

**September 5, 2008**

***Shabbat Shalom!***

*At the Republican National Convention, former Massachusetts Governor Mitt Romney offered this commentary on a recent Supreme Court decision: “But let me ask you-what do you think Washington is right now, liberal or conservative? Is a Supreme Court liberal or conservative that awards Guantanamo terrorists with constitutional rights? It's liberal!”*

*The 5-4 decision to which Romney referred split the court between its “liberal” and “conservative” wings, with Justice Anthony Kennedy joining the majority, taking the position that: “Liberty and Security can be reconciled; and in our system they are reconciled within the framework of the law.” In a 2005 statement from its biennial convention, the Union for Reform Judaism called on the United States government to “uphold, obey and enforce the Supreme Court rulings that it is unconstitutional to imprison those designated as 'enemy combatants' without access to lawyers and the right to challenge detentions in court.”*

*The beginning of this week's Torah reading, SHOFTIM (judges), may cast a light on Romney's observation: “You shall appoint magistrates and officials for your tribes, in all the settlements that the Eternal your God is giving you, and they shall govern the people with due justice. You shall not judge unfairly; you shall show no partiality; you shall not take bribes, for bribes blind the eyes of the discerning and upset the plea of the just. Justice, justice, shall you pursue.”*

*The phrase “due justice” combines the terms TZEDEK, which, according to one explanation, means applying proper and fair legal procedure, and MISHPAT, referring to justice as a cosmic principle that creates harmony and balance in human society.*

*Justice Kennedy's statement, “liberty and security can be reconciled,” harmonized the views of the court on this particular issue. It struck a balance in a context of both TZEDEK and MISHPAT.*

*But was the Supreme Court ruling liberal....or, simply, just?*

*On this point, each of us can be the judge.*

**-- L'shalom,  
Rabbi Larry K.**