

Parsha Shofetim | [Deuteronomy 16:18 – 21:9]

Sarah M. Lowe – September 6, 2019 TAI, Lexington, KY

Shabbat Shalom.

It was thrilling to receive a note from the Temple acknowledging our 10<sup>th</sup> wedding anniversary this month: Elisabeth Smith and I were married in Spirit Lake, Iowa, at a joyous ceremony attended by a few family members and friends, and by our 9-year-old son, Simon. This northwest corner of Iowa is beautiful – graced by several glacial lakes that make it a vacation destination. All this sounds idyllic. And yet: just four months earlier, Iowa legalized gay marriage – a right not yet granted by NY state, where we lived. Elisabeth and I met in the 1980s, and during our 25 years together we had bought a home, raised a child, spent holidays with our parents and siblings: you know, been a committed couple in every way, except in the eyes of the law. Another thing: we could not find a local justice of the peace who would marry us, so Elisabeth’s sister became ordained online and officiated. We sent in a photograph and details to the NYT, which ran the announcement of our nuptials – and my father got vicious, hate mail from someone outraged that two women could marry.

Perhaps you think this is old history, that things are different since the Supreme Court ruled in favor of same-sex marriage in 2015, granting gay people what they ask for: *equal dignity in the eyes of the law*. I would call that justice. But it’s precarious justice here in Kentucky I’ve found over the year I’ve lived in Lexington.

Today’s parsha, Shofetim, is all about justice. Shofetim is a plural noun meaning “judges. Moses, speaking for God, is setting out rules that govern magistrates, kings,

and prophets; designating cities of refuge and prescribing how to conduct battles including a prohibition against unnecessary destruction.

While so many rules we read in the Torah seem obsolete or irrelevant, this parsha is full of sensible and practical guidelines. In Shofetim, we see a shift away from priests and elders as adjudicators, and a move toward a centralized authority. It lays out ways to ensure justice where there are disputes, setting up proper means of inquiry, requiring corroborating eyewitnesses, and even providing for a sort of “appeals” court. Most relevant of all is a familiar phrase early in Shofetim: Deut: 20: “*Justice, justice shall you pursue.*” “tzadik, tzadik tirdof.”

When the Torah doubles a word, we are compelled to pay attention and ask ourselves why. My answer is that the admonition extends beyond external judges who may rule over us in a court of law, and is addressed to our individual selves; that God is speaking to our moral compass, our conscience, and compelling us to actively, not passively, do the right thing.

Coincidence or not, this parsha falls at the beginning of the month of Elul – a period of reflection in anticipation of the Days of Awe, when we are asked to recall our actions, as well as our inaction, during the past year. Literally, “*Justice, justice shall you pursue*” is a wake-up call, a shofar blast if you will, underscored in Proverbs: *To do what is right and just is more desired by God than sacrifice.* (21:3)

There are injustices all around us, it can be quite discouraging to feel the burden of trying to right all that is wrong, but as Jews we are commanded to try: *“You are not obligated to complete the work, but neither are you free to desist from it (2:21)”* states the Pirkei Avot. When I was living in Brooklyn, it was easy to be complacent about LGBTQ rights, because my world was so thoroughly and genuinely inclusive. My first engagement with the OZS’s Social Action Committee was in February this year. I was part of an inter-faith delegation to Frankfort in support of a Statewide Fairness Law prohibiting LGBT discrimination. We met with several lawmakers: one clueless, two active allies – both African American, and one passive ally. This last guy knew putting his name on a bill was the right thing, but said he couldn’t, given his constituency. He assured us – and I did believe him – that should a bill come to the floor, he would vote in favor.

But that’s not good enough. It is not enough to say, “some of my best friends are gay,” or worse, how the White House spokesman this week claimed Vice President Pence wasn’t anti-gay because he shared a meal with Ireland’s openly gay Prime Minister. It is not enough to feel good that Lexington, and only nine other municipalities in Kentucky, have Fairness laws on their books. A recent case before the Kentucky Supreme court originated in Lexington: the so-called Pride T-shirt case. Here, the owner of the shop refused to print a t-shirt that celebrated Pride: his attorney argues that he did not discriminate against the people ordering the shirt, in this case, Gay and Lesbian Services Organization, but that he can assert his 1<sup>st</sup> amendment right and refuse to print a message that does not align with his religious beliefs. One of the judges asked – and here we should pay close attention – whether this “argument could have been

used to defend the anti-Catholic discrimination that was so common in 19th-century America.” Moreover, counsel for the owner is from the Alliance Defending Freedom, which the Southern Poverty Law Center has designated a hate group.

Another phrase from this parsha struck me: “*You must be wholehearted with Hashem your God.*” [Deut: 18:14] “Wholehearted” is the translation from the Hebrew word *tamin* – but *tamin* has a variety of meanings that color how we might understand “wholehearted” in a deeper way. *Tamin* can mean complete, or wholly-sound, and is sometimes used to indicate animals fit for sacrifice, ie – not blemished, without defect, blameless, in short: perfect. So, we are asked to be perfect with our God: that is a high order, and perhaps especially daunting as we move toward Rosh Hashanah and Yom Kippur.

Hassidic teaching on Deut: 20 asks us to cultivate an inner mindfulness about how we as individuals respond to injustices we see. I think this internal check is about not being judgmental of others if we ourselves might not stand up to such a judgment; of understanding that being in the right does not give us license to be ugly about it. In short, it is asking us to cultivate compassion. It’s not enough to be righteous, we must pursue righteousness.