

I have a dilemma that I would like to share with you. Those of you who know me know that on occasion I enjoy a baseball game or two. I was born and raised in Cleveland, Ohio rooting for the woeful Cleveland Indians. Their record and success (or lack there of it) had no bearing on my love for them or for the game. I was proud to don their cap, emblazoned with their official logo, known as Chief Wahoo. My dilemma relates to Chief Wahoo himself and the very name of the team I love, the Indians. The Chief is a rather cartoonish caricature of a Native American. Groups that support sensitivity to and respect for ethnic and religious groups have repeatedly called for all teams with such names and mascots to change them. (Here is was so poignantly pointing out to me, in one of their ad campaigns, that I may feel uncomfortable with a team called the Kansas City Jews.) One on level Chief Wahoo and the Indians rekindle in me nostalgic and meaningful childhood memories; they connect me to this day to my brothers and father; they have been my entrance into a pastime in which I find grace and a sense of peace. On another level, I am sure that this kind of designation represented by Chief Wahoo and the Indians is simply wrong. Yet, still I wear my cap and other regalia when I have the chance.

This dilemma cuts deeper than merely affecting me or my choice of baseball team. This dynamic is a dramatic part of our world. There are many instances in

which we human beings act with the best sincere interests of the place or time, yet we are in contradiction with what we know to be an higher ideal or value.

One does not have to look far beyond the news to see examples of this dynamic.

As we speak the Israeli government is engaged in an action that it believes is just and fair in terms of the current context. Terrorists from Gaza and the West Bank continually seek to infiltrate into Israeli cities and set off devastating bombs in the midst of as many Israelis as possible. The Israeli government determines that to justly defend and protect its citizens, it must build a wall of security between the people. After all, it is a government's role to protect its citizens. And yet, there is nagging notion that on a different level, that this act that seems right and even justified ... is contrary to some higher ideals and values. Somehow, it seems that all things being equal, the Israeli government would not act in this manner ... but current needs, fears and concerns dictate otherwise. Perhaps, Prime Minister Sharon's recent attempts to sell and promote an Israeli withdrawal to his less than receptive Likud party are in some way his recognition of different levels of justice. Nonetheless, this dynamic persists.

We do not even need to look beyond our own borders to witness this dynamic.

As we are continually reminded we are at war and there are individuals and

groups that seek to hurt and kill us. Our government has determined that it is certainly just and right, in this time of crisis to investigate, question, and even incarcerate any individual who may appear to be a part of this threat – even when some of these actions may deny those individuals their rights as citizens and Americans. There again is that nagging notion, that there is a value at another level that reminds us that such basic rights guaranteed by our Constitution are the essence of who we are as Americans. Still, this dynamic persists.

Our Torah portion this Shabbat, does not answer the quandary put before us by this dynamic ... it merely names and addresses its significance and scope. The Torah outlines for the Israelites how they are dispense justice within their community ... in both legal and civil matters. The Torah tells them, and still challenges us, *Tzedek, tzedek tirdof* ... Justice, justice shall you pursue. It also commands the people to govern with Mishpat-Tzedek, often translated as due justice. What is interesting about this phrase Mishpat-Tzedek, is that it is actually two words associated with the idea of justice set together. While 'due justice' works as a translation, far be it for our tradition to leave such a oddity alone.

Rabbi Eliezar Berkowitz comments that there is a significant difference between Tzedek and Mishpat. Tzedek is justice in the sense of doing the right thing in a legal procedure; mishpat is justice as a cosmic principle that maintains harmony in the world and makes possible the world's continued existence. In Rabbi Berkowitz's teaching I hear a distinction between different kinds of justice ... that justice or Tzedek which we seek to pursue within the context of the demands of our world AND that justice or Mishpat that we seek to pursue that is beyond the constraints of our world and exists on a more sophisticated plane.

The question remains, Would Rabbi Berkowitz understanding of these different levels of justice imply that it is acceptable to pursue the Tzedek even though it may be contrary to the Mishpat? Would this teaching support or chastise Israel for building the security wall? Would this teaching support or chastise the Bush Administration for its designating and handling of enemy combatants? Is choosing to pursue Tzedek instead of Mishpat a part of maturity and accepting reality and not living in a dream world? Or is choosing to pursue Mishpat instead of Tzedek a question of being principled? Is the dissonance that we find between these two planes of justice something that we accept as the nature of the world or is it something to fight against and overcome?

Such a dynamic as this one is part and parcel of being human and living in the everyday realities of our world. Through such a dynamic we measure our integrity and get a sense as to how much who we say we are is truly who we are.

The man walked the streets protesting against the injustice of the city. People made fun of him, derided him. Finally, a young person asked: "Why do you continue your protest against evil; can't you see no one is paying attention to you?" He answered, "I will tell you why I continue. In the beginning I thought that I would change people. Today, I know I cannot. Yet, if I continue my protest, at least I will prevent others from changing me."

By acknowledging these two levels we acknowledge our humanity. We say that seeking justice in this world, in our reality is complex, challenging and even messy and sometimes quite subjective. The presence of both Tzedek and Mishpat recognizes this reality – that sometimes we do choose in good conscience to don Chief Wahoo, put up walls or deny the basic rights of other. The presence of both reminds us; too, that ultimately as much as we must find a brand of justice that fits into our reality that we must also strive to create a reality that meets another understanding of justice. The moment that we can without remorse or lament continue to ignore or deny this Mishpat, this higher sense of

cosmic justice – we will have lost much more than our civil liberties or our security. We will have lost ourselves.

As we seek to pursue Tzedek, may we keep clear in our sight the vision of Mishpat and allow it to help us create a world overflows with peace, justice and mercy.