

SERMON – Aharei Mot-Kedoshim, 23 April 2021, 8 Adar 5781

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JUDGE FAIRLY

I want to start by reading four verses found in this week's Torah portion – Kedoshim.

- You shall not render an unfair decision: do not favor the poor or show deference to the rich; judge your kinsman fairly.
- Do not use rumors to stir up your countrymen. Do not profit by the blood of your fellow: I am the LORD.
- You shall not hate your kinsfolk in your heart. Hold your kinsman accountable, but incur no guilt because of him.
- You shall not take vengeance or bear a grudge against your countrymen. Love your neighbor as yourself: I am the LORD.

As we talk about frequently in Torah Study, one of the most powerful, central values of Torah is the absolute necessity to establish a fair, equitable justice system in society. If we hope to be a holy society, a good society, we must have a dependable fair system of laws and courts that people can rely on.

On many issues, the Torah can be so far away from our modern sensibilities and values, but on this, it is as if the Torah was written this week.

What was their fear? That if there isn't a trustworthy court system, people would resort to vengeance, tribal justice, and the result is the disintegration of the fabric of society. There is no holy society that lives in fear. They understood first hand and personally the thin line between having a good society and having a nightmare of warring groups.

For far too long, the courts in the nation have strongly favored the wealthy, the connected, and that most often meant white. For far too long, the courts in this nation have found African Americans guilty of crimes they didn't commit, while letting white people who had attacked, raped and killed African Americans go free.

Tim and I grew up in Georgia during desegregation. I can tell you first hand that it was an open secret among white people that black men were charged with crimes that everyone knew a white person had done. It feels good to say, 'oh that's just the Deep South, except that's not true. This sort of unfairness is woven throughout our judicial history. It is woven into the Constitution.

It amazes me that there hasn't been much more violence around this court cases. While much is made of rioting and looting, what surprises me is that it isn't far far more common. No group of people can feel that the courts don't see them as fully human and stay silent.

As Jews we know this. One trial in France in the 1890's reminded us that even in nations where we are equal citizens and enjoy privilege, the courts are crucial to uphold that equality. When a **Jewish French Naval Officer, Captain Alfred Dreyfus**, was falsely charged for treason even though those in power knew full well he hadn't done it – one of their own had. Despite having no evidence, Dreyfus was found guilty, and when new proof emerged of who had done it, and a retrial was called, again, he was found guilty. In the face of clear proof that he was innocent, he was again convicted amid horrific anti-Semitic outbursts in the courtroom.

That verdict famously inspired **Emile Zola**, a Jewish French writer, to write the famous open letter "**J'accuse**" accusing French society of bigotry and failing to live up to its own values.

Another young journalist at the trial also had a strong reaction. Theodore Herzl, witnessing this came to the conclusion that the only way for Jews to have a place where they could be respected and have fair courts was in a state of their own, and just a few years later, the first World Zionist Congress was held.

As we await the verdict in the trial of **Derek Chauvin** for the murder of **George Floyd** I thought of both of those reactions to an unjust verdict. One unjust verdict led to a major reevaluation of French anti-Semitism, and it led to the creation of the State of Israel.

TRIALS ARE POWERFUL MOMENTS. THEY ARE MOMENTS WHEN JUSTICE HANGS IN THE BALANCE, AND WE CAN FEEL THE RAGE AND FEAR BUILD WITHIN US AS WE WATCH.

What would happen if Chauvin was found innocent despite the overwhelming proof that he was guilty? I wasn't as concerned about riots and looting. That seemed inevitable. I was wondering what we would do.

Instead, Chauvin was found guilty, and I know I started crying as did so many. Crying with relief, but also fury that we should be so worried about it because in this situation, justice is almost never done. I imagined if Dreyfus had been exonerated and the guilty party punished, how would I have felt? What might Zola or Dreyfus have felt? Would they feel relieved, and like France was a safe and good home for them? Would their sense of being unsafe in their homes change?

I doubt it. Once you are made to feel you are not safe or welcome in your own society, it is very difficult to let go of that sense. **A verdict like this is at best a comma in a very long sentence of which only the first part has been written.**

We, as Jews, must do what we can to help that sentence be one written toward great justice, greater trust, greater peace. There is no holy society in which groups of its members live in fear from the people who govern. This is true here. This is true in Israel.

The verses I read above ended with "Love your fellow as yourself," but just a few verses later, the Torah sets a higher bar.

"When strangers reside with you in your land, you shall not wrong them. The stranger who resides with you shall be to you as one of your citizens; you shall love them as yourself, for you were strangers in the land of Egypt: I ADONAI am your God.

In Judaism, we believe we are all created in the Divine Image, and we are all one human family, but when it comes to justice, we are still sorely lacking. As has always been true, we have a long way to go before we live to our laws of justice. **Given human nature, it is unlikely we will ever reach it, but like the journey through the wilderness, the key is to keep moving, step by step, in the right direction.** Only then can we fulfill the charge of this week's portion:

"You shall be holy, for Adonai your God is holy."