

September 7, 2024- my first drash @ Fabringen - SHOFTIM

Shabbat Shalom everyone. Thank you to David Goldston for compelling me to stretch out of my comfort zone and deliver my first drash with all of you. I was quite nervous about how I was going to do this, especially in this company of very experienced daveners steeped in Judaic practice and nuance of these sacred texts and commentary.

But I also know, and had to remind myself, that I have in fact some decent knowledge through my own Jewish practice, as well as experience of decades of time in different parts of the Jewish community. Even though I may not be as familiar with some of the many different chants and tunes of the liturgy, or cycles of Torah study and practice, I do know this: that the words of the Torah remain available to all of us who really care to read, hear, listen, think and reflect on it. Its accessibility at any moment in the times of our lives, of our community, of joys and of tragedies as we've all been experiencing this past week, is one of the supreme gifts of the Pentateuch. Torah offers us not just layers of illumination and knowledge, not just deeper awareness of ourselves but a type of spiritual foothold that grounds us in our place in the world and in this moment. And its learnings change as we change and grow wiser and I guess older. Most importantly and essentially, Torah teaches us what responsibility we have to one another.

I know since October 7, and especially since the horrific murders of the six innocent Jewish souls that shook us to our core this past week, a Hebrew phrase was recited quite a bit in a number of written opinions, essays, and social media posts I came across. I realize it is also very relevant to this parsha Shoftim,

This phrase is: "Kol Yisrael arevim zeh bazeh" - We the People Israel are responsible for one another." I've been reciting this phrase all week. It is why we've hurt so much since October 7 and since the surge of antisemitism in recent years. We all feel it. We are responsible for one another.

Shoftim, or Judges, is all about this. It provides instructions of how justice shall be implemented, by what officials and by what means, and of course, what extreme and brutal consequences will be delivered in the public square— death by stoning for one – if the people transgress or violate these edicts. The underpinning of what makes this all work is communal responsibility.

This parsha has two iconic phrases in it. First, it contains one of the most oft-repeated and publicly evoked phrases from the Torah, one that is called out passionately by Jewish activists at mass protests and gatherings of social justice, - Tzedek, Tzedek, Tirdof- Justice Justice shall you pursue.

This call to action, framed and hung prominently on the wall of Ruth Bader Ginsburg's office throughout her career, served as her daily reminder of her purpose and mission as a legal advocate and eventually a Supreme Court justice, but at its core, it was her instruction of what she must do as a Jew, to be observant of her place and duty in the world. I cherish how much it meant to her, and to so many of us. It is part of the new Fabrangen banner that Judy Beth Greene and I made a few months ago.

This phrase is not just a call to action, but also a sacred command that came from G*d. A command that should be pursued without partisanship, corruption or favoritism. For certain, a very high bar to meet. But we must try.

I also want to focus on the rest of the phrase that comes after those 5 words in Shoftim: Justice, Justice, shall you pursue..."that you may thrive and occupy the land that Adonai has given you." We have been given this gift of land and freedom after all these years wandering, but in order to keep it, and for our people to endure in this land for generations, we have this singular path of pursuing justice. Justice as we know, has so many meanings and nuances. It is foundational to what defines our people— that we must be responsible to one another, and according to Torah, must follow Adonai's instructions on how we do this.

As I reflect on this, how sad I became thinking about the entrenched polarization in our American society, the chasm of divide in Israeli society exacerbated by war, and then the polarization and disinformation spreading across many countries in Europe where many of our families lived for centuries up until this modern era. It is a shame that communal responsibility doesn't seem to be what it once was on the national stage. It exists in Fabrangen and in smaller sects of communities, but in our national discourse and in community forums, it is exceedingly lacking.

This leads me to wonder how justice can be pursued when so many in our American community, even in our global Jewish community, not only don't feel a responsibility to one another, but now have reached a place of not accepting rule of law, or basic social practice and etiquette of treating one another dignity and regard. How can anything positive for society be pursued in this kind of environment? Some major achievements and progression in societal

advancement do get done despite this, but it's getting more and more difficult to achieve. How do we reverse this course?

