



The Imperative to “Pursue Justice” and Institutional Responses to Sexual Abuse

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Deuteronomy 16:20 states “Justice, justice you shall pursue!”—a clarion call to craft a better world. In this piece, the author considers how Jewish readings of this verse can help us confront the injustices that might be hiding within our Jewish institutions and communities.

Abuses of power have taken place within both secular and sacred institutions since time immemorial. In the wake of the #MeToo movement, we have collectively come to a greater awareness of how extensive the problem of gender-based harassment is, not only in the general culture but also in Jewish spaces. People in power have used their power to belittle those without power, subjecting them to a wide range of abusive behaviors, from harassing language, comments, and images to unwanted and/or aggressive acts of a sexual nature. Often those with less power are or feel forced to trade silence for approval, job security, or the hope of future advancement. Victims may choose not to speak up, in order to avoid being labeled a troublemaker, to escape further disrespect and disruption, or with the vain hope of avoiding further harassment. And in the Jewish community, other particular considerations may factor in, such as the fear of being accused of *lashon ha-ra* (and other categories of forbidden negative speech about others), or the knowledge that a perpetrator may be a revered teacher or community leader.

When those who have been victimized find the courage to speak up, they are often victimized for a second time, when those who run Jewish institutions—boards of directors, senior management, and clergy—turn away from protecting the victim in favor of protecting the perpetrator. If the perpetrator is contributing to the success of the overall institutional mission, often those to whom that individual is accountable will choose to prioritize the organization's success or reputation over its soul—that is, its deepest stated and/or implicit values.

How should leaders respond when victims come forward? Too often, a complaint is interpreted, experienced, and/or treated as an attack on the institution, rather than an opportunity (however painful) to make the institution stronger and more mission-aligned. The adversarial legal system and the fear of liability encourage binary thinking, a zero-sum game in which what is good for the victim is bad for the institution. The Jewish textual tradition can help us avoid falling into this trap. The rabbis of the Talmud, commenting on Deuteronomy 16:20, offer us in one extended passage an expansive view of what justice can look like, and more than one way to pursue it.

TEXT 1: DEUTERONOMY 16:20

צֶדֶק צְדָק תִּרְדֹּף לְמַעַן תַּחֲיֶיהָ וַיִּבְרַשְׁתָּ אֶת־הָאָרֶץ אֲשֶׁר־יְהוָה אֱלֹהֶיךָ נֹתֵן לָךְ:

Justice, justice shall you pursue, that you may thrive and occupy the land that the LORD your God is giving you.

Commentators on the Torah over the ages note that the word “justice” is repeated, and propose many possible meanings of that repetition. Because the Torah is famously sparing with words, the doubling of a word (even as a rhetorical device) catches their attention, whether like a flag waving to emphasize something important, or as an instruction to understand the meaning of the word in a doubled way.

TEXT 2: BABYLONIAN TALMUD SANHEDRIN 32B, PART I

The rabbis of the Talmud offer here one of the many explanations for why the word “justice” appears twice:

כדתניא צדק צדק תרדף אחד לדין ואחד לפשרה

As it is taught in a baraita: When the verse states: “Justice, justice, shall you pursue,” one mention of “justice” refers to strict judgment and one refers to compromise.

כיצד שתי ספינות עוברות בנהר ופגעו זה בזה אם עוברות שתיהן שתיהן טובעות בזה אחר זה שתיהן עוברות וכן שני גמלים שהיו עולים במעלות בית חורון ופגעו זה בזה אם עלו שניהן שניהן נופלין בזה אחר זה שניהן עולין

How so? Where there are two boats traveling on the river and they encounter each other, if both of them attempt to pass, both of them sink, as the river is not wide enough for both to pass. If they pass one after the other, both of them pass. And similarly, where there are two camels who were ascending the ascent of Beit Horon, where there is a narrow steep path, and they encounter each other, if both of them attempt to ascend, both of them fall. If they ascend one after the other, both of them ascend.

TEXT 3: BABYLONIAN TALMUD SANHEDRIN 32B, PART II

הא כיצד?

טעונה ושאינה טעונה תידחה שאינה טעונה מפני טעונה

קרובה ושאינה קרובה תידחה קרובה מפני שאינה קרובה

היו שתיהן קרובות שתיהן רחוקות הטל פשרה ביניהן ומעלות שכר זו לזו

How is it decided which of them should go first?

If there is one boat that is laden and one boat that is not laden, the needs of the one that is not laden should be overridden due to the needs of the one that is laden.

If there is one boat that is close to its destination and one boat that is not close to its destination, the needs of the one that is close should be overridden due to the needs of the one that is not close.

If both of them were close to their destinations, or both of them were far from their destinations, impose a compromise between them to decide which goes first, and the owners of the boats pay a fee to one other, i.e. the owners of the first boat compensates the owner of the boat that waits, for any loss incurred.

Is a case of alleged abuse a zero-sum game? Must the parties' needs collide? These scenarios suggest another way, where what is good for the individual is good for the institution. Protecting a perpetrator is not in either's best interest. It is bad for the victim, bad for the health and sacredness of our communities—and often, in the long run, even bad for the perpetrator.

One take-away from Sanhedrin 32b is the possibility of addressing apparently competing claims. We value protection and dignity for victims of harassment and institutional survival, and in many cases, can address both sets of needs—even if not exactly at the same time. Still, the protection of those with less power, the victims, must take priority. Their burden is heavy; the distance from their desired destination is great.

Both the demands of justice and institutional health depend on prioritizing victims' needs, as well as preventing abuse. When victims are silenced, when the conditions for abuse go unchecked, injustice reverberates and grows. It pollutes the institution and the community. Individuals learn that speaking up only causes greater suffering, and so people sit in silence, continuing to be hurt, and harm is compounded. And in some sense—in a religious sense—we even let perpetrators down by not calling them to account. Our ability to express the potential for holiness within each of us is stymied—and our capacity for desecration is given room to grow—when leaders of Jewish institutions look away from abuses of power that take place within their walls.

When those with less power are guaranteed safety, when victims feel safe from their predators, when perpetrators are called to account, the benefits to individuals are innumerable—and the benefit to institutions, too, is vast. Tolerating injustice has the power to sink our organizations. An organization that is not safe cannot be sacred. When we put victims' rights first, privileging their experiences in the context of clear and fair processes, and protecting the vulnerable within our communities, we achieve a justice that benefits us all.

Discussion Questions

1. What is your reaction to the idea that individuals' and organizational needs are often the same when preventing and responding to sexual abuse and gender-based harassment?
2. As you think about your own organizations and institutions, how could the idea that (potential) victims' and organizations' needs often overlap (even if they are not identical) shape policies? Shape responses to allegations of abuse? What are the benefits of this perspective, and what are the risks?
3. What are the intangible aspects of your organization's reason for existing and its definition of success? What does (or would) it mean to think of your organization as "sacred"? How do your answers shape how you think your organization should approach policies and actions regarding abuse and harassment?
4. When justice requires prioritizing victims, potential and actual, how can organizations do what is necessary even when there are real risks—and when the organization's needs conflict, or seem to conflict, with the victims'? What qualities do leaders need to cultivate in order to be able to make those difficult decisions? What kinds of supports might they need in order to do what is just?

*This piece is part of the *Respect & Responsibility: A Jewish Ethics Study Guide* that is a joint project of Sacred Spaces and the Center for Jewish Ethics. Learn more at www.jewishspaces.org.*