

ONE CORRUPT JUDGE MAY BLIND TWO WISE AND RIGHTEOUS JUDGES

by Rabbi Yissocher Frand

Parshas Shoftim

One Corrupt Judge May Blind Two Wise and Righteous Judges

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: CD #954 - Visiting the Sphinx in Egypt - Is It Permitted? Good Shabbos!

The beginning of the parsha contains the positive commandment: "Judges and officers shall you appoint in all your cities - which Hashem, your G-d gives you - for your tribes; and they shall judge the people with righteous judgment." [Devarim 16:18]. The positive commandment to appoint judges is immediately followed by the negative commandments associated with perverting judgment, showing favoritism to one of the disputants in a court case, and taking bribes. The Torah warns that bribery has the ability to blind a person and render his judgments subjective, unfair, and illegal.

I saw an insight quoted in the name of a disciple of Rav Chaim Vital (himself a disciple of the Ari z"l). The disciple questions the grammatical structure of the Torah's prohibition against taking bribes: "...And you shall not take a bribe (which is written in the singular) for the bribe will blind the eyes of the wise (Chachamim - plural) and pervert the words of the righteous (Tzadikim - also plural). [Devarim 16:19] Rav Chaim Vital asks why the pasuk switches in mid-sentence from the singular form to the plural form.

Typically, in the Jewish system of justice, a court case will have more than a single judge. Either there will be 3 judges (e.g. - in most monetary cases) or there will be 23 judges (e.g. -- in capital cases) or there will be a full Sanhedrin of 71 judges (See Mishna Sanhedrin 1:1 for examples). We would rarely have a case involving just one judge. Given this judicial structure, if one judge takes a bribe, we really should not need to worry about corruption, because he will in any case be overruled by at least two other judges who have not been tainted by receiving a payoff. The principle of "majority rules" should provide a fail-safe system to protect us from individual corrupt judges!

The Torah is teaching us that this is not the case. The power of subjectivity is such that this one partial judge, who is so bent on throwing the case on behalf of the person who paid him off, will use his powers of persuasion to influence the other judges as well. The Torah is telling us: "You shall not take a bribe lest your corrosive influence will blind the eyes and pervert the words of your fellow judges, who may themselves be wise and righteous." This explains why the prohibition to take a bribe is formulated in the singular while the phrase "for the bribe will blind the eyes of the wise and pervert the words of the righteous" is expressed in the plural.

Words of the Holy Ari Which Need No Further Elucidation

Having just quoted an insight from a second generation disciple of the Ari z"l, I would now like to share an idea from the Ari Hakadosh himself.

A pasuk in our parsha teaches: "If a matter of judgment will be hidden from you, between blood and blood, between verdict and verdict, or between affliction and affliction, matters of dispute in your cities - then you shall rise and ascend to the place that Hashem, your G-d shall choose." [Devarim 17:8] On a straight-forward level, this pasuk is teaching that when a court is confronted with a matter - whether of ritual or civil or criminal nature - that is beyond their ability and judicial competence to resolve, they should take it to the Sanhedrin, the Jewish High Court, which resides in proximity to the Temple in Jerusalem.

This is the simple interpretation ("p'shuto shel Mikra"). But, as we all know, Torah can be interpreted and studied on many different levels. The Ari z"l, in his Likutei Torah on Parshas Shoftim, says there is an allusion ("remez") in this pasuk as well. He quotes an idea found in the Zohar.

The Heavenly Angels asked the Almighty at the time of the Destruction of the Temple, "Master of the Universe, You wrote in Your Torah (in connection with the slaughter of a kosher wild animal or bird) 'And you shall spill his blood and cover it with dirt' [Vayikra 17:13]. How is it that You were so compassionate even regarding the blood of a slaughtered chicken, insisting that it must be covered, whereas here (regarding the Temple destruction) Your people are being slaughtered with no compassion as it is written 'Their blood was spilled like water around Jerusalem and there was no one to bury.' [Tehillim 79:3]?"

I recently heard a story of someone who took his mother back to Hungary. As they were crossing a bridge, he saw his mother begin to shake. He asked her what was wrong. She said she was reminded that the Nazis, may their name be blotted out, used to want to save on bullets. They would tie people together, put them on the bank of the river, and shoot one or two of them, causing them all to drown. The mother told her son she remembered how the river - at exactly the point they were now crossing - had turned red from the blood of the Jews.

This is the question the Heavenly Angels asked the Almighty: You are particular about the blood of a chicken and so (apparently) callous when it comes to the blood of Your people. Why is that?

The Zohar continues with the Angels' queries to the Almighty: "You have written in Your Torah 'An ox or lamb and its offspring you shall not slaughter in a single day' [Vayikra 22:28]. You are so compassionate that you prohibit the slaughter of a mother and its offspring on the same day and yet at the time of the Destruction (Churban) mothers and children were slaughtered together!

