

Parashat Shoftim

A month or so ago, charges were finally filed against six people connected to the Hillsborough tragedy. Just to refresh your memory, on 15th April 1989 at the FA Cup Semi-Final between Liverpool and Nottingham Forest, held at Sheffield Wednesday's Hillsborough stadium, there was a massive crush in which 96 people died. In the initial aftermath of the disaster the police, politicians and sections of the media were quick to put the blame for the deaths on the Liverpool fans themselves. Allegations were made that they had been drunk and disorderly and had pushed their way into the stadium, thus creating a crush. Indeed, there were repeated attempts by those involved in the ensuing cover-up to find evidence of drunkenness, including carrying out police national computer checks to find victims with a non-zero alcohol level. Once this failed police moved onto trying to dig up criminal records on victims. The cover-up also quickly moved to the police attempting to get their version of events out into the media. The infamous Sun newspaper lead article, headlined, "Hillsborough: The Truth", which put the blame for the tragedy entirely on the fans, was actually traced back to four police sources and an interview with Irvine Patnick who at the time was a Conservative Sheffield MP. The Sun claimed that Liverpool fans urinated on police, pick-pocketed dead victims and prevented brave PCs giving the kiss of life to some of the victims. A 'high-ranking' police officer was quoted as saying: "The fans were just acting like animals. My men faced a double hell - the disaster and the fury of the fans who attacked us." And yet the truth was actually the opposite and the police knew it. In order to cover their tracks Deputy Chief Constable Peter Hayes talked openly about his outrageous scheme designed to get pals off the hook. He said the decision to open the stadium gate which led to the deaths of 96 Liverpool fans could be pinned on a "Mr X". The move was aimed at deflecting blame from Chief Supt David Duckenfield and Supt Roger Marshall who had been in charge on the day and whose incompetence and mismanagement was really to blame for the 96 deaths. Regular officers who commented on the inadequacies of the police response in their official statements were sat upon in order to get them to remove their comments and or their statements were deliberately altered after the fact. It is estimated that up to 200 statements were rigged in this way. Norman Bettison, who was a middle ranking officer in the South Yorkshire Constabulary at the time but who later graduated to position of Chief Constable of Merseyside, even later boasted privately of the police campaign to smear Liverpool fans. And, in the inimitable words of Scooby Doo, they would have gotten away with it had it not been for the pesky relatives, families and friends of the deceased, who from the very first moment could not believe the lies that had been told about their loved ones. Though the Taylor Report of 1990 was unaware of the full extent of the collusion it nevertheless pushed the blame back on to South Yorkshire Police and its operational failures on the day, exonerating the fans and claiming that senior officers were "defensive and evasive witnesses" throughout the proceedings. Even so the Director of Public Prosecutions did not consider that there was any reason to prosecute and the Coroner reported that the 96 victims had been killed "accidentally". This wasn't enough for the families who began to campaign for justice for the 96. Sensitive to the growing pressure for a review, in 1997 the then Home Secretary Jack Straw ordered Lord Justice Stuart-Smith to look into whether a new inquiry

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was warranted. The appointment of Stuart-Smith was not without controversy. At a meeting in Liverpool with relatives of those involved in Hillsborough in October 1997, he flippantly remarked "Have you got a few of your people or are they like the Liverpool fans, turn up at the last minute?" He later apologised for his remark, saying it was not intended to offend. Stuart-Smith limited himself to a consideration of new evidence and when he made his conclusions public in 1998 he concluded that there was insufficient evidence to warrant a new large scale inquiry. This conclusion was heavily criticised by Justice Minister Lord Falconer, who declared that "I am absolutely sure that Sir Murray Stuart-Smith came completely to the wrong conclusion". Falconer added: "It made the families in the Hillsborough disaster feel after one establishment cover-up, here was another." Still, the families would not let up in their demand for justice. As a consequence in 2009 the Hillsborough Independent Panel was created in order to further investigate the disaster. On 12th September that year it published its report, concluding that no Liverpool fans were responsible for the disaster; that the main cause was lack of police control and that up to 41 of those who had died might have survived had the emergency services' response been better co-ordinated. It also uncovered evidence of tampered witness statements and of the general police cover up. Following the publication of the report David Cameron apologised to the families on behalf of the Government and Ed Milliband for the opposition. Moreover, findings of the original Coroner's inquest were overturned and a fresh inquest ordered, beginning in 2014. On 26th April 2016 the jury returned a verdict of "unlawful killing" in respect of all 96 victims. David Cameron responded to the verdict by saying that it represented a "long overdue" but "landmark moment in the quest for justice", adding "All families and survivors now have official confirmation of what they always knew was the case, that the Liverpool fans were utterly blameless in the disaster that unfolded at Hillsborough." The Labour Party described the handling of the Hillsborough disaster as the "greatest miscarriage of justice of our times", with Labour MPs Andy Burnham and Steve Rotheram calling for accountability and the prosecution of those responsible. Well just a few weeks ago the Crown Prosecution Service announced that six individuals, mainly high ranking police officers, had been charged with criminal offences including manslaughter and perverting the course of justice. In announcing the charges the CPS reminded "all concerned" of the defendants' right to a fair trial.

