

JUDICIOUS JUDGEMENTS

by Rabbi Yaakov Menken

"And Korach the son of Yitzhar, the son of K'has, the son of Levi, and Dasan and Aviram the sons of Eliav, and On the son of Peles, the sons of Reuven, took [themselves to the side]; and they rose up against Moshe..." [16:1-2]

The Mishna in the Sayings of the Fathers [5:17] reads, "Which is an argument for the sake of Heaven? This is the argument of Hillel and Shammai. And not for the sake of Heaven? This is the argument of Korach and his entire congregation." We should probably have expected the Mishna to read differently. If it says that the paradigm for "an argument for the sake of Heaven" is the argument of Hillel and Shammai, then the paradigm for an argument which is not for the sake of Heaven should be that of "Korach and Moshe." Instead, it reads "Korach and his entire congregation."

The Medrash Shmuel explains that while the motivations of both parties were the same in the first case, this was not true in the latter. Moshe and Aharon had only the purest of motivations, but Korach did not. For this reason, Moshe and Aharon - whose motivations were pure - could not be classified together with Korach.

If an observer had come along who did not know any better, then he or she would probably have thought that the story in our parsha just boiled down to a power struggle between Moshe and Korach. We know that this is not true. Moshe was acting entirely for the sake of Heaven, and he had no interest in making an argument. He was forced into this situation by Korach himself, and Heaven forbid that anyone should attribute the least blame to Moshe for what happened.

From this, we can learn a very powerful lesson. Sometimes we may think about other people that they are involved in argument, and are at least partially responsible for a fight -- and it may be entirely untrue. We must remember that we have an obligation to judge everyone favorably -- and that includes both sides in an argument, until we know the "whole story."

Sometimes, on the other hand, it may be you whom people think is "involved" in an argument, although you know that you are doing the right thing. In this sort of case, because you recognize that it takes a Moshe to act entirely for the sake of Heaven, you may indeed blame yourself and feel reluctant to continue -- you may unfairly consider yourself at least partially responsible for an argument or ill-feelings.

In this situation, it is important that you seek out a wise and impartial counselor. Your Rabbi might be the right person (parents, by the way, are probably too inherently biased in your favor). It may be

absolutely true that you are "over the line" -- but perhaps people are blaming you for something which is none of your doing.

A story of this nature happened to me while I was studying in Israel. Without being too specific about the details, the Rosh Yeshiva, the Dean of my Yeshiva, told me that in his judgment it wasn't worthwhile for me to become involved with a particular program. It was a "kosher" activity, nothing that would ordinarily be considered wasting time from study -- but the Dean felt that some affairs of the program weren't appropriate, and he encouraged me to stay out. And so that is what I did. I had suspicions of my own, which I feel were borne out several years later, but I probably would not have failed to participate on my own without the Rosh Yeshiva's advice.

Of course, I didn't go to the people involved and tell them that I refused to participate -- I simply said that I wasn't available, which was true. But a certain young man in the yeshiva, who had clearly spent an insufficient amount of time learning the prohibitions against gossip, had overheard certain elements of my conversation and bought the reason behind my sudden unavailability back to the people running the program. Of course, they really couldn't have an argument with the Rosh Yeshiva, but the news quickly traveled back to me that they had heard about this and were essentially blaming me for following the Rosh Yeshiva's advice.

Of course, I have been in a host of arguments in my life which were my responsibility. But this was not one of them. Nonetheless, I was somewhat upset about the situation, and discussed it with the Rosh Yeshiva, Rabbi Yaakov Eliezer Schwartzman, of "Lakewood East," the branch of Lakewood in Israel (Bais Medrash Gavoha D'America B'Eretz Yisrael).

At the time, we were studying Tractate Bava Metziah, which covers various financial laws. The Mishna on page 75b says, "One who hires workers, and the workers fool each other, they only have claims (Tarumos) against each other." The Talmud explains on 76a that the business owner asks someone to hire workers at a particular rate, and this middleman tells the workers that the owner will pay them a higher fee for the job. At the end of the day, the workers go to collect their wages, and of course the owner gives them only the smaller amount.

The Mishna is telling us that a court cannot force the middleman to pay the difference, since he told them that the owner alone was responsible for paying them, and because both rates were reasonable for workers of that type. The workers can say that they would have made the effort to try to find higher-paying work, but the middleman can say that without him, they would not have found work at all.

A court cannot force the middleman to pay, but the workers do have "Tarumos," claims. In Heaven, the middleman will be judged for his actions, for deceiving the workers.

So this is what Rabbi Schwartzman said: from here we learn, that "Tarumos" are also a "zechus," a privilege. Not everyone gets to have "claims." These workers have claims against the middleman, because he deceived them, he caused an argument, he created trouble. But when people are doing

the right thing, it is not their responsibility if others decide to be angry with them for doing the right thing. They are not the ones creating the argument.

Once again, this needs to be discussed carefully with an impartial counselor or Rabbi. But we must not be afraid to do the right thing, merely because someone might use this as an excuse to be angry. It is true that Hillel sought peace and we should be like Hillel -- but Moshe is no less a role model. Sometimes, we need to be ready to do the right thing -- and that doesn't make us "part" of an argument!