

PARSHAT SHOFTIM

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The portion of Shoftim is all about the justice system: the responsibility of judges, the institution of the courts, the prophets who speak in G-d's name in the community of Israel, and the kings who sit on the throne of the Israelite nation. Each of them must live up to the standard of following the dictates of: "Justice, justice, shall you pursue."

But, what happens when the legal system doesn't detail a definitive action in every sphere of life? What happens when we do not know exactly what to do in a specific situation? Sometimes law is inclusive and subjects our actions to a specific mode of behavior. However, sometimes not all the details can be written down and it is left to the individual to live up to the highest levels of ethics and morality, which can be even more demanding than the law itself.

Rabbi Elliot Dorff, the current Chairman of the Committee of Jewish Laws and Standards for the Conservative movement, authored a book entitled *To Do the Right and the Good*. Dorff labeled his book as such because he wanted to examine Judaism's commitment to social equality. His concern is social ethics and what Judaism brings to the discussion from its traditional sources and present day knowledge. It is his contention that Judaism has something to say about issues such as communal relations, poverty, war, national policy, as well as many others.

The title for the book emanates from two biblical verses found in the Book of Deuteronomy. In last week's Torah portion, Chapter 12, Verse 28, the Torah states that all will go well with the children of Israel and their descendants after them

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"For you will be doing what is good and right in the sight of the Lord your G-d." In an earlier section, Chapter 6, Verse 18, the text informs us:

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"Do what is right and good in the sight of the Lord, that it may go well with you."

It is interesting to note that the order of the two words: "What is right and good," is reversed in each of these verses. Usually when this happens from a literary point of view in the Bible it suggests that each word is the equivalent of the other, that is – what is good is what is right and what is right is what is good.

In a comment on Deuteronomy 6:18, the Ramban, Nahmanides, a medieval Biblical commentator, offers a very important perspective on these terms. It is used as the preface to Dorff's book and, as well, it is a very important source for Rabbi Donniel Hartman's book *Putting God Second: How to Save Religion From Itself*, which we will review after Kiddush today.

Nahmanides states: "that which is right and good refers to compromise and going beyond the requirement of the letter of the law." The Ramban suggests that the meaning of this text cited by the Rabbis, is as follows: At first Moses stated you are to keep His statutes and His testimonies which He commanded you, and now He is stating that even when He has not commanded you, give thought, as well, to do what is good and right in His eyes, for He loves the good and the right. Now this is a great principle, for it is impossible to mention in the Torah all aspects of man's conduct with his neighbors and friends, and all his various transactions and the ordinances of all societies and countries. But, the Ramban continues, this is to state in a general way that we are to understand that we are always to do what is good and right, which means sometimes going even beyond the requirements of the law.

Nahmanides suggests that intuitively we should know how to act, even without receiving revelation and the Torah's dictates, in a just, moral, and ethical way. We should know immediately in our gut what is right and what is good and that should ultimately lead us to a proper mode of conduct. If our behavior uplifts the principles of ethics and morality then we are following G-d's dictates in a most appropriate fashion. As Donniel Hartman writes, "No legal system can exhaust every instance, every dilemma that a person will face within the course of his or her life. How do we approach such moments?" He responds that we must be guided by the desire to become "worthy of being called good and upright." This, according to Hartman, "serves as the organizing principle for decision making in moments in which the Torah does not offer clear direction."

However, what happens if we are unable to do so? Even with the best of intentions though we may attempt to live by the high standards that are established by Nachmanides, it is not always within our capabilities and within human nature to abide by those high dictates. What happens when we fail? How do we respond to that failure and can we learn from our mistakes?

In a book entitled *Black Box Thinking – Why Most People Never Learn From Their Mistakes – But Some Do*, the author, Matthew Syed, a columnist and feature writer for the *Times of London*, attacks that very issue. What happens when we make mistakes, when we don't live up to the highest of standards?

Syed outlines in his first two chapters the difference of the mode of thinking in medical care and in the aviation system. He suggests that the medical system is a closed loop system. That means that too often not enough is learned from failure, as mistakes do occur, sometimes of a fatal nature. He contrasts this with the aviation system which learns from the black boxes, one of which records instructions sent to all onboard electronic systems and the other which is the cockpit voice recorder, allowing the aviation system to learn from either close calls or terrible accidents and gain a better prospective on how this could and should be avoided.

Syed contends that we need to respond to failure as individuals, as businesses, and a society. We need to learn how to deal with it, and learn from it. We need to react properly when something has gone wrong, whether because of a slip, a lapse, an error of co- omission or omission, or a collective failure by all. We need to admit failure so it can unleash progress, creativity, and resilience.

Too often, Syed writes, in many of our personal and professional endeavors we refuse to acknowledge failure and instead deny any culpability in not achieving success. He concentrates on the concept of cognitive dissonance which describes the inner tension we feel when our beliefs are challenged by evidence. In these circumstances we have two choices. The first is to accept that our original judgments may have been at fault, and the second option is denial. Unfortunately for most of us, we tend to reframe the evidence, filter it, spin it, or ignore it altogether. In short, we are right and everything around us is wrong. By following this line of thinking we reject any possibility of our own failure and, therefore, there is no possibility for us to make amends, learn from the experiences, attempt to remedy our behavior, and move forward.

Syed states: “If it is improbable to change your mind, if no conceivable evidence will permit you to admit your mistake, if the threat to ego is so severe that the reframing process has taken on a life of its own, you are effectively in a closed loop. If there are lessons to be learned, it has become impossible to acknowledge, let alone engage with it.”

In short, none of us reach the highest standards of behavior at all times. None of us ever created or ever to be born are perfect in our endeavors. However, once we make a mistake, none of us can afford not to learn from our mistakes, our errors, and our transgressions, and then move forward with that learning so that we can do better the next time.

What an important lesson this is on the eve of the High Holy Days. Over and over again during Yom Kippur we will acknowledge our transgressions through word and the action of beating our breasts. The question is, do we really accept our failures? Are we prepared to admit and acknowledge that we are not perfect and can do be better? Can we learn from those mistakes and grow to be better human beings and members of our families and societies? Nachmanides

suggests and both Hartman and Dorff endorse the fact that we can always do better because we know that there are times we must act beyond the letter of the law, and through our own free will do what is “right and good in the eyes of G-d.” This is ultimately a standard by which a Jew should live and for which human beings should strive. It is not easy, it is quite difficult, but that does not make it any less important a goal.

As Hartman suggests we need to live our lives so as to be guided by the desire to become “worthy of being called good and upright.” On the eve of the High Holy Days, which are only a few weeks away, let us resolve not to rationalize away our failures, but accept them. Let us learn to make amends for those errors and improve upon our conduct. May we take the concept of doing what “is right and good” and apply it to our own lives, the lives of our families, and the lives of the members of our society at-large so as, Dorff suggests, we can live up to “the mission of the Jews which is nothing short of creating a world in partnership with G-d, where justice and peace prevail.”