

TORAH IS TALKING TO YOU

by Rabbi Yissocher Frand

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 292, Polygraph in Halacha. Good Shabbos!

The Torah is not talking to HIM; the Torah is talking to YOU

"You shall place judges and policemen in all your gates, and they shall judge the people justly [Devorim 16:18]. This is a positive Biblical command to establish a judicial system. The first pasukim [verses] of the parsha -- which warn against judicial corruption, bribe taking, etc. -- are actually commands directed at the Beis Din [the Jewish Court]. That being the case, the grammatical structure of the narration is peculiar.

The Torah begins by saying that you (the nation) should appoint judges. We would expect the continuation to be "They (the appointed judges) should not show favoritism, take bribes, etc." Instead the Torah continues to use the second person throughout: "You should not show favoritism, you should not take bribes, etc."

Rav Nissan Alpert suggests a homiletic interpretation. We tend to think that there are unique laws that apply to judges, just like there are -- for example -- unique laws that apply to Kohanim (priests). Our inclination is to believe that just as the laws of the priesthood only apply to Kohanim and not to others, so too, the judicial laws only apply to judges and not to others.

This is incorrect. Everyone in life is a judge. We are almost constantly judging. When we meet someone, the first thing that we do is to judge him. We are confident -- based on the way a person looks or dresses -- that we are 100% accurate in our judgement. We have him pegged perfectly. We check the Yarmulka -- is it black, is it velvet, is it knitted, is it this, is it that. We check the kind of clothes he is wearing. We judge people right away. People do things and we jump to immediate conclusions.

The Torah is acknowledging this phenomenon and telling us "You -- all of you -- are inevitably going to judge; but just like judges have an obligation to judge fairly and not take bribes or be influenced by outside events -- every Jew has that obligation. "YOU should not turn aside justice." The Torah is

not talking to HIM (the judge); the Torah is talking to YOU!

A friend does something wrong. We should really tell him about it, but we do not. Why not? Because we have taken a bribe. We have taken his friendship; we have received favors from him; we have established a relationship; we are now afraid to hurt the relationship. That is a bribe. The Torah tells us "You shall not take a bribe" -- do not let this bribe, which you have already accepted, influence you.

Every person is a judge and every person has the obligation to judge fairly. We learn in Pirkei Avos [Ethics of the Fathers 1:1] "Be deliberate in judgement". Here too, we are tempted to dismiss these teachings as being directed solely at the judges. No. It is written for all of us. We are all judges charged with being fair, equitable and deliberate and not jumping to conclusions. We are inevitably going to be judges and we must act like judges.

"Today's Leaders?" -- Borrowing the Yetzer Horah's Rhetoric

Another pasuk [verse] at the beginning of the parsha teaches us, "And you will come to the Priests and the Levites and to the Judge who will be there in those days" [Bamidbar 17:9]. Rash"i presents his very famous insight that it is inconceivable for a person to bring his Din Torah [Judgement] to a Judge who lived in different era! Of course the person will bring the case in front of a judge who is there during that period of time! Rather, the Torah is telling us that even if the Judge does not measure up to the Judges of prior times, one must abide by the rulings of the contemporary judges.

Rash"i was speaking prophetically. I assume that every generation suffers from this, but in our generation the problem is particularly acute. Some people, who had the merit to see the Gedolei Yisroel [Great (Sages) of Israel] from the past generation, often say, "Now that, was a great person!" But people often bemoan the fact that "there are no more Gedolim (Great Rabbis) any more". Rash"i's insight addresses this attitude. Every generation is given its leaders and judges, and these are the ones to whom the generation must turn for guidance.

Rav Pam offers a beautiful insight in his sefer [book]. In the beginning of Iyov [1:7], G-d said to the Yetzer Horah [Soton/evil inclination], "From where have you come?" The Soton answered, "From wandering and walking about the earth." Based on the Midrashic interpretation, the Yetzer Horah told G-d that he searched the deeds of mankind from the beginning of time and found no one more righteous than Avraham. This seems out of character for the Yetzer Horah, to be saying something good about someone!

Then G-d asked the Yetzer Horah. "Did you take note of My servant Iyov, for there is no one like him on earth, a wholesome and upright man who fears G-d and shuns evil" [1:8]. The Yetzer Horah responded, "Is it for nothing that Job fears G-d...?" [1:9]

Rav Pam says that this is an example of comparing "today's Gedolim" with those of years gone by. The only reason why the Yetzer Horah said something good about Avrohom was in order to mock

Iyov's piety -- since compared to Avrohom -- who was the Gadol of a previous generation -- Iyov was nothing!

Rav Pam says that whenever we hear someone speak like that -- "Today's leaders? Who are they?" - - that in reality the Yetzer Horah is speaking. This is his language and those are his expressions!

Every generation is tested. Every generation thinks, "who are our leaders today compared to those of yesteryear?"

I recently read a Torah Journal in which Rav Hershel Schachter reminisces about Rav Yosef Dov Soloveitchik, zt"l. Rav Schachter writes of an incident that Rav Soloveitchik related involving his grandfather, the famous Rav Chaim Soloveitchik. When Rav Chaim Soloveitchik started saying shiurim (Torah discourses) in the Volozhin Yeshiva, the students complained that Rav Chaim was unworthy of teaching in that Yeshiva. Who is this "Rav Chaim", anyway? They believed that he only received the position because he married the granddaughter of the Rosh Yeshiva (Rav Naftali Tzvi Yehudah Berl, the Netziv). This was a classic case of "Who are today's leaders?"

The end of the story is in itself a great ethical lesson. The resolution of this "complaint" was that the yeshiva brought in three "great men of the generation" to rule whether Rav Chaim was worthy to say a shiur in Volozhin. (Rav Schachter writes that he believes that one of these great men was Rav Yitzchak Elchanan).

Rav Chaim began a shiur on the subject of Aylonis (an adult woman without the signs of maturity) in Tractate Yevomos and was in the middle of reconciling a difficult passage of Rambam in his Yad HaChazakah. Rav Chaim suddenly remembered that in the Rambam's commentary to the Mishneh, the Rambam advances a position that was inconsistent with the whole approach that Rav Chaim was trying to develop.

In front of the three Gedolim, Rav Chaim gave a bang on his lectern and said, "The shiur that I had prepared is not True. My hypothesis was wrong, the Rambam says otherwise in his Mishneh Commentary." Rav Chaim then sat down.

The three great rabbis concluded, "He is worthy to be a Rosh Yeshiva in Volozhin." Any person who cares about the truth so much that he is willing to suffer the embarrassment of having to admit his own mistake for the sake of truth, is definitely worthy to be a Rosh Yeshiva in Volozhin.

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