My guess is that at some of you at least are wondering what any of this has got to do with our portion! Some of you may even be thinking 'what's this got to do with me/us?' I mean, why isn't he preaching about some aspect of worship or prayer or spirituality that's of more direct relevance? What is this Panorama? But the truth is, as our parashah makes clear, that the pursuit of justice is at the heart of what it means to observe Torah. As we read, "You are to appoint judges and officers for all your gates [in the cities] Adonai your God is giving you, tribe by tribe; and they are to judge the people with righteous judgment. You are not to distort justice or show favoritism, and you are not to accept a bribe, for a gift blinds the eyes of the wise and twists the words of even the upright. Justice, only justice, you must pursue; so that you will live and inherit the land Adonai your God is giving you." In this passage Moshe makes it absolutely clear that it is the provision of justice that determines the length of our

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lives. You must pursue justice, he says, so that you will live. In other words, without justice we die, metaphorically if not physically too. Indeed, the need above all things to establish justice is emphasised in Scripture as early as the Noachic Covenant. Thus Hashem said to Noach, "I will certainly demand an accounting for the blood of your lives: I will demand it from every animal and from every human being. I will demand from every human being an accounting for the life of his fellow human being. Whoever sheds human blood, by a human being will his own blood be shed; for God made human beings in his image. And you people, be fruitful, multiply, swarm on the earth and multiply on it." This passage is classically interpreted as a demand that everywhere human beings live they are to establish courts and thereby ensure the delivery of justice, for it is only when justice is thus established that human beings can thrive and be fruitful. This mirrors the promise in our portion that the people of Israel may only flourish and dwell upon the Land when justice is established. Thus our portion goes on, not only to command us to establish courts and judges, but to caution us all as very real stakeholders in the justice system to guard it with our lives - for only a fair justice system stands between us and unrestrained evil. Therefore "you are not to distort justice or show favouritism" and neither are you to "accept a bribe". Indeed, all throughout the Torah we read similar concerns. Shemot 23:2 thus states, "Do not follow the crowd when it does what is wrong; and don't allow the popular view to sway you into offering testimony for any cause if the effect will be to pervert justice." Shemot 23:6, "Do not deny anyone justice in his lawsuit simply because he is poor. Keep away from fraud, and do not cause the death of the innocent and righteous; for I will not justify the wicked. You are not to receive a bribe, for a bribe blinds the clear-sighted and subverts the cause of the righteous." Vayikra 19:15 says, "Do not be unjust in judging — show neither partiality to the poor nor deference to the mighty, but with justice judge your neighbour." In other words, justice, as defined by Torah is the administration of law without regard to the societal status of the individual concerned. Indeed, to this extent the Torah is actually making a fundamental statement concerning human rights - that whether one was born a Jew or a Gentile, whether one was a slave or free, or a male or female, all were fundamentally equal before God and the Law! Therefore Devarim 24:17-18 also declares, "You are not to deprive the foreigner or the orphan of the justice which is his due, and you are not to take a widow's clothing as collateral for a loan. Rather, remember that you were a slave in Egypt; and Adonai your God redeemed you from there. That is why I am ordering you to do this." Note those words, "the justice which is his due" regardless of gender, race or any other factor every human being is equal before God in before the Law. It is on this basis that Moshe went on to decree, "A curse on anyone who interferes with justice for the foreigner, orphan or widow." All the people are to say, 'Amen!'" The Israelite courts were not only therefore to deliver justice with complete equity but they were to be especially aware of the human tendency to favour one's own. Hence systemic injustices that have plagued every society since the dawn of time, including our own, were to be particularly guarded against. Therefore in the ideal legal system as delivered by Moshe there was to be no hint of racism, sexism or any prejudice against other marginalised groups such as the poor. In today's terms those who operated ancient Israel's legal system were to continually check their privilege, as we must also today. In fact it is in the Torah's statements

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to this effect that, as we have said, we find the earliest and most profound statement of human rights and this is echoed in the Messianic Writings. As Rav Shaul declared to the Galatians, "there is neither Jew nor Gentile, neither slave nor freeman, neither male nor female; for in union with the Messiah Yeshua, you are all one." This statement is certainly not to be understood as a refutation of Torah - he is not setting up, as it were, the so-called New Testament's superiority but is in fact restating the Torah! In fact, in summarising the Torah's teaching in this respect Yeshua also said, "Always treat others as you would like them to treat you; that sums up the teaching of the Torah and the Prophets." And it is precisely that teaching which Yeshua sought to exemplify for us in his life and teachings, emphasising, as did the Sages too, values such as *gemilut chasadim* - the bestowal of loving-kindness. It's important to note that the Jewish concept of justice is not restricted to jurisprudence legal - that which goes on in the courts - but, in its broader sense, is to act morally toward one another. Justice thus extends beyond the courts into every day human relations. Thus the Rambam, explained *gemilut chasadim* as the "positive commandment to visit the sick, to accompany the dead, do dower the bride, escort one's guest, to attend to all the needs of burial... These acts are what is meant by *gemilut chasadim*... and they are included in the principle of 'You shall love your neighbour as yourself.'" Indeed, as I hear his words I am reminded of Yeshua's parable of the Good Samaritan, who, regardless of the constructs of race and religion took care of the needy traveller when others, priests no less, had walked by on the other side. Therefore Yeshua instructed his audience to "go and do as he did.", i.e. to render justice. For as Edward Kessler writes in "The Jewish Concept of Justice", "Acts of lovingkindness and respect for others are central to the Jewish perspective of justice."

