

Shabbat Shalom
from Rabbi Michael Gold

Candle Lighting Time
Fri. Evening 7:40 pm

Services Saturday August 15 9:30 am

With Rosh Hodesh (the new month) of Elul tomorrow and Friday, we are a month away from Rosh Hashana. I look forward to seeing you on the holidays.
Here is my message for this week.

PARSHAT SHOFTIM
WHAT IS JUSTICE?

“Justice, justice shall you pursue.” (Deuteronomy 16:20)

In my philosophy class at Miami Dade College, I dedicate an evening to the study of justice. We all believe justice is important but it is very difficult to pin down what the word means. This portion say “justice, justice shall you pursue.” The preamble to United States Constitution obligates the government to “establish justice.” Martin Luther King Jr. famously wrote from a Birmingham jail, “Injustice anywhere is a threat to justice everywhere.” But what is justice?

Plato’s most important book *The Republic* deals with his attempt to define justice. I often like to quote the Harvard philosopher John Rawls (1921-2002), whose 1971 book *A Theory of Justice* defined “justice as fairness.” Perhaps justice means giving people precisely what is due to them. This sounds great in theory. But how does it work in practice? Let us look at three examples. Each is problematic.

First example - we often consider justice when it comes to punishment for criminal behavior. Justice as fairness seems to indicate that if two people commit the same crime, they ought to receive the same punishment. But is that truly justice? What if one person is a career criminal? What if the second person is young and grew up in a home subjected to abuse. Their situations are quite different. Do they deserve the same punishment?

Second example - justice is one of the fundamental principles of medical ethics. Two people facing the same disease deserve to get the same treatment. But is that realistic. What if two people need a kidney transplant? In a perfect world they would both receive a kidney. But we do not live in a perfect world. There are a limited number of kidney donations. Which one should receive the kidney? This became a major issue during the height of the Covid pandemic. There were a limited number of respirators and too many

patients in need. Who should get a respirator?

Third example - there is an entire area known as distributive justice or social justice. Fairness says that people ought to receive the financial support to meet their basic human needs – food, clothing, shelter, medical care, education. This is the major topic of Rawls' book. But where is the money coming from to meet these basic needs. Do we tax the rich to give money to the poor, the view of many progressives. They see income inequality as fundamentally unjust. On the other hand, conservatives believe that people have a right to their money and it is unjust for the government to redistribute income. In fact, Rawls' fellow Harvard professor, Robert Nozick (1938-2002) taught that taking property from the rich to help the poor is stealing.

So, what is justice? There is a brilliant insight that comes from Rabbinic literature (*Sanhedrin* 32b). Why is the word justice repeated twice in the verse? Sometimes we can demand the strict letter of the law, *din*. But sometimes we must work out a compromise, *peshara*. The rabbis give the example of two boats who meet and try to pass one another in a narrow river. Based on strict justice, they both arrived at the same time so they should both be allowed to move forward. But if they demand absolute justice and both move forward, they will crash and sink. On the other hand, if one boat pulls aside and lets the other go first, they both can pass. Sometimes we ought to demand perfect justice. But sometimes we ought to find a way to compromise.

I have met people going to court and ready to demand absolute justice. The other party must be forced to pay. But often the best course is not absolute justice but compromise, a way to allow both parties to achieve a partial victory. Sometimes absolute justice is not justice at all. Compromise may be a better way to achieve justice.