

How and When to Judge Another

Deut., Ch. 16

18. You shall set up judges and law enforcement officials for yourself in all your cities that the L-rd, your G-d, is giving you, for your tribes, and they shall judge the people [with] righteous judgment.

19. You shall not pervert justice; you shall not show favoritism, and you shall not take a bribe, for bribery blinds the eyes of the wise and perverts just words.

20. Justice, justice shall you pursue, that you may live and possess the land the L-rd, your G-d, is giving you.

Judges and officers you shall place at all your city-gates... (Deuteronomy 16:18)

Rashi

Shoftim are judges who decide the verdict, and Shotrim are those who chastise the people in compliance with their order... until he [the guilty party] accepts the judge's verdict.

Siftei Kohen

The human body is a city with 7 gates--7 portals to the outside world: the two eyes, two ears, two nostrils and the mouth. It is incumbent upon us to place internal "judges" to discriminate and regulate what should be admitted and what should be kept out, and "officers" to enforce the judges' decisions...

Ethics of the Fathers 4:8

Do not judge alone, for no one can judge alone but the One.

Talmud, Sanhedrin 2a-b

Monetary matters are decided by a court of three judges... capital crimes by a tribunal of twenty-three judges... From where is this derived? For it is written (Numbers 35:24-25): "And the community shall judge... and the community shall save" -- we need a community of judges arguing to convict the accused, and a community of judges arguing to exonerate him. Thus we have twenty (a "community" indicating a minimum of 10). A conviction requires a majority of two, and a court of law cannot have an even number of judges; thus we need twenty-three judges (22 so that there should be a majority of 2 over the 10 "saving" judges, and another judge so that the court should not be even-numbered).

The Lubavitcher Rebbe

A majority of one was sufficient to exonerate, while a majority of two was necessary to convict. But what if all twenty-three judges form an initial opinion of guilt? What if the evidence is so compelling and the crime so heinous that not a single member of the tribunal chooses to argue in favor of the accused? In such a case, the accused cannot be convicted and must be exonerated by the court. No man is so utterly evil that there is nothing to be said in his defense. There is always some explanation, some justification, some perspective from which the underlying goodness of his soul can be glimpsed. This does not mean that he is going to be found innocent, in the legal sense, by a court of law: at times the "mitigating circumstances" result in a verdict of acquittal; at times, they do not. But if not a single member of the court perceives the "innocent side" of the person, this a court that obviously has very little understanding of who he is and what he has done. Such a court has disqualified itself from passing judgment on him.

And they shall judge the people [with] righteous judgment:

Rashi

Appoint judges who are expert and righteous so that they will judge justly. You shall not take a bribe, for



פרק טז

יח. שפטים ושטרם

תתן להם בכל שעריך

אשר ה' אלקיך נתן

לה לשבטיך ושפטו את העם משפט צדק:

יט. לא תטה משפט לא תכיר פנים ולא תקח

שחד כי השחד יעור עיני חכמים ויסלף

דברי צדיקים: כ. צדק צדק תרדף למען תחיה

וירשת את הארץ אשר ה' אלקיך נתן לה:

Bribery blinds the eyes of the wise and perverts the words of the just

Rashi

As soon as [the judge] accepts a bribe from [a litigant], it is impossible for him not to be favorably disposed towards him.

Talmud, Ketubot 105b

A person once brought Rabbi Ishmael ben Elisha the "First Shearings" (one of the 24 gifts given to a Kohen). Said Rabbi Ishmael to him: "Where are you from?" Said he: "From this-and-this place." Said Rabbi Ishmael: "And from there till here there was no kohen to whom you could give it?" Said he: "I have a matter of litigation, and I said to myself: as I'm coming here, I'll give it to you."

Rabbi Ishmael refused to accept it from him, and said to him: "I am disqualified to serve as a judge in your case." Instead, he sat two Torah scholars to judge his case. While still going to and fro [and overhearing the litigation], Rabbi Ishmael said to himself: If he wanted, he could argue thus and thus [to better present his case]. Said he: "A curse upon the takers of bribes! I did not accept anything from him. And if I would have accepted it, it would have been something that is mine by rights. Nevertheless, I am inclined in his favor. How much more so one who accepts a bribe!"

Maayanah Shel Torah

A case once came before Rabbi Abraham Joshua Heschel, the Rebbe of Apta (1755-1825), when he served as a rabbinical judge in the town of Kosbolov. While the case was underway, he suddenly felt inclined in favor of one of the litigants, though his initial leaning was against him. This sudden change roused his suspicion that something was amiss, and he ordered a halt to the proceedings. Upon investigation, he discovered that someone had slipped a packet of money into his coat.

Said the Rebbe of Apta: Although I was totally unaware of the attempt to bribe me, my judgment was affected. How true are the words of the Torah that "bribery blinds the eyes of the wise"!

Justice, justice shall you pursue

Rabbi Bunim of Peshischa

Why does the verse repeat itself? Is there a just justice and an unjust justice? The Torah is telling us to be just also in pursuit of justice -- both the end and the means by which it is obtained must be just.

Justice, justice shall you pursue

Ethics of the Fathers 1:18

By virtue of three things the world endures: law, truth and peace.

Talmud, Shabbat 10a

A judge who judges with absolute truth, becomes a partner with G-d in creation.

SUMMARY

- Set up your own internal "judges" to determine what thoughts or sights to allow yourself.
- No man is so utterly evil that there is nothing to be said in his defense. There is always some explanation, some justification, some perspective from which the underlying goodness of his soul can be glimpsed. Talmud: "Do not judge your fellow until you have reached his place."
- All judgement is blinded by "bribery," anything subjective, pulling you in one direction.

