

Friday Tefillah: Blessing 11

Justice

Restore our judges as at first
and our counselors as at the beginning,
and remove from us sorrow and sighing.

May You alone, ה', reign over us
with kindness and compassion,
and vindicate us in justice.

Blessed are You, ה', who loves righteousness and justice.

הַשִּׁיבָה שׁוֹפְטֵינוּ כְּבְרָאשׁוֹנָה
וְיִוָּעֲצֵינוּ כְּבִתְחִלָּה

וְהִסֵּר מִמֶּנּוּ יָגוֹן וְאַנְחָה

וּמְלוֹךְ עָלֵינוּ אֶתָּה ה' לְבַדְּךָ

בְּחֶסֶד וּבְרַחֲמִים

וְצִדְקָנוּ בְּמִשְׁפָּט

בְּרוּךְ אַתָּה ה' מֶלֶךְ אֱהֵב צְדָקָה וּמִשְׁפָּט

From the Genizah

Restore our judges as at first
and our counselors as at the beginning,
and reign over us, You alone.

Blessed are You, ה', who loves justice.

הַשִּׁיבָה שׁוֹפְטֵנוּ כְּבְרָאשׁוֹנָה

וְיִוָּעֲצֵנוּ כְּבִתְחִלָּה

וּמְלוֹךְ עָלֵינוּ אֶתָּה לְבַדְּךָ

בְּרוּךְ אַתָּה ה' אֱהֵב הַמִּשְׁפָּט

Judges and Counselors

Isaiah 1:3 and 25-27

The ox knows its owner
And the donkey its master's stall.
Israel did not know,
My people did not pay heed.

"I will turn My hand against you,
and smelt out your dross as with lye,
and remove all your slag:

**I will restore your judges as at first,
And your counselors as at the beginning.**

After that you shall be called
City of Righteousness, Faithful City."
Zion shall be redeemed in **justice**;
Her repentant ones with **righteousness**.

ישעיהו א"

יָדַע שׁוֹר קִנְיָו
וַחֲמֹר אֲבוֹס בְּעֻלְיוֹ
יִשְׂרָאֵל לֹא יָדַע
עַמִּי לֹא הִתְבּוֹנֵן:

וְאֶשְׁיבָה יָדִי עָלֶיךָ
וְאֶצְרַף כֶּבֶר סִיגֶיךָ
וְאֶסִּירָה כָּל-בְּדִילֶיךָ:
וְאֶשְׁיבָה שְׁפָטֶיךָ כְּבְרָאשׁוֹנָה
וְיִוָּעֲצֵיךָ כְּבִתְחִלָּה
אֲחֲרֵי-כֵן יִקְרָא לְךָ
עִיר הַצְּדָק קְרִיָּה נְאֻמָּה:
צִיּוֹן בְּמִשְׁפָּט תִּפְדָּה
וְשָׁבִיָּה בַצְּדָקָה:

Pesikta DeRav Kahana 15:11

"I will return your judges as at first" -- this is Moshe
and Aaron. "And you counselors as in the beginning"
-- this is David and Solomon.

פסיקתא דרב כהנא טו"

ואשיבה שופטיך כבראשונה, זה משה ואהרן.
ויועצריך כבתחילה, זה דוד ושלמה.

Our blessing looks back nostalgically at the period of the judges as ideal, not because the judges are themselves so positively viewed, but because the subsequent election of earthly kings implied a rejection of God's kingship. Thus the real focus is not the judges, but the absence of any king other than God. As the blessing says, God should reign over us alone. God is the only monarch who can be counted on to reign in kindness and mercy and who loves righteousness and justice.

Marc Brettler in *My People's Prayer Book, The Amidah*

II Samuel 16:23

In those days, the **advice** which Ahithophel gave was accepted like an oracle sought from God; that is how all the **advice** of Ahithophel was esteemed both by David and by Absalom.

שמואל ב ט"ז
וַעֲצַת אַחִיתֹּפֶל אֲשֶׁר יַעַץ בַּיָּמִים הֵהֵם כְּאֲשֶׁר
יִשְׁאַל-אִישׁ בַּדְּבַר הָאֱלֹהִים כִּן כָּל-עֲצַת אַחִיתֹּפֶל
גַּם-לְדָוִד גַּם לְאַבְשָׁלִים:

Pirke Avot 6:3

One who learns from his fellow one chapter, or one halakhah, or one verse, or one word, or even one letter, is obligated to treat him with honor; for so we find with David, king of Israel, who learned from **Ahithophel** no more than two things, yet called him his master, his guide and his beloved friend, as it is said, "But it was you, a man mine equal, my guide and my beloved friend" (Psalms 55:14). Is this not "from the lesser to the greater"? If David, king of Israel who learned from **Ahithophel** no more than two things, nevertheless called him his master, his guide and his grantor of knowledge; then in the case of one who learns from his fellow one chapter, or one halakhah, or one verse, or one word, or even one letter, all the more so ...

