The Mantle of Justice

A Talk with Dr. Meir Buzaglo

**Biographical Note**

Dr. Meir Buzaglo is an Israeli philosopher and a lecturer in the philosophy of language, philosophy of mathematics, and Jewish philosophy at the Hebrew University of Jerusalem. Born in Casablanca, Morocco, in 1959, he is the son of the *paytan*[[1]](#footnote-1) Rabbi David Buzaglo. Dr. Buzaglo has acted intensively to promote egalitarian education and reinstate the tradition of *piyyut*. He founded the Tikkun movement several years ago.

The key concept in Dr. Buzaglo’s thinking is “traditionalism,” which he applies in an attempt to instill a favorable view of this central component of identity in Israeli society and among modern Jewry. Through this intellectual and educational project, he seeks to unleash the immense creative religious potential of the concept and the vitality of tradition in order to ensure the survival of Jewish culture as a living and fruitful entity. His book, *Safa la-nemanim: Mahshavot ‘al ha-masoret* [Language for the faithful: Reflection on tradition] is an interpretive educational and intellectual project that strives to promote leadership in this spirit in Israeli society.

**Exodus 18:17–23**

But Moses’ father-in-law said to him, “The thing you are doing is not right; you will surely wear yourself out, and these people as well. For the task is too heavy for you; you cannot do it alone. Now listen to me. I will give you counsel, and God be with you! You represent the people before God: you bring the disputes before God, and you shall teach them the statutes and the laws, and shall show them the path wherein they shall walk and the action that they must perform. You shall also seek out, from among all the people, capable individuals who fear God—trustworthy ones who spurn ill-gotten gain. Set these over them as chiefs of thousands, hundreds, fifties, and tens, and let them judge the people at all times. Have them bring every major dispute to you, but let them decide every minor dispute themselves. Make it easier for yourself by letting them share the burden with you. If you do this—and God so commands you—you will be able to bear up; and all these people too will go home unwearied.”[[2]](#footnote-2)

**Babylonian Talmud (hereinafter: Bavli), Bava Metsiyya 30b**

As Rav Yosef taught: “And you shall teach them the statutes and the laws, and shall show them the path wherein they shall walk and the action that they must perform” [Exodus 18:20]. “And you shall teach them,” that is referring to the structure of their livelihood, “the path,” that is referring to acts of kindness; “they shall walk,” this [refers to] visiting the ill; “wherein,” this [refers to] burial; “and the action,” this [refers to adhering to] the letter of the law; “that they must perform,” this [refers to acting] *ex gratia*. […] “That they must perform”; that is referring to acting *ex gratia*, as Rabbi Yoḥanan says: Jerusalem was destroyed only [because] they adjudicated there [on the basis of] Torah law. [The Talmud asks:] Should they rather have adjudicated [on the basis of arbitrary decisions? Rather: They established their rulings on [the basis of] Torah law and did not act *ex gratia*.[[3]](#footnote-3)

**Havruta**

**Gil:** “Jerusalem was destroyed only [because] they adjudicated there [on the basis of] Torah law.” This dictum of Rabbi Yoḥanan’s, cited in the Talmud pursuant to Rav Yosef’s exegesis, is worded almost as a provocation. To whom do you think this text is addressed? How do you read it?

**Meir:** It is very interesting. First of all, you have to bear in mind that the statement attempts to explain and rationalize a destruction, not a trivial event but a destruction. Second, Rabbi Yoḥanan tells you that he wants it to teach you a lesson. The Sages explain not what used to be but what should be. They emphasize not what happened but where you should be heading. One might almost say that they use the Ḥurban, the destruction of the Temple, to point you in that direction.

**Gil:** And Rabbi Yoḥanan chooses to speak of Torah law, of all things….

**Meir:** Of course. The idea that the exegete wishes to express, a highly meaningful one, pertains to something that is universally considered supremely important: the Torah. It is as if he is telling us: Listen, this value of wrapping ourselves in the mantle of Torah law is very dangerous. Rabbi Yoḥanan inveighs against the corruption of a value. Professor Yeshayahu Leibowitz[[4]](#footnote-5) warned that the Western Wall would become a place of idolatrous ritual; therefore, he chose to issue a provocation against the Wall itself. There is a difference between criticizing a transgression of Torah law, such as failing to do justice for orphans and widows, and decrying something that belongs to the Torah itself, as the prophets did when they criticized the offering of sacrifices. This is a much deeper critique, a second-order critique. Every value carries the potential threat of becoming all-dominant. There is an interesting saying in Islam that I learned from my older brother, Shalom: Who is Satan? Satan is one who believes only in Allah. Again, it is a second-order critique.

