

JUDGING THE JUDGES

by Rabbi Yitzchok Adlerstein

Appoint judges and officers in all your gates which Hashem your G-d gives you for your tribes. They shall judge the people with righteousness.^[2]

The word "gates" is poetic, but why not use the straightforward "cities" to tell us that courts need to be established in every locale? Why does the Torah switch from the second person ([You] shall appoint judges" to the third person (They shall judge...)?

Some have addressed the second question above with a command to the judges themselves that they set up inner judgment and enforcement practices that will make them better people. In other words, they are urged to implement the advice of Chazal that a person should adorn himself before adorning others. They can only do this by paying rigorous attention to their own spirituality. They should create their own individual fences around the law in areas in which they are weak, and studiously judge and enforce them. While this is a beautiful thought when considering just the opening words of the *pasuk*, it does not carry over in explaining the rest of it.

Perhaps they gave up too soon. The thought might very well apply to the entire verse. But it is not aimed at the individual judge and his own program of spiritual development. Rather, it speaks to the highest body– the court of seventy-one that sits in judgment over the entire people. (This makes sense. It cannot be that Moshe speaks to the entire nation, commanding them to deploy judges to all locations. The job devolves upon those who can make this happen, like the legal experts.) Moshe tells this court – speaking to it as a collective, singular whole - how it is to appoint judges who will wield power over the groups to which they are assigned, namely the individual *shevet* under them. When these judges are selected by the high court, Moshe instructs that the High Court should also appoint special officials to oversee and supervise the behavior of the justices of the *shevet*-courts.

The justices sitting on the bench need to answer to special "judges and officers" who will keep them in line, and prevent them from abusing their positions! This will ensure that they will indeed be able to "judge the people with righteousness."

If there will be found among you in one of your cities which Hashem your G-d gives you, a man or woman who commits what is evil in the eyes of Hashem your G-d...and he will go and serve gods of others and prostrate himself to them, or to the sun or to the moon...^[3]

Relative to the Ten Commandments, something is out of order here. There,^[4] the Torah speaks of not

prostrating oneself to other gods, nor serving them. In our *pasuk*, serving them is mentioned first!

Above, the Torah spoke of people who get it wrong – but not as terribly wrong as they get it here. The Aseres HaDibros ban a far less potent form of prohibited service, one in which the person believes fully in Hashem, but sees some heavenly body as an intermediary, faithfully doing Hashem's bidding. He does not reject Hashem! Were it not for the worship of the intermediary – for implying that it has some independence, which of course it does not, and therefore should not be worshipped – prostrating oneself before it would not seem so terrible. The danger is the slippery slope, that the prostrating might lead to worshipping the intermediary as if it had the ability to choose whether to provide what it is supposed to or not. Prostration does not always signify accepting the object as a deity. Sometimes, it is simply done as a sign of respect, such as Yehoshua bowing to the angel. The order of the verse in the Decalogue is therefore very precise: don't prostrate yourself, lest you blur distinctions, and come to worship them.

Our *pasuk* deals with a very different person – one who is entirely given over to the service of a competing god. He did not take a ride down a slippery slope; for some reason, he was attracted to full-force idolatry and committed himself to it. (Thus it can be said that he “commits what is evil in the eyes of Hashem” even before describing what he does!)

1. Based on Meleches Machsheves by R. Moshe Cheifetz, 1663-1711.
2. Devarim 16:18.
3. Devarim 17:2-3.
4. Shemos 20:4-5.