

## **An Ancient Modern Application**

### **Should Michael Brown's Stepfather Be Indicted for Inciting a Riot?**

**Shemot 5775**

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Should the Ferguson Police charge Louis Head, the stepfather of Michael Brown, with inciting a riot in Ferguson, Missouri? After a grand jury decided not to indict Officer Darren Wilson for the fatal shooting of Michael Brown, Louis Head stepped up to a platform and told protesters to "Burn this mother -- down! Burn this bitch down." In the ensuing hours local businesses, police cars and vehicles at a nearby dealership were engulfed in flames.

Experts can debate whether or not there is sufficient cause to charge Head with inciting a riot. But legal cause should not be the only consideration. We should remember the teaching of Rabbi Judah ben Korcha, who teaches that: It is meritorious for a judge to mediate a compromise, as Zechariah (8:16) states, "Execute truth and the judgment of peace in your gates, but when there is judgment there is no peace and when there is peace there is no judgment" (Sanhedrin 6b). What then is the justice that coexists with peace? We must say: mediation.

In fact, the Talmud teaches that it is preferable for a judge to mediate a compromise rather than to deliver a verdict for one party and against the other, provided that the judge does not yet know who is right and who is wrong. However, if it is clear from the outset who is right and who is wrong, justice requires that the judge deliver a verdict in favor of the one who is right.

Why does the Talmud favor mediation as a legal remedy at the expense of the pursuit of absolute justice? The answer is that, unlike a verdict for one and against the other, mediation increases the likelihood that peace between the contending parties will be achieved.

Even if one could make a case that, strictly speaking, Head was guilty of instigating a riot, other factors should be considered such as:

His emotional state when he made his comments.

The impact the charges would have on the efforts of responsible leaders to calm an emotionally and racially charged situation and to begin a healing process.

My purpose is not to suggest Mr. Head should or should not be charged, but to point out that our ancient texts speak to our modern times.

