

The Mission of Jewish Responsibility – “Justice, Justice Shall You Pursue”

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Inevitably for almost all of the last two millennia until modern times the Jewish world had been maintained in a rather artificial uniformity. This undoubtedly was a necessary survival strategy for a people detached from its geographical origins and the security of its borders, as well as a function of living in a predominantly hostile environment, most of the time.

To-day we live in a very different world.

The establishment of the State of Israel has facilitated diverse expressions of Jewish identity within a national context. Moreover, Israeli Jewry now constitutes the largest Jewish community in the world. For all the difficulties and challenges that the State of Israel faces and sometimes perhaps even poses; as the first Jewish sovereign society in 2000 years, it impacts indelibly on contemporary Jewish identity around the world in various ways and forms.

At the same time Diaspora Jewish communities today – notwithstanding resurgent anti-Semitism in parts of the world – are predominantly well integrated into the societies of which they are a part, as full and productive citizens. All this makes for a very much more diverse Jewish world today than ever before.

The last record we have of Jewish diversity prior to the long second exile is to be found in the writings of Josephus Flavius. He refers to four groups among the Jewish people who in certain respects bear similarities to groups in our midst today.

Josephus refers to Sadducees, Pharisees, Essenes and Zealots. The Sadducees were very much the predominant political establishment within Jewry prior to the rebellion against Rome. Of course no such concept as secularism or secular identity existed in those times, but the cultural pride revolving around national institutions and the importance of their preservation was very much a defining characteristic of Sadducaic Judaism.

The Zealots however were not content with national pride and autonomy alone, and were defiantly opposed to any kind of political arrangements with any non-Jewish authorities. Not only extreme in their political orientation, they were convinced that they alone truly knew the Divine agenda and were acting upon it. In their messianic zeal they were prepared to put the whole nation at risk. Indeed it may be argued that even though they were a small minority, they dictated the political agenda and brought about the tragic disaster of the Churban – the destruction of the Temple and the subsequent exile.

The Essenes – widely identified with the Dead Sea Sect at Qumran – embodied a withdrawal from the wider society. Theirs was literally a reactionary response to the pervasive ideological confusion and political corruption at the time.

They sought to isolate themselves as a community apart from all the rest, seeking to preserve their own purity and viewing all others as inevitably condemned.

The worldview of the Pharisees however, was a nuanced one.

While the Temple, the Land and even sovereignty within it was very important for them, they were not the be all and end all of Jewish life. Indeed, to be a Jew for them was not only a matter of a collective identity and duty, but also a matter of personal ethical responsibility – a matter of the individual's personal relationship with God and one's fellow human beings, wherever one might be in the world.

Inevitably after the trauma of the destruction of the Temple, even harsher Roman oppression and exile, this was the only Judaism that was capable of guaranteeing a creative continuity.

Of course a key factor that distinguished the Pharisees from the Sadducees was the attitude towards the Oral Tradition. Not only Holy Scripture, but the Oral Tradition also had Divine Authority behind it our rabbis taught, as opposed to the Sadducees who saw the corpus of Oral Tradition as much superfluous fabrication.

Most notably, the Pharisaic or Rabbinic outlook was also democratic – or more correctly meritocratic – in character. It aspired for everyone to be personal possessors and transmitters of the heritage; and status in the community was very much determined by the degree that one fulfilled this role. To this end, a primary focus was upon education – especially of the young.

In keeping with the aforementioned teachings of Divine omnipresence and individual responsibility, emphasis was placed upon prophetic ethical teaching and its universal moral message. Rabbinic Judaism saw and sees itself of course as the authentic heir of the Jewish prophetic heritage going back to Abraham himself, whom Genesis identifies as the Father of ethical monotheism precisely as a result of his own understanding of its essence “For I have known him that he will instruct his children and the household after him that they keep the way of the Lord to do justice and righteousness” (18 v.19). Abraham whose tent is open to all and who argues for individual justice even for those within the sinful city of Sedom. Abraham argues for justice because he knows “the way of the Lord” is justice.

("Will the Judge of the whole world not do justice?") and precisely because the very character of God is "just", we are called to live accordingly – walking in His ways.

But God's way is the way not only of justice, but also of righteousness; not only Judgment, but also mercy. Indeed, our sages understood the two key attributes of God as reflected in the two main Biblical names for the Deity, to reflect the qualities of justice and mercy – middat hadin umiddat harachamim.