**Gil:** You once wrote critically about various groups that express themselves with locutions such as “The problem of Israeli society is….”

**Meir:** I did indeed. Sometimes, those who do *tikkun—*engage in social reform— cause harm despite their reparative intention because their rhetoric about matters in need of tikkun takes a narrow view and repudiates complexity. The Torah’s warning: “Nor shall you show deference to a poor person in a dispute” (Exodus 23:3) relates precisely to this: For considerations of compassion you may destroy the sanctified value that is called *tsedek,* justice. You may corrupt justice. The Sages teach us that “Anyone who occupies himself with Torah alone is considered like one who does not have a God.”[[5]](#footnote-6) They were not conservatives who sought to nail down a set of norms and entrench them forever. They understood what it is to corrupt the concept of a “grand value.” They saw the menace that inheres to the corruption of grand values. One can do very harsh things, corrupt things, in the name of values. Extreme groups that base themselves on Islam are doing something similar—seizing upon a value in an extreme and exclusive way. They may commit murder in the belief that it is not a crime but the imposition of the Kingdom of Heaven on the world. Rabbi Yoḥanan’s dictum belongs to this kind of critique.

**Gil:** What does Rabbi Yoḥanan wish to say by demanding that the letter of the law be transcended? To whom is he addressing this demand? The judges? The community?

**Meir:** I once learned that there is a very interesting dispute between Sephardi and Ashkenazi halakhicists over whether a court of law itself should transcend the letter of the law. In the Ashkenazi literature, we found that the judge should probe the parties’ economic situation, bear it in mind, and conduct a merciful trial. In the Sephardi literature, we found that the dayyan [judge] is obliged to stick to justice alone in the judicial process, it being understood that the obligation of *ex gratia* judgment pertains solely to the individual and not to the judiciary. Everything at the public level of judicial analysis must be dealt with solely on a dry judicial and halakhic playing field. Only afterward, when actual implementation takes place, should the dayyanim display sensitivity and social leadership in order to manifest the dimension of mercy and *ex gratia* kindness. In other words, a trial should remain sterile, pure, outside of life, and only after it is over should the connection with the world of action, the world of kindness, be made.

**Gil:** It follows, according to the interpretation that you propose, that what we have here is an acidic critique of the view that regards the Torah and its laws as a world of precision that needs no adjustment to reality.

**Meir:** True. Some would say that the Torah, the world of justice, is mathematical, it hits its target with the precision of a computer. Therefore, no fine-turning is needed once the ruling is handed down—as though everything in the world of justice is harmonic, clear-cut, nicely arranged. Our text, however, decries any such conceptualization. Expressed more theologically, the statement here is that God has an intention in Torah law and that dry justice does not always hit that target.

**Gil:** So the problem lies in a formalistic grasp of the Torah?

**Meir:** Formalism should be only a path, a useful receptacle that is meant to hold intuition. In actuality, however, it does not hold it all the way. It holds only an approximation of intuition. To really know the right thing to do, one has to transcend the formal. Ramban [Nahmanides] says this in the following way: The Torah tells us: I told you this, I told you that, and now it is your duty to understand what I mean. Do not cling to a verse and comport yourself like God’s trial attorney. Technical conduct like that can lead to atrocities.

**Gil:** So that is the Ḥurban.

**Meir:** Yes, that is the Ḥurban. It can lead to results that are totally antithetical to the point of the whole story. Even if you find yourself a verse to which you can cling, justice is an approximation—the best approximation of the Divine intention but still at some remove from the Divine intention.

**Gil:** It is interesting that this whole exegesis appears as a commentary on Jethro’s warning to Moses.

**Meir:** It is because when Moses judged the nation, he actually got it exactly right. Jethro came and told him: Build a judicial system that will help you, one that will also know how to fix the approximation. This statement has a very significant dimension for the philosophy of justice in general.

