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It's Your Call; You Be the Judge!

By JLNJ Staff | August 12, 2021

You shall set up judges and law enforcement officials **for yourself** in all your cities. (Devarim 16:18)

Last summer we witnessed riots on the streets of major U.S. cities, from New York City to Seattle. They reminded us, as John Maynard Keynes (1883-1946), the economist, acknowledged in his 1938 essay ("My Early Beliefs"), that "Civilization is a thin and precarious crust." It can deteriorate rather quickly. (Keynes believed that government intervention can stabilize the economy through public policies that aim to achieve full employment and price stability.)

Perhaps the only way one can stop crowds of people from robbing and killing one another is by the use of state force, an argument theorized by Thomas Hobbes (1588-1679) in his 17th-century political classic "Leviathan" (1651). "A strong state," he argued, "was necessary to impose order, because human beings left to their own devices would engage in constant conflict in their search for security."

All this was known to Rashi, who preceded Hobbes by more than 500 years, stating that absent effective law enforcement, chaos and anarchy will surely ensue as judges will be unable to adjudicate and enforce justice. However, it is not enough to merely render a verdict, there must be charity while dispensing justice. We learn this from the verse that states: "King David reigned over all Israel; and David administered justice and charity for all his people. And Joab the son of Zeruyah executed justice" (II Samuel, 8:15-16). What form of charity are we discussing here? Explains Reb Dovid Feinstein, zt"l, "charity" refers to King David's ability to administer justice that was happily accepted by both the plaintiff and defendant, for each recognized and appreciated the truth of the sagacious decision.

Rabbi Jonathan Sacks, zt"l, explains that Moshe made clear that there will be social order in the new land they were about to inherit. That responsibility, however, will be accepted by the people, not the government. This fits the Talmudic maxim of Kol Yisroel areivim ze bazeh — all of the Jewish people are responsible for one another, (BT Shavuot 39a). Indeed, responsibility to maintain social order belongs to all of us; it cannot be outsourced to the government, i.e., Moshe, Yehoshua, the army or police.

In a Hobbesian world, without the order and social construct of a strong central government or state, there is chaos. And yet, whereas virtually every other "thinker" has defined politics as "the use of power," Moshe defines politics as "the use of self-restraint." Explains Rabbi Sacks, politics, for Moshe, is about the voice of God within the human heart. It is about the ability to hear the words "Thou shalt not." Politics is not about the fear of the government but about the fear of God. Not only did Jews keep

Jewish law when they were in Israel, a sovereign state with government and power, they also kept Jewish law in exile for 2,000+ years, when they had no land, no power, no government, no army and no police.

The Kedushat Levi, Rabbi Levi Yitzchak of Berdichev, once said, “Master of the universe, in Russia there is a czar, an army and a police force, but still in Russian houses you can find contraband goods. The Jewish people have no czar, no army and no police force, but try finding bread in a Jewish home on Pesach!” Such remarkable unbridled power and indelible, unmatched Jewish pride!

This dovetails nicely to the Nesivas Shalom, the chassidic admor from Slonim, and the great Sephardic leader, the Ben Ish Chai, both of whom charismatically champion self-restraint as an individual responsibility requiring one to master one’s “personal gates,” for shi’arecha is an acronym of shinayim (teeth), einayim (eyes), rosh and regel (head and feet), yadayim (hands) and keres (reproductive system).

Moshe understood that there are only two ways of creating order: either by power from the outside or self-restraint from within; either by the use of external force or by internalized knowledge of and commitment to the law.

Delving deeper into the theme of self-restraint and positive energy, we revert back to the Kedushat Levi who reveals the secret to a favorable judgment this upcoming holiday season by reminding us to judge one another in a charitable and favorable manner. Indeed, we are capable of setting the course of our own judgment, b’din zackai, as judges and officers were given over to you. We are in control of our own judgment, for by the manner in which we judge our colleagues is the same manner in which we will be judged by God — B’midah she’adam moded, bah modidin lo (Mishnah Sotah 1:7-9). Let’s confidently move forward and write our ticket to a year filled with birchas hagefen, an acronym for hatzlacha, gezunt, parnassa and nachas.

May we all be inscribed in the Book of Life!

Mordechai Plotsker runs a popular 10-minute nightly shiur on the parsha with a keen interest on the invigorating teachings of the Berditchever Rav, the Kedushas Levi. Plotsker resides in Elizabeth with his wife and children, and can be reached by email at marc.plotsker@gmail.com.