Overwhelmingly throughout the Bible, the use of the term justice is combined with the word righteousness; judgment with mercy; justice with peace.

In the Sabbath afternoon service earlier today, we read the first chapter of the Ethics of the Fathers. This chapter concludes with the saying that the world is sustained by three things, truth, judgement and peace; and in support of this dictum the quotation of the prophet Zechariah (Ch.8 v.16) is cited, "truth and the judgement of peace, execute in your gates".

However the sages in the (Babylonian) Talmud discerned a contradiction in the very terms used in this quote. In tractate Sanhedrin (6b) they ask how is it possible to reconcile judgement with peace or justice with mercy?

If strict justice is ruled in a case of a dispute for example, then the one in whose favor the judges rule will be content, but the other will feel hard done by and resentful.

There may be justice, but there is by no means necessarily peace – in fact the decision may lead to the very opposite of peace !

Yet the very combination of the terms justice and peace, judgement and mercy, indicate that the Judaism does not perceive justice as a theoretical abstraction or as simply having the purpose to prove a point. The purpose of justice is to promote the wellbeing of human society and this goal requires a creative tension between justice and peace, judgement and righteousness. So where do we find the balance between the two ? Answer our sages, “in compromise” ! Compromise is seen as a social ethical value and in Jewish jurisprudence, arbitration is not an extra-judicial procedure but part of the responsibility of the courts themselves. On the basis of this Talmudic passage, Maimonides rules that at the outset the judges are required to offer the litigants arbitration as the first and preferred path to resolve their dispute.

In effect this means that in this creative tension, peace has the upper hand. Indeed if it does not, the pursuit of justice can become immoral when it does not take the situations that persons find themselves in, into consideration.

The aforementioned primary Divine Attributes themselves reflect this tension. In fact the Talmud (TB Brachot 7 a) makes the point through describing the Almighty as having his own personal prayer: “Let my (attribute of) Mercy overcome my (attribute of) Judgment(?) so that I (may deal with my children) beyond the strict limits of judgment.

In this spirit our sages interpret the Torah’s passionate call for justice (Deuteronomy 16 v.20) that was read in synagogue this morning “justice, justice shall you pursue” (which indeed may be and perhaps should be translated as “righteousness, righteousness shall you pursue”) to mean that justice must be pursued in a righteous manner that facilitates constructive compromise and concession.

We might note in passing in light of the aforementioned insights from the past and the descriptions of the Zealots that appear both in Josephus and the Talmud, that it was precisely the Zealots lack of capacity to engage in a constructive political compromise and to see any value in such concessions that led to national disaster. The dangerous contemporary relevance of this should not be lost upon us when we view the behaviour of extremist elements today.

It was of course a universal vision of justice and peace amongst all humankind that the prophets anticipated. An age in which prophets like Isaiah and Micah envisioned that nation would no longer lift up sword against nation and they would not learn war any more, but all would sit under their vines and fig trees and none would make them afraid ! Indeed the sages of the Talmud declare that the very purpose of the whole Torah – the whole of Judaism - is the pursuit of the ways of Peace. (TB Gittin 59b) in keeping with the verse in Proverbs (Ch. 3 v. 13) “(The Torah’s) ways are pleasant ways and all her paths are Peace”.

In accordance with this Talmudic text and principle Maimonides rules (Yad, Laws of Kings, Chapter 10, Mishnah 12) that...

“We (are obliged to) treat (non-Jewish) residents with respect and kindness as (we are obliged to do to) Jews. Even (in relation to) idolaters, our sages obliged us to visit their sick; and to bury their dead with the Jewish dead; and to provide for the needs of their poor together with the Jewish poor, for the sake of Peace. Behold it is stated (Psalm 145 v.9) “God is good to all and His mercies (are bestowed) upon all His creatures” and it is stated “(The Torah’s) Ways are Ways of Pleasantness and all its Paths are Peace.” (Proverbs loc.cit.)

Those who are familiar with Maimonides' Code will know that his use of language is extremely concise and precise. Any use of a verse to support a ruling is meticulously chosen. He does not usually use more than one Biblical quote to this end and if he does, then it indicates a very intentional additional point or commentary that is being made. Here Maimonides brings the verse from Proverbs which, as already mentioned, is itself quoted in the original Talmudic text upon which this ruling is based. But Maimonides adds the verse from Psalm 145 about God's goodness and mercies being bestowed upon all His creatures. Why ?

