
TEHILLIM 82: WHO JUDGES THE JUDGES?

R' Yair Lichtman



DECEMBER 14, 2022
CONGREGATION KINS

פרשת וישב תשפ"ג

TEXT OF THE MIZMOR

(1) TEHILLIM 82

(1) A Psalm of Asaph.

Heading (1)

(א) מזמור לאָסָף

God stands in the congregation of God;
in the midst of *elokim* He judges.

**Hashem
Stands in
Judgment (1)**

אֱלֹהִים נֹצֵב בְּעֵדַת אֵל
בְּקִרְבֵּי אֱלֹהִים יִשְׁפֹּט.

(2) How long will you judge unjustly,
and show partiality to the wicked? Selah.

(ב) עַד מָתִי תִשְׁפֹּטוּ עָוֹל
וּפְנֵי רְשָׁעִים תִּשְׁאוּ סֵלָה.

(3) Judge the poor and fatherless;
do justice to the afflicted and destitute.

**Commanding
the Judges
(2-4)**

(ג) אֲשַׁפְּטוּ דַל וְיִתּוֹם

(4) Rescue the poor and needy;

עֲנֵי יְרֵשׁ הַצְּדִיקוֹ.

deliver them out of the hand of the wicked.

(ד) פִּלְטוּ דַל וְאַבְיוֹן

מִיַּד רְשָׁעִים הַצִּילוּ.

(5) They do not know; they do not understand.

(ה) לֹא יָדְעוּ וְלֹא יִבְיִנוּ

They go about in darkness;

בְּחֹשֶׁכָּה יִתְהַלְכוּ

all the foundations of the earth are shaken.

**Criticism of
the Judges
(5-7)**

יִמּוֹטוּ כָּל מוֹסְדֵי אֶרֶץ.

(6) I said, "You are godlike beings,

(ו) אָנֹכִי אֲמַרְתִּי אֱלֹהִים אַתֶּם

and all of you sons of the Most High.

וּבְנֵי עֲלִיוֹן בְּלַבְּכֶם.

(7) Nevertheless, you shall die like men,

(ז) אַכּוֹן כְּאָדָם תָּמוּתוּן

and fall like one of the princes."

וּכְאַחַד הַשָּׂרִים תִּפְלוּ.

(8) Arise, O God! Judge the earth,
for You shall possess all the nations.

**Hashem's
Ultimate
Judgement
(8)**

(ח) קוּמָה אֱלֹהִים שִׁפְטָה הָאָרֶץ

כִּי אַתָּה תִּנְחַל בְּכָל הַגּוֹיִם.

SHIR SHEL YOM FOR TUESDAY

(2) ROSH HASHANAH 31A

בְּשִׁלְשֵׁי הַיּוֹם אוֹמְרִים: "אֱלֹהִים נֹצֵב בְּעֵדַת אֵל", עַל שֵׁם שֶׁגִּילָה אֶרֶץ בְּחִכְמָתוֹ, וְהָכִין תֵּבֵל לְעֵדָתוֹ.

On the third day of the week **they would recite** the psalm beginning: **"God stands in the congregation of God"** (Psalms 82:1), **because** on the third day of Creation **He revealed the land in His wisdom** and thereby **prepared the world for His assembly** that could now live on the dry land.

(3) RASHI ROSH HASHANAH 31A

שגילה ארץ - מקום מצב עדתו שנאמר (בראשית א':ט') "ותראה היבשה" בשלישי נאמר:

Because He revealed the land – the place where His congregation stands, as it says “and let the dry land be seen,” which was said on the third day.

(4) RABBEINU CHANANEL ROSH HASHANAH 31A

בשלישי אומר' אלהים נצב בעדת אל וגו' על שם שגילה ארץ בחכמתו כדכתיב ותראה היבשה והכינה לעדתו שקיבלו משפטיו כדכת' אם לא בריתי יומם וליילה חקות שמים וארץ לא שמת'. פי' אילולי ישראל שקיבלו בריתי להגות בה יומם וליילה לא שמת' שמים וארץ.

On the third day, they would say “Elokim stands in the congregation of God...” because He revealed the earth in His wisdom, as it is written, “and let the dry land be seen,” and prepared it for His congregation, who accepted His laws, as it is written, “if not [for] my covenant day and night, the laws of heaven and earth I would not have set.” **This means that were it not for Israel, who accepted My covenant to study it day and night, I would not have created heaven and earth.**

WHO ARE “ELOHIM”?

(5) SHEMOT 22:8

(ח) על כל דבר פשע על שור על חמור על שזה על שלמה על כל אבדה אשר יאמר כי הוא זה עד האלהים יבא דבר שניהם אשר ירשיעו אלהים ישלם שנים לרעהו.

(8) For every matter of trespass, whether it be for ox, for donkey, for sheep, for clothing, or for any kind of lost thing about which one says, "This is mine," **the cause of both parties shall come before God.** He whom God condemns shall pay double to his neighbor.

(6) ONKELOS SHEMOT 22:8

(ח) על כל פתגם דחוב על תור על חמר על אמר על כסו על כל אבדתא דנימר ארי הוא דין לקדם דייניא נייעול דין תרניהון דיחבון דייניא ישלים על חד תרין לחבריה.

(8) In every question of dishonesty whether it involves an ox, a donkey, a sheep, a garment, or anything that was [allegedly] lost of which [a witness] says, “This is it!” **the claims of both parties must be brought to [before] the judges.** The one whom the judges find guilty, must pay double restitution to his neighbor.

