

JUSTICE AND RIGHTEOUSNESS

by Rabbi Berel Wein

This week's parsha emphasizes, albeit in an indirect fashion, the litigious nature of human society and the requirement for the appointment of judges to decide disputes and for police to enforce those decisions. A perfect world needs no judges or courts, police or bailiffs. Our very imperfect world cannot reasonably hope to function and exist in their absence. Law and order are the requirements for a commercially and civilly successful society.

As such, judges and courts are the necessary check to prevent chaos and anarchy. But the Torah points out that there must always be necessary restraint on the powers of the courts and the police as well. And that check to judicial power is called justice and righteousness, as these concepts are defined and detailed by the Torah law and its traditions.

There is a special burden imposed by the Torah upon the judicial process, to somehow achieve not simply legally correct decisions, but a broader obligation to accomplish a sense of righteousness and justice in its general society. And the courts are bidden to be pursuers of justice and righteousness and not to satisfy themselves with seemingly correct legal conclusions, which narrowly construed, unfortunately can many times somehow lead to injustice and tragedy.

There are many examples in the history of the Jewish people where judicial and even rabbinic decisions, seemingly legally correct, led to terrible disputes and tragedies simply because the general public did not feel that justice was done in the matter. Without the palpable presence of justice and righteousness being present in our court system, we become a very divisive and spiritually sterile society.

Jewish tradition encourages compromise over hard and fast judicial decision. In fact, many great Jewish figures of the past and present, though personally involved in the world and practice of commerce, have prided themselves as never having been involved in any dispute that was submitted to a court of law or to a rabbinic tribunal.

The emotional and monetary costs of pursuing a matter of contention in a judicial manner are telling and long lasting. This is especially true when a family or partnership dispute is involved. Those scars are never completely healed. When I attended law school many decades ago we were taught to abide by an adage attributed to Abraham Lincoln: "A poor settlement is still better than a good lawsuit."

Disputes disturb our sense of ego and therefore we feel that we must prevail, sometimes at

enormous personal cost. We become captivated by the sense of our legal rights and lose sight that justice, righteousness and inner harmony can be better served by realizing that less is more and that legal victories are many times more pyrrhic than real. The prophet Yeshayahu calls to those that "pursue righteousness and justice" for they are the ones who truly seek "to find Godliness in their lives."

We need judges, courts, and police in all human societies. Nevertheless, the wise person will regard them as matters of last resort and not as the prime solution to the frictions and problems of everyday life.

Shabat shalom,

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