

PERSONAL JUDGE

by Rabbi Yaakov Menken

"I spoke to you at that time, saying...the L-rd your G-d has multiplied you..." [Dev. 1:9-10]

"How can I alone support your bother, your burden, and your arguments? Take wise and understanding men for yourselves, who are known to your tribes, and I will place them at your head. You answered me and said, 'you have told us to do a good thing.' And I took the heads of your tribes, wise and understanding men, and I placed them as heads over you, ministers over thousands, ministers over hundreds, ministers over fifties, and ministers over tens, and police for your tribes." [Dev. 1:12-16]

The Seforno says that there is an implied rebuke in the appointment of judges over Israel -- Moshe is reminding the Nation of Israel of their sins. For even though they were given the news that they would enter the Land of Israel without fighting for it, receiving something far greater and honorable than all their property, nonetheless they could not stop bickering and arguing -- to the point that every group of ten needed its own personal judge. Why is there a minister over every ten people? Because even then, disputes were so common that ten people could keep a judge busy.

Despite the universal notation in our chumashim, the printed texts, to begin the second portion of this week's reading with verse twelve, "How can I alone...", there is a similarly universal custom to stop the first portion and begin the second one verse earlier instead. The reason: the first word of verse twelve, "Eichah," is the same as the first word of the Book of Lamentations that we read on the Ninth of Av. The Ninth of Av is the day of mourning for the destruction of our two Temples and other Jewish tragedies, and it follows Shabbos Parshas Devorim according to our calendar.

Here, perhaps, in the connection of "Eichah" to "Eichah," we can find an additional layer of rebuke. Our Sages tell us that the First Temple was destroyed because Israel had violated the "cardinal sins" of idolatry, murder and immorality -- while the second was destroyed because of baseless hatred. I think a connection can easily be drawn from the sin described by Moshe, to those things which destroyed the Temples.

On the one hand, the Seforno implies that each person was overly concerned about his own property, to the point of pettiness. But in order for an argument to reach the courts, there also needs to be a lack of communication, an inability to reconcile differences, and a corresponding lack of concern for the other person's property. After going to the courts, when the loser no longer has any justified claims against the other, all that remains is... baseless hatred. The same baseless hatred

that can lead to murder. Immorality, as well, often includes a lack of concern for another person.

If needless hatred begins with a lack of communication, there is hope that increased communication can remove the hatred and divisions that remain between us. With proper communication, we can counter the misinformation that often causes hatred, and develop new relationships outside our own groups. In short, as we mourn the Temple's destruction, we can also find the tools to make our own best efforts to ensure that it is rebuilt -- speedily in our day, Amen.

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Good Shabbos,
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