

IMPERFECT JUSTICE

by Rabbi Berel Wein

The Torah deals with human realities and not with imaginary paradises and utopian societies. As such, the Torah pre-supposes that there will be disagreements and altercations between human beings even in the Jewish society that allegedly should be protected from these untoward events by simply observing the values and ordinances of the Torah.

Human beings are contentious creatures and their disagreements are recorded for us vividly and accurately in the Torah. As such, it should be self-evident and understood that human society requires systems of law and order, judges, police and arbiters. So many times in life we are disappointed because we expect a perfect society or perfect behavior from those who aspire to religious spirituality or social equality. Since this expectation is by its very nature unrealistic, we are doomed to disappointment and even frustration at the true state of affairs regarding human beings and human society.

The Torah does not guarantee a perfect system of law, order and justice. For once again, judges, police and other persons of authority are human and none is above error or mistake. The Talmud devotes an entire highly intricate tractate to questions of law and order, of judges and police and as to how these ideals should be carried out in a practical and often times contentious world.

We are to strive for ultimate justice and to be as fair and wise in rendering decisions as is humanly possible. Nevertheless, we are to realize that ultimate justice is most times beyond our abilities. We can only do the best that we can.

In our current generation there is a great deal of negative comment and frustration regarding our civil and religious judicial systems, our judges and courts. Though there is always room for constructive and accurate criticism, it is apparent to me that most of the criticism that is actually leveled against our judicial systems is based on the frustration that we feel that somehow they are not perfect and that their decisions many times may be erroneous and unfair.

Part of this situation stems from the fact that the judicial systems have themselves cloaked their very being with hubris, of assumed superiority, of status and wisdom. It is as though they see perfection in themselves and their decisions, and all criticism is deemed invalid and politically motivated.

The Talmud phrased it well, as it always does, when it says that a judge can only judge by what his eyes allow him to see. He is not perfect nor does he have prophetic powers. He is a human being performing a very difficult task and attempting to come to a correct solution to problems that

contain many conflicting values and uncertain evidence. The pursuit of correct and righteous judgment is never-ending. Even though the goal of perfection may be beyond us, the pursuit of that goal is always incumbent upon our society and on each of us.

Shabbat shalom

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