You have written in your Torah "...and they shall empty out the house..." [Vayikra 14:36]. You were so particular for the loss of Jewish property that You commanded that the Kohen instruct that the house be emptied of valuables before proclaiming the house and its contents to be impure as a result of a 'Nega' on the walls of the house, and yet look at the loss of Jewish property at the time of the Churban! How could You, who were so worried about the blood of a chicken, the feelings of an animal, and the loss of Jewish property in the situation of 'Negaim' on houses be so callous regarding these same matters at the time of the Destruction? How could You let this happen?

The Master of the World answered: "You question why all these things are happening? It is because there is no peace and if people do not live at peace with one another, there is nothing."

The Ari z"l writes that this whole dialog is hinted at in this very pasuk [Devarim 17:8]: When you are perplexed by a matter of judgment, when you don't understand the distinction between one blood (that of a chicken which must be covered) and another (that of the Jewish people which is flowing like water); between one judgment (that of the 'mother and its offspring' when it comes to livestock) and another judgment (against the Jewish people where mother and children are slaughtered together on the same day); between one house which has a 'nega' (where we save as much property as possible) and another house with a 'nega' (the Beis HaMikdash which had to be totally destroyed), to find the answer to these perplexing questions - writes the Ari z"l - go to the end of the pasuk which explains it all: "matters of dispute in your cities". It is because of the disputes and lack of peace that exists in your society that all these punishments and apparent lack of Divine compassion has come upon you.

The remedy is - as the pasuk continues - "to go up to the place that Hashem your G-d shall choose." Jerusalem, the place of G-d's choice, will ideally be the city of peace and unity, as it is written "The built-up Jerusalem is like a city that is united together." [Tehillim 122:3]. In the built-up Jerusalem, writes Ari z"l, all Jews will be united in comradeship. Through Torah they will become unified, and peace will reign amongst them.

These words of the Holy Ari need no further elucidation.

Why Did The King Need Two Sifrei Torah?

The Torah commands that a King have two personal copies of the Torah: "And it shall be that when he sits on the throne of his kingdom, he shall write for himself two copies of this Torah in a scroll, from before the Kohanim, the Levites." [Devarim 17:18]

Every Jew has an individual commandment to write a Sefer Torah. The King must write two Sifrei Torah, one that accompanies him wherever he goes and a second one that he keeps privately in his treasure house. Of the first we are taught: "It shall be with him, and he shall read from it all the days of his life, so that he will learn to fear Hashem, his G-d, to observe all the words of this Torah and these decrees, to perform them." [Devarim 17:19]

Many discuss the need for the second Sefer Torah. Why was it necessary? No one ever got smarter because he had two Sifrei Torah or two Shas Bavlis or duplicates of any other work of Torah literature! Obviously, the requirement for the king to have two Sifrei Torah is teaching some kind of message.

I saw an interesting explanation from Rav Uziel Mulevsky, z"l. Rav Mulevsky writes that normally we are supposed to conduct ourselves based on the principle of "tocho k'Baro" - acting outwardly the same way we feel inwardly [Brachos 28a; Yoma 72b]. Simply stated, people who interact with us should be guaranteed that "what you see is what you get". A person should not have one type of behavior for the public and then act in a different way privately. He should not be a hypocrite.

However, there is one person within the Jewish nation where this "what you see is what you get" rule of thumb should not be strictly applied. That is in case of the king. A king must act outwardly with a certain amount of haughtiness and prestige, pomp and ceremony. However, this must all merely be an act. Privately, he must be humble. This is a great challenge. In front of the people, a king must constantly act as a leader in charge and in full control. A king is literally allowed to kill someone on the spot for rebellious insubordination ("mored b'malchus"). Putting on such a show of force on a constant basis is not for the spiritually feint hearted. Scripture attributes failure to live up to this necessary personality trait as one of the fatal character flaws of King Saul. He was such a modest person that he could not be assertive enough towards the people. He was too humble.

A king needs this dual personality - a prestige driven personality outwardly and a humble personality inwardly. For this reason, a king needs two Sifrei Torah. One goes out with him and must teach him how to be the assertive person who is the leader of the Jewish people and one which must stay with him privately to teach him how to be the modest and humble person that he must remain on the inside. The second Sefer Torah reminds him "You are just a human being and you put on your pants one leg at a time just as everyone else does." This is an inherent dilemma of leadership. It is very easy to become corrupted. As a Gentile philosopher once said, "Power corrupts and absolute power corrupts absolutely". A Jewish king must always be afraid of this. The antidote which the Torah offers to this dilemma is the two Sifrei Torah - one that goes out with him and one

that is hidden away in his personal treasury.

This week's write-up is adapted from the hashkafa portion of Rabbi Yissochar Frand's Commuter Chavrusah Series on the weekly Torah portion. A listing of the halachic portions for Parshas Shoftim is provided below:

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