

Repairing Our Broken World with Our Words

Dvar Shoftim 5782

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This week, our attention has been shifting between two major items. I'm inclined to keep things light and focus on something fun. For example, just a few miles away Serena Williams is making her final U.S. Open appearance.

Tennis, however, is not in the Torah. Justice, on the other hand, is and is on all of our minds. It's hard not to be, given the news. The extraordinary events swirling around the Department of Justice, the FBI and photographs of classified, top-secret documents discovered at the former President's residence at Mar-a-Lago are quite astounding.

Our Torah portion, Shoftim, also deals with a variety of topics surrounding justice and includes the well-known verse: *Tzedek, Tzedek Tirdof*, justice, justice you shall pursue.

What does it mean? There's the old expression, you can't have your cake and eat it, too. Justice seems to be the inverse: You can't have justice without constantly doing it, making it part of your life and ensuring it is thus for others around you, as well.

Most of the *mitzvot* in Shoftim are concerned with the establishment of the structure for civic society, once the Israelites settle in the land. The opening verses lay out the need for judges and magistrates; then, the need for multiple reliable witnesses and the process for administering the death penalty and rules for the priesthood; next, the qualifications for setting a king above the people.

We can see in this model what comes to be known as Shalosh Ketarim, the three crowns over leadership. The *Shoftim v'Shotrim*, judges and magistrates, who come to be the rabbis of the Great Assembly or *Sanhedrin*, administer civic law. Modern Israeli police get their name from the same root word, **SHoTeR**, as *Shot'rim-Mishtarah*. The *Keter Kehunah*, the crown of priesthood, deals with ritual laws of the Temple and the activities within its precincts and of the Levites dispersed throughout the country. *Keter Malchut*, the crown of kingship, is concerned with the cohesion of the nation as a whole, its military and defense. One might view the first as being concerned with what happens on the streets; the second as what happens in the temple and the heavens; and the third as what happens beyond the nation's borders.

While it isn't a perfect mirror to our own society, we do see the start of what is a division of labor or as we call it in America, the separation of powers. As we know from history, at various times, due to internal and external pressures, the model of Jewish life sometimes meant that these divisions were not very separate nor equal. At times, the king dominated, sometimes propped up by foreign powers. At times the priesthood was the seat of power with no real king. And at times, the rabbis were at odds with the priesthood, eventually recreating Jewish life once the political entity was no more and the Temple was destroyed.

But the Torah takes pains to outline God's concerns about what an earthly king might do or be like.

רק לא ירבה-לך סוסים ולא יגשיב את-העם מצר'ימה למען הרבות סוס ויהנה אמר לכם לא תספון לשוב בקרך הזה עוד:

“He shall not keep many horses or send people back to Egypt to add to his horses, since יהוה has warned you, “You must not go back that way again.”

וְלֹא יִרְבֶּה־לּוֹ נָשִׁים וְלֹא יָסוּר לְבָבוֹ וְנִסְף וְזָהָב לֹא יִרְבֶּה־לּוֹ מְאֹד:

“And he shall not have many wives, lest his heart go astray; nor shall he amass silver and gold to excess.”

וְהָיָה כְשִׁבְתּוֹ עַל כִּסֵּא מַמְלַכְתּוֹ וְכָתַב לּוֹ אֶת־מִשְׁנֵה תּוֹרַת הַזֹּאת עַל־סֵפֶר מִלְפְּנֵי הַכֹּהֲנִים הַלְוִיִּם:

When he is seated on his royal throne, he shall have a copy of this Torah written for him on a scroll by the levitical priests

וְהָיְתָה עִמּוֹ וְקָרָא בּוֹ כָּל־יְמֵי חַיָּיו לְמַעַן יִלְמַד לְיִרְאַה אֶת־יְהוָה אֱלֹהָיו לְשֹׂמֵר אֶת־כָּל־דְּבָרֵי תּוֹרַת הַזֹּאת וְאֶת־הַחֻקִּים הָאֵלֶּה לַעֲשׂוֹתָם:

to , יהוה Let it remain with him and let him read in it all his life, so that he may learn to revere his God ...as well as these laws Torah observe faithfully every word of the

The Torah is concerned that a ruler observes the rules, the laws of the land. God is concerned with the potential for abuse of power by that ruler—and with good cause. Power hates a vacuum. Power corrupts, and absolute power corrupts absolutely.