**Gil:** So the Ḥurban occurred due to their inability to arrive at the correct exactitude?

**Meir:** That they “did not act *ex gratia*” means that everything they did accorded with the law but was twisted out of shape. This is the gap between the law and what ought to be. This is the matter at hand here. One may observe this principle in examples from the Talmud concerning the commandment to return a lost object. Even if the law says that the owner has despaired of recovering the object, that the owner’s connection with the lost object has been broken, and so on, you have to return it to its owner anyway. All these things really touch upon the philosophy of law, to questions of what justice is. xxxMaimonides writes about acts of kindness and gifts to the poor as surpassing the importance of any prescriptive commandment.[[6]](#footnote-7) Here is really the main issue. This is how we will earn redemption. Here is the key to the redemption. Maimonides never exaggerates. He emphasizes this commandment because he considers the practice of *tsedaka,* charity, “walking in the ways” of God. “Walking in [His] ways” means the thirteen attributes of mercy. Maimonides takes those adjectives, those “Let me know Your ways” [Exodus 33:13], and explains them as character traits of the leader. Accordingly, the law should be the closest approximation of the adjectives of God because, after all, one cannot really understand what “compassionate” is, what “gracious” is. There is a very meaningful text in our Jewish heritage[[7]](#footnote-8) that says that God sought to sustain the world on foundations of law but when He saw that this would lead to devastation, He created a partnership between the aspect of compassion and the aspect of justice.

**Gil:** Therefore, the inner message is that just as the Temple was destroyed due to the absence of justice, so will it be rebuilt by its presence.

**Different Perceptions of Redemption**

**Meir:** That is right. Therefore, the Holy One co-opted the measure of compassion into the measure of law. What Rabbi Yoḥanan really intends to teach us is how to rebuild. His goal is not to remind us of yesterday’s narrative. History was never of concern to the Sages. If I cannot understand what the event tells me—about my present and my future—I have no interest in presiding over an investigatory commission that will look into what happened and find culprits. The question that occupies me is how to rebuild Jerusalem. The Temple, the Sages say,[[8]](#footnote-9) was destroyed due to baseless hatred, and Rabbi Kook adds that it will be rebuilt due to unconditional love.[[9]](#footnote-10) That is the gist of it. How will Jerusalem be rebuilt? By our looking out for the weak.

One cannot possibly tell a Jew to forsake the weak. It is inconceivable. And it is also important to mention the Israeli context. In the Israeli world that we know today, redemption is conceptualized in more than one way. The Haredi [“ultra-Orthodox”] outlook says that the Jewish People is still in exile and the establishment and existence of the State of Israel have nothing to do with redemption. The Leibowitzian perspective, in contrast, says that we have wearied of the yoke of the Gentiles, no more, no less. One also encounters the view of the establishment of Israel as the onset of the redemption, of course. This is why those of this persuasion recite Hallel[[10]](#footnote-11) on Israel Independence Day, with or without a blessing before and after.

But the truth is more complex. We are not in exile and have not arrived at the redemption. Neither of them prevails. The thought that the redemption has already occurred is dangerous. If I have already been redeemed, why is the Temple Mount not in my hands? Why should I be afraid of the threat of terror in Jerusalem’s Old City? Aren’t we the sovereigns here? It is preposterous! By inference, it is my task to hasten reality, to instigate processes that will align reality with the state of redemption that I ostensibly inhabit. Such processes beg violence.

Those who take responsibility for, or claim sole ownership of, the redemption did not develop the bond of this redemption in order to help the weak. The focus was first on settling the land and then on settling the hearts and observing the rest of the Torah. Acts of kindness were never the main thing.

**Gil:** Why, in fact?

**Meir:** Why do we find it hard to say that being responsible for each other, helping the weak, is the crux of Judaism? Two reasons come to mind. One is Christianity. Christianity identified itself with morality and considered itself progressive in that sense. Thus, some Jews may have felt it necessary to respond to this by saying, indeed, we are not Christians and we do not identify morality as an obligation to the Master of the Universe. And there was fear of statements such as, “If Judaism is humanism, why do I need the rest of its ritual and chauvinistic elements? The commandments? I’ll content myself with humanism, as Christianity did.”

