TZEDEK, TZEDEK, TIRDOF – JUSTICE, JUSTICE YOU SHALL PURSUE
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This week's Torah portion is Parashat Shoftim, it's a section of the Torah that deals with appointing judges and how to establish a just legal system when we settle in the land.

The parasha contains perhaps the most often cited verse in all of the Torah with regard to Judaism as a system for social justice and the work of Tikkun Olam. Tzedek, Tzedek Tirdof we read in the parasha, Justice, Justice you shall pursue, that you may live, and inherit the land which the Lord your God gave you (Deuteronomy 16:18)."

It's not only judges who are responsible for maintaining an ethical judicial system. Shoftim also delineates the rules of legal testimony, which presume innocence and seek to ensure that witnesses be corroborated and accountable. The Talmud expands upon these laws and views this area of social/civil justice as a matter of concern for the divine. "Three things the

Holy One hates: him who says one thing with his mouth and another in his heart; him who possesses evidence in favor of his neighbor but fails to testify on his behalf; and him who, seeing something improper in his neighbor, acts as the sole witness against him (Babylonian Talmud, Pesachim 113b)."

I'm proud of our Jewish tradition, of our relentless pursuit of justice. As a North American Reform Jew raised on stories of Jewish engagement in the American Civil Rights movement, the protests against the Vietnam war, calls for release of Soviet Refuseniks and dozens of other campaigns to raise consciousness in civil society my rabbis always grounded these calls in Torah and particularly this commandment to pursue justice.

But the question has always lingered for me, is Judaism and Torah as just and ethical as we celebrate it to be?

We have a tendency, particularly in Reform/Progressive Judaism to cherry pick our Torah, citing the verses we that support our position with religious piety that far exceeds our normative practice and dismissing those that are out of step with our values with a similarly ardent defense of our individual autonomy and moral progressivism.

One example from this week's parahsa is a ruling found in, Parshat Shoftim, regarding the laws of war. The Torah commands the Israelites to offer its enemies the opportunity to surrender peacefully before we attack. But a thorough reading of these laws of military engagement reveals a problem with a pacifistic interpretation of Parshat Shoftim: What happens if the enemies of the Israelites accept the terms of peace?

"If they respond peacefully and let you in, all the people present there shall serve you as forced labor." (Deuteronomy 20:11) Turning your enemies into forced laborers may be a

better alternative than killing them, but it can hardly be deemed progressive, and I struggle to see how it is just?

Additionally, the mandate to extend terms of peace only applies to so-called "optional wars." When it comes to "commanded wars," including the conquest of Canaan, no offer of peace is to be extended, and no living person — man, woman, or child — is to be left alive (Deuteronomy 20:11).

Even more challenging to my Reform/Progressive sensibilities is that judges and officers were expected to enforce religious law, not just civil and criminal law. In a stark articulation of this requirement, *Sefer HaHinuch*, a medieval commentary on the 613 commandments, explains the job of the shoftim and shotrim as follows: "To appoint judges and officers who should enforce the observance of the mitzvot of the Torah, and should return to it, against their will, those who stray from the path of truth…For with this method we can establish our religious

system of law, while fear of our officers and judges is cast over the mass population."

According to *Sefer HaHinuch*, the commandment to appoint judges and officers is aimed at establishing a society ruled by religious law with enforcement that generates fear among its citizens. I don't recall Morah Shapiro covering that in Hebrew School.

None of this is new, of course. We are all aware that when we turn to Jewish tradition for teachings that inspire us to work for social justice, we often turn a blind eye to texts that can inspire the opposite: religious paternalism, inequality, brutal forms of capital punishment, and yes, even race-based genocide.

But is this okay? Can we credibly cite Jewish teachings that encourage a better world when there exist parallel teachings that could lead to a worse one?

It's becoming increasingly difficult for me to defend Judaism as a just religion when the *'most religious'* among us in Ultra-Orthodox circles build communities and establish laws and customs that champion the most regressive, and restrictive applications of Jewish law and Torah interpretation. And here I am not only talking about Israel, or even only ultra-orthodox, though it is most prevalent there but also some orthodox and conservative Rabbis in North America. As religion in general and Judaism in particular becomes more fundamentalist and literalist it is no wonder that progressive, liberal minded people – of all religious background are seeking their spirituality elsewhere. They didn't leave religion, their religion left them.

I live with these contradictions and inconsistencies every day and I will share with you that it is a huge theological challenge for me, as I know it is for you when you read the text closely.

Historically, Jews have not had to worry too much about our racist and anti-social texts because we, as a corporate entity,

have not had power. The existence of the State of Israel and the influence wielded by Jews in the Diaspora has changed this and upped the ethical ante.

Parshat Shoftim is the perfect reminder that scattered amongst Judaism's most noble and righteous teachings are passages that are anachronistic at best and immoral at worst.

So what is a proud and passionate Reform Jew, weaned on a Judaism of "Justice, Justice You Shall Pursue", Peter Paul and Mary folk songs, and Tikkun Olam to do?

I'll tell you how I engage Torah every day. I read it with the imperative that we must identify these teachings — biblical, rabbinic, medieval, and modern. As we engage texts that inspire us to pursue social justice, we must, at the same time, engage those that can inspire violence and oppression.

Whether we condemn these texts or merely note their difficulty, they are our responsibility. If we ignore them and fail to forge communal opinions about them, we risk the possibility of seceding the field to the most fundamentalist who claim sole authority over what is 'real and authentic Judaism' and these texts being resurrected, reclaimed and promoted as – "Judaism as it was intended to be."

Perhaps we can see this consciousness-raising re-examination of our most difficult and objectionable teaching as the fulfillment of another famous command in Parshat Shoftim: U'Viarta HaRa mi'Kirbekha — You shall purge the evil from your midst.