

## I instructed your judges...saying, "Listen among your brethren and judge righteously." (1:16)

Moshe adjured the judges to be deliberate in judgement, to listen to the litigants and to understand their claims -- not to make rash decisions. *Rashi* adds, if a case comes before you two or three times, do not say, "I have already rendered my decision in this case. Rather, listen to each case, regardless of its redundancy, and be deliberate in rendering your decision". The *Mizrachi* contends that *Rashi* derives his thesis from the words, "*Listen among your brothers*." How do we infer from this phrase that one should view each case as original, regardless of how many times he has actually already heard it? **Horav Yitzchak Goldwasser, Shlita**, comments that the words, "*Among your brothers*" is the key to the lesson. If it is just another *din Torah*, judgement, once the judge has rendered his decision, it would remain the same despite the amount of times the case is heard. The *Torah*, however, admonishes the judge to view every case as involving two people, not simply the presentation of two angles of the same question. He must look at each individual that stands before him, reflecting upon the decision he will render and its impact upon the person. If this is the case, he can obviously no longer look at the case as just another case, for now it affects a person.

The *Anshei Knesses Hagedolah*, Men of the Great Assembly, demanded, "*Hevu mesunim badin*," "Be deliberate in judgement." They emphasized the benefit of rendering a well-thought-out decision and the tragedy of an ill-considered or hastily formed opinion. Formulating opinions by jumping to conclusions causes one to overlook important considerations, which could have catalyzed a change in his decision. By deliberating prior to a judgement, the judge maximizes the possibility of arriving at a settlement or compromise to the satisfaction of both litigants. Deciding in haste will invariably preclude this option.

The judge must remain impartial if he is to render a just decision. He must scrupulously eliminate all elements of self-interest and personal bias. This can only be accomplished when he approaches the case with deliberation. On the other hand, as **Reb Yitzchak Bunim, zl**, warns, objectivity can lead to insensitivity. Indeed, the very element of subjectivity can be most helpful in viewing the issue from the perspective of the litigant. The judge must ask himself, "How would you have acted under similar circumstances?" The judge must be able to discern the crucial elements in the situation which establishes its true character, as opposed to the irrelevant factors. He must always seek out the truth and nothing but the truth, because truth retains its character at all times. This outlook is the only way to preserve the integrity of his judgement.

**Reb Yitzchak Bunim** observes that the characteristics of deliberateness and calm in judgement do not necessarily apply only to the judge; they pertain to the litigants as well. They should not permit anger, depression, greed or immaturity to reign over them. He tells the story of a butcher who came to **Rav Yisrael Salanter, zl**, to determine the *kashrus* of an order of meat. *Rav Yisrael* decided that the meat was *treifah*, causing a great monetary loss to the butcher. Being a G-d-

fearing man, the butcher accepted his loss with dignity. A short while later, the butcher once again came before *Rav Yisrael*, this time as a party in a *din Torah*, monetary dispute, involving about five dollars. Regrettably, the unfortunate butcher lost again and was told to pay the five dollars to the other litigant. This time, however, the butcher attacked the decision with derision, ranting and raving about being victimized by the *rav*. He just could not accept this grave "injustice."

Taken aback by the butchers's shocking behavior, *Rav Yisrael* asked, "A few weeks ago, when a large order of meat was rendered not kosher, you accepted the great financial loss with not so much as a whimper. Why then, today, when the decision against you will only cost a mere five dollars, are you acting in a totally uncivilized manner?"

"There is a big difference," replied the butcher. "A few weeks ago, I lost, but nobody else won. Today, however, the other man won what I lost: That is intolerable!"

This simple -- but profound -- story goes to the very core of human character. We cannot "*fargin*" - tolerate - that someone else has won what we have lost. Addressing this and all other human failings, *Chazal* say, "Be calm, be deliberate in your thinking. If the law goes against you, accept it, because the law originates from a much higher authority - Hashem.