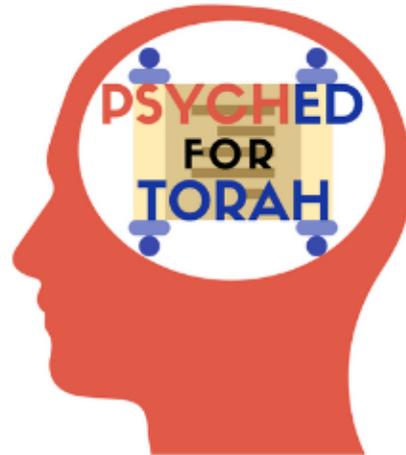


THE COURAGE OF JUDGES



PSYCHED FOR TORAH - PARSHAT DEVARIM
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Is courage a trait that we are born with or can it be learned and cultivated? Dr. Robert Biswas-Diener, in his book *The Courage Quotient*, contends based on research and experience that we *can* increase our levels of courage and he outlines several useful strategies. As one example, at times fear is increased by egocentrism. The more we focus on ourselves and the potential consequences that can befall us, the more we tend to be afraid. Consequently, one potential intervention to decrease fear is to promote an outward focus, rather than an inner one. The more we remove ourselves from the situation, the more potential courage we can feel.

The first topic Moshe elucidates as he commences his farewell address to Bnei Yisrael is the laws pertaining to judges. The main thesis of the guidelines he presents is that the judges must act to promote justice and prevent corruption. In this context, the *pasuk* states, “*lo taguru mipnei ish, ki hamishpat leilokim hu*” – “do not ‘*taguru*’ before man, for judgement is G-d’s” (*Devarim* 1:17). What does the word *taguru* mean? Rashi presents two interpretations. The first is that the word means fear, so the *pasuk* is commanding judges not to fear other people. The second explanation, based on the *Gemara* (*Sanhedrin* 6b), is that *taguru* means to hold back. The example given concerns a student observing his teacher judge a case between a rich and poor person, and the student discerns an argument for the poor person, the student should not withhold his point. Whether he is nervous about his teacher’s response or the rich man’s, he must not suppress his thought. Yet, even if this second explanation of Rashi is correct and the word literally means to hold back, the message of the *pasuk* is still about fear. Fear of another human being cannot be a factor when pursuing justice.

The commentators differ as to the meaning of the continuation of the *pasuk*, “*ki hamishpat leilokim hu*” – “for judgement is G-d’s.” Rashi, based on the Gemara (*Sanhedrin* 8a) explains that if a judge rules falsely, it becomes an inconvenience for G-d. Since G-d is just, He will need to work overtime to figure out a way to return the money to the rightful owner. Ramban, perhaps dissatisfied with that answer, presents a broader theological and moralistic explanation of the *pasuk*. The reason why judges cannot let fear pervert justice is because they are standing as representatives of G-d. They serve as G-d’s messengers to bring justice into the world, and if they distort the truth, they are derelict in their hallowed duty.

Both Rashi and Ramban understand that when the *pasuk* says “for judgement is G-d’s,” it functions as a reason for why a judge shouldn’t pervert judgement. Don’t fear man, either because you will be inconveniencing G-d or because you are perverting your mission from G-d. However, based on the idea from “The Courage Quotient” quoted above, perhaps we can suggest that the phrase does not function as a *reason* why judges shouldn’t fear man, but as a *strategy* as to how they can decrease fear of man. Meaning, the way to decrease fear is to realize that justice belongs to G-d. If fear of another man is increased by a focus and concern for what harm that person can cause the self, the judges should remove the focus from themselves and direct their attention to the Divine. They should increase their courage by transcending concerns of person and ego and focusing on their Divine mission.

Even though the *pasuk* concerns judges, the message can be applied to each of us. There will be times when we will be confronted by a moral dilemma. When standing up and doing the right thing requires courage. When concern of what others will say or do can lead to fear and inaction. In those moments, may we find the courage by rising above our personal worries and remembering that we too can become emissaries of G-d’s word and will to bring justice to this world.

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