



The Pardes Parsha Discussion by Rabbi Alex Israel

Shoftim: In Touch with Justice

Appoint magistrates and officials for your tribes, in all the gates that the Lord your God is giving you, and they shall govern the people with due justice. (Deut. 16:18)

Our Parsha begins with the command to ensure law enforcement in every “gate,” meaning in every locale. But what does the Torah intend when it instructs the judiciary to be present at every “gate”? Every city? Every region? The Talmud comments:

In YOUR gates – In the Land of Israel, establish courts in each and every district and in each and every city. Outside the Land of Israel, establish courts in each and every district, but not in each city. (Makkot 7a. Maimonides widens this to a distinction between Jewish and Gentile society rather than Israel and Diaspora.)

My teacher, Rav Aharon Lichtenstein zt”l, offered the following analysis of this Talmudic passage (*).

One needs to view this law from a dual vantage point; from that of the people, and that of the judges.

The People: The difference between the presence of law courts at the district level or in each and every city or town is enormous. First, we should understand that the court is an address, a venue in which every citizen can seek law and justice. Access to the law means that justice is more available, more responsive. But it is beyond geographical availability or quickness of response. The presence of a law court enables the law to enter the city; law is present within society and the public space becomes more aware of the law, more cognizant of justice as a societal force.

The Judges: The magistrates are also impacted by their presence at the town or city level rather than the regional one. One cannot compare the experience of a judge who lives among those who he must guide and lead. The magistrate is part and parcel of the city and will be able to feel the pulse of the city, its pressures and needs, its difficulties and also its potential for change. He will fully comprehend the impact of the laws that he legislates and his laws will be more focused, more effective. A regional magistrate lives at an emotional and existential remove from the people that he judges.

We should add that here, the “judges and officers” are perceived not merely as jurists or law enforcers, but as civic leaders with a mandate to shape society through the norms and regulations that they legislate. They bear the responsibility and legacy of guiding society to greater heights, in the realm of justice, civil and religious law.

And so, why does *Halakha* legislate this difference between Israel and outside Israel?

In our own country, we have a mandate to craft and shape the public space, the values and national culture, to cultivate an upstanding, lawful and ethical society. Outside Israel, we are a minority. We are subject to foreign governance. When we are not in control of our public space we do not have the aspiration of building our society through law; as a minority that would be presumptuous.

Our *parsha* institutes a national Supreme Court as well as a system of political leadership – the King. But the law that opens the *parsha* mandates the establishment of a Sanhedrin/law-court in each city. This is not merely about making law accessible. The “magistrates and officials” need to be present in the towns and cities for the betterment of the city and the creation of a just and value-driven society on the one hand; but on the other hand, the connection between the leadership and the nation that it leads will cultivate more effective and sensitive governance.

So, let’s discuss this:

- Is “law” something we feel at a national level or at a local level? How do we feel “law” at a local level?
- Are our leaders in touch with the common people, or do they live at a remove from us? What is the societal effect of this?
- Do we have a leadership – local, regional or national – that is trying to shape the values of our societies? What are those values? Do we identify with them? Do we feel that our leadership fulfils the mandate of the opening line of our *parsha*: “You shall not judge unfairly: you shall show no partiality; Justice, justice shall you pursue”?

- Reflecting upon this d'var Torah, I was thinking about our Rabbinic leadership. In the diaspora, the center of each community is a synagogue/shul with a rabbi. The Rabbi knows his congregants and is responsive to them. He leads the community with an in-depth understanding of his congregants and their world. In Israel, some people have rabbis just as in the diaspora, but the most powerful religious body is the Rabbinat, which is a national institution but has very little connection with people at a local level. Frequently there is a sense that the Rabbinat has little influence and little impact. This made me think about the failures of the Israeli system. Do you agree with this analysis? Can this d'var Torah offer a solution?

Shabbat Shalom!

(*) This was a Friday night "sicha"/drasha delivered at Yeshivat Har Etzion on Parashat Shoftim 1988/5748. I took notes after Shabbat and have translated them here.