The second reason is the secularization that evolved from Christianity, jettisoned every ritual aspect of the faith, and left only humanism behind. Humanism became an alternative religion. In response, Jewish thinkers such as Leibowitz aspired to distance themselves from any connection between faith and humanism. Leibowitz’ main fear concerned a movement between these values that would ultimately define Judaism as nationalistic; after all, nation and national commandments are among the important properties that distinguish Judaism from Christianity.

Leibowitz sought to differentiate from Christianity in another way: Judaism should differentiate by ruling out idol worship. By “so that you do not follow your heart” [Numbers 15:39], which negates Kant. This “only humanism” is dangerous; it is idolatry.

Jews from Islamic lands entertain no such anxieties. In their ears, Leibowitz’s claim, “‘So that you do not follow your heart’ negates Kant,” sounds strange. In addition, these social values, these branchings of humanism, have already been claimed by the socialists, who allege that religion is unnecessary.

However, this omission of social values did not circumvent stances that emphasize the Jewish people but neglect the individual Jew. I do not know who said that the Messiah, when he comes, will conquer the entire land [of Israel] and that it will be all ours. But it did not help: the religious right has not linked the onset of the redemption to justice and kindness; it tethered it to building the country.

The fact, however, is that the Sages tell us explicitly how to bring on the redemption and the Messiah: by practicing charity, kindness, and compassion. The midrash comes to teach us how to reconstruct what once was, and the road to that destination is taken by acting *ex gratia*, injecting compassion into the law. Mercy and walking on a path that hurdles the rigid written word: these bring on the redemption. Real violence and real aggression almost always take place under the protection of the written word—not only among us but abroad, too. The legalization of American society is associated with this. People sue each other or threaten to sue each other all the time. Law reigns supreme. And this ties into the expression *ex gratia*.

**Gil:** In your living reality and your ramified social involvement, you are associated with many tensions that exist in society. You have alluded to some of them: sociological, religious, humanistic perceptions. In fact, you teach us to be strict on the one hand and attentive on the other. Let’s recognize and also give recognition, enrich ourselves with all this wealth and all the connections. These are very complex messages. After all, we know various social activists who struggle to maintain interrelations that exhibit mercy, tolerance, and accommodation; they exemplify by inversion the dialogic, attentive model for which you strive.

**Meir:** That is right. Sometimes you encounter people who strive for social reform but have no little bitterness.

**Gil:** I would be happy if you could also relate to your biographical dimension. When was the moment when you identified the wound and decided to act to heal it?

**The Basis: Home**

**Meir:** The interesting point, I think, was the moment when the main question in my life became that of the Jewish people. It is no simple question. When was this connection, which has only become more and more intensive, created? It is manifested in the need to live and be active in Israel, including the level of mobilizing for action when this people faces an emergency, and also the level of home and family, which may be the main thing.

When I reflect on it, I see that, in fact, all these influences came from my home: from my parents, father, mother, brothers and sisters, and the very fact that my father was very much a leading figure in the community. There are things that you receive without knowing that you have made a decision about them—a consciousness of responsibility that was imbued in me from an early age. I was the head of a gang of sorts. Every week we gave beatings … not violent beatings, just looking after the weak. This was from a very early age. Today I realize that I had not made a conscious choice to step into the role of defender of the weak. In a certain sense, I feel that this calling, this duty, chose me. Therefore, the question may be more delicate—Why had I not been distracted by all kinds of other things? What kept me from swerving this way or that? That comes from home, too—from my father and my siblings. My brother is very politically active; he also got this, all that political sensitivity, from home. Father for me is a memory of Yom Kippur and of kindness. Father was poor but he gave half of his earnings to others. I remember people were always stunned by that. I assume they asked themselves whether he did not have a problem of too much mercy…. In practice, he established a whole network of poor people for whom he looked out. Ultimately, he left no savings behind, not a cent. Do you understand? That is the basis. When this basis exists—everything is self-evident.

