

AVODAH: The Jewish Service Corps  
Torah Portion – Shoftim

Pursuing Justice

צֶדֶק צְדָק תִּרְדּוּף לְמַעַן תִּתְחַיֶּה וְיִרְשַׁתְּ אֶת־הָאָרֶץ אֲשֶׁר־יְהוָה אֱלֹהֶיךָ נֹתֵן לָךְ:

*Justice, justice pursue, so that you may thrive and inherit the land that the Lord your God is giving to you.*  
[Deuteronomy 16:20]

[AVODAH commentary: Why mention justice twice? The repetition of this word in the verse above has intrigued commentators throughout the ages. Below are two interpretations of what the Torah means by teaching that we should pursue not simply *justice*, but *justice, justice*]:

1) *Tzedek tzedek tirdof*. This means “pursue justice justly.” [The verse teaches us that] the methods we use to pursue justice must also be just.

[Rabbi Simkha Bunim of Peczsha, cited in Itturei Torah Vol. 6, p. 110]

צדק צדק תרדוף...בצדק תרדוף צדק. גם הרדיפה אחרי הצדק צריכה להיות בצדק ולא בשקר.

2) [The Torah teaches: *You shall have one law for stranger and citizen alike.* (Leviticus 24:22) Even so,] exceptions to the general rule of law and the equality of mankind appear in scripture in order to accommodate particular needs: widows, orphans, strangers and the needy are singled out for special consideration and treatment, not only as the most vulnerable members of society and the easiest prey to oppression and exploitation, but also as special favorites to God (for examples, see Exodus 22:23,26 & Deuteronomy 10:18).

It is true that explicit scriptural commandments to pursue justice such as those in Leviticus 19:15 and Deuteronomy 16:20 were interpreted as prescribing absolute equality of all persons before the court of justice, without any show of favor to either the poor or the mighty (Deuteronomy 1:17). But standards of judicial administration are not necessarily indicative of the kind of substantive justice to be pursued, nor is the equality before the courts of all litigants indicative of the merits of their respective causes. Indeed, the equalization of *substantive* as opposed to *procedural* justice must ultimately produce injustice.

[Haim H. Cohen, former Israel Supreme Court justice and Attorney General for the State of Israel, in *Contemporary Jewish Religious Thought*, eds. Arthur A. Cohen and Paul Mendes-Flohr, p. 517]

**Question:** Justice Cohen implies that there are two kinds of justice: substantive and procedural, and that each has different requirements. We can read this as his interpretation of “justice, justice.” *Procedural justice* is straightforward: everyone should be treated equally by the justice system. What do you think Justice Cohen means by *substantive justice*?