# Tzedek: Justice and Compassion

by Rabbi Jonathan Sacks

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As Moses begins his great closing addresses to the next generation, he turns to a subject that dominates the last of the Mosaic books, namely justice:

> I instructed your judges at that time as follows: "Listen to your fellow men, and decide justly [*tzedek*] between each man and his brother or a stranger. You shall not be partial in judgment. Listen to great and small alike. Fear no one, for judgment belongs to God. Any matter that is too difficult for you, bring to me and I will hear it."

*Tzedek*, "justice", is a key word in the book of Devarim – most famously in the verse:

> Justice, justice you shall pursue, so that you may thrive and occupy the land that the Lord your God is giving you.
>
> Deut. 16:20

The distribution of the word *tzedek* and its derivate *tzedakah* in the Five Books of Moses is anything but random. It is overwhelmingly concentrated on the first and last books, Genesis (where it appears 16 times) and Deuteronomy (18 times). In Exodus it occurs only four times and in Leviticus five. All but one of these are concentrated in two chapters: Exodus 23 (where 3 of the 4 occurrences are in two verses, 23: 7-8) and Leviticus

19 (where all 5 incidences are in chapter 19). In Numbers, the word does not appear at all.

This distribution is one of many indications that the Chumash (the Five Books of Moses) is constructed as a chiasmus – a literary unit of the form ABCBA. The structure is this:

A: Genesis – the prehistory of Israel (the distant past)
B: Exodus – the journey from Egypt to Mount Sinai
C: Leviticus – the code of holiness
B: Numbers – the journey from Mount Sinai to the banks of the Jordan
A: Deuteronomy – the post-history of Israel (the distant future)

The *leitmotiv* of *tzedek/tzedakah* appears at the key points of this structure – the two outer books of Genesis and Deuteronomy, and the central chapter of the work as a whole, Leviticus 19. Clearly the word is a dominant theme of the Mosaic books as a whole.

What does it mean? *Tzedek/tzedakah* is almost impossible to translate, because of its many shadings of meaning: justice, charity, righteousness, integrity, equity, fairness and innocence. It certainly means more than strictly legal justice, for which the Bible uses words like *mishpat* and *din*. One example illustrates the point:

If a man is poor, you may not go to sleep holding his security. Return it to him at sun-down, so that he will be able to sleep in his garment

> and bless you. To you it will be reckoned as *tzedakah* before the Lord your God.
>
> Deut. 24:12-13

*Tzedakah* cannot mean legal justice in this verse. It speaks of a situation in which a poor person has only a single cloak or covering, which he has handed over to the lender as security against a loan. The lender has a legal right to keep the cloak until the loan has been repaid. However, acting on the basis of this right is simply *not the right thing to do*. It ignores the human situation of the poor person, who has nothing else with which to keep warm on a cold night. The point becomes even clearer when we examine the parallel passage in Exodus 22, which states:

> If you take your neighbour's cloak as a pledge, return it to him by sunset, because his cloak is the only covering he has for his body. What else will he sleep in? When he cries out to Me, I will hear, for I am compassionate.
>
> Ex. 22:25-26

The same situation which in Deuteronomy is described as *tzedakah*, in Exodus is termed compassion or grace (*chanun*). The late Aryeh Kaplan translated *tzedakah* in Deut. 24 as "charitable merit". It is best rendered as "the right and decent thing to do" or "justice tempered by compassion".

In Judaism, justice – *tzedek* as opposed to *mishpat* – *must be tempered by compassion*. Hence the terrible, tragic irony of Portia's speech in The Merchant of Venice:

The quality of mercy is not strain'd,
It droppeth as the gentle rain from heaven
Upon the place beneath: it is twice blest;
It blesseth him that gives and him that takes:
'Tis mightiest in the mightiest: it becomes
The throned monarch better than his crown;
His sceptre shows the force of temporal power,
The attribute to awe and majesty,
Wherein doth sit the dread and fear of kings;
But mercy is above this sceptred sway;
It is enthroned in the hearts of kings,
It is an attribute to God himself;
And earthly power doth then show likest God's
When mercy seasons justice. Therefore, Jew,
Though justice be thy plea, consider this,
That, in the course of justice, none of us
Should see salvation: we do pray for mercy;
And that same prayer doth teach us all to render
The deeds of mercy. I have spoke thus much
To mitigate the justice of thy plea ...

Shakespeare is here expressing the medieval stereotype of Christian mercy (Portia) as against Jewish justice (Shylock). He entirely fails to realize – how could he, given the prevailing culture – that "justice" and "mercy" are not opposites in Hebrew but are bonded together in a single word, *tzedek* or

*tzedakah*. To add to the irony, the very language and imagery of Portia's speech ("It droppeth as the gentle rain from heaven") is taken from Deuteronomy:

> May my teaching drop as the rain,
> my speech distill as the dew,
> like gentle rain upon the tender grass,
> and like showers upon the herb ...
> The Rock, his work is perfect,
> for all his ways are justice.
> A God of faithfulness and without iniquity,
> just and upright is he.
> Deut. 32:2-4

The false contrast between Jew and Christian in The Merchant of Venice is eloquent testimony to the cruel misrepresentation of Judaism in Christian theology until recent times.

Why then is justice so central to Judaism? Because it is impartial. Law as envisaged by the Torah makes no distinction between rich and poor, powerful and powerless, home born or stranger. Equality before the law is the translation into human terms of equality before God. Time and again the Torah insists that justice is not a human artefact: "Fear no one, for judgment belongs to God." Because it belongs to God, it must never be compromised – by fear, bribery, or favouritism. It is an inescapable duty, an inalienable right.

Judaism is a religion of love: You shall love the Lord your God; you shall love your neighbour as yourself; you shall love the stranger. But it is also a religion of justice, for without justice, love corrupts (who would not bend the rules, if he could, to favour those he loves?). It is also a religion of compassion, for without compassion law itself can generate inequity. Justice plus compassion equals *tzedek*, the first precondition of a decent society.

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