Without reading the law and keeping it handy, if for no other reason than as a reminder, a human ruler gives in to impulsiveness, greed, temptation, corruption and injustice. Without the proper guardrails, the balance of power tilts and we all spill off a steep cliff.

The word *tzedek*, from which we derive the word *tzedakah*, is justice or righteousness. Rather than referring strictly to charity or monetary donations, it refers to righting the wrongs of the world. “Whoever does charity and justice is regarded as if he filled the whole world with kindness.” **Talmud, tractate Sukkah 49b**

Tzedek, Tzedek Tirdof. The word *tzedek* is repeated twice, a rarity in the Torah, for the sake of emphasis. Justice, righteousness *you shall pursue*. It is not enough to appoint judges and magistrates and hope that justice will merely happen. It is not enough to have a king to rule and trust his power will go unchecked.

Justice must be active. Justice must be sought out, chased after like a gazelle—or it may elude us. It must flow like a mighty river or like the force to bind us all together. For the True Judge, *haDayan haEmet*, likewise cannot be restrained or bound; neither should his justice.

For when, conversely, justice, either as a concept or as a governmental entity, is choked off to a trickling stream, our society becomes parched and brittle. We become concerned with protecting what is ours; we become indifferent to the suffering of others. That indifference over years cakes up into patterns of injustice, affecting the most vulnerable among us.

While indifference is passive, injustice is a corrosive force that threatens the fabric of society and breeds distrust among neighbors. It ingrains itself into civic institutions. This structural injustice doesn't just wear down those who've been historically oppressive, it allows for damage to our environment, affects our climate, prevents schools from being properly air conditioned and corrodes

pipes that supply clean water to people in cities like Flint, Michigan, and Jackson, Mississippi. As the saying goes, *ein mayim elah Torah*, there is no water but Torah. The inverse is also true: There is no law, no justice, without water.

The society God envisions is one where justice flows like water, where even the rights of those who commit accidental manslaughter are protected. But the Torah portion concludes with the description of an unusual ritual known as *egla arufa*, the beheaded calf.

The Torah outlines what to do when a person is found murdered in a field and the culprit is unknown. The priests, like the detectives in Levitical Law and Order, descend on the crime scene. They measure the distance to the closest towns to determine jurisdiction. The elders of the town bring a young calf that has yet to bear offspring to a dry riverbed and break its neck. They then declare:

נְיִינוּ לֹא (שפכה) [שָׁפְכוּ] אֶת־הַדָּם הַזֶּה וְעֵינֵינוּ לֹא רָאוּ:

“Our hands did not shed this blood, nor did our eyes see it done.”

It is as though the criminal act was somehow reenacted. The scene is shocking. And that is its intent.

The act and accompanying statement are not meant to cast off responsibility, however, but rather to take responsibility for it in a communal fashion. We did not ignore this person and leave them to their fate. We did not send them away without food to maintain their strength and thus be prayed upon on the road. Nor did we fail in this way and force them to pray on others and thus meet their fate. We did not send them away without escort. ...

The person will have no future and symbolically neither will the cow. It seems to be the worst off for the cow to be sure, but the sacrifice of a valuable asset seems to be acknowledging that even without any admission of guilt the community had a responsibility to have done more.

The Torah is telling us that even when we don't know the victim and we don't know the culprit, we bear some shared responsibility as a society and must not become indifferent, nor allow ourselves to become complacent or accept violence and injustice in our midst.

