

# AN INAPPROPRIATE JUDGE

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 #470, May A Convict Escape. Good Shabbos!*

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## The Link Between An Inappropriate Judge and the Asheira Tree

The beginning of the parsha teaches the mitzvah of establishing a judicial system for the purpose of honestly ruling the people: There shall be judges and policemen throughout our society.

One of the rules enumerated is that the judges are not allowed to accept bribes. Bribes have the ability to subvert a person's view. He may be the wisest of men and the greatest of scholars, but if he takes a bribe he may be blinded to the truth. [Devorim 16:19]

The prohibition against accepting bribes is immediately followed by the prohibition against planting the idolatrous Asheira tree adjacent to the altar of G-d [16:21].

Reish Lakish derives from this juxtaposition of apparently unrelated pasukim [verses], that one who appoints an inappropriate judge is equivalent to one who planted an Asheira tree in Israel [Avodah Zarah 52a].

Out of all the bad things we might be able to conjure up as an appropriate simile for an inappropriate judge, why does the Torah specifically link it with the planting of an Asheira tree? Many commentaries are bothered by this question. What is the connection?

I saw an answer in the name of Rav Chaim Soloveitchik. Rav Soloveitchik says that a tree is a work of G-d. It has particular charm and particular beauty. A large cedar or oak tree or redwood can take away one's breath. What could be a greater example of G-d's handiwork? However, it is possible to take that which one would expect to be a pristine example of G-d's handiwork and turn it into an object of idolatry. There is something particularly despicable about that. It perverts that which is fine and inspiring and G-d-like into an abomination. There is a certain blasphemousness about such a perversion.

Who should be appointed a judge? Certainly not the typical man on the street. A judge must be a

Talmid Chochom, a Rav, a person who looks and acts the part and has the respect of the people. One who appoints an inappropriate person to that position -- someone who acts with less than full integrity -- is a blasphemous crime. It is akin to taking a tree and making it into an Asheira.

Rabbi Mordechai Kamenetsky cites an incident involving his grandfather, Rav Yaakov Kamenetsky. There was a period when a group of unscrupulous individuals were involved in smuggling forbidden items across international borders. They smuggled the contra-band by putting them inside Tephillin. To make matters worse, they approached unsuspecting Jews and encouraged them to do a 'mitzvah' by taking Tephillin and delivering them to people who needed them in the foreign country. The person thought he was doing a great 'mitzvah'. In fact he was involved in the crime of smuggling.

The United States Custom Service got wind of this scheme. They decided to enlist the help of Orthodox Jewish custom agents to discern the difference between honest people carrying Tephillin and the smugglers. An Orthodox custom agent faced with this assignment came to Rav Yaakov Kamenetsky and solicited his advice. Rav Yaakov advised that the unscrupulous smugglers should be dealt with in the severest of terms.

He said it is bad enough that they are dishonest and committing a crime, but to take one of the holiest items a Jew possesses and use it as a vehicle to commit the crime -- this is the worst perversion. This can be compared, he argued, to waving the white flag in battle only to use it as a trick for follow-up attack. Everyone knows that the white flag is a symbol of surrender. Everyone knows that you can always trust the white flag. When someone abuses the white flag, he causes all of society to lose respect for the white flag. Not only did he commit a crime against the enemy by his duplicity. He has committed a crime against all soldiers in all generations by misusing the international symbol of surrender. Similarly, using the Tephillin for smuggling is taking something holy and perverting it. There is no greater crime. Such people deserve no mercy.

Using a tree, for idolatry is a perversion. Appointing a person who is supposed to represent the ultimate in integrity, to a position where he can be a tool of corruption is a comparable perversion.

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This week's write-up is adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tapes on the weekly Torah portion (#426). The corresponding halachic portion for this tape is: The Mitzvah of Escorting Guests. The other halachic portions for Parshas Shoftim from the Commuter Chavrusah Series are:

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