

MORASHAH
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Parashat HaShavuah Series

Shoftim

“*Tsedek, tsedek tirdof* – Justice, justice, shall you pursue” found in the opening of *Parashat Shoftim*, may be one’s favorite phrase from the Torah. With a mere three Hebrew words, it calls us to a noble aim that applies to all mankind, urges us not merely to value justice, but to “pursue” it, and the repetition of the word *tsedek* has led to insightful interpretations.

A broader look at this week’s *parashah* reveals that this verse is part of an entire attitude toward law and justice. *Parashat Shoftim* opens by requiring us to appoint administrators of law – *shoftim v-shotrim* – judges and officers. It also warns that “judges may not take bribes, for bribes pervert the eyes.” The proper administration of justice is inherently linked to the law itself.

An even broader look reveals that judges are one of four major socio-religious institutions that are addressed in *Parashat Shoftim*: judges, prophets, kohanim, and kings. Each had its own domain. Like the foundational 18th century American approach to governance, ancient Israelite political theory reveals a fear of the concentration of power, reflecting sentiments expressed by Lord Acton that “absolute power tends to corrupt absolutely.” Separate authoritative institutions collectively lead society.

The last of the monarchy, descendants of the Hasmoneans-Maccabeans, effectively ended when the Romans asserted themselves in Israel (63 BCE). The authority of the *kohen* over his domain ended with the Roman destruction of the *Beit ha-Mikdash* in 70 CE. The rabbis formally declared that the age of prophecy had ended. For nearly 2,000 years, of these four great Israelite socio-religious institutions, only the legal domain survived. Indeed, through the teaching of the Mishnah and the Talmud, through the organic living of the Jewish people, Jewish life survived and thrived. What would have happened to us, and what legacy to the world we would have bequeathed without the law, is unimaginable. Indeed, even non-religious and non-observant Jewish culture and life would be radically diminished without the primacy of the law.

For some, law is a nasty word. It is a symbolic enemy that curtails human freedom, restricting us here and obligating us there. Others, including me, love law in general and *halakhah*, Jewish law, in particular. For me, *halakhah* is the crystallization of the ideal harmony between an abstract ideal and human nature, what is good and right and what can be done. It prevents us from sinking into the quagmire of unchecked, intense, radicalized human desire. Consider Bernie Madoff and others, and the financial crimes committed to the

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embarrassment of the Jewish community over the past two years. Halakhah is intellectually sharp and morally elevating. It is specific and challenging. It is intrinsic to Jewish life.

And while I concede that law is restrictive and obligating, I do not concede that it is only so; it is, paradoxically, also liberating. Let us not pretend, with all of our freedom, that we do not still feel enslaved, ruled, and dominated by our emotions, our desires, and by the thinking of others. When I observe *Shabbat*, *kashrut*, pray three times a day, observe holydays and the many other *mitzvot* and *halakhot*, I feel free.

As Shabbat approaches, I am liberated from the usual demands of the week, from tedious and mundane social demands, from the threat of a diffused family. Instead, I enter a period of God-ordained time, imposed upon me but which I freely accepted, holy time that my people have cherished for well over 100 generations. I transcend mundane time by being united with generations past, present, and future. And when we share Shabbat with others, at home and in our synagogues, it is alive.

Although at times I feel dominated by my desires for food, *kashrut* liberates me from super-sized fast food. Even on vacation, when *kashrut* can be especially burdensome, that we meet the challenge is ultimately refreshing and liberating. And obligatory worship, although demanding of my time, carves out a spiritual slice of the day, and when shared by others at a *minyan*, brings me social spiritual comfort.

Of the four institutions, only law is left. And although the Torah in *Parashat Shoftim* speaks to justice, traditional Jewish theology regarded all Torah law as divine, not distinguishing in authority or importance between human-to-human obligations and those to God. Torah and *mitzvot* are our eternal and glorious inheritance. God obligates us to keep them, not because He seeks to dominate us but because it is good for us as individuals, as a collective people, and it is our blessing to the world.

Shabbat Shalom!

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