

JUDGES OVER OURSELVES

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Today's Learning:
Nach: Ezra 1-2
Mishnah: Shevi'it 9:2-3
Daf Yomi (Bavli): Bava Kamma 102

Our parashah opens: "Judges and officers you shall appoint in all your gates--which Hashem, your Elokim, gives you--for your tribes; and they shall judge the people with righteous judgment." Additional laws regarding the conduct and duties of these judges also are found in our parashah.

A midrash states: "Rabbi Eliezer says, 'Where there is judgment, there is no judgment. Where there is no judgment, there is judgment.' How so? Said Rabbi Eliezer, 'If judgment is performed below, it will not have to be performed above. If judgment is not performed below, it will have to be performed above'."

On its simplest level, this midrash is teaching us the importance of setting up courts. If mankind judges and punishes wrongdoers and protects victims and the oppressed, G-d will not need to do so. However, observes R' Chaim Yaakov Goldvicht z"l (1924-1995; rosh yeshiva of Yeshivat Kerem B'Yavneh), there is another message here, as follows:

When Hashem judges an individual, it is not to punish or hurt him, but rather to notify him that he needs to improve. Nevertheless, these notifications from G-d can sometimes seem like "punishments," and we would prefer to avoid them. The midrash tells us how. If each person judges himself honestly and acts on his findings, he will not need to be judged above. However, if there is no judgment below, if man does not judge himself, he will have to be judged above. (Asufot Ma'arachot: Devarim p.144)

"Judges and officers you shall appoint in all your gates -- which Hashem, your Elokim, gives you -- for your tribes, and they shall judge the people with righteous judgment." (16:17)

This is the first verse of this week's parashah. The preceding verse, the final verse in last week's parashah, states: "Everyone according to what he can give, according to the blessing that Hashem, your Elokim, gives you."

R' Reuven Halevi Horowitz z"l (chassidic rebbe; died 1810) writes: Sometimes a person complains to Hashem about the fact that He gave the person bechirah / free choice and that he has a difficult battle to wage against the yetzer ha'ra. That person may say to his Creator, "I do not want bechirah. Rather, I place myself entirely in Your hands to lead me in the way of truth and to compel me to do Your will. Even though, in this way, I will not earn reward, I do not care, for the greatest reward is to be able to serve You. I am not asking to change the nature of the world, which is that man has bechirah. Rather, this is my free choice: to serve You without the interference of the yetzer ha'ra." This, writes R' Horowitz, is an appropriate sentiment if it is sincere.

This, continues R' Horowitz, is hinted at by the above adjacent verses. "Everyone according to what he can give." A person has the right to "give" himself completely into Hashem's hands, to be ruled "according to the blessing that Hashem, your Elokim, gives you." How does one accomplish this? "Judges and officers you shall appoint."

This may be clarified with a parable: When a merchant extends credit to another, he establishes a credit limit. At some point, he says, "No more credit until you pay what is due." Similarly, before a person can take his relationship with Hashem to a new level, he must judge and penalize himself for his past sins. "Judges and officers you shall appoint."

Of course, continues R' Horowitz, different people have different abilities to do this. Therefore the verse says, "In all your gates." The word "gate" ("sha'ar") shares a root with the word "measure" ("shiur"). Every person is judged by his own "measure."

Thereafter, the person must continue to "judge the people"--in this case, himself--"with righteous judgment." A person cannot expect Hashem to send a prophet to guide one's every step. But, when one sincerely does his best and prays for Hashem's guidance, Hashem will plant the proper thoughts in his head so that he will act only in accordance with Hashem's will. (Duda'im Ba'sadeh)

Elul

R' Yisrael Salanter z"l (1810-1883; founder of the mussar movement) writes: When it comes to the steps man takes to fulfill his physical needs--making money, attaining honor, etc.--the first cause (at least to man's eyes, though really everything comes from the true "First Cause") is a desire for that thing. From there flow intermediate causes, which lead to other intermediate causes, until man's desire is realized. Or, the first cause (again, to man's eyes) may be pressure or persuasion applied by another person.

