

Head of Court

Horav Yosef Chaim Sonnenfeld, zl, served for a short time as Av Beis Din, head of the court, of Horav Yehoshua Leib Diskin, zl. Once during his incumbency, he was confronted with a bitterly disputed divorce case. He eventually ruled in favor of the husband, an act that incited the members of the wife's family. They felt that the ruling was unjust and were prepared to take the law - and the judge - into their own hands. They barged into Rav Yosef Chaim's house and began shouting and berating him as if he were the lowest scoundrel. They were so vicious and violent that the rebbetzin began to cry uncontrollably. In light of the fact that it was only a week before Rosh Hashanah, the beginning of the days of judgment, their cruel words and curses left a powerful impact on her sensitive heart. Throughout the tirade, Rav Yosef Chaim remained silent, seated peacefully at his table, never raising his head from the Talmud which he was studying. As the shouting began to get out of control, however, Rav Yosef Chaim arose, looked them straight in the eye, and made the following pronouncement: "Listen now to what I have to say." As soon as he spoke, a sudden silence enveloped the room.

"If you are correct in your claims against me, and my beis din and I erred in halachah, you have already succeeded in registering your complaint with Hashem. May He have mercy on us, for a judge is only human and can rule only in accordance with the facts presented before his eyes.

If, however, we are correct and you are wrong, if our rendering of the law is justified," Rav Yosef Chaim paused for a moment, as the protestors moved back bracing themselves for what was sure to be a scathing rebuke "Then I want you to know that I forgive you with a complete heart for your disgraceful behavior and for the terrible pain you have caused me and the members of my family - and I wholeheartedly wish that you are inscribed in the book of life for a good year!"

One can only imagine the shock and embarrassment that overcame the dissident group. The Rav's humility was overwhelming. They left the house in disgrace, as the neighbors began to congregate to determine the source of the commotion. A few days later, on Erev Yom Kippur, as Rav Yosef Chaim was returning from pouring his heart out in prayer at the Kosel HaMaraavi, the leader of the group of dissenters confronted Rav Yosef Chaim and begged forgiveness for his insolence. Rav Yosef Chaim reaffirmed that he had already forgiven him wholeheartedly. It was unnecessary to reiterate this. The man was visibly relieved to hear the Rav's reply. Rav Yosef Chaim then asked him a question which seemed to be a change of subject: "Tell me, have you purchased an Esrog yet?"

"What a question! Rebbe, I will have you know that I spent a small fortune securing what I feel is a most beautiful specimen, but, it was worth every penny!"

Rav Yosef Chaim continued, "Let us make a calculation. The Torah demands that a person spend up to -- and no more than -- one-fifth of his money to fulfill a positive commandment, such as the mitzvah of Lulav and Esrog. Yet, in order to avoid committing a negative commandment, one should be prepared to give up everything that he owns.

Now there is a negative command that says, 'You shall not curse a judge.' To what is the Torah referring with these words? It certainly is not addressing the party in whose favor the judge has ruled. He would be more likely to bless the judge than to curse him. It makes sense to say that the Torah is referring to the one who lost the case; he should not curse the judge. Let us go one step further. If he realized that the judge had ruled correctly and that he was wrong, he also has no reason to curse the judge. We must, therefore, conclude that the Torah is addressing the individual who is certain that the judge erred and miscarried justice against him. He is the one who is admonished not to curse the judge.

Now, I ask you, in comparing this negative commandment to the Torah's positive commandments, which must be taken more seriously?"

The individual took the hint and understood the point to which Rav Yosef Chaim was alluding. He was prepared to spend a small fortune to purchase an Esrog, but would do nothing to refrain from slandering and abusing the rav who had rendered judgment against him. Regrettably, this form of righteous hypocrisy still prevails.