

Beginning in the Book of Exodus and continuing in Leviticus, a groundbreaking religious and social order is being developed predicated on the twin ideals of fairness for all and the sanctity of life. Viewed in this light, it is difficult to justify the wholesale pillage and murder that our ancestors were commanded to carry out as they overtook the land. However, although the people were better prepared than their parents to build this new and radically different society, they – and let’s face it – all of us humans are still far from perfect. Along with our good qualities, we can be greedy, power hungry, deceitful, violent, and stubborn, and there will always be people who tend toward the latter. Deterrents are necessary, but to enact them we must balance *chesed* (mercy/kindness) and *gevurah* (strictness), and know how and when to emphasize the one or the other. In short, we need flexible law codes based on the lofty values set out in our Torah, and enacted by conscientious representatives invested with the authority to ensure rightful action against wrongdoing. Our parashah contains a wealth of examples. The attractions of the surrounding cultures always pose a huge threat to a society still in the beginning stages of developing an identity. Therefore, all forms of temptation had to be obliterated, not only the cities and their pagan symbols of worship, but also the Israelites who had succumbed to them. Successfully balancing the opposing forces of assimilation and identity is an ongoing challenge, as we know all too well. Another challenge is the nostalgia some people develop when faced with difficulties. For that reason, going back to Egypt is strictly prohibited (17:16), even to acquire more horses for a king. Tragically, there are murders as well as fatal accidents, and equally tragically, there are blood avengers. Imperfect humans that we are, we engage in a myriad of other transgressions, not the least of which include lying, cheating, and bearing false witness. We need laws to ensure justice for the innocent and fairly punish the criminals. And these laws are to be flexible enough to encompass extenuating circumstances – another truly revolutionary idea. In chapter 20 soldiers called to battle are afforded an enviable array of possibilities to defer service: anyone who is building a home, planting an orchard, engaged to be married, or simply afraid of killing and dying can go home in peace. This might seem like ridiculous coddling, especially to the battle-hardened veterans of recent wars, but the last part of verse 8 reveals exquisite logic: “Let him go and return to his house, that he should not cause the heart of his brothers to melt, as his heart.” Soldiers need to be unequivocally focused on the goal; one person whose attention is diverted can wreak havoc on the entire operation. But to punish criminals and deter crime, other laws need to be rigorous. Being unjustly accused is one of the worst things that can happen to a person; serving time in prison or being executed for a crime one did not commit still happens all too often, even in so-called civilized societies. It is noteworthy that among the strictest laws ensuring justice for all, the commandment “show no pity” applies only to those who bear false witness. “You shall not have pity: life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.” (19:21) This is the third time we encounter the *lex talionis*, the law of retaliation. It appears the first time in Exodus 12:24 (Parashah Mishpatim) and is repeated in Parashah Emor (Leviticus 24:20). In both instances it is interpreted in stark contrast to the Law of Hammurabi on which it is based. There, whoever injures another person is to be punished with the same injury, while our interpretation calls for monetary compensation corresponding to the loss. Even in our parashah, in the case of willful obstruction of justice, Rashi still calls for financial compensation, although in the preceding verses (19:18-20) the Torah elaborates on the responsibility of witnesses to be scrupulously honest and makes a dire pronouncement: “And the judges shall inquire thoroughly, and behold, the witness is a false witness; he has testified falsely against his brother, then you shall do to him as he plotted to do to his brother, and you shall abolish evil from among you. And those who remain shall listen and fear, and they shall no longer continue to commit any such evil thing among you.” Here, Rashi cites Talmud discussions concerning a case of witnesses who falsely accuse the married daughter of a Kohen of adultery, and does allow for capital punishment under the condition that the proclamation is made after the execution of the perpetrators. Indeed, true justice is never swift, and never couched in absolutes. All sides of a story must be examined diligently, evidence must be collected from as many witnesses as possible, and favoritism is rigorously prohibited. The phrase “*tzedek, tzedek tirdof* – justice, justice shall you pursue ...” (16:20) has always been intriguing. Why repeat *justice* and not *pursue*? Rabbi Simcha Bunim of Peshischa, who revolutionized 19th century Chasidic Judaism by infusing it with enlightenment philosophy and challenging the autocratic nature of Chasidic rebbes, offers a novel answer: You shall pursue justice through justice. In other words, the means of attaining justice must also be just. Justice is a multifaceted ideal that requires diligence, patience, and impartiality. It begins with meticulously examining ourselves, something we will do intently as we move through the month of Elul in preparation for the new year. But judge yourself justly, for the sake of justice.

Shabbat shalom!