(7) IBN EZRA TEHILLIM 82:1

בקרב אלהים – הם המלאכים שהם האלהים וצבא השמים בני האלהים כי על ידי המלאכים הם כל משפט אלהים בארץ.

ויש אומרים: כי בקרב אלהים – כמו אלהים לא תקלל (שמות כ"ב:כ"ז). והטעם כי הוא בקרבם ויש להם להשמר שלא ישפטו עול.

IN THE MIDST OF THE JUDGES (ELOHIM) HE JUDGETH. The angels are called elohim (judges), and the hosts of heaven (Neh. 9:6) [are termed] bene ha-Elohim (the sons of Elohim) (Job 2:1). They are so called because all of God's judgments upon the earth are executed by them.

Some say that in the midst of the judges (elohim) is similar to Thou shalt not revile a judge (elohim) (Exodus 22:27). The meaning of in the midst of the judges He judgeth is that judges should avoid perverting justice, for God is among them.

HOW WE TREAT THE POOR

(8) YALKUT SHIMONI TEHILLIM 82:3

(ג) שפטו דל ויתום עני ורש הצדיקו – תרחמו אינו אומר אלא הצדיקו, הצדיקו עליו את הדין לא בשביל שהוא עני תטלו משל עשיר ותתנו לו למה לה' הארץ ומלואה שלי העולם ואני אמרתי להעשירו ואתם נוטלין את שלו.

Judge the poor and the orphan, and do right for the indigent and destitute – It does not say “have mercy,” but rather “do right.” Treat him fairly in justice, but do not from the rich and give to him because he is poor. Why? “For Hashem is the world and it's fullness.” “The world is Mine, and I said to make him rich, and you are taking that which is his.”

(9) SHEMOT 18:13

וַיְהִי מִמָּחָרֶת בַּיּוֹם שָׁבַע מֹשֶׁה לְשֹׁפֵט אֶת־הָעָם וַיַּעֲמֵד הָעָם עַל־מֹשֶׁה מִן־הַבֶּקֶר עַד־הָעֶרֶב:

Next day, Moses sat as magistrate among the people, while the people stood about Moses from morning until evening.

FAILURES OF THE JUDGES

(10) MEIRI TEHILLIM 82:5

ואחר שדבר על השופטים המטים את הדין לסבת היותם מהדרים ונושאים פני הרשעים דבר על מין אחר מן השופטים והוא כשיתמנו שופטים בלתי יודעים דרכי המשפט

After he spoke about judges who bend justice because they chase after and elevate the faces of the wicked, he speaks about another kind of judges, which is when judges are appointed who don't know the ways of justice.

(11) RADAK TEHILLIM 82:5

ובחשכה יתהלכו בו כי השחד יעורם.

They walk in darkness, for bribery has blinded them.

JUSTICE AS THE FOUNDATION OF THE WORLD

(12) MISHNA AVOT 1:18

(יח) רבן שמעון בן גמליאל אומר: על שלשה דברים העולם קיים: על הדין ועל האמת ועל השלום, שנאמר: (זכריה ח:ט"ז) "אמת ומשפט שלום נשפטו בשעריכם".

(18) Rabbi Shimon the son of Gamliel said, "on three things does the world endure - justice, truth and peace, as the verse says (Zechariah 8:16), "Truth and judgments of peace judge in your gates."

(13) SHABBAT 10A

כל דנין שדן דין אמת לאמתו, אפילו שעה אחת, מעלה עליו הכתוב כאילו נעשה שותף להקדוש ברוך הוא במעשה בראשית.

Any judge who judges a true judgment truthfully, even if he sits in judgment only one hour, the verse ascribes to him as if he became a partner to the Holy One, Blessed be He, in the act of Creation

(14) R' SHIMSHON REPHAEL HIRSCH TEHILLIM 82:1

From Verse 8 of this Psalm it is evident that Asaph does not primarily concern himself with the Jewish people only, but also pleads the cause of the salvation of all of mankind on earth, the existence and welfare of all of which is dependent, first of all, upon the proper enforcement of justice. There is nothing that reveals God to the straight-thinking man more clearly as the Founder and Maintainer of human society than the sense of justice which was ingrained into the spirit and conscience of man at the time of Creation. It is this sense of justice which should be enforced by the sentence of the judges and should become the "correct," the rightful order in all interpersonal relationships as well as in the dealings of the individual with the community and those of the community with the individual. This innate sense of justice represents the will of God concerning the shaping of human affairs, and every court of justice that is appointed to proclaim and to enforce this right must look upon itself as **עדת אל**, "a congregation of God," a group that has a part in God's scheme of things and which to the best of its power and understanding must not allow itself to be led by any other motive, save the pure perception of justice.

(15) MAHARSHA ROSH HASHANAH 31A

בג' היו אומרים... שהמשפט הוא קיומו של עולם מלהביא מבול לכסות הארץ וז"ש עד מתי תשפטו עול וגו' להביא שוב מבול לעולם שנחתם על כך כדכתיב כי מלאה הארץ חמס וגו'

On the third day, they would say... For justice is the sustainer of the world, preventing the bringing of a flood to cover the earth. This is what “until when will you judge unjustly...” means, as they will cause another flood to come to the world, whose [judgment] was sealed because of [failures of justice], as it is written, “for the world was full of corruption.”