

D'var Torah – Shoftim 5769

By Rabbi Maurice Harris

This week's Torah portion is the 48th of the 54 *parashiyot* that make up the Torah. The end of the great story is in sight! Moses continues his farewell speeches to the Israelites as they prepare themselves for entry into the Promised Land.

שֹׁפְטִים וְשֹׁטְרִים, תִּתֶּן-לָךְ בְּכָל-שְׁעָרֶיךָ, אֲשֶׁר יְהוָה אֱלֹהֶיךָ נָתַן לָךְ,
לְשֹׁבְטֶיךָ; וְשִׁפְטוּ אֶת-הָעָם, מִשִּׁפְּט-צֶדֶק.

Judges and officers you shall make for yourself in all your gates, which the HOLY ONE your God gives you, tribe by tribe; and they shall judge the people with judgments of righteousness.

These are the opening words of the portion, and the Hebrew word *shoftim* - meaning 'judges' or 'magistrates' – makes up its main theme. Moses instructs the people, giving them guidelines for courts of law. Social ethics are laid out for people with political, religious, and economic power in society – monarchs, prophets, priests, and judges themselves. Impartiality and objectivity are mandated for judges, and bribes are strictly forbidden.

In the middle of the parashah, Moses tells the people that in the future they will want to have a monarch, and he lays out the rules that define the higher moral and spiritual power that the monarch must serve. The Israelites are only permitted to select a ruler who has been chosen by God. There are limits placed on a monarch's wealth.

Moses also discusses the tribe of Levi – who has the special assignment of taking on the role of priests and priestly assistants. This is a duty that comes with both privilege and responsibility. Moses then explains how to distinguish between a true prophet and a false prophet.

He mentions the cities of refuge – special cities to be established in the Promised Land where someone who has committed accidental murder can go to be kept safe from the victim's family members' potential efforts to seek blood vengeance. Turning back to court cases, the Torah goes on to stress the need to have proper witnesses in order to convict someone of a crime. The *parasha* ends with a

discussion of proper approaches to warfare. Justice is to be maintained at all times, even times of war.

This is the Torah portion that contains the famous words: צֶדֶק צֶדֶק, תִּרְדּוּף. *Justice, justice shall you pursue.* Much of the parashah spells out situations in which justice may be at risk of being ignored or denied, and then instructs the people to take extra care not to let that happen.

One of the ways the Torah seeks to ensure justice is in the standard of evidence it requires in order to obtain a guilty verdict in a trial. In Deuteronomy chapter 19 the text states that the testimony of one witness shall not stand against a person with regard to any crime or offense or sin that may have been committed. Only through a testimony of two or three witnesses may a case be established. If a person misuses their power and is a false witness, then what was planned as punishment in the case of a conviction will be meted out as punishment instead upon the false witness.

I appreciate that our ancestors embraced a legal standard that required at least two eye-witnesses to obtain a conviction. There is an attitude of revulsion towards having a false conviction that strives for the highest standards of evidence.

As I looked at these words, I think my mind connected them to the themes of the Hebrew month of Elul, which we have just begun. As many of you know, Elul is the last month of the Hebrew calendar, the month when we prepare ourselves for spiritual and moral self-examination during the High Holy Days. Traditionally we sound the shofar every morning, except Shabbat, throughout the whole month, listening to its call to us to come back to our innermost, truest selves – its call to *teshuvah*, to sincere turning away from our self-destructive and outwardly-destructive patterns.

It was in the context of these thoughts about Elul that I read these words about needing at least two witnesses to obtain a conviction, and I found myself thinking about how so much of what we do in our lives we do when we are not with anyone else. Whether we are doing right or doing wrong, we spend an awful lot of time doing whatever we do with no witnesses. Sort of. In a way, one could

argue that we go through our entire lives with two witnesses who can testify to our actions – ourselves and God.

The rabbis wrote in Pirke Avot – an early compilation of rabbinic ethics – “Know what is above you: an eye that sees, an ear that hears, and all your deeds are inscribed in a book.” (pause) Yikes!

My own personal theology is such that, for me, I don’t think of God as being like a super-human being who literally watches, listens, and writes. I don’t personally picture a God who has a massive book and who writes down my every righteous act, neutral act, and hurtful or destructive act. For many of the early rabbis, this language was also taken metaphorically. The way that I do hold the meaning of the rabbis’ words is more like this: I am a witness to my every deed. I have an eye that sees and an ear that hears. And the book that I think my deeds are inscribed in is Life itself. I can not undo what I’ve already done. The flowing of Life absorbs my actions and goes forward influenced by them in ways beyond my capacity to understand.

So there is an eye that sees and an ear that hears: mine. And I think that there’s also another witness involved. I think that God also is a witness, but not in a “looking down on me from above the top of the sky” kind of way. I think that God is inside me, holding the place within me of the potential for me to be the best person I can be – the best Maurice I can be. When I do something wrong – when I act selfishly, hurtfully, destructively – I think I witness my own actions from two vantage points. I witness the action from the misguided part of myself that chose poorly, that chased a delusion, that sought gratification at the expense of another, and so on. But I also witness my own action from the vantage point of my best self. The Sanskrit word, *namaste*, is often translated to mean “I respect the divinity within you that is also within me.” I think it is that divinity within me that also witnesses my every action – not as a stern cosmic father figure who is going to get me if I don’t obey its severe rules, but as the part of me that is most truly and deeply interwoven and connected with the unity of all Life. It is the Divine within me – the Divine within you – the Divine within us all that bears witness, and that rests inside us like a homing beacon, inviting us to return to our truest selves through the process of thoughtful self-examination, the asking of forgiveness, the making of amends, and the hard work of personal change for the good. In other words, the process of *teshuvah*.

May this month of Elul – this month of preparation for Rosh Hashanah and Yom Kippur – be a time when we can witness ourselves embracing the path of healing, the path of return to our deepest and innermost nature, the path of *teshuvah*.

Shabbat shalom.