

Parashat Shoftim 5780

Shabbat Shalom! This Shabbat's Torah portion is called *Shoftim* which means judges. There's an entire book of the Bible, the second book in the second section of the Bible, which is the section called *Nevi'im* i.e. Prophets which is called *Shoftim*, judges. The word *Shoftim* shares the same root as a word for justice "mishpat." This reminds me of a extremely important verse early in the book of Genesis in which Abraham is arguing with G!d about the fate of the city of Sodom and Abraham asks what if there are 50 righteous people or 45 or 40 righteous people in the city of Sodom, etc., will G!d destroy the entire city including those righteous people. And Abraham asks "Will the Judge of all the earth not act justly?" (*HaShofet kol ha'aretz lo ya'aseh mishpat?*)

This Shabbat's portion is largely concerned with justice. Another famous "justice" verse appears in our portion, but it uses another word for "justice" "*Tzedek*." The phrase in this portion is "*Tzedek, tzedek tirdof*" "Justice, justice you shall pursue." As you all probably know our classic commentators understood the Torah as never having a superfluous word or even a superfluous letter, so that if a letter appears to be superfluous or missing when it normally appears in a word, its presence or absence should be explained. If this is the case when it's a matter of a single letter, *kal v'khomer* (all the more so) it is the case with an entire word. So instead of saying: "*Tzedek tirdof*": (justice you shall pursue), they asked themselves why does it double the usage of the word? The commentary in our Etz Chayim Chumash says the following: (first it focuses on the use of the word "*tirdof*" i.e. you shall pursue): "The term "pursue" carries strong connotations of effort, eagerness. This implies more than merely respecting or following justice"; we must actively pursue it (that is a quote from Abraham Joshua Heschel). Next they quote a classic Chassidic Rebbe Simcha Bunem who said: "This command also means to "pursue justice justly," for just goals can never be achieved by unjust means; the worthiest of goals will be rendered less worthy if we have to compromise justice to achieve it." Finally the editors of Etz Chayim put in their own additional point by adding: "Inspired by this verse, by the Torah's vision of a just society, and by a history of living as a mistreated minority, Jews repeatedly have been in the forefront of struggles for social justice." We may not all agree on what is just and what is justice, but one thing for sure, our tradition tells us that justice is of primary importance and we must pursue it rather than take it for granted or be lackadaisical about it. In other words,

when we pursue justice it should be related to truth and not self-interest. By the way, right before the verse *tzedek tzedek tirdof* (justice, justice you shall pursue) there is another verse that uses the word *mishpat* for justice and says: “You shall not judge unfairly: you shall show no partiality; you shall not take bribes, for bribes blind the eyes of the wise and distort the words of the just.”

What other words do we know in Hebrew that share the root of *tzedek*? *Tzadik* and *tzedakah*. A *tzaddik* is a just person, *tzedakah* is not really charity in our tradition, but rather justice. i.e. taking care of the less fortunate is just, it's not doing someone a favor, it's doing what we are obligated to do.

A next major element of the portion is talking about having a king in Israel. If after we enter our own land and we want to have a king this is what we must do. The Torah is very concerned with the king being subservient to the Torah while putting a lot of checks on the powers of the king. The king should not amass a lot of wealth or have many wives. The king is obliged to write his own copy of the Torah. There's something imbedded in this last idea, that if we stop and think about it, I imagine it will jump out at us. What are the implications of the king having to write i.e. copy the Torah, or at least the book of Deuteronomy? (First of all he must be literate and very well educated). The Torah says he is supposed to study the Torah all the days of his life and learn to be in awe of G!d, in other words, he's not to see himself as all powerful, he's not to think of himself as above the law – just the opposite – he's supposed to see himself as a servant of the law, as a servant of G!d and the people in a sense, but educated enough in the Torah and committed to its principles of justice as to be able to be a leader i.e. someone who knows much more than the average Joe or average Shlomo, he's supposed to be in a position to be able to provide leadership. This would be similar to requiring the President of the United States to copy out the Constitution and the Declaration of Independence – except that the Torah is a much longer document. But it would also be comparable to demanding that the President study the Constitution all the time.

There's a lot to think about in this portion. Even though we no longer live in a society with a monarchy, the lessons of government and the concerns for justice are as applicable and central to how we organize society as ever.

