

THE TORAH'S PATH TO JUSTICE

by Rabbi Berel Wein

This is the 'law and order' parsha of the Torah, so to speak. Implicit in studying it is the realization of the delicate balance between an ordered society, with some restraints on personal freedom and expression, and, on the other hand, a society of complete personal freedom but also of anarchy and chaos.

The judges and police that the Torah commands and authorizes are to be the arbiters that decide the rules of society and the acceptable behavior of its citizens. But, they are merely the enforcers of the law. It is the citizenry itself that sets the limits and mores of the society.

As we have recently seen, thousands of police cannot, by themselves, stop looting, rioting and other forms of social mayhem. There has to be an agreed upon social imperative within the society to make for order. Traffic flows because there is an unwritten but nevertheless binding agreement among drivers to observe traffic signals and stop lights.

Police can be a deterrent to law breakers but police do not guarantee a civil or lawful society. Eventually all societies based purely upon police power falter and fail. Again, witness what is happening in the countries that surround us. Police states cannot control beliefs, ideas and human longings. These eventually rise to the fore, unfortunately many times violently and in revolution, and assert themselves to be stronger than the power of the police state. Police are only valid as the enforcers of the public will. When they overstep that boundary they can become a very negative force in society.

The Torah bids judges and courts to rule fairly, justly and righteously. There is no judge in the world that enters the courtroom without personal prejudices and preconceived beliefs. Yet, the Torah still demands that this judge, burdened by this weight, weigh the matters before him fairly and decently. The pursuit of true justice is a never ending one.

The rabbis of the Talmud advised us to choose a court that has the established reputation for being fair, just and wise. The Talmud lists for us courts and judges that met this description in the early centuries of the Common Era. Being a judge is always a lonely, difficult position. No one will be completely satisfied with a judge's decision. There always are perceived slights and injustices that occur in all legal proceedings.

The Torah bids all of us - judges, litigants, witnesses and the general public - to somehow rise above these inescapable human failings and continue to pursue justice and righteousness as best we can.

The prophet challenges us "to create justice." All human creations have an element of imperfection incorporated within them. We should not allow the presence of this unavoidable imperfection to cloud our general view of the necessity for the pursuit of justice to continue.

Judges may falter and be found wanting, but the Torah's insistence upon the rule of justice and right in society is never ending. Both judges and police when set upon the Torah's path of pursuing justice and a moral society fulfill a vital role in society and government.

Shabat shalom,

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Rabbi Berel Wein- Jewish historian, author and international lecturer offers a complete selection of CDs, audio tapes, video tapes, DVDs, and books on Jewish history at www.rabbiwein.com