

Shoftim 5778

In my parsha video this week I focused on the theme of justice. I want to expand on that theme today, as it bears on so many of our society's ills. In the first aliyah of the Torah portion, describing a well functioning court system, the Torah teaches us that bribery of court officials blinds the wise and corrupts the words of the righteous. Summing up, the Torah says *tzedek, tzedek tirdof*, "Justice, justice shall you pursue." Even a wise or righteous person can be lured away from their normally upright behavior if the price is right, which is why the mitzvah or pursuing justice is repeated; the Torah says not only to pursue justice, but by doubling the word itself, insists that we take an active role in that pursuit, and that we not pursue justice by unjust means.

But what is *tzedek*? The same root appears in other words we know: *tzedakah, tzadik*. What *tzedakah*? It is not charity, in which the giver decides when to give, and how much, and to whom. The power in a relationship built upon charity resides in the giver. *Tzedakah* is just the opposite. It is the money we give to those who need it, because they have a right to it; the power in that relationship resides in the recipient. Who is a *tzadik*? One who does what is righteous, not because they crave recognition or reward. Again, it is the opposite: A *tzadik* is a person who acts properly even when it may harm their own interests, even when no one knows what they do. To pursue justice, means to know what is right and to make it happen.

The rest of the parsha nicely illustrates that definition. Faced with situations in which what is just seems to abrogate social norms, the Torah pushes people to adjust their expectations. In pre-biblical society, the blood feud was normative. If you killed someone, even by accident, the family of the victim was duty-bound to find you and kill you. The Torah says no, in such a

case the manslayer can flee to a city of refuge, and live there without fear of retribution.

Owning a kinsman as a slave is another example. While slavery was universal in antiquity, the Torah softens its edges by demanding humane treatment of slaves: no beatings, freedom after a debt is worked off, gifts to a departing servant so that he will not fall into poverty and have to sell himself again. The Torah teaches, again and again, that even when it is not possible to root out an unjust practice entirely, *tzedek* means to act in a way that affirms human dignity, that insists that fairness and equal treatment under the law are not the province only of the rich and powerful, but for all.

In its time, that was a powerful corrective to existing society. In Egypt, Pharaoh was seen as an actual god, the source of all law, whose will was one and the same with justice. If Pharaoh decreed it, it was so regardless of equity or dignity. For pagans, local gods could ruin your life, capriciously and without reason, so you had to try to influence them with offerings and magical incantations to act upon them. What Torah brings to that world is the assertion that some things are right, and must be made right, and that God defines them for us: The protection of the poor and weak; treating other people like people and not possessions or objects; giving up some of our wealth, time, and effort in order to thank and praise God and build community.

Tzedek also requires us to balance strict justice with compassion. There are times to insist on adherence to first principles: there is one God; observe Shabbat, the holidays and kashrut. But there are also innumerable cases where the Torah or later rabbinic authorities create legal loopholes, exceptions, or even legislate biblical laws out of existence. Strict justice, in other words, is sometimes unjust, and we have to have enough empathy and compassion to find alternative solutions.

Doing what is right, in other words, means sometimes pulling back from a maximalist position in order to recognize another person's rights as a human being, or as a Jew.

Tzedek means insisting that the wealthy and poor are treated equally under the law. It means that we fight for rights, not just when it benefits us, but whenever fairness and right are at stake.

Tzedek means treating people with kindness and integrity, even when we don't agree with them. It means acting as if another person's dignity is as important to us as our own.

As we prepare for the upcoming holidays, the Yamim Nor'aim, we remember that God is filled with compassion for us. Despite our transgressions against God and one another, God waits for us to initiate reconciliation between injured parties, to seek peace and pursue it. The imagery that the mahzor uses is that of our prayers moving God from the throne of judgment to the throne of forgiveness. When we sin, God would be justified in punishing us. But by repenting from that sin, by seeking and giving forgiveness, God has pity on us and does not punish. Teaching that God forgives, Judaism reminds us that we should as well. There is no mistake so terrible that honest apology and a making of amends cannot resolve. Life's tragedies will never end. Accidents happen; bad decisions and even malicious, purposeful evil will always occur. The idea that healing injury, diminishing suffering and curtailing further bloodshed is not only desirable but a divine command is one of Judaism's many gifts to the world. Approaching the High Holidays, we would do well to internalize both the Torah's call for *tzedek*, and its example of compassion and incorporate them into every sphere of our lives.

Shabbat shalom.