We learn in this parsha that in the community, when certain types of transgressions are witnessed, then an inquiry can be made, and if proven as fact to the magistrates, a verdict of death shall be ruled. Once this happens, then we read on in Shoftim that "thus you will sweep evil out of Israel; all the people will hear and be afraid and never act presumptuously again." This is nothing but old school ancient times Justice 101. To this I ask: is this where we want to be today? It's the G*d fearing narrative, but it's turned into human-fearing.

A later passage toward the end of this parsha explains that when there is incriminating false testimony given and proven through the magistrates, then punishment should be meted out by not showing any pity, and must be administered as quote "life for life, eye for eye, tooth for tooth, hand for hand, foot for foot." Another iconic phrase we all know well.

And again, this life for life approach is being deployed now in IDF military strategy, and explained in Israeli discourse that it is for defense and protection, but is also a form of justice in the context of this parsha. The IDF reaction and military operation to avenge the mass murder of the October 7 massacre, to take life for life, is a response. Is it justice? When so many thousands of innocents are collateral damage? For many Israelis it is justice, but for many others, now eleven months into this war, this strategy of justice is not delivering on priorities of saving hostages' lives, which has also been a longtime IDF military strategy - to save every life and return them home. It is very complicated.

I want to go back to that second part of the phrase after Tzedek Tzedek Tirdof— it reads, Justice Justice shall you pursue "that you may thrive and occupy the land that Adonai has given you."

Here's what I think: I don't believe any kind of societal thriving that can take place if we continue to practice "life for life / eye for eye" justice. In today's modern world, and in this current Israel-Iranian proxy conflict— even in Israel itself, in our country, – we see all around us many are not responsible for one another— and beyond that, they are hateful, deceitful, vindictive, and sometimes violent to one another.

So then where does that leave us in the pursuit of justice? Again, how can we pursue it if we are not communally responsible? How can we return to giving each other more regard and more care toward responsibility of one another?

Finally, I want to share this prayer that was delivered at the opening of Tuesday's session of Congress this week, recited by house guest chaplain Rabbi Hannah Spiro of Hill Havurah. Her prayer evokes similar themes of this parsha. Here is her prayer:

"Divine Judge, Source of All Life, may this grief we feel, this rage we feel, each time a beautiful young soul is taken, serve some purpose. Not the cruelty of what they went through, not their senseless deaths, for these horrors, there is no possible silver lining. But, may our grief, our rage, our intrusive thoughts, get us somewhere that we need to be. To an insistence that the killing ends. To a clarity that peace and justice must go hand and hand. As it says in Psalm 85, lovingkindness and truth will meet. Justice and peace will kiss.

May every single person on this sacred earth live to see that day. And let us say, Amen."

This prayer is what I want to believe with all my heart. I want the killing to end in this conflict, and I know many millions stand together on this, But on the other side of the coin- I know Israel must defend herself and protect her citizens, but what is enough defense and what is excessive? What is the balance of justice in this equation? It seems so intractable, but we have to find a way forward.

On that note, I have more questions for discussion:

- 1) Rule of law is more and more threatened. Is it possible to achieve a place of more practiced communal responsibility in the wider scope? Can that help course correct where we are in our country re: chipping away at the rule of law?
- 2) How do you feel about the administration of justice in Shoftim? Is it warranted today? Is Rabbi Spiro's prayer about finding purpose in the murders of innocents, in channeling our rage into justice through peaceful means, realistic and possible?
- 3) Final question: how have you pursued justice in your life, professionally or personally, and does that pursuit inform how you view the state of justice in our country and in Israel today?

And of course, please contribute other thoughts or reflections on this very challenging parsha. I'm very interested to hear your insights.

Thank you.