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*Shavuot*

### *Altar and Courthouse*

If one were to visit an old New England town, he would be apt to find two important buildings situated near each other in the public square. One would be a church, and the other, the town or county courthouse. It is not a pure coincidence that these two buildings were erected side by side. Rather was the practice based on a beautiful Jewish tradition which was known to the founding fathers of our beloved country. Indeed, the early settlers of New England relied heavily on Old Testament precedents for many of their institutions. And the proximity of the altar to the hall of justice was predicated on passages in the Book of Exodus. One passage describes the manner of building an altar. Immediately preceding, we have the Decalogue which we read today, and immediately succeeding, we have the civil and criminal codes of Judaism. Why is the passage dealing with the altar integrated with the most important legislation of the Pentateuch? "To teach us," say our Sages, "that the Sanhedrin - Jewry's highest court - was to sit and administer justice in a room adjoining the site of the altar." (*Jerusalem Talmud Makkot 2:6*) That accounts also for the nearness of New England's courthouses to her places of worship.

On many occasions, friends, our Sages pondered why our traditions required this proximity between altar and hall of justice. Our Sages found many parallels between the role of priests and the role of judges. They also suggested that in the performance of their duties priests and judges should maintain the same mood and the same dedication to high purpose. However, I find, in the association of divine worship with the administration of law, an even more significant message, and would only that Americans would heed that message today as their forbears respected the tradition in planning their town buildings!

For let us understand, friends, the nature of justice. The simplest form of justice with which all of us are familiar is what the philosophers call "corrective justice." If a man is killed, or his limbs are maimed, or his property is stolen, the offender must account to the law so that the law may correct or remedy the evil. The correction may take the form of punishment or compensation, but basically it is a wrong that must be righted. If the law did not do this, the peace of the land would be disturbed as persons who were wronged engaged in self-help to avenge themselves. The Law of Moses abounds in illustrations of this type of legislation.

There is, however, another form of justice which Aristotle called "distributive justice." Distributive justice is concerned with the fair distribution of worldly goods and services and the ready flow in society of that which is due unto every citizen. This is a higher form of justice for more developed societies. This type of justice - as conceived by the Greeks - is the justice of societies like our own, in which there always is an exchange of goods and services between people. The principal motif of this type of justice is that each man shall have what is due him and that what is due each man shall be fair and equitable. Long before Aristotle, our Torah projected more legislation in this connection than any other legal system in human history.

However, there is a third type of justice with which the Greeks and Romans were not familiar. It is the type of justice that made Jewish law the glorious body of law that it is. I choose to call this type of justice - empathic justice. It is the type of justice that seeks to make people identify themselves with each other - with each other's needs, with each other's hopes and aspirations, with each other's defeats and frustrations. It is the type of law that calls for empathy, and demands not only the righting of wrongs, and not only the distribution unto every man of the full measure of goods and services due him, but also the projection of every self into the condition of every other self. What other law, for example, would demand, as we read today, that slaves and not only masters, shall enjoy Sabbath rest? (*Deuteronomy* 5:13-14) What other law would demand that thou shalt not oppress the stranger "because you know the soul of the stranger," having been strangers yourselves in the land of Egypt! (*See Deuteronomy* 10:9) Because you know

the distress of slaves and the loneliness of the stranger, justice requires that you project yourself into their souls and make their plight your own. What other law would demand that when you see your enemy's donkey collapsing under a heavy load, and you contemplate withholding your assistance, then remember that *"with him you shall help!"* (*Exodus 23:5*) Feel for the beast and feel for its master, and curb your own feelings for revenge. And what other law would require of a creditor who takes his debtor's sole garment as security to return it before nightfall lest the debtor have to lie without it! (*Exodus 22:24-26*)

So much of Jewish law is concerned with the projection of the human self into the needs and problems of every other human being that I feel that it was this conception that the propinquity of altar to courthouse sought to convey. For what was the altar? It was the place where Jews offered their sacrifices to God. And what were the sacrifices? Let us not be naive. God did not need animals to feast His heart, or incense to please His nostrils. Our Sages regarded the altar as the place where Jews could identify themselves with their God, share with Him the gifts that were theirs, dine from His table, and enjoy a sense of complete identification with their Maker. And as the altar was the symbol of their identification with their God, so the hall of justice was a symbol of their identification with their fellowman. That was the connecting link. And that is why altar and courtroom were side by side. They spelled identification - identification with God in the case of altar, and identification with one's fellow man in the case of justice.