משנה אבות ו'

הַלּוֹמֵד מִחֵבְרוֹ פָּרֵק אֶחָד אוֹ הִלְכָה אֶחָת אוֹ פְּסוּק אֶחָד אוֹ דְבוֹר אֶחָד אוֹ אֶפְלוֹ אוֹת אֶחָת, צָרִיךְ לְנַהֲגוֹ בּוֹ כְּבוֹד, שֶׁכֵּן מְצִינוּ בְּדוֹד מֶלֶךְ יִשְׂרָאֵל, שֶׁלֹּא לָמַד מֵאַחִיתֹּפֶל אֶלָּא שְׁנַי דְּבָרִים בְּלִבְדּוֹ, קָרָא רַבּוֹ אֱלוֹפוֹ וּמִיָּדְעוֹ, שֶׁנֶּאֱמַר (תהלים נה) וְאַתָּה אָנוֹשׁ כְּעַרְפִּי אֱלוֹפִי וּמִיָּדְעִי. וְהֵלֵא דְבָרִים קָל וְחֹמֶר, וּמֵה דָוִד מֶלֶךְ יִשְׂרָאֵל, שֶׁלֹּא לָמַד מֵאַחִיתֹּפֶל אֶלָּא שְׁנַי דְּבָרִים בְּלִבְדּוֹ קָרָא רַבּוֹ אֱלוֹפוֹ וּמִיָּדְעוֹ, הַלּוֹמֵד מִחֵבְרוֹ פָּרֵק אֶחָד אוֹ הִלְכָה אֶחָת אוֹ פְּסוּק אֶחָד אוֹ דְבוֹר אֶחָד אוֹ אֶפְלוֹ אוֹת אֶחָת, עַל אֶחָת כַּמָּה ...

Siddur Lev Chadash

Let righteous judges sit among Your people, and counselors of peace throughout the world. Then You alone will reign over us in love and compassion. We praise You, Sovereign God: You love righteousness and justice.

סגר לב חדש
 הוֹשִׁיבָה שׁוֹפְטֵי צְדָק בְּתוֹךְ בְּנֵי עַמְךָ, וְיוֹעֲצֵי שְׁלוֹם בְּכָל-תְּבִיל אֶרֶץךָ, וְאַז תִּמְלֹךְ עָלֵינוּ אַתָּה לְבִדְךָ, בְּחֶסֶד וּבְרַחֲמִים.
 בְּרוּךְ אַתָּה ה' מֶלֶךְ אֱהֵב צְדָקָה וּמִשְׁפָּט

Righteousness and Justice

<p>Genesis 18:19-23 ... Genesis 19:27 For I have singled him out, that he may instruct his children and his posterity to keep the way of ה' by doing what is right and just, in order that ה' may bring about for Abraham what has been promised him." Then ה' said, "The outrage of Sodom and Gomorrah is so great, and their sin so grave! I will go down to see whether they have acted altogether according to the outcry that has reached Me; if not, I will take note." The agents went on from there to Sodom, while Abraham remained standing before ה'. Abraham came forward and said, "Will You sweep away the innocent along with the guilty? ... And Abraham rose early in the morning to the place where he had stood before ה'.</p>	<p>בראשית יח כִּי יִדְעֹתֶיךָ לְמַעַן אֲשֶׁר יִצְוָה אֶת־בְּנֵיךָ וְאֶת־בִּיתוֹ אַחֲרָיו וְשִׁמְרוּ דְרָךְ ה' לַעֲשׂוֹת צְדָקָה וּמִשְׁפָּט לְמַעַן הִבְיֵא ה' עַל־אַבְרָהָם אֶת אֲשֶׁר־דִּבַּר עֲלָיו: וַיֹּאמֶר ה' זָעַקְתָּ סֹדֵם וְעִמֹרָה כִּי־רַבָּה וְחַטָּאתָם כִּי כָבֵדָה מְאֹד: אֲרֹדֶה־נָּא וְאַרְאֶה הַכְּצַעֲקֹתֶיךָ הַבָּאָה אֵלַי עֲשׂוּ כָלָה וְאִם־לֹא אֲדַעָה: וַיִּפְּנוּ מִשָּׁם הָאֲנָשִׁים וַיֵּלְכוּ סֹדֵמָה וְאַבְרָהָם עֹדְנוֹ עֶמֶד לִפְנֵי ה': וַיִּגַּשׁ אַבְרָהָם וַיֹּאמֶר הֲאֵף תִּסְפֶּה צְדִיק עִם־רָשָׁע: ... וַיִּשָּׁכֵם אַבְרָהָם בַּבֶּקֶר אֶל־הַמָּקוֹם אֲשֶׁר־עֶמֶד שָׁם אֶת־פְּנֵי ה':</p>
<p>Babylonian Talmud Berakhot 26b It was taught in accordance with Rabbi Yosei, son of Rabbi Ḥanina: Abraham instituted the morning prayer, as it is stated "And Abraham rose early in the morning to the place where he had stood before ה'" (Genesis 19:27), and standing means nothing other than prayer, as it is stated: "And Pinehas stood up and prayed and the plague ended" (Psalms 106:30).</p>	<p>תלמוד בבלי ברכות כ"ו תִּנְיָא כּוּוֹתִיָה דְרַבִּי יוֹסִי בְרַבִּי חֲנִינְיָא: אַבְרָהָם תִּקַּן תְּפִלַּת שַׁחֲרִית, שְׁנָאֵמַר: "וַיִּשָּׁכֵם אַבְרָהָם בַּבֶּקֶר אֶל הַמָּקוֹם אֲשֶׁר עֶמֶד שָׁם", וְאִין "עֶמֶד" אֵלָּא תְּפִלָּה, שְׁנָאֵמַר: "וַיַּעֲמֵד פִּינְחָס וַיִּפְּלֵל".</p>
<p>Midrash HaGadol "To do righteousness and judgment" (Genesis 18:19). What is judgment that has together with it righteousness? Let's say this is compromise. From here we learn that compromise is better than judgment, as it says: "righteousness and judgment."</p>	<p>מדרש הגדול עמוד שו" "לעשות צדקה ומשפט" -- איזה משפט שיש עמו צדקה הוא אומר זה ביצוע. מכאן אמרו הפשרה עלת מדינא שנאמר "צדקה וצשפט".</p>

