

## "Listen among your brethren and judge righteously between a man and his brother." (1:16)

The *Torah* instructs the judge to be consistent in his adjudication of litigation. He should **listen** to each litigant in the exact same manner, never showing favoritism to either one over the other. The *Ohr Ha'Chayim Ha'Kadosh* writes that a great Rav, in his time, would stare at the ground during the litigation so that he would not inadvertently look at either litigant during the judicial process. An interesting story occurred at *Horav Yehonason Eibshitz's, z.l., bar-mitzvah*. His parents had already passed away, so friends had to make the necessary preparations for the young orphan's *bar-mitzvah*. As was the custom, the young lad recited a *dvar Torah* in *shul*. *Horav Eibshitz* amazed the entire assembly with a brilliant *pilpul*, lecture, which he had personally prepared.

Amongst the many difficult passages he masterfully explained, he touched upon the *pasuk* in *Koheles (4:13)* *khxfu iez lknn ofju ifxn skh cuyw* "Better is a poor but wise youth, than an old foolish king." The *pasuk* compares a youth to a king and juxtaposes youth/old -- poor/king -- wise/foolish. The "youth" is a metaphor for the *yetzer tov*, good inclination. It is symbolized by a young child because man does not receive his *yetzer tov* until he has reached the age of *bar-mitzvah*, the age of responsibility. It is called "poor" because not everyone obeys his *yetzer tov*. It is viewed as "wise", since it shows man the correct path to follow.

The "old and foolish king" alludes to the *yetzer hara*, evil inclination. It is compared to a "king", because everyone responds to his *yetzer hara*. It is "old" since it has been part of a person from his earliest youth, becoming an inherent part of a human being way before the *yetzer tov* enters the scene. The *yetzer hara* is considered "foolish", because it teaches and encourages one to sway to the path of evil.

As *Horav Eibshitz* was concluding his *drasha*, one of the many listeners asked the young boy a profound question. "My dear Yehonasan, if the good inclination did not become part of your life until now, how were you able to ward off the blandishments of the *yetzer hara*? Obviously, to defend oneself against the *yetzer hara's* evil enticements, one must be equipped with special weaponry, namely the good inclination. What did you use for your protection?"

In a display of brilliance, the young boy countered, "I followed the *Torah's* advice. It is written in *Devarim 1:16*, '*Judge righteously between a man and his brother.*' *Chazal* derive from here that the judge is not to listen to one litigant before his adversary comes to *Beis Din*. Likewise, it is forbidden for one to express his claim to the judge prior to the hearing, in the absence of his co-litigant. With this *halacha*, I repelled the *yetzer hara*. I told him to be silent, until the *yetzer tov* appeared. Only after both sides are presented to me equally will I weigh the issues and make an intelligent decision." Until that time, one should remember that the *yetzer hara* is powerful and will guilefully attempt anything in order to cause an individual to sin. One must never forget that an error in judgment can have grave consequences.