

PARSHAT TETZAVEH
FEBRUARY 8, 2014
RABBI VERNON KURTZ

In his autobiography entitled *Taking the Stand: My Life in the Law*, Alan Dershowitz writes of his year of clerking for Judge David Bazelon, who was the Chief Judge of the U.S. Court of Appeals. He claims that he learned a great deal from the Judge who was deeply committed to equality in the criminal justice system – between rich and poor, the mentally sound and the mentally ill, those of high status and low. Though Bazelon was Jewish, he was not well-educated in the Jewish religious tradition. Dershowitz grew up in an Orthodox Jewish home and received a Yeshiva education.

Dershowitz writes of the fact that he recalls his Bar Mitzvah portion which is found in the Book of Deuteronomy. He did not realize then that the words of that portion would be the very mantra of his life: “Justice, justice, shall you pursue.” Bazelon was intrigued with this Biblical verse and asked Dershowitz why the word “justice” is repeated? Dershowitz explained to him that every word and, in fact, every syllable of the Torah is not supposed to be redundant. He told him that he had studied the commentaries when he composed his Bar Mitzvah speech and learned that the first “justice” was legal justice, whereas the second “justice” meant compassionate justice. Dershowitz writes that he learned an important lesson from the Judge who responded: “compassion must come before the law.”

Our Biblical story today describes the clothing and vestments worn by the Priests. In elaborate detail we are told of clothing these religious functionaries wore during their time of service in the Tabernacle. In particular, the High Priest had special clothing which represented his special status among his own tribe and his role on behalf of the Children of Israel. One of the vestments the High Priest wore was the Ephod. It was a long vest woven of gold, blue, purple, and crimson yarns, in fine twisted linen, worked into designs. According to the text, it had two shoulder-pieces attached, and they were attached at each of its two ends. On top of the robe the designers were to take two lazuli stones and engrave on them the names of the Children of Israel: six of the names on the one stone, and the names of the renaming six on the other stone, in order of their birth.

These two stones were attached to the shoulder pieces of these robes, “As stones for the remembrance of the Israelite people, whose names Aaron shall carry upon his two shoulder-pieces for remembrance before the Lord.” In other words, wherever the High Priest went, engraved on his outer tunic were the names of the tribes of the Children of Israel as he was to keep them close to his heart as a remembrance of the people he served.

It is interesting to note that the High Priest is charged to “remember Israel.” Different commentators suggest a variety of purposes for this concept of remembrance. One commentator, the 13th century Gersonides, known as the Ralbag, saw the purpose of the stones as the simple, mechanical act of remembering, intimating that the Priest should always be thinking about the Children of Israel, the people he represented.

Another commentator, the 20th century Benno Jacob, suggests that remembering is much more than just thinking. For him the stones represented a paternal concern or worry of the Priest for his people. The Priest would offer prayers on behalf of his people as he is anxious about their condition, concerned for their welfare, and personally felt responsible for Israel's collective identity. The modern Italian-Israeli commentator Umberto Cassuto suggests: "The stones are a memorial and symbol that the Priest ministers in the name of all the tribes of Israel." In other words, not just thinking about his people, or worrying about his charges, but actually serving his people, this is what is represented by the stones on the tunic of the High Priest.

While Moses was the prophet and the leader, the mediator and the intercessor with G-d, it was Aaron the High Priest who represented the Children of Israel in ritual functions and in the worship experience. He was the one who ministered in the Tabernacle, he was the one who represented the people in the sacrificial worship service, and he was the one who had the responsibility of entering the Holy of Holies on Yom Kippur, entreating G-d on behalf of his people.

The description of the Ephod and the subsequent commentaries upon it seem to suggest that leadership requires a concern about the people that we represent, a responsibility to serve its noble purpose, and an obligation to live up to its high ideals. The High Priest did not really represent himself. He represented the people and, thus, had a responsibility of remembering them as he went about his daily activities. He was to know the law, but also to understand where his heart would lead him, for the stones with the names of the Children of Israel were always placed upon his heart. Just as Justice Bazon suggested compassion and concern for our fellow human being is central to leadership and the role of justice in our society.

Each morning in our services we mention the personality of Aaron the High Priest by recalling, at least, the rabbinic understanding of his character. Just before we recite the Rabbanan Kaddish we mention these words: "May it be Your will, Lord our G-d and G-d of our ancestors, to grant our portion in Your Torah. May we be disciples of Aaron the High Priest, loving peace and pursuing peace, loving our fellow creatures and drawing them near to the Torah."