Friday Tefillah: Blessing 11

Justice

Tosefta Sanhedrin 1:3

R' Eliezer son of R' Yose HaGelili said: whoever compromises is a sinner ...

R' Yehoshua ben Korha said: every place where there is judgment of truth there is no peace and every place where there is peace there is no judgment of truth. What is the judgment of truth that has peace in it? Let us say compromise. And so it says concerning David: "David would do **judgment and righteousness** with all his nation" (II Samuel 8:15).

But isn't it so that every place there is judgment, there is not righteousness and every place there is righteousness, there is not judgment. **Rather, what is judgment that includes righteousness? Let's say this is compromise.**

Deuteronomy 16:20

Justice, justice shall you pursue, so that you may live and take hold of the land that your God is about to give you.

תוספתא סנהדרין א'ג

ר' אלעזר בנו של רבי יוסי הגלילי אומר כל המבצע הרי זה חוטא ...

ר' יהושע בן קרחה אומר ... והלא כל מקום שיש משפט אמת אין שלום וכל מקום שיש שלום אין משפט אמת איזה משפט אמת שיש בו שלום הוי אומר זה הביצוע וכן הוא אומר לדוד: ויהי דוד עושה משפט וצדקה לכל עמו (שמואל ב ח:טו)

והלא כל מקום שיש משפט אין צדקה וכל מקום שיש צדקה אין משפט אלא איזהו משפט שיש בו צדקה הוי אומר זה ביצוע.

דברים ט"ז

צֶדֶק צֶדֶק תִּרְדְּדִי לְמַעַן תִּחְיֶיהָ וְיִרְשֶׁתָּ אֶת-הָאָרֶץ אֲשֶׁר-יְהוָה אֱלֹהֶיהָ נָתַן לָהּ:

Now as the nature of the human species requires that there be those differences among the individuals belonging to it and as in addition society is a necessity for this nature, it is by no means possible that his society should be perfected except - and this is necessarily so - through a ruler who gauges the actions of the individuals, perfecting that which is deficient and reducing that which is excessive, and who prescribes actions and moral habits that all of them must always practice in the same way, so that the natural diversity is hidden through the multiple points of conventional accord and so that the community becomes well ordered.

Rambam, The Guide of the Perplexed, II:40

Sighing and Groaning

<p>Abudraham, Amidah "Return our judges as at first and our counselors as in the beginning, and remove from us sorrow and sighing." Since God returns to us fitting judges, the sighing is flipped to be joy and gladness.</p>	<p>ספר אבודרהם שמונה עשרה "השיבה שופטינו כבראשונה ויועצינו כבתחלה והסר ממנו יגון ואנחה." ומתוך שמשיב לנו שופטים הגונים נהפכה אותה האנחה לששון ולשמחה.</p>
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Injustice drives away all joy, as the Talmud (*Sotah* 48a) teaches. When the Sanhedrin [and the entire justice system which depended on it] was dismantled, all singing ceased from the places of feasting, as the verse states, *The elders are gone from the gate* [where the courts convened], *the young men from their music. Gone is the joy of our hearts, our dancing has turned into mourning* (*Lamentations* 5:14-15).

Shemoneh Esrei, The Amidah, ArtScroll Mesorah

Vindicate Us In Justice

וְצִדִּיקָנוּ בַּמִּשְׁפָּט: Birnbaum (Orthodox Siddur) translates "clear us in judgment." Artscroll (Orthodox Siddur) suggests "justify us through judgment." Siddur Sim Shalom (Conservative siddur), probably paraphrasing, offers 'sustain our cause." Either way, two alternative understandings present themselves: either God should acquit us when we have to appear before the false judges (the Romans) in power, or God should vindicate us when those judges are finally tried for exercising false judgment upon us.

Joel Hoffman, My People's Prayer Book, The Amidah