

Parashat Shoftim

Devarim 16:20

“Tzedek Tzedek” you shall pursue, so that you will live and inherit the land which Hashem your G-d is giving you.

The opening phrase of this verse is often cited as evidence of the centrality of social justice in Judaism. This is by no means a distortion, but in a narrow sense it rests on three exegetical claims:

- 1) the verse is addressed to the nation as a whole. (Note: The audience of this verse is not provable from context, as verse 18 seems aimed at the entire nation but verse 19 solely at judges.)
- 2) “tzedek” in this verse refers to generic social justice
- 3) the repetition of “tzedek” is intended merely as an intensifier

Tradition records many alternatives to each of these claims.

Onkelos here and generally translates “tzedek” as “kushta”, or “truth”; this translation is likely based on its use in Vayikra 19:36, where various weights and measures are required to be “tzedek”. This seems a narrow definition, but R. Joseph ibn Caspi neatly equates truth (ultimate truth, “tzedek tzedek”) and social justice by arguing that the one truth to keep in mind in distributing society’s goods is that everything actually belongs to Hashem, and therefore truthfully all human beings have an equal right to all property. Thus he argues that “tzedakah”, or charity, uses the root in the same sense.

Possibly Saadia Gaon has something similar in mind when he argues that “tzedek” is repeated to urge us to seek “the tzedek which is absolute”. Ibn Ezra, however, sees this as a straightforward command to litigants to tell the truth in court regardless of their own interests. In his view the repetition is not a reflection of general priority, but either a recognition of the strong temptation here or else a warning that the legal system must be trusted even if a lie would more easily yield a just result.

The Talmud (Sanhedrin 32b) argues, by contrast, that the repetition of “tzedek” teaches us that justice and abstract truth are not always connected – rather, the second “tzedek” teaches us to prefer negotiated settlements to legal decisions in monetary suits. Various other rabbinic sources use the second “tzedek” to justify or mandate inconsistency in the law. For example, one closely interrogates witnesses one suspects of lying, but lets credible witnesses be, and one accepts new exculpatory but no new damning evidence in capital trials. All these read the phrase as addressed specifically to judges. (Note: However, almost all readings acknowledge that the nation as a whole is responsible for judicial behavior, and thus the reward mentioned in the verse applies to the entire nation.)

Ramban suggests that the second “tzedek” refers to the Heavenly Judgement – appropriate earthly judgement yields positive Heavenly judgment.

Meshekh Chokhmah suggests that the end of the verse is a pragmatic claim rather than a reward; in the absence of an effective legal system, one cannot count on actually inheriting family land; it will more likely be seized by the powerful.

Let me close by offering an interpretation that synthesizes several of the above. Perhaps the Torah here recognizes that social justice can only be attained when the judiciary and the population keep a watchful eye on one another and regularly challenge each other to meet the highest standard of tzedek.

Shabbat Shalom!

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