I was apparently influenced by him. At the Department of Mathematics, for example—not an easy department—I managed to get good grades, thank God. Just the same, I realized it was not right to invest the talents I was graced with in that field. If I had done that, it would have been a selfish, conceited act. I say this only about myself and not about associates of mine who chose that field: Mathematics had become a sport and I was looking for something more meaningful. So I cut short my career in math; I left it behind. What helped me was envisioning my father, who allowed many people who knocked on his door for *tsedaka* to come in. And whenever one of his guests asked for permission to give a *d’var Torah*,[[11]](#footnote-12) Father agreed, provided it be simple. He did not care for hair-splitting and verbal sparring in order to prove his brilliance. He took his knowledge and ability and transferred them from the domain of challenge sports, where the aim is to “prove” and “show,” to another place. That was my example; I drew inspiration and light from it. Father took responsibility for the Jewish people. As I observed him and others like him, they infected me with the seriousness that they brought to the idea of being Jewish.

Father, as I said, was one of them. So were my brother, Yeshayahu Leibowitz, and others whom I met—people who took Jewishness very, very seriously and lived it with a literally terrifying intensivity.

Take, for example, bereavement in Israeli society. A young woman has lost her beloved. What a price she has paid. So if you are in her shoes, would you take up the question of how to expand your apartment? to earn another degree? to obtain more property?

That did not suit me. I tried to engage in what would give me more and intensify my commitment. So I left home with all these ideas and, thank God, life did not steer me away from this track. I saw how others behaved and strove to direct myself to what matters most: What are the Jewish people’s questions today, in Israel and elsewhere, and how do all the questions of science forge a path into Judaism? I have a certain advantage in this sense; perhaps it is easier for me to avoid the immediate pitfalls….

**Gil:** Where in Israeli society does the phenomenon of “placing their laws above Torah law” exist?

**Meir:** It exists not only among individuals but at the cultural level as well, and one may even say that it is expanding. This matter has been debated at length; Professor Aviezer Ravitzky and many others have already discussed it—for example, where it concerns the phenomenon of treating every issue in Israeli society from the legal standpoint.

There are some very timely examples of things that are forbidden, perhaps even under Torah law, but are done under the mantle of pursuing justice. The highly watched television program *Fair and Square* [יצאת צדיק] is a case in point*:* They take fixit people who misbehave by overcharging or giving poor service, film them in the act, and shame them before the entire country. Ostensibly, they are “doing justice,” aren’t they? They want to stamp out illegitimate phenomena. But let’s see what happens in the broad and human context of the story: This plumber has kids, they go to school, you have shamed his kids publicly, there’s an extended family, and so on. It would have been better to fine him, perhaps very heavily, but in some other way, say, by taking him to court.

It was this insight, which resonated in me years ago, that inspired me to establish the Tikkun movement. The concept of sovereignty resurfaced in the Jewish world and the Jewish world of content was unprepared for it. Since Judaism is our ethos and our underlying narrative, and since it did not know how to respond to this challenge, all kinds of coping mechanisms came about, sometimes including the spirit of rebellion.

Unfortunately, the universal values that account for a material part of Judaism are going unclaimed. There is an aversion to them, or statements like “Even a goy can be ethical.” Some of us have found a way to circumvent anything that smells of morality: They add the sentence: “It’s Christian.” If you want to refute an argument, just say that it is Christian and accompany your words with a snort…. That is the price we are paying for our exile in Europe. Jews from the Islamic lands, in contrast, can feel concurrently national, true to the faith, promotive of mercy for man *qua* man and also for a Jew, God-fearing, and God-loving…. They can hear *piyyutim* that continue to intersect with Arab culture and Arabs but they also know to fight enemies by serving in the Golani Brigade. They have retained unimpaired the idea of *kelal Yisrael,* the Jewish commonwealth, and the ravages of the Haskalah[[12]](#footnote-13) have not corrupted their grasp of things and have not divided them into multiple courts.

No one will tell you, of course, that they oppose the values of mercy, compassion, and acts of kindness. The Haredi camp bursts with free-loan societies; how can you say they oppose acts of kindness? The same applies to the national religious core groups that settle, sometimes assertively, in mixed-population towns. These values, however, do not carry the weight that one would expect in a sovereign Jewish state. The question is how one manifests Jewish values in this situation of sovereignty.

I cannot do a reckoning with the founders. They did what they did to the best of their understanding and the best of their strength. But they stopped at a certain place. Since then, we have had no ethos that is deeply connected to who we are and also attentive to the needs and concerns of Israeli society.

