

# Mishpatim

Perceptions • 1 Adar 1, 5784 • February 10, 2024 • Issue #2033

The *gemora* says, “From where is it derived that three who sit in judgment, the Divine Presence is with them? It is derived from this same verse, as it is stated: *‘In the midst of the judges He judges’ (Tebillim 82:1)*” (*Brochos 6a*). From the sound of it, it seems as if God’s arrival is kind of a reward for taking responsibility for judging the Jewish people. True as that is, it is also something else.

To be human is to be biased. We can’t help it. We are the product of givens and additions. We are born with specific souls that have specific natures. We are born with certain propensities that make success in some areas in life easier, and failure at others likely. Then we’re exposed to a world of all kinds of influences that pull and push us in one direction or another, making us more like a spectator of our own development.

That’s what every person brings to the table no matter what they do, no matter who they are. This is why you can never agree with some people, and never disagree with others. People with similar biases flock together and, we often reject people with different ones.

So, we may *want* to judge objectively, but have an impossible time doing so—on our own. That’s where God comes in, *literally*. Every judge requires *siyata d’Shemaya*—Heavenly assistance to make the objectively right call. . . in any decision they make, in any aspect of life.

But we’re all judges, aren’t we? We might not sit on the *Bais Din*, but we have to make decisions all of our lives. Most might be trivial, but many are important and can be life-altering, not just for us, but for others that we impact. Objectivity is the name of the game, but subjectivity is the operating principle, even when we have Torah to guide us through the “fog” to get to a clear conclusion.

This is why the rabbis have advised us to make a *rav* for ourselves, and to “acquire” a friend (*Pirkei Avos* 1:6). Your *rav* will teach what objective truth is, but it often takes an objective outside party like an honest friend to help you live up to it. The combination helps a person sail through life on a much truer course than they could on their own.

But the starting point is wanting to be objective, to live by truth. God won't join just any *Bais Din*, especially a corrupt one. He only feels “invited” to join in on the decision-making process when the judges show their devotion to His truth. Then God will help them achieve it through their decisions, especially when they can't on their own.

There is a story of someone who went to Rav Moshe Feinstein, *zt”l*, to ask a complicated *shaylah*. After receiving his *psak balachab*, the person returned home where he realized that he had left out an important detail that could have easily changed the *psak*. He called Rav Moshe to tell him this, and Rav Moshe chuckled. Rav Moshe explained that the *psak* he had given could only be relevant with the missing detail, not without it.

In other words, Rav Moshe had somehow answered the *shaylah* correctly despite lacking all the pertinent details. *Siyata d'Shemaya* had picked up where life and circumstances had fallen short. But what if it hadn't? But isn't that what was behind Rav Moshe's chuckle? What happened had been just one of the latest and more blatant examples of the *gemora's* promise of Divine help for worthy judges.

## **Shabbos Day**

THIS IDEA HELPS to answer a question that no one asks, but should. In last week's *parsha*, Yisro showed up and gave his famous advice to Moshe *Rabbeinu*, to set up a court system to help share the responsibility of judging the people. At first, we don't know how Moshe feels about the situation, but later on in *Devarim* when he is recounting the sins of the Jewish people, we find out.

“It's your fault,” he basically told the people. “Had you not been so contentious,” he said, “there would not have such long line ups for judgments on a daily basis and, Yisro wouldn't have been compelled to make his suggestion. After all,” he asked them, “what is better? To learn from the *rebi*, or his student?”

So true. Nevertheless, Moshe was then told by God to incorporate Yisro's idea of a hierarchy of judgment into Torah life, which he did. The question is, if it was such a bad idea, why adopt it? Why make a *bidieved* (after the fact) situation *l'chatchilah* (ideal) in the Torah, as if it *was* a Divine concept? And if it was, is, then why didn't

Moshe *Rabbeinu* come up with it on his own? He might not have liked it, but if it had become necessary, shouldn't he have instituted the idea before Yisro showed upon the scene?

The first answer is a more general one: *megalgin zechus al yedai zakkai*—merit-worthy things happen through merit worthy people, thanks to Divine Providence. Yisro, like *Bnos Tzeloachad* later on in the Torah, was rewarded by God for something he did right by being the source of an important *halachab*. Moshe could have also been the source of it, but God held him back in favor of his merit worthy father-in-law.

Another reason may have had to do with Moshe *Rabbeinu* himself. It had still been early in his career and development as a leader, and according to the opinion that the episode took place before the giving of Torah, Moshe had yet to become half angel. But even if all of this took place after Moshe had ascended to Heaven and had become half angel, he was still half man, and not without biases.

In fact, we learn from his later criticism how he felt about delegating judiciary responsibilities to others. Perhaps he had even hoped that the long line ups would convince many of the litigants to reconsider going to *Bais Din* and work things out on their own, as they should have been able to. Maybe he had even overestimated the spiritual level of the people that he led, assuming that they could be better if they set their mind to it.

A bias can be friendly or unfriendly, but either way, it is a bias. Even great people have them, so how much more so not-so-great people. The difference is the kind of bias that a person might have, and whether or not they factor in their bias when making important decisions. It is not too much of a stretch to say that so much of what goes wrong in history is the result of some unchecked biases.

### **Seudas Shlishis**

THE ASSUMPTION IS that, if someone knows a lot of Torah they should be wise enough to see past their biases and, deal with others without being affected by them. It's a reasonable assumption, but a wrong one. If it were true, then *talmidei chachamim* would be a lot more angel than man.

That doesn't make them wrong. God gave prophecy to different prophets because of their personal biases, because He knew how they would perceive the message and deliver it. Hillel and Shammai were as different from each other as they were because of biases that stemmed from the nature of their souls. The soul of Hillel was from the side of *Chesed*, and the soul of Shammai was from the side of *Gevurah*,

making Hillel a “softer” person than Shammai.

This is not corruption. Corruption is when a person knowingly bends the law in the wrong direction, or simply disregards it out of contempt. We’re talking about people who do neither, but who can still get some aspect of life “wrong” because of their approach and perspective in life, which may even be soul-based.

This is why you have to make a *raw* for yourself. Not everyone can be anyone’s mentor and guide. In life, the same *raw* that some people gravitate towards, others run from. If the fit isn’t right, it is usually because of biases on both sides. It’s natural. It’s human.

But the common denominator in all of this is a person’s *ratzon*, their will. We can’t be 100 percent objective, or even close to it. But we can love the idea of it and, strive for it. That will trigger the necessary Divine help to reach beyond our personal abilities to live according to the truth of God.

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### ***Acharis K’Reishis, Part 6***

CONTINUING ON WITH the translation, it says:

This is what it writes here, “*and you will know that I am. . . [Who has brought you out from under the burdens of the Egyptians]*” (*Shemos* 6:7). This refers to the bringing of the Jewish people to Mt. Sinai. “*I will bring you [to the land, concerning which I raised My hand to give to Avraham, to Yitzchak, and to Ya’akov]*” (*Shemos* 6:8), which is the coming to the land. “*I have given [it to you as an inheritance, because I am God]*” refers to inheriting it and settling there.

Thus [we learn that] the redemption is revealed little by little, and step by step. The first step was getting out from under the burdens of Egypt, which meant the end of the hard labor. It had lasted for 86 years, from the time of Miriam’s birth until the first *pekidah* in [the month of] Nissan, one year before going out [of Egypt]. After that, they were saved from all slavery [altogether], and no longer had to serve at all. That was the service that ended for our fathers [mentioned] in *Rosh Hashanah*, as it says in *Rosh Hashanah* 11a.

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Good *Shabbos*,  
Pinchas Winston