



*"What if we viewed the cup not as half empty or half full, but as refillable?"*

# GROWTH

## At The

## SHABBAT TABLE

## PARSHAT MISHPATIM

### Slow to Judge, Quick to Understand

*R' Yaakov miLissa [1] once found himself judging a case between two people arguing over a certain gold coin. Shimon [2] had found the coin at the local town fair, and Naftali claimed that he was the rightful owner. "This guy claims that it's his," Shimon exclaimed, "But I don't believe him! He hadn't mentioned a word about the coin before!"*

*"Of course not!" Naftali countered. "I hadn't known that I lost it until I saw that you had it!"*

*As the arguing continued back and forth, the rabbi estimated what he thought had really transpired. He patiently asked Naftali to momentarily step outside the office and close the door. After Naftali exited the room, the rabbi turned to Shimon and explained, "The truth is, the only way Naftali gets the coin from you is if he is able to present a siman – a remarkable sign on the object that indicates ownership. Please hand me the coin so I can see if it has any unique features." He examined the coin and noted, "I see a little divot in the gold right next to the date on the coin. If he's able to tell us such a siman, we have no choice but to give him the coin. But if he cannot, the halacha is that it is yours."*

*The rabbi called Naftali back inside. "Normally, if someone finds money in a public area, we assume ye'ush – that the owner has given up hope – and the finder can keep it. However, you are claiming that you didn't even have time to lose hope, and that Shimon found it immediately after it fell out of your pocket. So, if you can present a siman, you can keep the coin."*

*"There's a hole in the coin, right next to the date," Naftali said. The rabbi smiled and concluded, "I guess this is not your coin, because it doesn't have a hole next to the date," as he handed it to Shimon. As it turned out, Naftali had been listening behind the door as the rabbi had told Shimon a sketch siman, and his test to expose the swindler and identify the rightful owner had worked like a charm.*

This week's Parsha, which discusses various laws that the Jewish courts are to establish, comes right after the ending of last week's Parsha in which the Torah warns not to ascend the altar upon stairs but to use a ramp instead. Highlighting the significance of this juxtaposition, the Midrash (Tanchuma, Mishpatim 6:2) writes that this teaches us the importance of "הוּא מִתְּנִים בְּדִין" – being patient in judgment.

What exactly does this mean? How does the idea of being patient and balanced in judgment stem from the correlation between the two verses?

On a simple level, we can understand this as conveying that stairs require a person to take pre-prescribed steps forward. The fact that the height of each step sets a certain pace displays an element of quickness relative to that of a ramp, which is a flat slope that one can approach in a slower fashion (since there is no predetermined height or breadth for each step). Therefore, the implication is that judgment should always be

carried out with patience, just as one approaches the *mizbe'ach* in a slower fashion using a ramp.

This idea is illustrated in a number of places throughout the teachings of Chazal. The Talmud establishes that a judge may not rule on a court case until he has heard from both sides. Furthermore, he may not allow one litigant to speak for a long time while only allotting a short slot to the other. Nor may he show honor to one without doing so for the other. He must even ensure that one defendant doesn't appear more presentable or better-dressed than the other. Why? Our Sages explain that when one litigant realizes or believes that the other is getting special treatment, he will naturally feel overwhelmed and might get frazzled. Under the added pressure, he might begin to panic and lose his ability to present his defense appropriately. Thus, the judge needs extra patience to make sure the job gets done right. Indeed, the quickest way to get to the right result often requires actually taking a bit more time in the process of judgment.

It's no coincidence that in the context of judgment, the Torah uses the same phrase interchangeably with regards to adjudicating a legal matter as well as in regards to people "judging" others. The same verse – בצדק תשפוט עמיתך – is both a commandment for a court to rule with justice and an adjunction to the general population to judge others favorably. Thus, the concept of "הוּא מִתְּנִים בְּדִין" applies not just in the legal setting but even (perhaps especially) within interpersonal relationships – to avoid judging someone without having considered all the angles. Before we instantly make up our minds about a person we just met half a second ago, perhaps we can acknowledge that we have no idea who this individual truly is and most likely won't know for some time. Before a parent yells at a child, perhaps the wisest thing to do is first figure out why the kid is really acting up. This doesn't mean to not correct the child; it just means using the proper method and guiding them towards the right path instead of driving them further away. "הוּא מִתְּנִים בְּדִין" cautions against being certain that we always know the full story and advises waiting to try to understand what's really going on.

Perhaps, this is another meaning behind the link between this Parsha (judgments) and the previous one (the sacrificial altar). If we're not meticulously patient in our assessments, sometimes our judgment can end up making a sacrifice out of someone else. We must always think twice before making up our minds because otherwise, we risk ruining the fellow's reputation and 'sacrificing' their soul at the stake.

May G-d always grant us the wisdom, clarity, and patience we need to avoid such pitfalls and make the rights calls. [3]

[1] The author of the Netivot HaMishpat – a very insightful and complicated Halachic work (1760-1832)

[2] Fictional names have been assigned to the story

[3] Based on a d'var Torah shared by R' Shlomo Farhi