



DVAR TZEDEK

Parashat Shoftim 5775

By Rabbi Rachel Gartner

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The opening verses of *Parashat Shoftim* are among the most profound articulations of Judaism's call to justice. *Shoftim* famously teaches: *Tzedek, tzedek tirdof*: Justice, justice you shall pursue.

A powerful and essential Jewish teaching, these verses have been expounded upon by many commentators. Perhaps my favorite is that of Rabbi Simkha Bunim of Pczsha, who taught that the double language ("justice, justice") means we must pursue justice justly. That is, it isn't only the goal of justice that's important; the methods we use to pursue justice must also be just themselves.

But what exactly does that mean?

Our *parasha* addresses this, teaching:

"Do not pervert justice; you shall not show favoritism, and you shall not take a bribe..."¹

"Listen to the claims of your brethren, so that you might judge fairly."²

"Do not show favoritism, hear the small and the big alike... *ki mishpat lehim hu* for [ultimately] judgment is God's."³

Pursuing justice justly then involves listening⁴, spurning favoritism⁵, and, I would add, being guided by the principle, *ki mishpat l'elohim*, or that judgment is from God.

Listening

Notably, in the opening chapter of *Devarim*, the very first word Moshe says to his judicial appointees is *Shmatem*, or "Listen!" Listen so that you might judge fairly. Indeed, underlying the vast body of Jewish case-law is a profound commitment to case-specific, detail-oriented and nuanced listening. We listen carefully to the facts of the case, the particular situations of the individuals involved, and the broader context in which the dispute takes place. Deep, empathetic listening is essential to Judaism's definition of a just pursuit of justice because it promotes more fair and appropriate judgments.

Judgment is from God

These words remind us that justice is not a human invention, rather its source is in God. Truly, this is the foundation upon which the Torah's entire notion of justice stands.

¹ Shoftim 1:19.

² Shoftim 1:1.

³ Shoftim 1:2.

⁴ Shoftim 1:1.

⁵ Shoftim 1:2, 1:19.

The small and big alike; do not show favoritism

A Divine creation, justice at once belongs to no human being at all, and to every human being equally. Whether one is *katan*, small, or *gadol*, large, all people deserve, as their God-given right, equal access to due process regardless of their position, power or paycheck. Favoritism clearly leads to the inequitable distribution of justice—some get it, others don't. The Torah simply cannot countenance this.

This very same principle appears in the Universal Declaration of Human Rights:

“...[R]ecognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,”⁶

“All are equal before the law and are entitled without any discrimination to equal protection of the law.”⁷

Call it a Divine gift or an inalienable right, the Torah and the Declaration of Human Rights are aligned in the insistence that justice exists in a way and a place beyond human invention and in some ways beyond our purview. Since people didn't create it, we don't own it. And it certainly isn't ours to distribute however we like.

So, like Moshe, who throughout the book of *Devarim* painstakingly sets up a system that aims at equitable transmission of God's justice, so should we do everything in our power to ensure that justice is, indeed, delivered equitably.

And we have a long way to go.

While the sources and culprits are many, systems that actively resist the equitable distribution of justice are now firmly established throughout our world. While some of us live in relative freedom, so much of humanity lives within systems that deny them not only justice, but a slate of inalienable rights, including water, food, shelter, freedom from violence, freedom of expression. The list goes on.

We need only listen to the story of one African-American who has been wronged by the American criminal justice system to understand how *some* of us—most often those with more power, resources and connections—are justly judged, while others fall prey to unjust “justice.”

We need only hear one anti-LGBTI piece of legislation in a country across the globe to know that *some* of us are free to live as we wish without fear of violence or worse, and others are denied that inalienable right.

We need only talk with one of the 14 million girls around the world who are married before they turn 18 to understand that only *some* of us get to choose our life's path, while others have it chosen for us.

⁶ Universal Declaration of Human Rights, Preamble.

⁷ Universal Declaration of Human Rights, Article 7.

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We need only meet a community of indigenous farmers forced off their land because of inadequate documentation to know that while *some* of us are privileged to enjoy the God-given bounty of this earth, others live with no food security.

In a world where the voices of the systematically disempowered and of the systematically privileged are not heard equally, pursuing justice justly begins with listening to the most vulnerable among us. Next, we need to amplify those voices and carry them into the halls of power, where just judgments, sound policies and fair systems can, with our help, be made.

Cain ye'he ratzon.



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