Indeed, what are we if we do not render such justice to each other - our fellow human beings? And what becomes of society if such justice is not delivered? What if we allow justice, as in the case of Hillsborough, to become distorted or denied? What if as we make our way through this world we are prejudiced in our behaviour? What if our practice of justice depends upon the colour of someone's skin, the content of their creed or their social class? Are we not distorting justice if we are preferential in our *gamilut chasadim* to? The parable of the Good Samaritan challenges us to venture beyond our own kind and see our kinship with all human beings, not just our own kith and kin - people who look, think and act like us. What if it dawns on us that there are systemic prejudices in our society? Of men over women, white people over black, rich over poor? The Torah does not allow us to ignore such prejudices - for *tzedek, tzedek, tirdof* - justice, justice only shall you pursue! Moreover, "A curse on anyone who interferes with justice." Unless injustice is challenged that society will ultimately fall. Indeed, according to Scripture it was injustice, not homosexuality per se, that was the fault of S'dom and the cause of its destruction. As we read in B'reshet 13:13, "Now the men of S'dom were evil, committing great sins against Adonai." Those sins, according to Yechezkel 16:49 "were pride and gluttony; she and her daughters were careless and complacent, so that they did nothing to help the poor and needy." As our tradition helpfully explains, S'dom's so-called justice system, which met at the city gates and of which Lot was a part, was rotten to the core: "the inhabitants of Sodom never gave of their substance to the poor and the alien

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who came to their city. They passed a law to which all aliens were to be expelled, and poor men seeking food were never to receive a piece of bread. Charity was a crime punished heavily within the walls of Sodom. The men of Sodom elected as their judges and rulers men of falsehood and wickedness, who mocked justice and equity, and committed evil deeds. Whenever a stranger happened to enter the city of Sodom, the inhabitants at once took away his goods and sustenance, divested him of his clothes and sent him away poor and naked. There was no use to appeal to the laws of the city, for the judges themselves approved such deeds." In fact it was because of this - because S'dom removed justice from its midst that God removed S'dom. Henceforth the recollection of S'dom's fate would stand in Scripture as a warning to Israelite society not to abandon the principle of justice. Time and again the prophets would rail against injustice in Israelite society and warn that, like S'dom, they too would be destroyed if reparative action was not taken. As the prophet Yeshayahu declared to the Israelites of his day: "Hear what Adonai says, you rulers of S'dom! Listen to God's Torah, you people of 'Amora! ..." "When you spread out your hands, I will hide my eyes from you; no matter how much you pray, I won't be listening; because your hands are covered with blood. Wash yourselves clean! Get your evil deeds out of my sight! Stop doing evil, learn to do good! Seek justice, relieve the oppressed, defend orphans, plead for the widow." We are thus reminded in the story of S'dom, in our portion, throughout the prophets and in the Messianic Writings that worship begins with the delivery of justice in its broadest sense. "Justice, justice only shall you pursue" means that we worship God by rooting out prejudice and injustice - both in ourselves as individuals and then in wider society. For when we tolerate injustice and prejudice we actually engage in idolatry. The rabbis ask in this respect why the demand to pursue justice is followed in our Torah portion with the words, "You are not to plant any sort of tree as a sacred pole beside the altar of Adonai your God that you will make for yourselves." And they explain that when one turns a blind eye to prejudice or injustice one is planting a seed that will grow into an asherah pole. The root of idolatry is therefore injustice, which blinds our eyes and leads us astray. That is why to pursue justice is true worship - rendering to each and every human being that which is his or her due as being made in the image of God.

You wanted me to speak about worship, faith or spirituality? Well indeed I have! Contrary to expectation though we have discovered that worship, faith and spirituality are not other worldly experiences. I have news for you! In the Torah and in Jewish tradition worship, faith and spirituality are very much *of this world* and delivering justice is very much at their core. So it doesn't matter how much we raise your hands in the air, or proclaim adherence to a statement of faith, the message of the Torah is that if we tolerate injustice or prejudice we are idolaters. And that's why justice for the Hillsborough 96 matters so much. That's why justice for the victims of the Grenfell Tower matters. That's why delivering justice for the thousands of girls who have been sexually abused in Huddersfield, Rotherham and elsewhere matters. That's why it matters that no one is systemically prejudiced against in any part of our society. To be concerned for and actively involved in delivering social justice is at the heart of our worship and obedience. As Yeshua said, "If you love me you will keep my commandments."