Jewish Tribune – Shoftim

**Brain Drain**

In the 17th and 18th centuries the hangman was often a condemned criminal who had been reprieved on condition they executed other convicts. In the 19th century, the post of hangman became much sought after, and remained so until capital punishment was abolished in the United Kingdom in 1964. Large numbers, including women, applied for each vacancy. As it was a reasonably paid job, it was more likely to be financial gain than personal conviction that motivated an applicant.

Our sedra tells us that a person who worships idols receives the death penalty. Who actually carries out the court’s verdict? Who is the Jewish hangman?

In Judaism, there is no professional executioner. The possuk in this week’s parsha states:  יַד הָעֵדִים תִּהְיֶה בּוֹ בָרִאשֹׁנָה- it is proper that the witnesses of the crime actually administer the court’s verdict.

The Rambam explains that this is because they witnessed the crime; they saw the sin

being committed, whereas everyone else knows about it only second hand - לא תהא שמיעה גדולה מראייה.

I once heard another explanation from the much missed Rabbi Chaim Schmahl ztl. He related a story he heard from the Manchester Rosh Yeshiva ztl.

A middle aged lady was having brain surgery and while being operated on, she started singing an aria from an opera – in the original Italian. Several days later, after the operation, the brain surgeon was talking to his patient and informed her of this unusual incident and told her that he also like opera.

The lady was dumbfounded. She didn’t like opera at all and had only been once, decades earlier as a 10 year-old girl. Amazingly, like a sponge, and unbeknownst to her, she had absorbed the complicated tune and all the words of this aria in their original Italian.

This is actually quite a scary thought. Everything we see and hear is recorded in entirety - including witnessing a serious crime that deserves the death penalty. Witnessing this will make a negative impact and the Torah recognises this. To negate any detrimental effect, it instructs the witnesses themselves to carry out the death penalty. This will serve to counteract the negative impact that has been made.

When people witness חילול שבת and see their Jewish neighbour drive their car on Shabbos, there are various responses. One is to bring out the designated stones prepared before Shabbos (to avoid muktzeh!) to share with your neighbour and his car. Probably not the most effective method. Another would be to create a positive relationship with him and at the right time, explain the beauty of shemiras Shabbos over a bowl of cholent.

I once saw a cartoon with a chossid, fists clenched, looking heavenward, and screaming “Shabbes!!” at a passing aeroplane. Cute, but it actually makes sense. Rav Chaim Godvicht ztl used to say that shouting “Shabbes!!” at a passing car is not for them but for us. It is meant to help us retain a sensitivity towards Shabbos and counteract the negative impact that witnessing חילול שבת has on us.

That is why the Torah tells us that the witnesses carry out the court’s verdict. It is an attempt to negate the ill effect that witnessing a serious crime may have had.

May we all merit to see and witness only good things.

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