar for what turned out to be the bodies of two Israeli soldiers held hostage – Ehud Goldwasser and Eldad Regev?

Let me set the stage for the swap, and for your vote. Of all the terrorists and terrorist acts perpetrated against the people of Israel, what Samir Kuntar did on April 22, 1979 was considered as heinous as they come. His act of terror included killing an Israeli policeman, shooting and killing a father – Danny Haran - in front of his 4 year old daughter, Einat, and then killing the child by smashing her head against a rock with the butt of his rifle. While this was taking place, Mrs. Haran hid with her 2 year old baby, and in stifling the baby's cries accidentally smothered the baby to death.

The scene shifts to the summer of 2006 when, in an act of terror, Hezbollah crossed the Israeli border with Lebanon, killed several soldiers and took Ehud Goldwasser and Eldad Regev hostage, leading to a war that left more than 1000 dead and with no one knowing for sure if Goldwasser and Regev were dead or alive. After massive negotiations by a German agent, Israel agreed to swap Kuntar – who not only never expressed any remorse, but continued to say he would do more of the same – in return for Regev and Goldwasser who, as many had suspected, were dead. The swap drew joyous celebrations for Hezbollah and the Lebanese ... the swap brought heartbreak to the people of Israel.

And so the question today is: Did Israel do the right thing? All in favor, please raise your hands.

The reason why I ask the question is because it's a question that doesn't have a correct answer. On most any other issue regarding Israel, my opinion is affected by the opinions of others whose perspectives I respect. But in this case people whose opinions I respect disagreed, and not a little, but a lot! Within 48 hours of the swap, I was seeing emails from two American Jews who are now living in Israel whose opinions I always read and take to heart. Coincidentally, we had both of them as speakers here at Beth Tfiloh a few years ago within a few weeks of each other. Naomi Ragen is a well-known author, and Daniel Gordis is one of our people's brightest minds (no wonder ... he is a product of the Beth Tfiloh Day School!). Listen to these words of Naomi Ragen: "I am deeply ashamed to be an Israeli today. And I'm not very proud of being a Jew either if this is how a Jewish country behaves. To lead the world in ever

more despicable acts of appeasement is nothing to be proud of. The torch we always carried, the 'light unto the nations' has been blown out by the hot-air of our politicians."

Those are very powerful words. And they show how deep her feelings were on the subject. But listen to these words of Daniel Gordis. They are just as powerful and just as deep: "What we did this week is that we did right by the families who paid the price. We showed that at the end of the day, it is not only strategic calculus that matters in this country. There will be other ways to get our deterrent edge back. We'll get around to that; there's sadly no way that Hamas in the West, Hezbollah in the North, Syria to the East of them and Iran off in the distance will not force us to. We'll attend to that in due course. But in the meantime, we showed ourselves once again that this country is about soul. They won, and we lost. They celebrated and we buried. They cheered and we wept. And I'd rather be one of us any day."

Unbelievable how two American Jews, with such a love for Israel that they moved there, could view this hostage swap so differently. But they are not the only ones! In Israel there was major disagreement amongst those who you think would agree! The heads of Israel's Shin-Bet and Mossad – Israel's Secret Services – Meir Dagan and Yuval Diskin, warned the Knesset – Israel's Parliament – not to approve the swap, saying it would only encourage further acts of terrorism. But, the head of Israel's Defense Forces, Gen. Gabi Ashkenazi, argued vigorously to approve the deal. How do you explain such a difference amongst the leaders of Israel's security agencies?

Indeed, this entire question of the permissibility of making deals for hostages has been a source of disagreement for a long time between Halachic authorities. It came to the fore in the 1970's when two TWA airplanes were hijacked, and on one plane was a well known rabbi, Rabbi Yitzchak Hutner. Some of his students were prepared to gather a large sum of money to pay the hijackers for his personal release. The question was: was this halachically permissible, leading to many articles written on the subject. And of course, some rabbis argued that halachically it was permitted ... some argued that it was prohibited. Just as Washington's *Jewish Week* newspaper labeled the hostage swap, "A Dangerous Deal," while the New York *Jewish Week* chose a milder "Ancient Dilemma."