R' Salanter continues: What is the "first cause" that leads man to examine his deeds and to focus on

mussar during the month of Elul (and all year long)? There is no natural desire for this, as there is with physical needs! Our early Sages were worried by this question. Therefore, based on a midrash, they established the blowing of the shofar during Elul. That is the "first cause" that awakens a person from his slumber and from his busy routine to inspect his deeds, as the verse says (Amos 3:6): "Is the shofar ever sounded in a city and the people do not tremble?" (Ohr Yisrael no.7)

R' Meir Chodosh z"l (mashgiach ruchani in several Israeli yeshivot; 1898-1989) elaborates: R' Yisrael Salanter is teaching that everything is acquired in its own unique way. And, there is a prerequisite to finding that way, which is the desire to acquire that thing.

When the "thing" to be acquired is yirat Shamayim / fear and awe of G-d, there is no natural desire to acquire it. The road is long, and man is mired in his routine, which causes his heart to move farther and farther away [from desiring yirat Shamayim]. The walls between man and his Creator are high, and on every occasion when a person becomes aware of his obligation in this world [which is to attain closeness to Hashem], it seems distant and unattainable. And, man has an unlimited number of excuses to justify himself. Moreover, even the yirat Shamayim that a person acquired in his youth becomes routine.

These concerns should be on a person's mind all year long as they affect his Divine service, but even more so in Elul, when a person prepares to stand in judgment before his Creator. (Meir Netivot: Mo'adim p.27)

Teshuvah

The Gemara (Shabbat 12b) states: One may not read by the light of an oil lamp on Shabbat for fear he might tilt the lamp to improve the flow of oil to the wick [which is prohibited on Shabbat]. The Sage Rabbi Yishmael said of himself, "I may read because I will not tilt the lamp." One time he read and nearly tilted the lamp. He exclaimed, "How profound are the words of the Sages who said not to read!" Rabbi Natan says, "R' Yishmael actually tilted the lamp, and [after Shabbat] he wrote in his notebook, 'I read and tilted the lamp. When the Bet Hamikdash is rebuilt, I will bring a fat chatat offering'." [Until here from the Gemara]

R' Avraham Yitzchak Hakohen Kook z"l (1865-1935; Ashkenazic Chief Rabbi of Eretz Yisrael) explains: Writing down one's sins in a notebook awakens a person to the fact that he should remember his sins. The reason is as follows: If a given act had only a temporary impact on one's soul, it would be sufficient to repent immediately after sinning, and remembering one's sins would serve no purpose. However, that is not the case. The forces within man's soul engage in many complicated interactions, and one sin can have many negative effects. Some forces are hidden deep within the soul, and not until they are called upon to react to some future situation will a person realize that they were impaired by some past sin. Only then will the person be able to repair that part of the damage that his long-ago sin caused, and that is why it is necessary to remember that sin. (Ain Ayah)

R' Tzaddok Hakohen Rabinowitz z"l (1823-1900; chassidic rebbe in Lublin, Poland) writes: The sign that one has completed his teshuvah for a sin is that he has no memory of that sin. Just as we are forbidden to say to a ba'al teshuvah, "Remember when you did such-and-such," so Hashem does not remind a complete ba'al teshuvah of his prior sins. As such, the person will not remember them. All human abilities come from Hashem. Just as no person could speak if Hashem did not give him a voice [see Shmot 4:11], so if Hashem does not send a person memories, he will not remember. This is what King David meant when he said (Tehilim 51:4-5), "Abundantly cleanse me from my iniquity, and from my sins purify me. For I know my transgressions, and my sin is before me always." The fact that one still knows of his sins means that he has not yet been cleansed. For his part, however, man is obligated to keep his sins before him always. (Tzidkat Ha'tzaddik no.99)