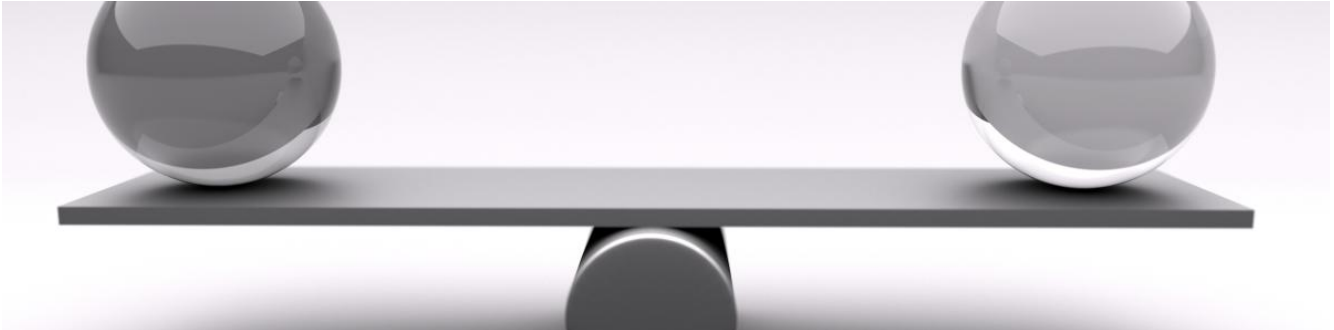


Righteous Judgment: Thoughts for Parashat Shofetim

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Angel for Shabbat--Parashat Shofetim

by Rabbi Marc D. Angel

“Justice, justice you shall pursue.”

Many have commented on the Torah’s repetition of “justice,” (*tsedek*). Repeating the word is a way of emphasizing how important justice is and how careful one must be in pursuing it. It has also been suggested that one must pursue justice in a just way i.e. means do not justify ends, means must themselves be just and moral.

While the verse refers to judges, it also applies to everyone. We are all called upon to make judgments and we all need to be very careful to be just in our deliberations.

In their book, *Noise*, Kahneman, Sibony and Sunstein point out how our decisions are impacted by many seemingly extraneous things. Although we think we are being objective, our evaluations can be skewed by how we are feeling, by the weather, by the time of day. It has been shown that judges tend to be more lenient if cases are decided early in the day or right after lunch. Doctors are more likely to prescribe opioids to patients they see late in the day. The authors point out:

“You are not the same person at all times. As your mood varies...some features of your cognitive machinery vary with it....Among the extraneous factors that should not influence professional judgments, but do, are two prime suspects: stress and fatigue” (Daniel Kahneman, Olivier Sibony and Cass Sunstein, *Noise*, Little, Brown Spark, New York, 2021, p.89).

When we’re stressed or tired, our objective powers of reason are compromised. When we feel elated, self-satisfied and optimistic, we also compromise our objectivity.

In other words, we are almost always at risk of making judgments that are not fully objective.

The authors point out another threat to our ability to judge fairly: “informational cascades.” A person of assumed expertise or authority makes a statement. The next person, not wanting to disagree with the expert, goes along. And then the others also fall into line. They set aside their own judgment, and defer to the first person’s views. A “cascade” ensues in which it is difficult for anyone to stand up against the prevailing view.

The search for truth must be conducted in an open and free environment, without coercion or intimidation. People must feel free to offer their insights and opinions, and must not succumb to “informational cascade.” Discussion and dissension are to be encouraged, not stifled.

Manifestations of informational cascades are ubiquitous in our society, and it requires considerable astuteness and courage to resist the pressures. It is increasingly evident in religious and political life, where small groups of clerics/pundits seek to impose their narrow views on the public. They state what is “true” and expect the public to go along with their pronouncements. Those who don’t follow the dictates of the power group are demeaned.

If “informational cascades” are highly dangerous for society at large, they are perhaps even more pernicious for religious life. They inject a spiritual poison into religion, gradually sapping religious life of vitality, creativity, dynamism. Instead of fostering a spirit of discussion and free inquiry, there is a demand for a ruthless conformity. Instead of empowering religious people to think and analyze and debate, religious people are pressured to stop thinking independently, to refrain from analysis and debate, and to suppress any ideas that do not conform to the framework of the “authorities.”

If we are to be responsible individuals, we must insist on the freedom to think for ourselves, to evaluate ideas independently, to stand up against coercion and intimidation. We must strive for a religious life that is alive and dynamic.

We must pursue truth and justice in a true and just way.

This week’s Torah portion reminds us of the importance of not letting external factors improperly mar our judgment. “*Lo takir panim*”—do not show favoritism. The Torah teaches not to favor the rich because they are rich, and not to favor the poor out of pity for the poor. Judgment must be fair, based on objective facts. “*Lo tikah shohad*”—do not take bribes. Bribery refers not only to monetary gifts, but to any favors that could tilt your judgment on behalf of one of the parties. The Torah states that bribery “blinds the eyes of the wise and perverts the words of the righteous.” Even people who are generally deemed to be wise and righteous can succumb to the influence of bribes.

The Torah requires us to seek *mishpat tsedek*, righteous judgment. This is best attained if we are aware of the factors that can impact on the clarity of our judgment—stress, tiredness, informational cascades...and more. We must strive for a justice...that is just, fair and righteous.