What leads to such differences of opinion? What leads to such opposite perspectives? It's hard to tell, but let me give you one possibility ... one possibility as reflected in a verse in this morning's Torah reading; a seemingly simple verse that seems to be telling us a rather simple concept, but in fact, according to the Talmud, teaches us a very important law and lesson.

This morning's Torah portion contains within it a significant number of Biblical commandments. One of the laws tells us: *Lo yumtu avot al banim u'vanim lo yumtu al avot ish b'cheto yumotu* – the fathers shall not be put to death for the children; neither shall the children be put to death for the fathers. Every man shall be put to death for his own sin." The law seems to be a clear statement that parents are not to be held responsible for the actions of their children, and children are not to be held responsible for the actions of their parents. But the sages in the Talmud argued that this concept is already stated in other ways in the Torah, certainly there is something else involved here. And the sages go on to say that from here we learn a very important Biblical principle: a father is not to be put to death by the *testimony* of his son, and a

son is not to be put to death by the *testimony* of his father. It is the principle of *korav pasul l'eidut* ... that a relative cannot testify against another relative. A relative's testimony can't be accepted because they are too close to the people involved; their testimony will have a bias. And the Talmud goes on to say that amongst the relatives, this includes a brother, a father's brother, a mother's brother, a sister's husband, the husband's of one's maternal or paternal aunt, a step-father, father-in-law, brother-in-law ... a whole list of those who are ineligible because of potential bias. And our concern is not simply of a bias in favor of a relative! We are concerned about a bias that could be against the relative, such as the testimony of a mother-in-law. There is a strange law in the Talmud ... the law tells us: what happens if a married man is missing, his wife becomes an *agunah* – a woman who cannot remarry because we don't know if her husband is alive or not. Our sages say that in such a case, although Jewish law usually requires two witnesses to certify that someone is dead, if one person testifies that he saw the man drown, we accept the testimony of one, because we care so much about the plight of the *agunah*. And the Talmud goes further and tells us that if the testimony comes from a relative, even though we don't usually accept the testimony of a relative, under these circumstances we do accept it, again because of how much we want to ease the plight of the *agunah*. However, the Talmud adds: if the relative is the woman's mother-in-law ... if she testifies that she saw her son drown, we don't accept her testimony! We fear she may be lying! We fear that the hatred and resentment ingrained in a mother-in-law may be so strong that she will commit perjury and actually testify that her son died, knowing that he is alive, just so that her daughter-in-law will go and remarry. And when the first husband returns, according to Jewish law, she will be forbidden to both men. (Before we go any further, I want you to know that the Talmud is not saying that mothers-in-law are always the bad guys ... the Talmud also says that if the wife herself testifies that she saw her husband die, we don't accept her testimony. We fear she may be lying just to aggravate her mother-in-law.)

What we see here is that Jewish law was very cognizant of the fact that people are inclined to view things from their own perspective; that we all have our personal biases in the way we look at things. And the closer we are, the more biased we are. In the case of the hostage swap, this bias was clearly reflected during, what is now known as, the first Lebanon war, when Geulah Cohen, a right-wing, hardline member of the Knesset, was asked what she would do if her son – who was a paratrooper in that war – was taken prisoner. Her reply was, “As a mother, I would be outside the Prime Minister's office with a megaphone 24 hours a day calling on the government to do everything it took to obtain his release. But as a Knesset member, I would sit inside the Prime Minister's office and tell him not to listen to the people outside.” Yes, she understood that how she would view a hostage swap would depend on whether she was viewing from the perspective of a member of the Knesset or from the perspective of a mother.