Not necessarily based on a Biblical text but more in the imagination of the Rabbis, the character of Aaron assumed a prominent role in the pursuit of peace. According to rabbinic understanding of his attributes, Aaron saw one of his roles as responsible to quell confrontation in the Israelite encampment. If he saw two individuals who were in conflict with one another, he would approach each of them individually and encourage them to think of the other. Hopefully, as he placed himself in the midst of the conflict and tried to think well of each of the parties, the conflict would be solved and peace would ensue. It is a lesson that the Rabbis felt Aaron modeled for his people and that the editors of our Siddur Sim Shalom wanted us to recall each morning in our services.

My colleague, Rabbi Sheldon Lewis, in his book *Torah of Reconciliation* writes: "In the rabbinic imagination Aaron became known as the quintessential peacemaker. He is recast as a relentless proponent of reconciliation. He modeled the idea that one should go to great lengths to repair breaches among others. To him, it was intolerable to be still when conflict was noticed.

Aaron is pictured as one constantly in motion, approaching each party in a conflict with a strategy for reconciliation. He personifies the ideal of activism in the service of overcoming conflict.”

The Biblical prophet Micah (6:8) told the Children of Israel of their responsibilities to one another: “He has told you, O man, what is good, and what the Lord requires of you: only do justice and to love goodness, and to walk modestly with your G-d.” Micah places justice before goodness or mercy. Justice Bazon believed that compassion should come even before justice; Aaron believed that peacemaking should come even before conflict. This lesson should not be lost on us. To be compassionate human beings is to work on behalf of peace. To be caring and merciful is to try to effect reconciliation among peoples. Justice, in and of itself, can be sterile and cold. Justice and mercy can bring a society to a higher level of regard for the other and teach individuals a greater understanding of appropriate behavior in the private and public sphere.

The Talmud in the Tractate of Baba Mezia tells the story of some porters who broke a barrel of wine belonging to Rabbah, son of Rav Huna. Rabbah recognized that they were responsible for this breakage and since they could not pay him back, he seized their garments. The porters went to complain to Rab. Rab, after listening to their arguments, said to Rabbah: “Return to them their garments.” Rabbah, son of Rav Huna, inquired: “Is that the law?” Rab cut him off and said: Even so, for the Book of Proverbs informs us that “You may walk in the way of good men.” Their garments were returned and they continued their appeal. “We are poor men, have worked all day and are in need: Are we to get nothing?” Rab said to Rabbah, son of Rav Huna, “Go and pay them.” Rabbah, again, was upset: “Is that the law?” he asked. “Even so,” said Rab, for the text continues, “And keep the path of the righteous.”

The law was on the side of Rabbah, son of Rav Huna. But, these porters were poor people. They may have caused the breakage of the barrel of wine, but surely it was unintentional and, therefore, they should not be punished. The judge, Rab, teaches a great lesson to Rabbah, son of Rav Huna, that there is a level above strict justice, and that is compassion, kindness, and mercy.

Most of us have heard the story of the proselyte, the perspective convert who came to the two great teachers of ancient Israel, Shammai and Hillel. According to the Tractate of Shabbat (31a), there were a number of occasions when a certain heathen would come to these two teachers individually and ask to be converted. On one occasion, he came before Shammai and said to him: “Make me a proselyte, on condition that you teach me the whole Torah while I stand on one foot.” Thereupon, Shammai repulsed him with a builder’s cubit, which was in his hand. When he went before Hillel he asked exactly the same thing. Hillel said to the heathen: “What is hateful to you, do not do to your neighbor: that is the whole Torah, while the rest is commentary thereof; go and learn it.” Hillel taught that you start with ethics, compassion, with granting each person a measure of respect. But, that is not all of it. He didn’t say that was the entire universal message of Judaism. He then said the rest is commentary, and now go study. To Hillel Judaism began with the universal ethic of kindness to your fellow human being and respect for him. If you begin with that, then the rest serves as commentary, for your ritual behavior, your ethical behavior, and your general demeanor will be of the highest order.

There are times when strict justice is important. There are also times when compassion, as suggested by Judge Bazelon, is even more important. Sometimes the proper model is Moses, who according to tradition, was a strict judge. Sometimes it is important to be like Aaron, loving peace and pursuing peace. The High Priest representing the people of Israel wore on his tunic, next to his heart, the names of the Children of Israel, the people to whom he was ministering, for he was responsible for their welfare as he represented them before the Lord. His leadership had to be filled with compassion, kindness, mercy, and concern for all. If he could follow through on that dictate then he was, indeed, a great leader.

Alan Dershowitz learned from the Chief Judge of the U.S. Court of Appeals, that “Justice, justice shall you pursue,” was a message of justice and compassion, justice and mercy, justice and the pursuit of peace.

I pray that we may take the lesson to heart as well.