

Walk through the Parsha

with **Rabbi David Walk**



TO GOVERN

Sho-f'tim

The character of governance has morphed into a state of tumult and pandemonium in both of my beloved lands. The US of A is in the throes of a raucous, no holds barred, election campaign. The State of Israel has disruptive demonstrations seemingly at every major thoroughfare. When did politics, which I used to know as the art of compromise, turn into the chaos of disruption? Seemingly, we'd rather posture than govern.

So, what are we to do? Well, first of all, read this week's Torah reading. The Book of D'varim is, of course, Moshe Rabbeinu's valedictory, but it's also his parting words of advice on many topics, and this week it's governance.

Before he suggests that monarchy is the best format for government, he makes a more fundamental statement: Primarily, there must be a system of justice!

Judges and magistrates (officers of the law) must be appointed in every gate which the Eternal your God has given your Tribes for settlement, and they must judge the nation righteous judgment (MISHPAT TZEDEK, D'varim 16:18).

There are two points which jump out at us from this powerful verse: the seat of justice must be at the gates of the communities and the justice must be righteous, TZEDEK.

I grew up with the traditional New England model for a community, and this is equally true for most of small town America. In the middle of town there was a courthouse. In front of the courthouse was a small park with a tall flagpole, a statue and usually a canon or two.

The Biblical arrangement is very different. The court sat in the gate to the community. Pragmatically, those that dwelled within the walls wanted to keep visitors, businesses and court cases outside their defensive walls. But the symbolism was also very powerful: This community before you is governed by the rule of law!

The Ohr HaChayim points out the power of that first phrase 'appoint judges and enforcers'. He quotes Rabbi Eleazar ben Shamua who says once you have law enforcers you will have effective judges; if there are no law-enforcers the law to appoint judges is not operative. Whenever the Israelites realize that the common people ignore the rulings of the judges, and the judges in turn are unable to enforce their decisions there is no point in making such decisions.

**What good are judges with no power?
Law without teeth is no law.**

This setup is both an ideal and a practical arrangement. We must teach the right and just to the people, and then enforce it. It's very similar to parenting. Our rules for our children last as long as our statements have consequences. I'm better at describing the process than I was at keeping it.

Prof Everett Fox pointed out a melancholy reality: the author's purpose was not to produce a civil-law book like the book of the Covenant (chapters 21-23 of Sh'mot), but to set forth a code of laws securing the protection of the individual and particularly of those persons in need of protection... the central purpose of D'varim is to furnish Israel with a complete order of faith and life which is the prerequisite for a prosperous and secure existence on the God-given land. The historian [of the succeeding books of Tanach] shows how Israel failed to keep it and what the consequences were.

Alas, our ancestors eventually failed at keeping the Biblical system of justice going. The societies of Eretz Yisrael (both North and South) fell to ancient empires because we forfeited Divine protection by neglecting our commitment to justice. Yeshayahu said it best:

Your land is a waste, Your cities burnt down; Before your eyes, the yield of your soil is consumed by strangers - A wasteland as overthrown by strangers! ... (Because you didn't) Learn to do good. Devote yourselves to justice; Aid the wronged. Uphold the rights of the orphan; Defend the cause of the widow (1:7 & 17).

Lest you begin to think that this whole article bemoans the state of things beyond our control, it's time to turn to the Avodat Yisrael (the Magid of Koznitz):

And a person needs to judge themselves, such as the eyes should be turned to see only what is appropriate to be seen; and the ears should only listen to words of Torah and mitzvot, and the mouth should only speak words of Torah and prayer. And an individual is [also] called 'city', as it is written in Kohelet 'a small city with a few men in it' (9:14-15), and so one needs to judge and direct oneself towards the good path that they should take (Pirkei Avot 4:7).

And the Mei Shilo'ach also sees these laws as applying to the individual: 'Your gates' means to appoint judges in general and in particular, in every state and every city, and in every person's soul. 'Your gates' are the seven gates to the soul by which a person receives goodness: the two eyes, the two ears, the two nostrils, and the mouth. An individual must

make a great reckoning for every gate through which he receives goodness, and in a place where a person influences others he must make an even greater reckoning.

In our societies, we must vote for candidates who will enforce justice, fairness and the rule of law. When our governments don't heed norms of fair play and integrity, we must protest loudly and effectively. But never forget that TZEDEK in society begins with each individual's behavior.

Want a just society? Be just. 