And this empathic justice I should like to have you remember. I should like to have you remember it, not only because I want you on this festival of Shovuos to share the pride that is mine in the great legal tradition that is our own, but also because I want you to understand how deep are the roots that prompt us to resent, as we do, the tactics of McCarthy and his associates. When we read, for example, that Gallup's poll indicates that 49% of Protestants favor McCarthy, while the remaining 51% are divided between those who are opposed to him and those who are undecided; and when we read that 58% of Roman Catholics favor him, with the balance also divided between those opposed and those undecided, while at the same time only 15% of Jews look with favor upon him,

with over 70% in opposition, then let us remember that this is not because any one of us yields to McCarthy in our loyalty to the American heritage or our hostility to all forms of totalitarianism, whether of the left or of the right, but rather because thousands of years of exposure to what I have called empathic justice have so conditioned us that we feel too deeply for the innocent people whose careers he ruined and whose reputations he besmirched. We cannot tolerate a man who brooks no interference when he is engaged in a villainous task, and crushes any individual who either asserts his constitutional rights or expresses the mildest dissent. We have had implanted in us a close association between the role of the altar as a means of self-identification with God and the role of the hall of justice as a means of self-identification with our fellow man. And instead of apologizing for the fact that we are overwhelmingly opposed to McCarthy, and instead of feeling embarrassed that "Time" magazine points to us as the sole religious group that feels so strongly about this cancer on the American scene, we should boast about it. We should proclaim that, just as two thousand years ago Jews conceived of justice in a manner that eluded even Plato and Aristotle, so today our conception of justice is still centuries ahead of the conception of most people, even our beloved fellow-Americans. Of this we should continue to remain proud, and we should continue to fight for the ultimate victory of our point of view.

But, friends, I call this to your attention on this festival also because I want you to consider how and why it was that our people developed and cultivated this highly refined conception of justice. It was not because our blood is different from the blood of other people. Nor are our genes superior to the genes of other people. There is nothing in our physical make-up that accounts for so great an accomplishment. It is rather that Jews recognized the study of the Law as the most important part of their education from the cradle to the grave. We have no objection to fairy tales, and no objection to Peter Pan and Pinocchio, to enrich the minds of our children and fire their imaginations. But we did not feel that that was enough. Rather did we want every Jew to become a master of the Law. And even if educators today cannot comprehend how eight and ten and twelve-year old Jewish children study

the Law in the manner in which advanced seniors in a law school study law, that should not trouble us. It may be shocking to find Jewish youngsters involved in intensive and abstruse discussions with respect to civil law and criminal law and the ethical postulates of that law. But that was the normative Jewish education, not alone for lawyers and rabbis, but for every Jewish child. Children were nurtured and weaned and raised with constant exposure to the ideals of justice, and the rules of law which fulfill those ideals. The result was that all Jewish students were even more preoccupied with the nature of justice than they were with the nature of God. That is particularly important to remember on this festival when we rededicate ourselves to the Law. For if, for the next year, my flock will do nothing other than study the twentieth, twenty-first and twenty-second chapters of Exodus to which my sermon this morning refers, then they will become educated Jews and understand what it is that makes the Jewish conscience respond to empathic justice.

One great Russian jurist fifty years ago, Petrazhitski, proposed that a legal education was important for every citizen in order to cultivate that which was most necessary for the right kind of social and political living. We Jews were thousands of years ahead of him, and may God help us to revive that tradition so that there will not be in our ranks even fifteen percent favoring McCarthy and another fifteen per cent undecided. At the same time, may we win back to the fold of traditional Judaism those of our co-religionists who aped the Christians by rejecting the Law and denying its centrality in our ancestral heritage. Let our Reform brethren abandon their antinomianism and rejoin us in our dedication to the Law, that together we may hasten the establishment of God's kingdom on the face of the earth. For this we must pray even as we vow, on *Zeman Matan Toraseinu* [the time of the giving of the Torah], to study and fulfill that Law more frequently and more intensively than ever. Amen!