Because, as our latter commentators point out, Maimonides is clarifying for us that "the ways of peace" – the way we relate to other human beings – is not just a wise stratagem to protect ourselves against the hostility of others. It is in fact a matter of the highest religious order – a matter of "Imitatio Dei", emulating the Divine qualities as the Bible commands us. In the explanatory words of the sage Abba Shaul "just as He is Gracious and Merciful, so you be gracious and merciful (Mekhilta, Canticles,3). Because God's mercies are extended to all His creatures, we ourselves have the obligation to behave accordingly and we are only truly religious people when we behave in this way.

Moreover is this ruling that Maimonides brings is "even for idolators", now much more so does it apply to Muslims and Christians who as Rabbi Menachem HaMeiri of Perpignan of the thirteenth/fourteenth century rules, are "umot hagdurot bedarkei hadat", nations bound by the ways of true religio-ethical values and whose persons, dignity and property must be fully respected.

On the basis of the Meiri, Chief Rabbi A. Y. Kuk, the first Ashkenazi Chief Rabbi of the Yishuv in Eretz Yisrael and Chief Rabbi Isaac Herzog, the first Ashkenazi Chief Rabbi of the State of Israel ruled that a Jewish State is obliged to guarantee full civil liberties for its Muslim and Christian citizens, not only in terms of its democratic obligations, but precisely in keeping with Jewish religious teaching and responsibilities.

However for most of our history we did not encounter societies where such commitment to justice and righteousness was prized, and certainly not in the treatment of Jewish communities and individuals.

It was this practical negative experience – more than any theological difference – that led to the frequent muting of the universal dimensions and aspirations of our heritage.

In the face of the hostility and brutality that we overwhelmingly encountered, it was virtually impossible to envision how we might be able to change the world for the better simply by being a light, a good example, to the nations; let alone succeed in imbuing those around us with an appreciation of and commitment to the Divine teachings of justice and righteousness

It may be argued that it was precisely such hostile external conditions that substantially channeled Jewish universalistic aspiration into Kabbalistic doctrine viewing personal piety as having cosmic impact and consequence and thus enabling one to view internal ritual observance on the part of the individual and community as having a beneficial impact upon others and transforming the world – the concept of “tikkun olam”.

There were times and places such as during the period known as the Golden Age of Spain where – especially under the rule of Islam - the Jewish spirit of social responsibility and engagement could contribute to as it benefited from a tolerant pluralistic society. But more often than not external hostility led to a Jewish insularity and isolation; to a preoccupation with survival and a distancing from the practical Biblical, Prophetic, Pharasaic, Rabbinic mission to make the world a better place for all – a more just and righteous society..

In marked contrast Jews today overwhelmingly live in societies where they may play an integral active role as full citizens. Even though most of us today take this for granted, in terms of Jewish history it is a radically new reality.

This reality is of course a product of the modern era which for all its warts, provides people with freedoms and choices previously unimaginable. At the same time , as already mentioned, the reality of a flourishing national Jewish life in all its diversity in our ancestral homeland which is so central to Jewish identity around the world today, means that we are more diverse than ever before.

In this context, there are those modern Jews for whom a national cultural identity is all that is feasible and desirable for them in the contemporary world. They define themselves in what to-day we call secular terms. However, in their national/cultural self-image, they are very similar to the Sadducees of old.

Nevertheless, it is extremely hard to see how such an identity can have long term sustainability in the Diaspora in particular. Moreover, it is extremely difficult and often impossible to transmit a separate ethnic cultural identity to future generations when one lives in another national context – especially an open one – and many would even question the moral desirability of such. Furthermore even in a Jewish national context, it is evident that very many young people today do not find such a secular identity to be fulfilling and seek for more spiritual meaning to their lives – albeit by no means always within their own heritage.

As opposed to our contemporary Sadducees, we also find within the Jewish community a reactionary withdrawal from modernity, similar to that of the Essenes of old and a desire to maintain or recreate the insular isolationism that was forced upon us in the past. This of course reflects a fear of the freedoms and choices that the market place of modernity provides.

Indeed our modern world can be a very disorientating and even alienating place. Absolutism and what is often called fundamentalism – an extremist isolationism – is not just a reactionary response to the challenges and seductions of modernity. It also provides many with the psychological security and stability in an unstable and insecure world.

Aside from the inadequacy of this Essene-like mindset that can only run away from modernity and cannot creatively navigate its seas; such Jewish insularity -like most religious insularity - is often accompanied by a delegitimation of those outside that group, in order to reinforce a sense of self-righteousness, thus leading to destructive internal disunity and strife. As a result this mind-set often does more harm to the community than good !

