

HUMANS CANNOT BE TRUSTED

by Rabbi Yaakov Menken

"And these are the judgments which you shall place before them..." [21:1]

Rashi, Rabbi Shlomo Yitzchaki, comments that "just as the previous commandments were given at Sinai, so too these were given at Sinai." The commandments given in last week's parsha were between man and G-d, along with fundamental interpersonal laws such as the prohibitions on murder and theft. This week's commandments are more "common" laws of financial judgments and courts.

The Chidushei HaRim explains that we might mistakenly think that because these laws have a clear and obvious logic, and are a necessary part of any civilization, that they are not Divine Commandments but rather human legislation. Therefore the Torah testifies that these are from Sinai, just like the Divine decrees whose meaning is primarily spiritual. The Chidushei HaRim says that these judgments are **also** spiritual, and we should observe them because they are Divine, not merely because society needs them.

The Kol Simcha focuses on the words "before them," explaining that each person must place the laws before himself. Each person is responsible for ensuring that the entire system functions, and must be totally dedicated to it.

As all America questions its legal system this week, it is worthwhile to wonder if any system could function properly when the average person didn't trust the leadership to do that which is just and correct. While the previous "verdict" demonstrated the obvious failures of a jury composed of "peers" rather than those with a decent legal education, a judicial system of **judges** is only preferable when the judges are trusted to be moral and upright - and today the average American hardly regards lawyers with this level of respect.

A system of human origin only works when people trust the humans who run it - and today, many people believe that the American system is not worthy of that trust. So it collapses, as each person or community looks out for its own interests rather than the justice system overall. The Jewish system forces each individual to demonstrate an active concern for that which is right and just, and to seek out judges who demonstrate only the best conduct. We do it not for society's sake - and certainly we do not look only towards our own interests. Rather, we as individuals must build a

system which fulfills our responsibilities to the Divine.

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