Geula Cohen is not alone. Rarely is one able to judge simply based on the facts, for how we see the facts is oftentimes affected by our own personal views and biases. Naomi Ragen has long argued against concessions to the Palestinians, seeing very little hope for peace ... so this hostage swap went against everything she believes. At the same time, Daniel Gordis has always had a more moderate view of the Palestinian conflict and has always held out hope for peace. And so, he viewed the hostage swap from a more moderate perspective. The *Washington Jewish Week* is generally more hawkish in its views on Israel issues, while the *New York Jewish Week* editorial policy has always been more moderate. Most of the rabbis who argued against the swap

come from the Ashkenazic school of study; most of those in favor of such swaps are from Sephardic backgrounds. And generally speaking, in matters of Jewish law, Sephardic rabbis are usually more lenient than their Ashkenazic counterparts. The Shin-Bet and Mossad are secret services ... they don't have a constituency to answer to. To them the hostage swap was a security nightmare. But the general who is Israel's Chief of Staff must be able to look into the face of every soldier who must follow his command, and those soldiers will have more confidence in his command if he is someone who they know will always do anything to get them back in case they are captured.

Yes, in so many ways, our view is based on our own personal perspective, and that is why when judging others our tradition teaches, "*Hevei dan et kol ha-adam l'kaf zechut* – judge every person on the scale of merit." Give every person the benefit of the doubt ... make sure you're not letting your personal bias get in the way.

And you know what? It is easier said than done. There is something in us that is always ready to judge. We act like this all the time! Rabbi Samuel Chiel once pointed out: when we hear about someone struggling to "make it," there's always someone ready with the judgment: "He's a born loser." Or, "Once a shlemiel always a shlemiel." And maybe for some it's true, nebech. But just because a person is unsuccessful, don't be so ready with a damaging label, a guilty verdict. Perhaps if you had seen how he worked and struggled and yet couldn't quite make it, you would feel a bit of rachmonis for him. And when we hear a marriage is breaking up, how quickly people say, "Oh, I knew it! They were both *tzatzkas*, they never should have gotten married." Maybe if you knew how hard they tried to make it, how many years of counseling they went through until they realized and accepted that it just wasn't meant to be ... you would feel bad for them rather than judging them.

And what about this one ... Sarah Palin's pregnant 17 year old daughter reminds us that whenever a youngster gets into trouble we hear people assert, "Maybe if his parents would have spent more time at home instead of running around constantly, he would have turned out differently." We're so quick to judge and condemn, but perhaps if we had seen how much his parents loved him and watched over him and worried about him ... if we only knew how much his actions had embarrassed and hurt and shattered them, we would feel compassion for them. Perhaps we would sense their sorrow and their tragedy and we would say, "There but for the grace of God goes my child." That's what would happen if we didn't view things from our own personal bias, but rather if we judged people by giving them the benefit of the doubt.

My friends, the High Holidays are soon upon us. "*Hinei baw yom hadin* – behold the Day of Judgment comes". Soon, we are to be judged by God. How do we want Him to judge us? According to Jewish tradition, God rewards and punishes, "*midah k'neged midah* – measure for measure." He judges that way as well. To those who are narrow minded in their perspective and quick and harsh in their judgment, that's the way God judges them. And for those who, in judging, give others the benefit of the doubt ... that's what God gives them as well. In the words of the Talmud: "*K'shem sh'dantani l'zechut* – *Hamakom yadin etchem lizchut* – If you judge man by giving the benefit of the doubt, God will judge you by giving you the benefit of the doubt!" And so in the weeks ahead, let all of us who judge – and all of us do – not only those who sit on the bench – let all of us who judge hesitate a hundred times before we say anything

cruel about anyone. Let us check and re-check our motives and our perspectives before we judge others. And let us judge everyone on the scale of merit, because as we judge, so shall we be judged. It is this which will allow us to stand confidently before God during the High Holidays and say with a full and clear heart: “*Avinu malkainu chanainu va’anainu ... aseh imanu tzedakah v’chesed v’hashiaynu* – Our Father, our king be gracious with us and answer us ... treat us with charity and kindness and save us.” Amen.

** *Pulpit Power* – Rabbi Wohlberg’s new book of sermons can be ordered at:
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