

Zealotry in the Pursuit of Justice: Judge Robert A. Katzmann, ז"ל
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When I teach Mussar, Jewish ethical discipline, I have a translation difficulty with the Hebrew word *zerizut*. A laudable soul-trait in the tradition, *zerizut* is accurately translated as “alacrity,” but that’s an SAT word—and an old one, at that. Another translation of *zerizut* is “zeal,” which is listed as a **sin** on Yom Kippur—in the words of our former High Holy Day prayerbook, *Gates of Repentance*—“zeal for bad causes” requires repentance.

Of course, a person **could** pursue a **worthy** goal zealously, in which case “zeal” is not sinful. In Mussar, we seek to cultivate *zerizut*: Commitment to a praiseworthy pursuit is insufficient without the drive and follow-through to complete the task.

Pinchas, also called Phineas, is a biblical zealot known for his *zerizut*. Reform Jewish writer Chris Harrison explains the story well: “In an act of religious zealotry, Pinchas kills Zimri, an Israelite nobleman, and a Midianite woman named Cozbi, while they are having sex.ⁱ Because of Pinchas’s ‘displaying ... his passion for [God]’ⁱⁱ, ... God...grants Pinchas a ‘covenant of peace’—a *b’rit shalom*—and a pact of priesthood for all of his descendants.”^{iiiiv}

Harrison is uncomfortable with the honors heaped upon Pinchas—and for good reason, which he explains: “This story raises a stark issue of morality for modern progressive Jews. When Pinchas first witnesses Zimri and Cozbi together, he does not break the two apart to prevent them from sinning further. He does not even ask them to stop, so they could have a chance to listen. Fueled by what Rabbi Donniel Hartman aptly refers to as ‘God intoxication,’^v Pinchas makes himself judge, jury, and yes, executioner, by stabbing two people to death for the crime of having apparently consensual sex. And the Torah seems to be completely okay with his doing so.”^{vi}

While the biblical context may exonerate Pinchas, contemporary Reform Jews ought not teach him as a hero worthy of emulation, even by means far less extreme than murder. Quite the opposite. We seek to enlarge our tent, to be grateful when modern-day Zimris and Cozbis worship with us, and keep our judgments separate from execution.

Tonight, by contrast, I will take the opportunity presented by this week’s Torah portion, to tell you about a too-little-heralded modern American hero of

zerizut, of zeal for a cause that is right, just, and worthy of Jewish pride, American respect, and emulation by all.

Immortal words of scripture emanate from our reading this week—*Tzedek, tzedek tir'dof*, “Justice, Justice shall you pursue.”^{vii} Our sages are generally troubled when the Torah includes an apparent redundancy—in this case, the repetition of the word “justice.” Moderns may well be right that repetition simply reflects emphasis, but rabbis of old taught that each repetition of a word implies a separate meaning. A medieval commentator, Ibn Ezra, opines that the first time we see the word “justice,” we are taught to seek a fair solution when doing so is to our own benefit. The repetition, though, instructs us to seek justice even when it is to our detriment.^{viii}

We may be understandably irritated when criminal defendants are accorded rights that, if guilty, they did not afford to their victims. But American law and Torah both require that justice be our standard, when that feels good and when it does not.

I confess that I had never heard of Judge Robert Katzmann until his premature death from pancreatic cancer in June.^{ix} The man was a hero, working hard and successfully to assure justice for everyone—or at least every person who came before the courts in New York, where he was based—no matter their wealth, ethnicity, citizenship, or immigration status. Like Pinchas, Judge Katzmann pursued his cause zealously. Unlike Pinchas, Judge Katzmann’s cause was just.

Jesse Wegman, who often writes on legal affairs, explained after Katzmann’s death: “As the son of a refugee from Nazi Germany, Judge Katzmann was deeply aware of how destructive it can be for citizens to feel abandoned by the law.”^x

Apparently, the Judge’s concern stretched beyond citizens. Observing that immigrants often did not get a fair shake in the judicial system, the judge told Wegman, “I was really having trouble sleeping, thinking about what an awful situation this is.” The reporter continues, “Judge Katzmann began to study the issue and found that immigrants with lawyers had a 74 percent chance of winning their cases. Without a lawyer, that number dropped to 13 percent.”^{xi}

Whatever one’s position on immigration, we can agree that access to a lawyer ought not be what makes the difference between deportation, on the one hand, and documentation of immigration status, on the other. Moreover, the immortal words of our Torah portion require justice when we are sympathetic to the defendant’s plight and the same justice when we think that defendant is in the wrong. And Judge Katzmann would not rest until the problem was addressed. An

admiring colleague, Judge Jed Rakoff, said, “Almost single-handedly, he convinced the organized the bar to provide free quality representation for thousands of needy immigrants.”^{xii}

Just as important, Judge Katzmman sought to address glaring American ignorance about how our legal system and government work. Wegman writes, “The result was Justice for All, a multimedia civic-education center... Since 2018, groups of high school students, many of them racial minorities, have been visiting the center to learn how to do basic legal research online, take part in moot courts and meet with judges, all with an eye toward combating the widespread public ignorance about American government and its legal system.”^{xiii} Judge Katzmman reflected, “When I’ve done moot courts, I take the students back to the robing room and I say, “Put on the robe[.]”...I say, “This could be your future.” And you can really see in their faces, oh yes, this could be their future.”

In short, from our perspective, Judge Katzmman was the Annabelle Imber Tuck of New York!

We who are zealous, whatever our cause, may do great harm when we trample others, be they opponents or simply slower-moving people who share our aims. Zealotry can be destructive when the cause is wicked. When the cause is justice, though, for the popular and the unpopular, for the poor and the rich, for the prosecutor or plaintiff and for the defendant, then, with zeal, “Justice, justice shall you pursue.”

Amen.

ⁱ Numbers 25:6-9.

ⁱⁱ Numbers 25:11

ⁱⁱⁱ Numbers 25:12-13

^{iv} Chris Harrison, “A Covenant of Peace for All Who Enter Jewish Spaces,” manuscript for *The Social Justice Torah Commentary*,” edited by Rabbi Barry H. Block, projected for publication by CCAR Press in 2021.

^vDonniel Hartman, *Putting God Second*, Penguin USA, 2017, 45-46.

^{vi} Harrison.

^{vii} Deuteronomy 16:20.

^{viii} Ibn Ezra to Deuteronomy 16:20.

^{ix} Sam Roberts, “Robert Katzmman, U.S. Judge With Reach Beyond the Bench, Dies at 68,” *The New York Times*, June 10, 2021.

^x Jesse Wegman, “A Humane Judge, Gone Too Soon,” *The New York Times*, June 11, 2021.

^{xi} Wegman.

^{xii} Roberts.

^{xiii} Wegman.