

How can I bear myself your trouble, your burden and your arguments. (1:12)

Moshe *Rabbeinu* seems to be complaining about his difficult workload. Clearly, this cannot be the case. The word, “difficult,” was not in our quintessential leader’s lexicon. Rather, he was expressing his disappointment at the sorry state of affairs. When the people accepted a tiered system of justice, with the addition of many judges to assist Moshe, they did so because they perceived that they would receive personal benefit from the new approach to justice. Moshe was unimpeachable. He had always rendered the *halachah* in accordance with the law. Furthermore, he was the paradigm of integrity. Thus, whoever presented a case before Moshe was assured of a quick, honest and knowledgeable rendering of justice.

This might be wonderful if one is either always right or seeks justice at all costs. If, however, the litigants lack integrity, if their contentions lack veracity, the last thing they want is an honest and knowledgeable judge. *Rashi* reveals their mindset in agreeing to the new system, when he quotes their response to the suggestion of adding judges, “Many judges will be appointed over us; if the judge does not know us, we will give him a gift and he will treat us favorably.” These people were not interested in justice. Their only goal was to win – at all costs.

Thus, Moshe was lamenting the sorry state of affairs of *Klal Yisrael*’s justice system. “How can I do it alone, when, in fact, the people do not want me to be alone? They want other judges, over whom they think they will be able to lord, to persuade them to see things their way. This nation does not want to hear the real *din*, just law. They are interested in what is best for themselves.”

Sadly, this attitude has not diminished with the passage of time. The respect that people should have for *daas Torah*, the wisdom of the Torah as expounded by our Torah leaders, has, in some cases, been horribly maligned and denigrated. No longer is the ruling of the *bais din*, Jewish court of law, sacrosanct. I am not sure if the problem lies in the litigants or in the judges. Just as it did then, money plays a significant role in determining the outcome and its acceptance. Strong-arm tactics by judges and *toanim*, hired *halachic* litigators and advisors – in addition to unsavory, underhanded and under-the-table machinations by these people – have placed a black eye on the *bais din* experience. While it is only a few bad apples that impugn the integrity of the entire bunch, the goals and vested interest of the few rotten apples have left a bad taste in the hearts and minds of future litigants.

Moshe saw these disastrous consequences when he bemoaned being displaced by the new judges. At first, the judges that were selected were men of the highest integrity, but the people’s objections prevailed. A judge is only as good as the trust placed in him by the litigant. When a potential disputant thinks that he can sway the judge’s mindset, he demonstrates his lack of trust in the judge, thus compromising the efficacy of the judge.

Our Torah leaders are the conduits of *daas Torah*. Their advice and rulings represent the will of Hashem. The moral compass of our people is inextricably bound up with its commitment to the word of Hashem and to upholding His Torah. Without an abiding commitment to adhere to *daas Torah*, the Jewish justice system will disintegrate.

Moshe *Rabbeinu* saw this disaster when he heard the people celebrating the establishment of a system of judges. They felt that objectivity would be abandoned, and *halachah* would be impugned. While this problem was certainly not widespread, we only need a few cases that grab sufficient publicity in order for the unknowing public to assume that the problem is widespread. Moshe had no problem being alone. It was the people who were threatened by his lack of assistants. They wanted to open up the court system, so that it would be subject to their control.

To conclude this Torah thought on a somewhat less somber note, I take the liberty of relating a cute, but sadly, bitter commentary on the secular Jewish scene. The Torah admonishes the judges, *Lo saguru mipnei ish*, which means, “Do not fear any man” (ibid.1:17). People of power – whether they are men of means or highly respected men of greater knowledge – can have an imposing effect on a judge. They can, by their very presence, intimidate a judge to the point that he feels compelled to side with them. While this is, of course, wrong, a man needs to earn a living, and many people, although they may have good intentions, are, by nature, weak.

A Jew who was troubled by the wanton lack of observance of his “spiritual” leader, attempted to send a subtle message to the man. While the congregant did not personally count himself among the ranks of observant Jews, he felt that it behooved his spiritual mentor to set a better standard than he was presently doing. “I would like to subpoena another party to a *din Torah*, judicial hearing,” the congregant began. “Whom are you summoning to court?” the spiritual leader asked. “I am taking the Almighty to court. I have a number of issues that I want to bring to the fore, and there is no better place to iron out my issues than in an honest court of Jewish law,” the man replied.

“Why must you come to me to rule in the case? Any other knowledgeable, practicing clergyman can do this. You understand that my time is valuable. Time is money. You could probably obtain a ruling without coming to me,” his clergyman said.

“I am following the Jewish law which states that a judge should not fear anyone. Here I have a problem. I am litigating the Almighty. It is difficult to locate someone who is not, at least to some degree, G-d-fearing. Concerning you, however, I have no qualms. I would never suspect you of possessing even a modicum of fear of G-d. You could provide me with an honest ruling.”