

Parshat Shoftim- 2018/5778

Imagine the scene: somewhere on a mountainous plains of what is now Jordan, overlooking the south tip of the Dead Sea, there an encampment of hundreds of thousands of Israelites, spatially organized according to their tribes, sit and listen to Moses spend one full afternoon reviewing the whole Torah- all its lessons and laws, all its stories about slavery and freedom. This one long discourse is what is the whole 5th book of the Torah: Deuteronomy, דברים.

For 16 chapters, Moses goes on about all the commandments and statutes that will be required of the Israelites, once they enter the promised land and vanquish the remaining Canaanite tribes. Moses announces in the early chapters of this book that he will not be joining them in this journey, having pleaded his case before G-d, only to be told that his past sins disqualify him from entry. Moses goes through all the laws, starting with the 10 commandments and moving onto the laws of kashrut, the laws of family purity, the laws of which sacrifices could atone for which sins, how to organize the tribes, their elders and leaders, how and how often the census should be taken, how we must travel to Jerusalem 3 times a year to celebrate Pesach, Shavuot, and Succot.

And now, at the end of chapter 16, Moses brings up the most important qualifier of all these laws, and that is Justice.

We are told:

שֹׁפְטִים וְשֹׁטְרִים, תִּתֶּן-לָהֶם בְּכָל-שְׁעָרֶיךָ, אֲשֶׁר יְהוָה אֱלֹהֶיךָ
נָתַן לָךְ, לְשֹׁבְטֶיךָ; וְשָׁפְטוּ אֶת-הָעָם, מִשֹּׁפֵט-צָדֵק.

Judges and officers should you give to yourself in all your gates that Adonai your Lord gave to you, to your tribes; And they shall judge the people, a righteous judgment.

— לֹא-תִטֶּה מִשְׁפָּט, לֹא תִכֵּיר פָּנִים; וְלֹא-תִקַּח שֹׁחַד —
כִּי הַשֹּׁחַד יְעִוֵּר עֵינֵי הַחֲכָמִים, וְיִסְלַף דְּבַר צְדִיקִים.

You should not tilt judgment, you should not recognize faces (literally: give favoritism); and do not take gifts, because the gift will blind the eyes of wisemen, and pervert the words of the righteous.

צָדֵק, צָדֵק תִּרְדּוּף-- לִמְעַן תַּחְיֶה וְיִרְשַׁתְּ אֶת-הָאָרֶץ, אֲשֶׁר-יְהוָה אֱלֹהֶיךָ נָתַן לָךְ.
Justice, justice shall you pursue, that you may live and inherit the land that Adonai your Lord gave to you.

Several interesting issues stand out from these sentences. The first is that the Israelites are admonished: שִׁפְטִים וְשֹׁטְרִים, תִּתֵּן-לָךְ בְּכָל-שַׁעְרֶיךָ. This is typically translated as 'Judges and officers should you "set up" or "appoint" for yourselves in all your gates'. However, the Hebrew verb used is תִּתֵּן, you shall "give", and it also uses the singular, לָךְ, to yourself, rather than using the plural לתנו לכם. The same can be said for the third verse, where when we are told to pursue justice (צָדֵק, צָדֵק תִּרְדּוּף), we are told that it is for you, personally, can live, so that you, personally, can inherit the land. Another issue is that the word justice, צָדֵק, is repeated, and anytime this happens, the Torah is trying to teach us that there a special significance.

Rabbi Moshe Feinstein interprets this section to not just be about a "justice system", in which courts are set up to hear testimony and to render verdicts for the community. In fact, such courts and judges were already in place for 40 years, having been set up by Moses at the suggestion of his father-in-law, Yitro/Jethro. In this context Rabbi Feinstein suggests that for the Israelites to succeed in going to the Promised Land and becoming a true nation of righteous judgement, of מִשְׁפָּט-צָדֵק, each individual would need to judge what is right or wrong, each person would need to understand why a bribe was wrong, or why favoritism sewed injustice. Here, he suggests, each Jew was to pursue justice, to do what is right, whether or not it conforms what they want or what might benefit them personally.

The Torah commentator, Rabbeinu Bahya, sees parallels between stating the word, צָדֵק, twice, and an earlier reference in the Book of Deuteronomy in which we are told to do what is right and what is good in the eyes of Adonai: וְעָשִׂיתָ הַיָּשָׁר וְהַטּוֹב בְּעֵינֵי יְהוָה. He interprets this to mean that one must pursue righteousness both in word and in deed. What would it be like, he argues, if we, as individuals or a society, took positions of righteousness in word but not in action?

And so, how are we to interpret מִשְׁפָּט-צָדֵק? "righteous judgement of" Rabbi Nachman of Breslov interpreted this as "charitable justice", as if the word *Tzedek* (justice) was alluding to the word *Tzedakah* (charity).

It is not a coincidence that this parsha, *shoftim*, is always read on the first Shabbat of the month of *Elul*, which marks the month leading into Rosh Hashanah. This is traditionally when we begin to think about our year, who we are, how we have done in regards to our friends, spouses, communities. Before Adonai judges us during these coming Days of Awe, this parsha reminds of three things: the first is that each of us needs to pursue justice, to start the process of understanding what in the past year was right, and what was wrong. We need to be honest judges of ourselves if we want to move forward, if we want to improve as moral beings, if we want to bring righteousness into the world. The second is that for **קְדוּשָׁה-טוֹבָה**, for righteous judgment to occur, we must pursue righteousness in deed and not just in word. We may have spent the year talking about "doing the right thing" but not acting on it. Now is the time to think about how we can convert talk into action. The third is to make our sense of justice more charitable, to put the *Tzedakah* back into *Tzedek*. On the surface, this could be accomplished by charitable acts- giving time or money to where it is needed. But I leave with this one thought, this one theme I return to every High Holidays: many of us find it easy to ask forgiveness of one's family members, neighbors or co-workers, and as our President says, "that's a good thing, not a bad thing." But most often, we fail to forgive ourselves. The Torah says, "Justice, justice shall you pursue", and it says this in the context of a singular person, not in the plural. It is there to remind us that without working on forgiving yourself, there can never be **קְדוּשָׁה-טוֹבָה**, righteous, charitable justice for all.

Shabbat shalom.