

TRUTHFUL JUDGE

by Rabbi Aron Tendler

The pursuit of justice has challenged man since the beginning of time. Whether as an essential component for a functional society or the most illusive riddle in the attempt to unravel G-d's secret ways, understanding and applying justice is the greatest of all challenges. In Parshas Shoftim, Moshe reviewed the criteria for justice and established for all time the expectation that the Chosen People will be "most just" of all the nations.

As Jews, we might resent the judicious double standard that the world arbitrarily applies to Israel and her people. Nevertheless, we must embrace the expectations of a critical and unforgiving world that we should be better than they themselves would be.

Justice isn't always easy. At times, it necessitates that we take strong measures to support the stability our country, family, and the viability of our spiritual state. Such strength demands that we be courageous, fearless, and trusting of G-d's laws.

Central to the Torah's approach to justice is that two eye witnesses are required to establish the facts in a given case. Circumstantial evidence, theory, and logical conjecture are not admissible in court as proof, and intellect is often judged as inferior to legal doctrine. Given our western view of justice, we consider the inadmissibility of circumstantial evidence as either foolish, illogical, or both. Parshas Shoftim establishes the principle that explains why the Torah's judicial system is different than all other judicial formulations, and why it works.

As Moshe prepared the Bnai Yisroel to leave the desert and enter into Eretz Yisroel, the issues of leadership and justice became of paramount importance. Leadership should be much more than competent administration and foresight. Leadership must also strengthen the nations resolve to fulfill their obligations as the Chosen People. That obligation is to present to the world a model of judicial integrity and wisdom reflecting the divine truths of Hashem. That is why the king was obligated to write his own Sefer Torah and carry it with him at all times. (17:18,19,20) That is why an entire world came to sit at the foot of Solomon's throne and drink from his judicious wisdom. The true test of our leaders greatness is their ability to apply consistent and fair justice in accordance with Halachik principles and philosophy.

We are told that Hashem is present whenever justice is being deliberated. This is intended to underscore much more than the importance of the moment or the seriousness with which judicial deliberations should be approached. It is intended to focus us on the integral part that G-d plays

within the judicial process.

In the aftermath of tragedy, we recite the Bracha, "Blessed be the Truthful Judge." This blessing reflects our acceptance that justice is truly the realm of G-d and we often do not understand the reasons for His rulings and decrees. As duly appointed judges, we merely administer G-d's established rules in accordance with our limited intellect and comprehension. However, considering that He created a system that depends upon our finite intelligence, at no time does G-d absent Himself from the proceedings. In fact, Hashem's presence guarantees that justice will ultimately be done. In the event that we make a mistake in justice, G-d assures us that all evils will be punished and all good deeds will be properly rewarded.

We are expected to administer His justice with seriousness and properly researched deliberation; but beyond that, we are incapable of truly ascertaining the veracity of any given situation. Only the "Truthful Judge", who knows the hidden motives deep in the recesses of our hearts and minds can administer perfect justice. Only the Truthful Judge can design the perfect consequence that takes into account the ripple effect of any one action. In the end, no one can escape G-d's justice.

The Torah presented very specific criteria for judges and justice. Judges must be fearless on behalf of justice and truth is determined by G-d's rules, not our own. Two eye witnesses establish fact and circumstantial evidence is inadmissible. Although our logic cries out to be heard, the Torah says our logic is inherently faulty. Underlying it all is our obligation to accept G-d as the Truthful Judge.

The emphasis in this week's Parsha on listening to the "Rabbis" is equally important. In 17:11, Moshe demanded absolute allegiance to the teachings of the Rabbis. "...you shall not deviate from the word that they will tell you, right or left." Considering the role that the judges play in applying Hashem's justice; and considering that the entire system is dependent upon judges who are human and fallible; and considering that the entire system depends upon trusting G-d to always be there to insure justice; it make sense that G-d would extend His own expectation for absolute allegiance to His chosen representatives - the Rabbis.

In challenging the Rabbi's rulings, we challenge G-d Himself. This doesn't mean that we hide our heads in the sand and deny the potential fallibility of our rabbis. Just the opposite! We expect our rabbis to make mistakes; but it doesn't make any difference. G-d is ultimately in charge. So long as the rabbis do their best to apply their limited understanding of His Torah to the daily complexities of our lives, we are confident that G-d will take care of the rest.

Good Shabbos.

The author is Rabbi of Shaarey Zedek Congregation, Valley Village, CA.
