

לע"נ
הרב יעקב צבי ב"ר דוד אריה ז"ל
Rabbi Jonathan Sacks z"l

TZEDEK: Justice and Compassion

D'VARIM

As Moshe begins his great closing addresses to the next generation, he turns to a subject that dominates the last of the Mosaic books, namely justice:

I charged your judges at that time: 'Hear the disputes among your people and judge fairly, between one person and another, whether Israelite or migrant. Do not show partiality in judgment: listen equally to the small and the great. Do not be intimidated by any man, for judgment belongs to God. Any case that is too difficult for you, bring to me, and I will hear it.' (D'varim 1:16-17)

TZEDEK, "justice", is a key word in the book of D'varim - most famously in the verse:

Pursue justice, only justice, so that you may live and possess the land that the Lord your God is giving you (16:20).

The distribution of the word TZEDEK - and its derivate TZ'DAKA - in the Five Books of the Torah is anything but random. It is overwhelmingly

concentrated on the first and last books, B'reishit (where it appears 16 times) and D'varim (18 times). In Sh'mot it occurs only four times and in Vayikra five. All but one of these are concentrated in two chapters: Sh'mot 23 (where three of the four occurrences are in two verses, 23:7-8) and Vayikra 19 (where all five incidences are in chapter 19). In Bamidbar, the word does not appear at all.

This distribution is one of many indications that the Chumash is constructed as a chiasmus - a literary unit of the form ABCBA. The structure is this:

A: B'reishit - the prehistory of Israel (the distant past)

B: Sh'mot - the journey from Egypt to Mount Sinai

C: Vayikra - the code of holiness

B: Bamidbar - the journey from Mount Sinai to the banks of the Jordan

A: D'varim - the post-history of Israel (the distant future)

The leitmotiv of TZEDEK/TZ'DAKA appears at the key points of this structure - the two outer books of B'reishit and D'varim, and the central chapter of the work as a whole, Vayikra 19. Clearly the word is a dominant theme of the Mosaic books as a whole.

What does it mean? TZEDEK/

TZ'DAKA is almost impossible to translate, because of its many shadings of meaning: justice, charity, righteousness, integrity, equity, fairness and innocence. It certainly means more than strictly legal justice, for which the Bible uses words like **MISHPAT** and **DIN**. One example illustrates the point:

If the person is poor, do not go to sleep with the pledge in your possession. You must return his pledge by sunset, so that he may sleep in his cloak and bless you. This will be accounted to you as a righteous act before the Lord your God. (D'varim 24:12-13)

TZ'DAKA cannot mean legal justice in this verse. It speaks of a situation in which a poor person has only a single cloak or covering, which he has handed over to the lender as security against a loan. The lender has a legal right to keep the cloak until the loan has been repaid. However, acting on the basis of this right is simply not the right thing to do. It ignores the human situation of the poor person, who has nothing else with which to keep warm on a cold night. The point becomes even clearer when we examine the parallel passage in Sh'mot 22:25-26, which states:

If you take your neighbour's garment as collateral, return it to him before the sun sets, because it is his only clothing, the sole covering for his

skin. What else does he have in which to sleep? And if he cries out to Me, I will be listening: I am gracious.

The same situation which in D'varim is described as **TZ'DAKA**, in Sh'mot is termed compassion or grace (**CHANUN**). The late Rabbi Aryeh Kaplan translated **TZ'DAKA** in D'varim 24 as "charitable merit". It is best rendered as "the right and decent thing to do" or "justice tempered by compassion".

In Judaism, justice - **TZEDEK** as opposed to **MISHPAT** - must be tempered by compassion. Hence the terrible, tragic irony of Portia's speech in *The Merchant of Venice*:

*The quality of mercy is not strain'd,
It droppeth as the gentle rain from
heaven*

*Upon the place beneath: it is twice
blest;*

*It blesseth him that gives and him that
takes:*

*'Tis mightiest in the mightiest: it
becomes*

*The throned monarch better than his
crown;*

*His sceptre shows the force of
temporal power,*

*The attribute to awe and majesty,
Wherein doth sit the dread and fear of
kings;*

*But mercy is above this sceptred
sway;*

*It is enthroned in the hearts of kings,
It is an attribute to God himself;
And earthly power doth then show
likest God's
When mercy seasons justice.
Therefore, Jew,
Though justice be thy plea, consider
this,
That, in the course of justice, none of
us
Should see salvation: we do pray for
mercy;
And that same prayer doth teach us
all to render
The deeds of mercy. I have spoke thus
much
To mitigate the justice of thy plea ...*

Shakespeare is here expressing the medieval stereotype of Christian mercy (Portia) as against Jewish justice (Shylock). He entirely fails to realise - how could he, given the prevailing culture - that "justice" and "mercy" are not opposites in Hebrew but are bonded together in a single word, TZEDEK or TZ'DAKA. To add to the irony, the very language and imagery of Portia's speech ("It droppeth as the gentle rain from heaven") is taken from D'varim:

*May my teaching pour down like rain,
Let my speech fall like the dew,
Like gentle rain upon tender plants,
And like showers upon the grasses.*

*As I call out the name of the Lord,
Come, praise the greatness of our
God.
The Rock, His work is whole,
For all His ways are justice.
A God of faith who does no wrong,
Just and upright is He. (32:2-4)*

The false contrast between Jew and Christian in *The Merchant of Venice* is eloquent testimony to the cruel misrepresentation of Judaism in Christian theology until recent times.

Why then is justice so central to Judaism? Because it is impartial. Law as envisaged by the Torah makes no distinction between rich and poor, powerful and powerless, home born or stranger. Equality before the law is the translation into human terms of equality before God. Time and again the Torah insists that justice is not a human artefact: "Do not be intimidated by any man, for judgment belongs to God." Because it belongs to God, it must never be compromised - by fear, bribery, or favouritism. It is an inescapable duty, an inalienable right.

Judaism is a religion of love: You shall love the Lord your God; you shall love your neighbour as yourself; you shall love the stranger. But it is also a religion of justice, for without justice, love corrupts (who would not bend the rules, if he could, to favour those

he loves?). It is also a religion of compassion, for without compassion law itself can generate inequity. Justice plus compassion equals TZEDEK, the first precondition of a decent society.

Around the Shabbat Table:

- (1) The word TZEDEK has many translations. How do you interpret this word?
- (2) When Moshe said, to fear no-one, for judgment belongs to God, what did he mean?
- (3) If you were a judge, what would be the hardest part of your job?

Y'HI ZICHRO BARUCH