However to be true to the Pharisaic/Rabbinic understanding of authentic Judaism means to strike the creative balance between particularity and universalism. It means to be both authentically rooted in Jewish spirituality and observance that gives our particularity meaning and purpose; while being actively engaged in advancing the welfare of society at large in the pursuit of the prophetic ideal.

In modern times the need to find this balance has been articulated by many thinkers in many ways; but naturally I turn to those thinkers who reflect my own Modern Orthodoxy and I would like to quote from two very different modern Orthodox giants who are very much an inspiration to me.

The first is Rabbi Samson Raphael Hirsch who, in the early nineteenth century, took his motto from the words of our sages extolling “Torah im derekh Eretz”, -Torah and worldly pursuit - interpreting it to mean precisely that the ideal of Judaism is the combination of Jewish and the best of secular culture.

In his essay “Religion Allied to Progress” he wrote:

“Judaism never remained aloof from true civilization and progress; in almost every era its adherents were fully abreast of contemporary learning and very often excelled their contemporaries. If in recent centuries German Jews remained more or less aloof from European civilization the fault lay not in their religion but in the tyranny which confined them by force within the walls of their ghettos and denied them intercourse with the outside world.”

“The more, indeed, Judaism comprises the whole of man and extends its declared mission to the salvation of the whole of mankind, the less it is possible to confine its outlook to the four cubits of a synagogue and the four walls of a study. The more the Jew is a Jew, the more universalist will his views and aspirations be,

the less aloof will he be from anything that is noble and good, true and upright, in art or science, in culture or education; the more joyfully will he applaud whenever he sees truth and justice and peace and the ennoblement of man prevail and become dominant in human society; the more joyfully will he seize every opportunity to give proof of his mission as a Jew, the task of his Judaism, on new and untrodden ground; the more joyfully will he devote himself to all true progress in civilization and culture – provided, that is, that he will not only not have to sacrifice his Judaism but will also be able to bring it to more perfect fulfillment.”

The second is the luminary of the earlier part of the twentieth century, Chief Rabbi Avraham Yitzhak Hacohen Kuk, who while articulating a profound Jewish religious nationalist world outlook, was also an exponent of the most inclusive universalism. In his writings he exhorts as follows:

“Despite the difference of understandings between the Religions and Faiths and despite the distinctions of races and environments, it is the right thing to (seek to) fully understand the different peoples and groups in order to know how to base universal human love on practical foundations. For only within the soul that is replete with love for all creatures and (above all) love of humanity, is the love of (one’s own) nation able to reach its full nobility and spiritual and practical greatness. “Disparagement that leads one to see anything outside the parameters of one’s particular people as only (consisting of) ugliness and impurity, is one of the most terrible forces of darkness that lead to general destruction of all the positive spiritual development for whose light every refined soul aspires. “(Rather) one must strive greatly to love other beings so that (such love) will fill every chamber of the soul, so that one’s love of humanity will extend to every other human person.”

Indeed another homiletical commentary on why the word “justice” is used twice in The phrase “justice, justice, shall you pursue” is that it is in order to teach us that justice is best advanced for oneself when one pursues it for all.

Such wisdom of course has important implications for the State of Israel. Only when both Palestinians and Israelis learn to extricate themselves from a zero-sum mentality and realize that by providing each other with dignity, security, justice and peace, they really promote their own long term well being, will we begin to guarantee our respective peoples the brighter future they deserve.

But this interpretation of “justice, justice, shall you pursue” emphasizes precisely the universal mission of Jewish responsibility and especially in the South African context.

South Africa provided great opportunities and great challenges for its Jewish community. Undoubtedly S.A. Jewry has been a great beneficiary of the country’s gifts, just as it has contributed mightily to them. However it has faced two great challenges – one internal and the other external (albeit with internal implications).

The internal challenge that the community faced to which I refer, was the rapid decline of Jewish knowledge and observance pursuant to the arrival of the immigrant generations, which was precisely a by-product of modern opportunity compounded by a geographical isolation. Reading the writings of South African Jewish spiritual leaders during the immediate post-war era, one observes the profound concern for the future of S.A. Jewry as a result.

However the creative response that ensued in the development of Jewish educational institutions in South Africa is surely S.A. Jewry's greatest triumph, arguably unparalleled in the Jewish world. This has led to a growth in Jewish literacy and eventually to a growth in Jewish practice which continues today, notwithstanding the community's numerical decline.