Together with many in Israeli society, I wish to update the Israeli ethos such that it will respond to the questions that I ask here and now in twenty-first-century Israel. My questions pertain to (a) the need to be here, (b) the state of society, (c) cultural isolation, and (d) cultural blurring, Americanization, etc.

I left the Mizrahi Democratic Rainbow movement because there was no Jewish language there. The Rainbow wanted to be like Meretz but Mizrahi, and Shas wanted to be like Agudath Yisroel but Mizrahi. Do you see what I mean? It is as though we replicated the existing silos. The Mizrahim have something else to say, something other than copying the cubbyholes that already exist. Examples are tradition and a connection with the Arabs. We may have to tell different jokes instead of repeating the existing ones.

The moment you couch the question in Jewish terms, Mizrahiness also becomes less central. It is neither whitewashed nor forgotten. It holds a less dominant position, one of full but not sole responsibility. The idea is to invest the Jewish renewal with relevant social, political, and cultural meaning. The key word is relevance.

**Gil:** You are describing filling in something that is lacking: responsibility for setting in motion a language of systems that can take responsibility for everything. The word *tikkun*, however, which you chose for the social movement in which you are so active, is a highly critical word. If it is about *tikkun,* making repairs, then what is in disrepair?

**Meir:** Unfortunately, we are in a state of growing disrepair. What I mean, of course, is our grievous social disparities. When one examines the matter in depth, one finds them in all indicators—education, avarice, cultural shallowing. It is easy to agree about what is in disrepair. I did not seek change because change is not necessarily good; sometimes it may be destructive. I wanted an ongoing state of repair: not a quick fix but a continual state of constant repairing.

**Gil:** And how do these reparative gestures find expression?

**Meir:** One way, for example, is to update the Jewish symbols. We dealt at length with the topic of Shabbat, in a way that would remove the debate from the discourse of rights and the presence or absence of religious coercion. We sought to launch a discourse of identity. This is needed because Shabbat has become a bone in Israeli society’s throat. It is steadily crumbling. More and more workers are being forced to work on Shabbat even though their jobs have nothing to do with Shabbat, just because of the employer’s avarice. Factories are open on Shabbat for no valid reason. Shabbat is time, Shabbat is a statement against slavery, Shabbat is a remedy to interminable digitalization, enslavement to the screen. Shabbat is community; Shabbat is green values. The great universal Jewish values that underlie the meaning of Shabbat, values that have been almost totally forgotten, must be mentioned. The tikkun should deal with all of these and more.

1. Composer of *piyyut,* Jewish liturgical poetry. [↑](#footnote-ref-1)
2. English translation: *The Contemporary Torah* (Philadelphia: Jewish Publication Society, 2006), downloaded from sefaria.org. [↑](#footnote-ref-2)
3. English based (with adjustments) on the William Davidson Edition, downloaded from sefaria.org. [↑](#footnote-ref-3)
4. Yeshayahu Leibowitz (1903–1994): an Israeli polymath: a public intellectual; professor of biochemistry and other exact sciences; editor of the [Encyclopedia Hebraica](https://en.wikipedia.org/wiki/Encyclopaedia_Hebraica" \o "Encyclopaedia Hebraica); and a prolific and sometimes controversial writer on Jewish and Western thought. [↑](#footnote-ref-5)
5. Bavli, Avoda Zara 17b. [↑](#footnote-ref-6)
6. Maimonides, Laws of Gifts to the Poor 10:11. [↑](#footnote-ref-7)
7. Midrash Bereshit Rabba 13:15. [↑](#footnote-ref-8)
8. Bavli Yoma 9b. [↑](#footnote-ref-9)
9. Rabbi Abraham Isaac Hacohen Kook, *Orot HaKodesh,* C, pp. 223–224. Rabbi Kook was the first Ashkenazi Chief Rabbi of (Mandatory) Palestine and a leading thinker of Religious Zionism. [↑](#footnote-ref-10)
10. Psalms 113–118, recited on festivals and on anniversaries of miracles. [↑](#footnote-ref-11)
11. A brief remark on a Torah-related theme. [↑](#footnote-ref-12)
12. The eighteenth- and nineteenth-century Jewish enlightenment movement. [↑](#footnote-ref-13)