

NEW JERSEY ROCKLAND

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Justice Gap

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I checked on my eight-year-old, who was quietly daydreaming.

Seeing me, he broke out of his reverie, and said, "I was just thinking about how some people have more power than other people, and wondering how that can be fair. I doubt we are doing what the Torah says because some people use their power to hurt other people. So, what does the Torah say, and what do we do now?"

Every parent has moments like this. You are proud that your kids are growing up and relating to the world with wisdom —and you wish you could somehow protect them from knowing too much.

Luckily, I was able to give a positive answer. "What perfect timing! That is exactly what this week's Torah portion is about."

Shoftim begins with instructions to appoint judges and enforcement officers, but justice isn't left solely in the hands of a legal system. It is an individual responsibility for each of us: "Justice, justice shall you pursue." If it were easy or casual, we could wait for justice opportunities to come to us; no pursuit necessary. If justice were always carried out justly, we wouldn't need that passionate repetition of the word, nor the Torah's detailed commandments.

Shoftim instructs: Show no partiality; take no bribe (Deuteronomy 16:18-19). If a case is too baffling for you, appeal to higher authorities (17:8-9). Ignoring a legitimate legal decision is illegal (17:11). Prevent revenge killings and provide safe havens for those accused of manslaughter, even as you bring murderers to justice (19:1-13). Two or more witnesses are required to establish guilt (19:15). Witnesses must initiate punishment for a condemned person in a capital case (17:7). A false witness receives as punishment whatever was intended for the maligned party (19:18). Elders and magistrates are ultimately responsible for the commission of crimes on their watch and for the safety of citizens and strangers (chapter 21).

In the ancient world, justice depended on status. According to the Code of Hammurabi, a slave who injures an owner can be killed; an owner who injures a slave need not be punished. The Bible says: "an eye for an eye" — a widely misunderstood phrase that means that every eye is equal in value to every other eye. Justice does not depend on social standing.

Lo tateh mishpat (16:19) is commonly translated "you shall not pervert justice." Literally, it means "you shall not lean to one side in judgment." Equally balanced opportunities and treatment make for fairness.

Kingship is the ultimate example of this principle in Shoftim (17:14-19). There are privileges of royalty, but the king is not above the law. In fact, he must keep a copy of the Torah's teachings with him and read it all his life. And while he can amass wealth, he cannot abuse others to do so, and there are limits as to how many horses and wives he can acquire. Excess must not blind him to justice, nor distance him from the people. (Consider the salary differentials between CEOs and workers in light of this instruction.)

With the High Holy Days approaching, we think of God as both Judge and King. But God does "lean to one side in judgment" — God leans away from strict justice and toward mercy.

This time of year, we are all judges. As we conduct an accounting of the soul, we judge ourselves and our past year. Lehitpalel, "to pray," literally means "to judge oneself." In preparation for the Day of Judgment, we also attempt to "judge every person on the scale of merit," giving them the benefit of the doubt (Avot 1:6). Forgiveness and repentance become easier when we temper justice with compassion.

As we pray to Our Father, Our King, we also attempt to uncover our own royal nature, as children of the divine. If only we can wield our power with humility and Torah wisdom!

My son was right. There are terrible differentials in power, access to power, and access to redress for abuses. The Torah provides a prescription for addressing those inequities. May 5774 be the year when we close the justice gap.