

## **Judges and officers shall you appoint in your cities... you shall not pervert judgment, you shall not respect someone's presence; and you shall not accept a bribe. (16:18,19)**

The Torah exhorts us to appoint honest judges who will adjudicate accordingly. It then follows up with three rules (so to speak) for keeping the judges "honest". They should not pervert judgment; they should treat everyone equally, regardless of the litigant's financial portfolio or eminence and power; last, they should not accept a bribe – even if the bribe comes without strings attached. Once one has accepted anything from another person, he becomes predisposed to him and the judgment that he renders might in some way be biased.

The appointment of judges is obviously critical for the healthy growth of community. A community in which justice is perverted and determined by vested interest and bribery is not a community. It is a jungle. If the appointment of judges is a communal commandment, why does the Torah write *titen lecha*, which implies that this *mitzvah* is more of a personal nature? *Horav Moshe Feinstein, zl*, suggests that the command to appoint judges also has a personal connotation. While it certainly addresses the community at large, it also speaks directly to the individual. Each individual should judge himself objectively and, if he crosses the line, he should acknowledge this fact and police himself accordingly. To acknowledge that one has sinned demands maturity. Many of us seek to conjure up excuses to justify aberrant behavior, and succeed in doing so. Thus we absolve ourselves of any form of guilt. Once we have come to the realization that a sin has been committed, we must resort to self-discipline, accepting upon ourselves a realistic and effective form of penance that will, hopefully, ensure that we will not do a repeat performance.

When the Torah admonishes a judge not to pervert justice, not to countenance one person over another and not to accept a bribe, it is speaking, likewise, to the individual who must make a decision, acknowledge guilt, resolve to repent. When it involves an individual, the greatest impediment to justice is bribery. While a person does not actively bribe himself, he does don blinders when, due to vested interests, he veers from the proper course of judgment. The problem begins when we refuse to accept our personal lack of impartiality in a given situation. This is the first *negia*, personal vulnerability, due to vested interest. The following incidents underscore this idea and demonstrate how careful our Torah giants are to distance themselves from any vestige of personal *negios*.

The *Chazon Ish, zl*, was walking in the accompaniment of *Horav Eliezer Palchinsky, zl*. The *Rosh Yeshivah* commented concerning a certain *Mashgiach*, ethical supervisor in a *yeshivah*, who was a prolific writer and thinker, whose discourses were a masterpiece of erudition and profound methodical thought; yet, when he would speak concerning a subject in which he had personal *negios*, he would lose his rational thought process, often making comments that were without foundation and aforethought.

Hearing this, the *Chazon Ish* stopped and smiled, “Had you told me that a great man blundered and sinned,” the *Chazon Ish* began, “I would tell you that his actions do not undermine his greatness. (One can be great and still fall victim to the *yetzer hora*, evil inclination. It is nothing more than a momentary lapse.) Concerning a *negia ish*, personal interest/touch/involvement, however, it is different, for this *negia* accompanies him twenty-four hours a day. (It becomes part of him and takes him down.) No! Such a person is not great. He is a *katan she'b'ketanim*, smallest of the small!”

*Negios* take over a person’s life, his thoughts, actions, speech. He is controlled by these interests to the point that it diminishes his stature. *Negios* are a form of bribery. One does not have to accept money in order for his rational thought process to become impaired. Any personal interests which beclouds his judgment is a bribe – which blinds one’s perspective and perverts his sense of justice and reason.

*Horav Yitzchak Zilberstein, Shlita*, observes a form of bribe which eludes many, possibly because it is natural and, thus, we do not give it a second thought: tears. Weeping can cause a judge to lose his ability to be impartial. The *Avnei Nezer* was *Rav* in Sochatchov. One day, a widow came to his *bais din* and, before she was able to present her claim, broke out in spontaneous weeping. The *Avnei Nezer* rose from his seat and left the room. He said, “I am disqualified from listening to this case. Since I heard her cry, I no longer qualify to render judgment. Tears are a form of *shochad*, bribery.”

*Rav* Zilberstein cites a similar comment heard from *Horav Eliezer M. Shach, zl*. A *kallah*, bride-to-be-married, came to the *Rosh Yeshivah* of Ponevez with a personal request: Would *Rav* Shach honor her by accepting *siddur kiddushin*, to officiate at her wedding? She neither knew *Rav* Shach, nor did he owe her anything. She just wanted the *gadol hador*, preeminent Torah giant of the generation, to be her *mesader kiddushin*. The *Rosh Yeshivah* demurred, apologizing that he prepared his *shiur*, Torah lecture, on that day, and his *shiur* took precedence.

When the *kallah* heard his negative response, she immediately burst into tears. It was an instinctive reaction. She was so hoping that he would have said yes. When the *Rosh Yeshivah* saw her reaction, he said, “Do not weep. I will be *mesader kiddushin*. I only ask that the *chupah* take place on time. Every minute is precious, and I must return home to prepare my *shiur*.”

Those who were present were taken aback by his sudden change of heart. “Why did the *Rosh Yeshivah* defer to her request? We know the value and significance of every minute of preparation for the *shiur*. Furthermore, the *Rosh Yeshivah* does not even know the *kallah*,” they commented.

*Rav* Shach replied with a simple statement, “One cannot ignore the tears of a *bas Yisrael*.”

Reading these stories, I cannot help but wonder why tears are not a more integral part of our *tefillos*. The *Shaarei Dema’os*, Gates of Tears, never close. Hashem listens. Tears are an

expression and indication of sincerity. If we want to be heard, we should ask with emotion. It can catalyze that difference for which we are waiting.