

A JUDGE IN YOUR GATE

by Rabbi Pinchas Winston

Who doesn't feel Rosh Hashanah breathing down their neck? I certainly do. But then again, I felt this way the moment Tisha B'Av ended and the "Seven Weeks of Comfort" began.

These parshios help as well. Moshe Rabbeinu's days are numbered, and all the parshios are his final presentation of Torah to the Jewish people. He is preparing them for a life WITHOUT him, to prevent them from quickly undoing after he dies what he worked so hard to build up while he lived.

As such, these parshios are devoted to pointing out spiritual flaws, and teaching about spiritual solutions. Even laws that seem purely technical and communal can be learned in this vein. They too can have a personal, mussar-like application.

A mitzvah at the beginning of this week's parsha is a good example:

You shall set up judges and law enforcement officials for yourself in all your gates . . . (Devarim 16:18)

It is the role of a judge to listen to the facts of a case, deliberate over them, and then render a definitive course of action to remedy the situation. A judge is called a "Elohim," as the Sforno points out, because the name denotes an intelligent, discerning being, which man, made b'tzelem Elokim—in the image of God—is supposed to be.

A police officer, as Rashi explains in this week's parsha, is supposed to implement the decisions of the shoftim—judges. People have yetzer haras, and sometimes find themselves skirting the law, to the say the least. Until Yemos HaMoshiach, the average person cannot be trusted to keep every letter of the law on his own.

The wisest man of all, Shlomo HaMelech, said it this way, "Indeed, there is no one on earth who is righteous, no one who does what is right and never sins" (Koheles 7:20). The Talmud put it like this: Do not trust yourself until the day you die (Shabbos 153a).

The latter statement makes the point. The police of any city are only effective inasmuch as they can catch people violating the law. Even when they can, they don't always have the will to. Sometimes trying to involve the police to catch a violator of the law can be a frustrating, discouraging, and fruitless endeavor.

The Talmud advises a person to join his own police force. This means taking responsibility to police your own actions. Just as you are afraid to be caught violating a law of society by the police, you have to fear being caught by yourself violating a law of your own.

A law of your own? No, this does not mean make up your own set of rules. It means adopt Torah law as if it is your own. It means, don't just keep the law because you are afraid of being caught by others. Keep the law because you are afraid of being caught by yourself! Be your own Torah law enforcer.

We have another, more familiar name for this. It is called "Yiras HaShamayim"—fear of Heaven. It is? Doesn't fear of Heaven mean, whether you buy into the law or not, do the right thing because God is watching you and will punish you if you don't? It doesn't make you into a law enforcer. It just makes you scared to sin!

That's why you have to be your own shofet—judge as well. You have to make a point of constantly doing a Cheshbon HaNefesh—Soul Accounting. In judge mode, you have to research the matter, assemble the facts about what counts the most in life, and then render the most spiritually productive decision you can for yourself.

The point of a Cheshbon HaNefesh is twofold. Firstly, it forces a person to work on seeing life from God's perspective. This means a person learns enough to realize what the Torah wants for him is, ultimately, what he wants for himself. On such a level, violation of the Torah becomes a violation of self.

The verse says that a fundamental difference between a righteous person and an evil one is not whether or not he or she sins. It is their respective responses to sin that determines to which category they belong. An evil person sins once and does not "get up." A righteous person, when he sins, tries better next time, and next time, and next time, etc., as many times as necessary to recover from a sin.

What gives the righteous person the personal strength to keep trying to improve? The very thing that the evil person lacks—the understanding of why God's way ought to be HIS way too. For the evil person, Torah is an imposition. For the righteous person, SIN is the imposition.

Perhaps this is why the mitzvah to appoint judges in this week's parsha is mentioned before the mitzvah to appoint police officers. In society the police usually come first. They are the ones patrolling the streets looking for offenders, whom they bring before a judge once they catch them.

When it comes to individuals however, it is the other way around. If you don't first accept Torah as the "law of the land," you cannot become a police officer to enforce it. First you have to learn Torah and gain an appreciation of its imperative, and then you can find the will to protect and implement it.

What does "gate" mean in this context? In general, a gate was the opening to a city, and often where people congregated, especially to do business. Therefore, it was also a place where courts were set up. This is why the angels sent to save Lot, who was a judge in Sdom, found him at the gate of the city.

It is also a city's point of entry and exit. Since it is a person's senses that connect him to this world,

supplying him information about what life has to offer, they too act as points of entry to the person. Information comes to a person through his eyes, ears, nose, etc., often influencing a person to go in one direction or the other. As the Talmud points out, the eyes are the spies for the heart (Sotah 8a).

Applying the entire verse to an individual, it would mean that a person has to watch over all points of entry on his or her body. After knowing what counts most in life, and developing a commitment to live accordingly, a person has to develop a system to control the flow of information from the outside world to the “inside one.”

In other words, sin in life may be inevitable, even for righteous people. But, it is also often avoidable, if a person thinks ahead and the proper caution is taken. As the Talmud states:

A wise person can see what is being born. (Tamid 32a)

In other words, a wise person learns which situations give rise to which temptations, and protects himself from them. That's how he merits the “key” to the city—control over his or her own life—and the “key” to the World-to-Come.