In this regard, S.A. Jewry has been a worthy heir of the Pharasaic/Rabbinic tradition.

This success reflects the vision of Jewish leadership that ensured the flourishing development of the community. Indeed, in terms of internal leadership and communal development, I believe the S.A. Jewry and Cape Jewry in particular have been second to none in the Jewish world.

But the Jewish community's response to the external challenge – that of social justice in the South African context – was of course more chequered. There were indeed those who demonstrated that authentic Jewish sense of moral responsibility to the universal as well as to the particular; protecting and developing internal Jewish life while leading the struggle for civil liberties regardless of race and colour. Particularly notable in this regard and especially on this festive occasion is the name of Morris Alexander who led the establishment of the Cape Board of Deputies and was also widely respected as what we would today describe as a human rights lawyer, struggling against the blight of racial prejudice.

While others followed his example, the ability to do so became subsequently increasingly difficult.

On the phrase “justice justice shall you pursue” the Hassidic master Rabbi Bunim of Psishcha commented that there are those who pursue justice in an unjust manner and there are systems of justice that themselves are unjust. The use of justice twice in the injunction is to emphasize that both means and ends must be just.

It was precisely an immoral system that was paraded as justice in S.A. during the apartheid era and the Jewish community faced the dilemma of protecting itself within and as part of an unjust system.

There can be no doubt of the failure to meet the high ethical standards of our Heritage during that period. Nevertheless, there is often a failure today to give credit to the notable individuals who did take a principled and often valiant stand in the face of the powerful and ruthless immoral system of the time.

I recall my late dear friend the Anglican Dean of St. George’s Cathedral, Dean Ted King, referring to the Jewish community as “the true Christians of South Africa.”

Of course he wasn’t referring to any theological position on the part of the community, but simply to what he saw as ethical decency in the community as well as the relatively disproportionate number of persons – in comparison to other white communities – who were willing to take a stand against authorities and convention.

He may have exaggerated but there is some important truth in his perception.

Let me say that personally during my own tenure in South Africa that I always felt that I did have the support on social justice issues of the leadership of the Cape Council.

Yet it is also lamentably true that few of those who actively took up the struggle did so in the name of their Jewish Heritage or with a sense that Jewish institutional leadership was encouraging them. Indeed one would even hear the warning in certain quarters that to care for the wellbeing of others, would involve some neglect and even harm one's own community.

The Jewish community in today's new South Africa has had the opportunity to recapture the authentic Jewish mandate to both promote the wellbeing of the Jewish community while contributing to the material and moral health of the society at large. That is not only the intelligent course for its future but the authentic mission of Jewish responsibility as articulated by our Sages as by our Prophets. This creative balance is evidenced in the current leadership of the Cape Council and in the reflected glory that has come from the work of remarkable Jewish pioneers in promoting the economic and social wellbeing of all South Africans.

Indeed, we may see today the widespread understanding of the fundamental truth of the aforementioned commentary on "justice justice shall you pursue" to mean that justice is most well pursued when you pursue it for others and for yourself at the same time.

Perhaps we even may see today the first flowing of a vision for the future of some of Cape Jewry's earlier enlightened leaders, among them one of its greatest rabbinic personalities, Chief Rabbi Israel Abrahams. He, very much like the man who succeeded him as Cape Av Beth Din, my beloved colleague and teacher Rabbi Eugene Duschinsky – despite great differences in character, personality and background – both embodied the Hirschian spirit of Torah and Derech Eretz and the Kuk world outlook of a passionate Zionism together with a universal humanism.

Writing a number of years before Martin Luther King's famous speech, Israel Abrahams declared himself to have a dream.

"I dream of a "Golden Age" of South African Judaism" he wrote – "a vision on miniature scale of the glories of medieval Spain, which was also a bicultural land, repeated in South African hues and colours (that).... seems to reflect the veld and the blue skies, and the meeting of many races..."

I hear local overtones in our indigenous Jewish culture, recalling the Arabic role in Sefardi Hebrew literature. But the leitmotif of eternal Judaism, with its unmistakable religio-ethical theme, rings clearly through all its sweeping cadences."

It is a beautiful vision. Above all it is a call, to live Jewish life in South Africa in a manner that deepens its Jewish content and commitment while contributing to the justice, peace and wellbeing of the society as a whole.

May this vision reflect the future of Cape Jewry and S.A. Jewry as a whole in the century ahead.