

Mussar HaTorah

Torah Insights into Human Nature – Dedicated in memory of Rabbi A. Henach Leibowitz zt"l

4Elul, 5771 Vol. 12, No. 38

Parashas Eikev

“JUSTICE, JUSTICE SHALL YOU PURSUE...” (DEVARIM 16:20)

To what sort of person is this commandment speaking?

THE TORAH IDEAL of “pursuing” justice demands that we seek out the most competent court of law to hear our case when we have a dispute with another Jew (Rashi *ibid.*). The Sifsei Chachamim points out that even though any court has the power to hear the case, the claimant must go out of his way to find the most learned and impartial *beis din*. To what sort of person is this commandment speaking? A deceitful plaintiff, intent on cheating the defendant would blatantly disregard this precept. The Torah must be speaking to an honest person who feels he has been wronged and is now going to court to retrieve what is rightfully his. He feels confident about his case and would be comfortable going to the local *beis din* to decide the dispute; the Torah nevertheless commands him to search for the best court, even if it is in a distant location.

If the claimant feels that he is right, why must he travel to a more distant, but superior, court when there is an adequate *beis din* nearby? In the plaintiff’s eyes, the defendant is clearly wrong. Why must he bother traveling to find more qualified judges?

We must nevertheless question ourselves

The Torah requires man to maintain an exemplary standard of honesty and integrity. When we have a disagreement with another person, even if we are sure that we are correct, we must nevertheless question ourselves and our motives. It is our responsibility to protect the person we are accusing; there exists the slight chance that a less scholarly court may err in our favor and as a result we will be taking from our fellow man that which is not ours. Therefore, we must seek out the most erudite judges – to ensure that this improbable event does not occur. This is the lofty degree of integrity that the Torah demands of us: That we choose a court, not by which *beis din* will give us the best deal, but by determining which court will be the most accurate and precise so that we don’t inadvertently wrong the accused.

If the Torah requires us to go to such trouble to avoid the remote possibility of unintentional dishonesty, how much more so must we bend over backwards to refrain from actions whose questionable nature is clearly evident to us. How often do we see observant Jews, who wouldn’t think of buying a food item which has the slightest doubt as to its *kashrus*, yet who rationalize far more serious questions of financial impropriety. Why? Our sages explained this paradox (Mesilas Yesharim chapter 11): Man desires money by nature, and to be truly clean of its influence requires a great deal of sincere introspection and meticulous care. One who has cleansed himself in this manner has already reached a lofty level, since many people reach great levels of piety in other areas, but in financial dealings they are unable to reach perfection.

The daily shofar blasts remind us of the impending Day of Judgment

The month of Elul is here and the daily *shofar* blasts remind us of the impending Day of Judgment. Our sages warn us (Bereishis Rabbah 10) that the most severe prosecution is caused by monetary misdeeds. If we honestly scrutinize and cleanse our business affairs and do our best to protect our fellow man, we will gain a powerful merit on our behalf when our case is heard in the most Supreme court of all.