I want to continue a little with the issue of kingship from another angle. There's another verse in this Shabbat's portion that says: “If after you have entered the land that Ad!nai your G!d has assigned to you, and taken possession of it and settled in it, you decide, ‘I will set a king

over me, as do all the nations about me,’ you shall be free to set a king over yourself, one chosen by Ad!nai your G!d” Here’s the issue: There has been a controversy over millennia as to how we as a people shall live. Shall we be like other nations or shall we stand apart from other nations. Having a king like all the other nations was very controversial. In the First Book of Samuel, chapter 8 G!d tells Samuel to heed the people’s demands for a king and that it’s not Samuel the prophet who is being rejected by the people, but rather G!d that is being rejected. Samuel then warns the people what the dangers of having a king will be: he will take advantage of his power, “seize your choice fields, vineyards, and olive groves, and give them to his courtiers. He will take your male and female slaves, your choice young men, and your asses, and put them to work for him. He will take a tenth part of your flocks, and you shall become his slaves. The day will come when you cry out because of the king whom you yourselves have chosen; and Ad!nai will not answer you on that day. But the people would not listen to Samuel’s warning. ‘No,’ they said. ‘We must have a king over us, that we may belike all the other nations...’”

To this day the same issue is alive. For example part of the Zionist movement’s ideology was to normalize the Jewish people which meant to make us a people like any other people. Part of this meant to have a land of our own and our own language that goes back to our roots. Not the Yiddish of the shtetl and ghetto, but Hebrew which was the language of our great literature and from the period when we ruled ourselves. Many of the early Zionists wanted to create an ideal society in our ancient homeland – which meant not only to be normalized i.e. that we would work the land and do all the other types of labor that all other peoples did, but, even better, we would do it right with justice for all. (That also comes from this Shabbat’s Parashah – *Tzedek tzedek tirdof* – Justice, justice you shall pursue). In other words we would return to our ancient homeland and follow the great moral teachings of the prophets. It hasn’t been as easy as the early Zionist pioneers (*khalutzim*) had hoped. Not everyone who returned to Israel, especially in later years shared these ideals. Some people would like to return to a monarchy (like Meir Kahane’s grandson and other extremist settlers). It’s also striking that the early Zionist settlers who mostly came from Russia and Poland were very much socialist democrats. Strikingly the million or so immigrants who came from the Soviet Union in the 80’s and 90’s were so embittered by their experience in the Soviet Union that anything that sounds socialist they oppose. The early settlers also believed that Judaism could resume its evolution and emerge

from having been frozen in the middle ages in response to all of the persecution we experienced. Sadly, that hasn't really happened. In the arts, certainly Israeli culture is far more vibrant and creative Jewishly than the Jewish community in the United States, but in terms of Judaism, much more innovation has occurred here in the United States than in Israel which was too divided between the Orthodox and the secular with very little in between. However this is beginning to change as there is a slow growth of vibrant non-Orthodox forms of Judaism that are beginning to flower around the country. Of course all of the problems created by the security issues in Israel have complicated these issues.

But the basic question remains: do we desire to be a normal people like everyone else, a people set apart from everyone else, or something in between. The question is essential to ,read the Torah and learn from it is dependent on our response to this question.

I want to conclude with a little comment on part of the cultural life in Israel which is extremely important to me. There's a phrase near the end of our Torah portion (Deuteronomy 20:19) related to how when the Israelites are in battle they are not allowed to destroy any of the food-bearing trees of the land they are battling. The Torah asks a rhetorical question: "For is a tree of the field a human" (who can withdraw from you – to protect itself). So the phrase in Hebrew is : *kee ha'adam etz hasadeh*. In Hebrew there's a device in which the prefix "ha" doesn't mean "the" (as it usually does), but instead introduces a question. In the plain (*pshat*) meaning of the verse it is asking "is a tree a human being." However in the tradition of *parshanut* (commentaries on the Torah) and Midrashim, writers will find a different way of reading the very same words. As I said earlier there has been enormous cultural creativity in the land of Israel over the last hundred years. The literary arts have flourished greatly. Among the great poets of *dor ham'dina* (the generation, *dor*, who came of age during the early years of the state, *m'dina*) is Natan Zach. In good Midrashic fashion he took that phrase, *kee ha'adam etz hasadeh*, and reread it to mean "a person, *adam*, is (like a) a tree of the field, and went on to write a beautiful poem comparing trees and humans. Then those words were put to music by one of Israel's great songwriters, Shalom Chanoch, and became a popular song too.

Shabbat Shalom.