To do so allows indifference to fester, metastasize, corrupt and corrode all the way to the top. It is what compels those who face injustice to demand we defund the police. It allows others who committed crimes at the Capitol to demand we defund the FBI. Neither works. We cannot have a society that pursues justice when the *Shoftim v'Shotrim*, those charged with keeping the law, are diminished, intimidated, threatened and painted as doing the opposite of the thing to which they have dedicated their lives.

To do so is to invite lawlessness and chaos that are the opposite of the vision of society imagined in this week's Parsha. Moreover, to weaken the infrastructure of a just society weakens the protections for its participants and especially the least fortunate in its midst. To what end would this be done, one must ask?

The attacks in recent years by some at the highest ranks on truth and justice are also attacks on the American way. This is the way of the strongman, to break the society and then say, “Only I can fix it.”

For us, as Jews, it smells of the threat of tyranny, fanaticism and facism which drove many of our ancestors to the shores of this country—and from whose aftermath their surviving cousins came to what became the modern State of Israel. To those whose parents, grandparents or great-grandparents escaped anti-Semitism and facism, whether in Europe or the Middle East, the permission this has granted the extremists, racists and nationalists to spew forth hatred against minorities, including Jews, is, or should be, frightening. These attacks on us—and on justice alike—erode American democracy and the civic institutions that made it great in the first place.

The diminishment or defect, by way of political influence or threat of violence, of a system of justice only serves the strongman. The impairment of a legislative system, to discharge its function to create and implement civic law, similarly breeds contempt for government and for those on either side of an argument. Both create gaps for the manipulator waiting to fill the void created by chaos, for the power hungry king with too many horses, houses and hoards of gold to exploit and further enlarge themselves.

This week, we watched as the Department of Justice and FBI released affidavits and shared pictures of evidence, pushing back on false narratives of those desperate to cling to power that already evaporated long ago. Many of us felt shame and others felt pride. Either way, we thought, *The system is working: evidence of criminality has been uncovered, justice may finally be served.*

But is that enough? Is that all the Torah wants? For us to wait for justice to be served up to those in the highest echelons of society? For down in the streets of America this week, there was still much violence and bloodshed. Every day, people were murdered and bodies left in the open. Sure, the police come and investigate and measure distances, and local authorities will make pronouncements. But is justice truly served if we remain indifferent, safely ensconced in our homes? Will we slaughter a sacred bull to alert our neighbors to our shared responsibility?

The Eternal doesn't just want a system that pursues justice. That's just the start. *Tzedek, Tzedek Tirdof*, justice, righteousness *you* shall pursue, means that we all, together and as individuals, must pursue it as well. This is why we are commanded to feed the hungry and clothe the naked; not out of charity, but so that our society is more just. By leaving the corners of our proverbial fields for the destitute, we can help prevent those in need from potentially resorting to violence and crime to survive—and likewise protect them from being exploited or prayed upon. *We pursue justice.*

Only then can we, like the elders of the village in this week's parsha closest to the corpse found in the field, can declare:

יְדִינּוּ לֹא (שפכה) [שִׁפְכוּ] אֶת־הַדָּם הַזֶּה וְעֵינֵינוּ לֹא רָאוּ:

“Our hands did not shed this blood, nor did our eyes see it done.”

כִּפְרוּ לְעַמְּךָ יִשְׂרָאֵל אֲשֶׁר־פָּדִיתָ יְהוָה וְאֶל־תִּתֵּן לָם נָלִי בְּקִרְבִּי עִמָּךְ יִשְׂרָאֵל וְנִכְפַּר לָהֶם הַדָּם:

“Absolve, יהוה, Your people Israel whom You redeemed, and do not let guilt for the blood of the innocent remain among Your people Israel.” And they will be absolved of bloodguilt.”

וְאִמָּה תִּבְעַר הַדָּם הַנָּקִי מִקִּרְבֶּךָ כִּי־תִעֲשֶׂה הַיֵּשֶׁר בְּעֵינֵי יְהוָה:

“Thus you will remove from your midst guilt for the blood of the innocent, for you will be doing what is right in the sight of יהוה.”

Shabbat Shalom.