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judge to reach a clear decision in favor of one party, the judge should impose a compromise on the two parties. The third reading, from an anonymous baraita, contends that “justice, justice, you shall pursue” teaches us to search out the best available court. The doubled words instruct us to not be content with an average court. The fourth reading, again from an anonymous baraita, shifts the focus from the courts to the sages. “Justice, justice, you shall pursue” instructs us to follow the sages to their respective academies. It is possible to understand this last reading as teaching us that the sages embody justice and therefore, if one is to learn justice, one must follow a sage and learn Torah from that sage. Alternatively, it is Torah itself that embodies justice and therefore one must follow a sage to learn that Torah.

For the Bavli, Deuteronomy 16:20 is not a call to abstract justice, but a summons to care and knowledge within the judiciary. In order to render a just judgment, a judge cannot simply assume the good intentions of all parties involved; he must be careful to take precautions against fraud. A judge must also know enough to understand when she cannot reach a clear judgment in a case and must instead resolve the dispute through compromise. In addition, the Bavli cautions that not all courts are created equal; some are better than others. Finally, the Talmud teaches, just action is something that must be learned; it is not instinctive. For this reason, the Talmud tasks us with following a sage and learning Torah.

These four interpretations of, “Justice, justice, you shall pursue” need not undermine a call to activism. Rather, they should be viewed as presenting us with a reminder that we can carry out the call to justice in a number of different ways and through a number of different institutions. The courts can be a force for justice, but only when the judge recognizes that laws are not always just—a fraud can abuse the law—and that sometimes a right and wrong does not exist. A judge must know when to step back from judging. In reminding us that not all courts are equal, the Bavli challenges us to confront the inequalities in our judiciary framework and to ask how we may ameliorate and mend those inequalities. Ultimately, this sugya returns us to Torah, pushing us to chase after and study its teachings as a source of justice.

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TORAH SPARKS

Shoftim

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Annual | (Deuteronomy 16:18-21:9) **Etz Hayyim, p. 1088**
Triennial | (Deuteronomy 16:18-18:5) **Etz Hayyim, p. 1085**
Haftarah | (Isaiah 51:12-52:12) **Etz Hayyim, p. 1108**

Judges and the Pursuit of Justice

Dr. Jane Kanerek, Associate Professor of Rabbinics and Associate Dean of Academic Development and Advising, Hebrew College
CY 1999-2000, 2003-2004

It has become commonplace to read the phrase צדק צדק תרדוף—justice, justice, you shall pursue (Deuteronomy 16:20)—as counseling us about the imperative of social activism. We are not supposed to stand idly in the face of injustice but rather to chase after a more just world. Yet, when the Talmud reads this phrase, it does so within what we might think is the more mundane and staid world of judges, courts cases, and the study hall. The Bavli (B. Sanhedrin 32b) provides four different interpretations of צדק צדק תרדוף. The first interpretation is given by the sage Reish Lakish. According to Reish Lakish, the doubling of the word “justice” indicates that the verse refers to the extra care a judge must take when judging a case where one of the litigants is known to engage in fraud. The second interpretation is found in a baraita quoted by the sage Rav Ashi: the first mention of the word “justice” refers to judgment while the second mention of the word “justice” refers to compromise. That is, in a case where it is not possible for a

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D'var Haftarah: Israel's Relentless Mission to the World

Rabbi Mordechai Silverstein, From the Archives

One of the purposes of the prophet's words of consolation to the people of Israel was to quell their constant anxiety over the onslaught of their enemies. The prophet reminds them of God's constant presence and the ephemeral nature of the threats. More important though he reminds the people that they have a mission and that they should not let their anxiety get in the way of their responsibilities. They should remember that God's constant presence in their lives is for a purpose: "For I the Lord your God who stirs up the seas into roaring waves, whose name is Lord of Hosts, have put My words in your mouth and sheltered you with My hand; I who planted the skies and made firm the earth have said to Zion: 'You are My people'" (Verses 15-16)

These words, which are here addressed to the entire people, are influenced by the words of the message of the earlier prophet, Jeremiah. In his prophecy similar words are directly to him in particular: "The Lord put out His hand and touched my mouth, and the Lord said to me: 'Herewith I put My words in your mouth. See I appoint you this day over nations and kingdoms to uproot and to pull down, to destroy and to overthrow, to build and to plant.'" (Jeremiah 1:9-10)

Where Jeremiah was given the role of prophet to the nations in this earlier prophecy, the words of the prophet in the later part of the book of Isaiah are intended for the entire people. The whole of Israel are intended to be prophets to the nations of the world. This message is associated with the creation of the world and intended to be universal in nature. (See Shalom Paul, Isaiah 40-66, Mikra L'Yisrael, p. 338)

The following midrash may have had this idea in mind when it interpreted the verse from Isaiah with an agenda in mind: "Rabbi Joshua of Sikhnin in the name of Rabbi Levi: 'I have put My words in your mouth' – this refers to Torah. 'And have covered you with the shadow of My hand' – this refers to acts of loving kindness. This comes to teach that all who busy themselves with Torah and acts of loving kindness merit taking refuge in the shadow of the Holy One Blessed Be He." (Pesikta d'Rav Kahana 19:6 Mandelbaum ed. p. 309)

The mandate of the Jewish people in the world is to study Torah and to bring God's message to the world through His words and our deeds. This mission should be relentless and fearless. It has been planted in us and should be brought to fruition.

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How Much Privilege Does Power Award?

Vered-Hollander-Goldfarb, CY Faculty

Text: Devarim 17:14-20

(14) When you come into the land... and you say "I shall put a king over me, like all the nations about me." (15) You shall surely put a king over you that the LORD your God has chosen; from among your brothers you shall put a king upon you... (16) Only he shall not add many horses for him, and not send people back to Egypt to add to his horses, since the LORD said to you, "You must not go back that way again." (17) And he shall not add many wives, lest his heart go astray; and silver and gold he shall not add too much of. (18) And when he is seated on his throne, he shall write a copy of this teaching (Torah)... (19) And it shall be with him and he shall read in it all his life, so that he may learn to revere the LORD his God, to observe faithfully every word of this teaching as well as these laws.

- Why do you think that the king has to be from one's own nation?
- The king is restricted in the amount of horses, wives, and gold and silver that he can amass. What was the purpose of amassing each of these, and why do you think it is viewed negatively by the Torah?
- Two of the items have explanations attached: horses and wives. What are the rationales given by the Torah?
- Why do you think that the king should not have too much gold and silver? Why is no rationale given for this?
- Is it a good idea to explain the rationale for a Mitzvah? Why?
- Why does the king have to keep a copy of the Torah with him? Could you suggest a parallel practice that modern leaders should be required to do for similar reasons?

Babylonian Talmud, Tractate Sanhedrin 21b

Rabbi Yitzhak says: For what [reason] were the rationales of Torah [commandments] not revealed? Because the rationales of two verses were revealed, and the greatest in the world [King Solomon] failed in them. It is written [with regard to a king]: "He shall not add many wives", Solomon said: I will add many, but I will not stray, And [later] it is written: "For it came to pass, when Solomon was old, that his wives made his heart stray [after other gods]" (I Kings 11:4).

- What risk does R. Yitzhak see in explaining the rationale of Mitzvot? Do you agree with him?
- I Kings 10:18-11:10, 12:3-4 tells of life in the Solomonic kingdom. What went wrong? Why did the kingdom break up? Which of the Torah restrictions are personal and which are national? Is there a difference?

We welcome your comments: torahsparks@uscj.org