

Pirkei Avot 1:8

Translation

Yehudah ben Tabbai and Shimon ben Shetach received the tradition from them. Yehudah ben Tabbai says: Do not make yourself as they that prepare the judges. When the litigants stand before you, let them be in your sight as wicked ones. When they have departed from before you, let them be in your sight as innocents in that they have accepted the judgment.

Maimonides

They that prepare the judges. They are men who study pleas and laws so that they

become experts for people in their litigations. They

compose questions and answers [in this manner]: "When the judge says thus, you answer so, and when the [other] litigant argues so, let your reply be thus." It is as if they set in order the judge and the litigants before them.

Therefore he termed them ***they that prepare the judges***, because it is as if they prepared the judges before them. He cautioned them (i.e., his disciples) against emulating them, meaning to say, to teach one of the litigants an argument which may avail him by saying to him, "Say thus," or "Deceive in such and such a way." [A judge may not do this] even if concerning him he knew that he is the aggrieved, and that the other party, according to what he considers the truth to be, is alleging a falsehood against him, nevertheless, he is not permitted to teach him an argument which may save him or avail him at all.

Reuven Bulka ("As A Tree by the Waters")

A combination of the right environment and proper education is likely to bring an individual into prominence, even into positions where knowledge is a requisite, such as becoming a judge. From the perspective of intellect, judging others is not so difficult. The human aspect, dealing with the judge's relationship with the litigants, poses more problems. The judge must at one and the same time be concerned and detached. Insensitivity to people hardens the judge, making such an arbiter clearly unfit to understand really human problems. On the other hand, a judge who is too involved is likely to judge by compassion rather than justice, and, in this manner, compromises the law and is party to the

breakdown of societal equilibrium. The judge must retain sensitivity, but as a judge dare not *act as counsel*. One or both of the litigants should not be helped by the judge. There is room for concern, but it is extra-legal. In fact, even though in everyday life one is obliged to judge each person charitably, in the administration of justice each litigant is to be viewed as *potentially guilty*, and likely to be pronounced

guilty by the judge. This attitude pertains only in the court of law and during the case itself. Once the case is concluded and the litigants depart *having accepted the judgment*, consider them as *innocent*. Sitting in judgment of others is an enterprise which should be relegated to the courts. Even the judge who sits and critically analyzes a case should not thereby pronounce a judgment on the character of the litigants. Once judged in the specific case, they become people, as pure and innocent as they were before potentially guilty. Immediately after the close of the case, the judge should come down from the pedestal and relate on a one-to-one, equal basis with those whom he has judged. In the final analysis, the position of judge should not be viewed as a status, but as a task.

יְהוּדָה בֶּן טַבַּי וְשִׁמּוֹן בֶּן שֵׁטַח קִבְּלוּ מֵהֵם. יְהוּדָה בֶּן טַבַּי אָמַר: אַל תַּעַשׂ עִצְמְךָ כְּעוֹרְכֵי הַדִּינִין. וְכַשִּׁיְהִיו בְּעֵלֶי דִּינִין עוֹמְדִים לְפָנֶיךָ, יְהִיו בְּעֵינֶיךָ כְּרֹשָׁעִים. וְכַשִּׁנְּפֻטְרִים מִלְּפָנֶיךָ, יְהִיו בְּעֵינֶיךָ כְּזָכָאִין, כְּשֶׁקִּבְּלוּ עֲלֵיהֶם אֶת הַדִּין: