

A Weekly Message of Torah from Rabbi Rheins

## The Necessity of Disagreement

This week's Torah portion, *Shoftim* (Deuteronomy 16:18-21:9), contains one of the more famous lines in the Torah: *Tzedek, tzedek tirdof, Justice, justice you shall pursue* (Deut. 16:20). Countless sermons have focused on this important teaching. A survey of modern commentary will reveal heartfelt sentiments about justice and righteousness, charity and social action. This is all well and good. Still, look closer at the uniqueness of the verse in Hebrew, namely, the intentional repetition: *tzedek, tzedek—justice, justice*. The redundancy expresses both the quality of humility and the commandment to create procedures that ensure a fair and impartial trial.

Justice requires humility because, as Eliot Dorff wrote: "No human being can always know whose cause is right; only God is privy to all the actions and intentions of every individual" (Etz Hayim, p. 1427).

In addition, the Torah established the requirements of courts (Deut. 17:8ff), witnesses, and penalties for perjury (Ex. 20:13; Deut. 5:17, Deut. 17:6ff, Lev. 5:20 etc.).

Looking closer still, we notice that *tzedek, tzekek-justice, justice* is a commandment that requires two sides. True justice cannot be realized without giving a full opportunity for both sides to share their story, their perspective, and their truth. This, too, is a rather universally held value: the accused must be given a fair trial and have competent legal representation. Indeed, this core Torah value is often found celebrated at the entrances and lobbies of courthouses as statues, carvings and art depict scales of justice and a promise for balanced and impartial hearings.

Moving beyond the realm of courts, let's consider another reading of the two-sides of justice. In Arthur Brooks' new book Love Your Enemies, he proposes

that a civil and democratic society requires disagreement! Consider for a moment our nation's two-party political system. Yes, there are those of us who would like to see a viable third party and as an old John Anderson campaign staffer (1980), I spent considerable time trying to make that happen. And yet, until it does, let us appreciate that we have at least two parties. Citizens in Russia and China can only dream of the possibility for a real choice in their "elections." (And they know better than to publicize those dreams!) Indeed, as much as Democrats and Republicans may disagree with their political opponents, without them, we too would have one-party dominance, an autocracy that would diminish freedoms and lead to a dictatorship.

Brooks quotes two Princeton professors, Cornel West and Robby George, who passionately disagree with one another and yet are close friends who share a profound respect. Though one (Cornel West) is a prominent progressive thinker, a professor of religion and African American studies and a Democrat, and the other (Robby George) is an American legal scholar, a political philosopher, a devout Catholic and a Republican, both wrote the following about disagreements and friendships:

None of us is infallible. Whether you a person of the left, the right, or the center, there are reasonable people of goodwill who do not share your fundamental convictions... All of us should be willing—even eager—to engage with anyone who is prepared to do business in the currency of truth-seeking discourse by offering reasons, marshalling evidence, and making arguments... Our willingness to listen to and respectfully engage those with whom we disagree (especially about matters of profound importance) contributes vitally to the maintenance of a milieu in which people feel free to speak their minds, consider unpopular positions, and explore lines of argument that may undercut established ways of thinking. Such an ethos protects us against dogmatism and groupthink, both of which are toxic to the health of academic communities and to the functioning of democracies (George and West, "Truth Seeking, Democracy and Freedom of Thought and Expression," Princeton University 2017; as quoted by Brooks, Love Your Enemies, pp. 182-183).

*Tzedek, tzedek, justice, justice you shall pursue* is a call for a fair hearing, a respectful dialogue and an admission that we are informed, challenged, stronger, wiser and better when we sincerely listen and consider the thoughts and opinions of those with whom we disagree.

In the Jewish tradition, we treasure a good debate. Indeed, a conversation without a worthy intellectual “opponent” is a sure formula for a dull, waste of time. So, let us engage and debate with gusto---and with respect. Our democracy and our society depend on it!

*Shabbat Shalom,*

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