

JUSTICE

by Rabbi Berel Wein

The Torah is in favor of a lawful, peaceful, ordered and fair society. In order to begin to achieve this lofty goal, the Torah commands us to have a competent legal system of judges and courts and also having police able to monitor and enforce the courts' decisions and policies. The Torah demands this not only of Jewish society but of all of human society as well.

A just and efficient legal system is one of the seven principles of the Noachide commandments that are meant to govern all of human society and behavior. But legal systems by themselves are often double-edged swords that thwart true justice and pervert the concept of the rule of law.

All dictatorships and totalitarian regimes have operated police forces and courts. These became and still are the instruments for the perpetuation of their tyrannies and misdeeds. In Psalms we read of the crooked concept of "creating evil and injustice through legal laws and systems." So the Torah warns us that the pursuit of justice and righteousness - and Jewish halacha and Torah values which are the criteria of what constitutes righteousness and justice - is the ultimate aim of the legal system of judges and police.

Judges and police are not the end in themselves; they are only the means by which society strives for justice and righteousness. The Talmud itself gives us examples of exemplary courts and judges that operated in the Land of Israel in post-Second Temple times. It does so in order to show us life examples, the necessary piety and incorruptibility of those who deem to judge others in matters of human dispute and personal conflicts.

The problem with all systems of law, just as with all mechanical and technological systems as well, is that it is ultimately subject to human control, possible failings and accomplished skills. The airplane may be a wonder of technology and safety redundancies but in the final matter we are all in the hands of the pilot, a human being, who tragically, God forbid, may be tired, inexperienced or even inebriated.

The same concept is certainly applicable to legal systems. It is the personal character of the judge, his or her wisdom, probity, honesty and perception that determines whether justice and righteousness is served in the legal system of which they are a part.

And the human heart is hard to read and assess and the prophet has warned us: "The human heart is perverse; who therefore can truly know it?" But we should not despair. The Talmud teaches us that the judge can only decide upon what he sees before his eyes. Omniscience is not demanded of him

or her. No legal system created and staffed by human beings is perfect. And we must learn to somehow live with its imperfections and failings.

But the goal of pursuing justice and righteousness through the legal systems created by imperfect human beings should never be forgotten or abandoned. Apathy and disillusion are never positive attributes in human affairs. They are certainly not to be present in our attitudes and actions regarding our courts and police.

Shabat shalom

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