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## The True Judge

Late one night, Yankeleh knocked at the door of his rebbe. Exasperated, he was barely able to breathe, let alone speak. “Rebbe” he gasped, “I saw the town shochet eating on Yom Kippur! What are we to do? How can we trust any of the kashrus in the city?” The rebbe was taken aback. “Yankeleh, you saw him? With your own eyes?”

“Well...,” paused Yankeleh, “to be completely honest, I didn’t see him myself; Velvel the tailor, he is the one who told me.” The Rebbe raised his eyebrows. “Ah, OK. Please bring Velvel here.”

When Velvel arrived, the rebbe asked him directly: “Tell me, did you see our shochet eating on Yom Kippur?” “So, Rebbe, here’s the thing. It wasn’t Yom Kippur, it was on Tisha B’Av.” With an intense look, the rebbe asked Velvel again, “You saw him? With your own eyes?” Velvel shifted from one foot to the other. “To be truthful, I didn’t see him myself, but Shmelkeh the Cobbler, he is the one who was there, and he told me!” “I think I understand,” said the rebbe. “Bring Shmelkeh right away please.”

When Shmelkeh arrived, the rebbe asked him, “Did you see the shochet eating on Tisha b’Av?” “Tisha b’Av!?” cried Shmelkeh, “No, no, chas v’shalom, Heaven forbid! It was Tzom Gedalya when he ate!” The Rebbe gave him a stern look. “But you saw him,

Shmelkeh? With your own eyes?” Shmelkeh blushed and answered with hesitation, “Der emeser emes is, I didn’t actually see him eating. It was Moishe the Tinsmith who saw him... he is the one who told me.” The rebbe rolled his eyes. “What is going on with you guys?! Quickly, bring me Moishe Tinsmith so we can get to the bottom of this already!”

Finally, Moishe arrived at the rebbe’s home. “Is it true? Did you see the shochet eating during the fast of Tzom Gedalya?” “No, no, Rebbe, not at all! It was just a couple of days ago. I saw the shochet eating before davening in the morning.”

At the end of his rope, the rebbe pleaded, “Please tell me that you, Moishe, yourself, saw with your own eyes the shochet eating before Shachris.” “Forgive me, Rebbe, not really! But I did see him walk into shul with a big smile on his face, and laughing. And let’s be honest: who comes into shul smiling and laughing — in the morning, before davening — without having some coffee and cake?”

Our sedra lays the groundwork for a system of enforcement and oversight of community standards and law, which we are commanded to administer justly and with fairness. Conviction, condemnation and punishment can only happen after a balanced, thorough investigation with a minimum of two credible

witnesses. And this is only valid with due process by well trained judges who seek the well-being of all those involved:

שִׁפְטִים וְשֹׁטְרִים תִּתֶּן לָהֶם בְּכָל־שְׁעָרֶיךָ אֲשֶׁר  
ה' אֱלֹהֶיךָ נִתַּן לָךְ לְשִׁבְטֶיךָ וּשְׁפוּטוּ אֶת־הָעָם  
מִשְׁפָּט־צָדֵק

“You shall set up judges and law enforcement officials for yourself in all your cities that Hashem is giving you, for your tribes, and they shall judge the people with righteous judgment.” (16:18)

Rashi comments: “(They shall) appoint judges who are דִּינֵינִי מִמְּחִים וְצָדִיקִים לְשִׁפֵּט expert and righteous so that they will judge justly.”

Reb Levi Yitzchak of Berditchev, zy'a, the great 'Defender of Israel', interprets our pasuk expansively, providing us a meaningful instruction and insight as we approach a new year and prepare to stand in judgment before Hashem. The Torah is telling us that we hold the key to our own g'zar din: שופטים ושוטרים תעשה, you appoint the judge, meaning it is in our hands to determine how our judgment will turn out. V'asita mishpat tzedek, 'And judge our nation favorably, b'kaf zechus, and that will be the way the judge sees us. For ultimately, מידה כנגד מידה, the way we judge others will be the way Hashem acts toward us.

One of the sources for this mitzvah of giving others the benefit of the doubt is the verse, בְּצָדֵק תִּשְׁפֹּט עַמִּיתְךָ, “You shall judge your fellow with righteousness” (Vayikra 19:15).

The Targum translates this as B'kushta t'dinei l'chavrach, “Judge your friend in truth.” By judging favorably, we reveal the inner truth of our friend, who they really are. In the Torah, b'tzedek usually means 'fair'. Here it implies focusing on

the merits and tzidkus, the inner righteousness or saintliness, of the other.

Judging negatively, especially on hearsay, with an incomplete picture or without all the facts or backstory, is not due process, for we have a Divine command: והוי דן את Judge every person favorably, on the side of their merits.”

Seeing the good in others, and judging them favorably, not only reveals the authentic merits and righteousness of our friends, it reveals ours as well. Then, when we stand before the True Judge, we will be conscious of the fact that we are filled with merits like a pomegranate is filled with juicy seeds. And b'ezer Hashem, we will then be signed and sealed for a good, sweet year, filled with smiles and laughter — with or without coffee and cake before shul. ■

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