

The Weekly 'Hi All' by Rabbi Jeff Bienenfeld

Sho-f'tim 5783

Many of our commentators feel constrained to find some connection between the end of last week's Parsha (16:16-17) which speaks about our obligation to visit Jerusalem on the Three Pilgrimage Festivals and the opening subject in our Parsha (16:18) which deals with the mitzva to appoint judges and officers in all our cities. One such response understands the mandate to establish a judicial system as a counter to the mistaken belief that all disputes must be settled only by the Great Sanhedrin in Jerusalem. The Torah comes to disabuse the Jew of such a misperception and command him to set up minor courts (courts of 23 and 3 judges) wherever his community may reside in Israel.

The answer of the Netziv is most intriguing. Just as the Jew is the recipient of Gd's blessing when he is OLEH L'REGEL (ascends to Jerusalem) for the holidays, so too will he receive Gd's blessings when he sets up a truthful and just judicial system. To understand why Gd should want to bestow His manifold blessings upon Israel for the observance of this mitzva, we need to attend to the following Midrash.

"The Holy One, blessed be He, said to

Israel, 'My children, in the merit that you observe justice, I am exalted', as it is stated (Yeshayahu 5:16): 'And the Lord of Hosts is exalted in justice.' 'And by you exalting me through justice, I, too, will perform charity and will spread my holiness among you', as it is stated (5:16): 'And the Holy God is sanctified through righteousness.' 'And if you observe both of them, charity and justice, I will immediately redeem you with a complete redemption', as it is stated (56:1): 'Thus says the Lord: Maintain justice and perform righteousness, for my salvation is close to coming, and my righteousness to be revealed.'" (D'varim Rabba 5:7)

What emerges from this Midrash is how closely HaShem chooses to associate his exalted Name with justice. No wonder when referring to a Beit Din (Jewish court), the Torah employs the word for Gd, ELOHIM. Even more, when the Psalmist declares (82:1) that "Gd stands in the divine assembly; among the judges, He delivers judgment", Rashi states (ad loc) that whenever judgment is rendered, Gd, as it were, pays close attention to see whether any injustice will take place. It is almost as if Gd is affected by a perverse verdict. Indeed, as Rashi comments (D'varim 1:17) whenever a judge gives an incorrect decision, it is also a ruling against Gd who suffers, so to speak, as He now must compensate the one

who has been wronged.

From the above, it should be clear that when justice is dispensed righteously, HaShem's very Presence is manifest and felt. And this Presence, as Rabbi Yochanan Zweig has taught, is critical for this reason: "A system which is predicated upon the notion that people will not violate the law due to their fear of the consequences cannot succeed. If a person perceives the rewards for violating the law to be worth the risk of being caught, he will violate the law. The only effective system is one where a person perceives that it is intrinsically wrong to violate the law. This can only be achieved if people feel the presence of HaShem in their midst."

The function of the judge then was to create an atmosphere where HaShem's presence was experientially palpable. Even more, via a just judicial system, the Jewish people were endowed with a vehicle by which they could permanently recreate the Sinai experience on a daily basis. No wonder, the Parsha of Mishpatim follows immediately after the Parsha of Yitro and the great Revelation of HaShem at Sinai.

This powerful linkage of Gd with the human juridic gesture can also be seen in the Amida blessing we recite thrice daily. "Return our judges to us ... and remove from us sorrow and

sighing. And may You alone, Lord, reign over us with lovingkindness and compassion and vindicate us in justice. Blessed are You, HaShem, the King who loves righteousness and justice." As Rabbi Yitzchok Kirzner zt"l, discusses in his brilliant analysis of the Amida (The Art of Jewish Prayer, pp. 177-193), if we institute an upright and just judicial system, Gd Himself will "bless us", as the Netziv avers, and judge us with "lovingkindness and compassion." What, indeed, could be better!

This remarkable insight is vital as we begin to approach the High Holidays during this month of Elul. It is no mere coincidence that Parshat Shoftim always occurs after Rosh Chodesh Elul. Our Chassidic masters have taught that the command to appoint judges and officers is not only directed to Jewish society at large, but also to the individual Jew as well. In Rabbi Kirzner's words: "All individuals should set up their own judges to make sure that whatever enters their eyes, ears, mouth and so on, does not defile their soul or body within... Every gateway into the human being is a gift from Gd that needs to be protected, judged, and disciplined." To be sure, it's certainly not easy to take time out, look at ourselves in the mirror and honestly and candidly evaluate our behavior and - even more - the "content of our character". But, if we can engage is

such self-introspection, we have Gd's assurance that "When there is justice in the world below, there is no justice that needs to be decided in Heaven" (D'varim Rabba 5:5). In a word, if we judge ourselves, then Gd will not have to do so for us!

And as important as "setting up judges and officers" over ourselves should be, there is an additional and wonderful reward as well. As we have said, all honest judgment not only benefits the individual, but it also has the extraordinary power to invite and ensure Gd's very presence into our lives. As such, can there be a better and more efficacious preparation for the Days of Awe than paying attention and taking seriously the opening words of our Parsha! 🙌