

## Judging Others, Judging Ourselves: Shoftim 2005

All our lives we judge, and are judged.

This week's torah portion, shoftim, has a thing or two to teach us about judges and judging.

I can't help but wonder if the late Chief Justice William Rehnquist, who died and was laid to rest this week was aware that this week's torah portion according to the traditional Jewish cycle is Shoftim, Judges.

As our nation's elected representatives set out to determine the qualifications of the next two individuals to sit on our country's highest court, they would be well-served to turn to this week's torah portion for advice and guidance. One of the messages of the Torah is that society has a responsibility to see to it that the individuals chosen as judges are true to the principles of justice.

As the Torah portion states, judges have an obligation to be fair, prudent and wise. This is crucial --- For citizens must have the assurance and confidence that all who come before judges will be treated fairly, and that favoritism will not be a factor in the administering of justice. For a society to be fair, for people to have faith in its system of justice, there must be an assurance that the weak and vulnerable will be protected against the most powerful. Conversely, the torah also recognizes that there should not be a presumption against the wealthy and in favor of the poor.

As stated in this week's portion, the famous words: *tzedek, tzedek tirdof*, justice, justice shall you pursue, meaning that the administration and pursuit of justice must be fair and just.

As a result, our torah states that judges may not show impartiality, nor may they be influenced by bribes. This is necessary to engender trust in their fairness and thus in their judgments and verdicts. It is the very bedrock of a just society.

The qualities of a judge as articulated by the torah have become the standard and foundation for all free and democratic governments. It is one of the reasons why, as noted in our Etz Hayim commentary, Heinrich Heine wrote in the nineteenth century, that "since the time of Abraham, justice has spoken with a Hebrew accent."

In addition to being fair, judges must also obviously be wise and prudent. After all, judges are presented with all kinds of scenarios, some more challenging than others -- such as the story that I heard about the man who was brought to a courtroom. The judge asked the man what he was charged with. The man approached the bench and said with a perfectly straight face, and expression of innocence, "Your honor, I was doing my holiday shopping early." The judge said, "Sir, that is no offense. In fact, that is

commendable. How early were you doing this shopping?" The defendant replied, "Before the store opened."

Our parasha teaches us a great deal about judging, judges and judgment, and how they should act. It is primarily addressed to the leaders of the nation, and gives guidance and instruction for those who sit in positions of authority.

But as always, the torah's wisdom, especially as distilled by the rabbis is especially important for it has profound implications for all. Its message is not confined just to leaders and magistrates, but to all of us, and that is part of the beauty and essence of torah.

For the truth is, judges are not the only ones who sit in judgment of others. In reality, we all constantly judge others.

We judge people in positions of responsibility, as we have this past week. We rightfully and indignantly ask: Was everything done that could have been done to avert disaster, and save lives -- and why wasn't more done faster?! We want to know who was responsible for the inadequate response. We wonder about the ability of a person charged with responding to the disaster who apparently did not even know what the rest of the country knew, that people were being housed in a nearby coliseum. We question, we accuse, we point fingers, we assess blame, and we express our outrage over injustice.

But it is not just public officials whom we judge, and who are judged. We judge our neighbors and friends, and are all too quick to offer criticism and put-downs.

A commentary known as *Shnei Luhot HaBrit* comments that when the torah says as it does in the opening verses that judges shall be appointed at all the gates, bechal sha'arecha, it means not the gates of the city, but the gates of our souls. What are the gates of our souls? This refers to our mouths, our ears and our eyes. Our mouths -- so that we learn not to lie or speak malicious gossip. We should be cautious with our ears so that we not be eager to hear malicious gossip, and we need to be careful that our eyes not fall prey to the habit of seeing the worst in others.

Prudent advice. But unfortunately we do just the opposite. All day long, we judge people -- how they look, how they act, how they speak, how they dress, what they say, what they wear. And we are also judged -- how we look, how we act, how we speak, how we dress, what we say, and what we wear.

It reminds me of the joke told by Myron Cohen about the husband and wife who were comparing notes after they left a cocktail party. He turns to his wife and asks if she noticed if an acquaintance of theirs was at the party. His wife says, "Are you referring to the woman with that hideous looking pink outfit?" "Yes," replies the husband, "I think she was wearing a pink dress." The wife continues, "And you mean the woman who stood in the corner of the room all night, hoping men on their way to the bar would see her." "Yes," her husband answers. "And you are talking about the person with that large

oversized pocketbook.” “Yes, yes – that’s the one I am talking about,” her husband responds. “Well,” the wife says, “to tell you the truth, I didn’t notice her.”

It is almost as if judging others is part of being human, and difficult not to do, which is precisely why we should heed the words of Parashat Shoftim.

The opening words, *shoftim veshotrim tetein lecha*, You shall appoint for yourself judges and officers contain an important insight.

If you listen closely, the syntax is such that it would flow much better in Hebrew and English without the word *lecha*, for yourself. In other words the sentence could just as easily read, you shall appoint judges and officers. But the seemingly superfluous word is not at all extraneous. Rather, our sages derive an important insight from it.

Before we judge others, we must first judge and correct ourselves before we set out to judge and correct others. It is easy to find fault with others. The challenge in life, though is rather than be critical of others, and so easily and readily critique others, we are taught, we should be harshest on ourselves.

The first President of the State of Israel Chaim Weizman was once severely criticized for the mistakes he had made as leader of the World Zionist Congress. He responded to his critics and disarmed them when he said, for every mistake they were aware of, he was personally aware of five or six known only to him.

*Shoftim veshotrim tetein lecha* – may we learn not just to be quick to judge others, but may we learn to judge ourselves first.

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