



Righteous Judgment

Further Thoughts on Parashat Devarim

The Torah relates that because of the Sin of the Spies, the entire generation of Israelites rescued from Egypt was sentenced to die in the desert. According to the Midrash Eichah Rabbah, every year until the fortieth year (after the Exodus), on the eve of the Ninth of Av, Moses would command the people, “Go out and dig,” and the people would leave the camp, dig graves, and sleep in them overnight. The following morning a messenger would proclaim, “Let the living separate from the dead!” Fifteen thousand would die that very night, but the survivors would return to the camp for another year.

This occurred year after year, but in the fortieth year no one died. Since they thought they might have miscalculated the days, they slept in their graves an additional night. This went on for five nights until the fifteenth of Av, when they saw the full moon, realized that their calculations were correct, and rejoiced that no more of the first generation would die. They subsequently declared Tu B'Av a day of celebration. The “desert generation” had finally died off and the new generation was finally ready to enter the land!



Moses knew that he could not go with the Jews into the Promised Land because of his sin at Meribah-Kadesh (Num. 20:10-13, Deut. 3:23-28). He therefore was aware that he had little time left to exhort the next generation before he died. The book of Deuteronomy therefore records Moses' final messages to the Jewish people and has the tone of a farewell discourse. In fact, unlike the previous four books of the Torah, the speaker in Deuteronomy is Moses himself, and even the recounting of various laws and ordinances are recorded as part of the addresses he gave.

The book of Deuteronomy opens with the Israelites in the land of Moab, just east of the Jordan river, shortly before they would enter the Promised Land. It begins, “These are the words that Moses spoke to all of Israel” / אֵלֶּה הַדְּבָרִים אֲשֶׁר דִּבֶּר מֹשֶׁה אֶל-כָּל-יִשְׂרָאֵל (Deut. 1:1). Two things are important to note at the outset. First, the book begins with the statement



that these are *the words of Moses* rather than the continuation of the historical narrative of the Torah (which essentially ended with the Book of Numbers). Grammatically, it begins with the word *eleh* (אֵלֶּה, “these”) rather than *v'eleh* (וְאֵלֶּה, “and these”), and this indicates that the book should be regarded as its own entity. In a sense, Deuteronomy functions as *Moses' commentary* on the Torah, giving voice to his 40 years of experience as the leader of Israel. Second, Moses' words were addressed *the children* of the original Exodus generation. As already mentioned, the original generation was decreed to die out in the desert because of their unbelief. And since Moses knew he likewise would soon die, he sought to inspire the new generation of Israel to go forward and take possession of the promise of Zion. Since the first generation was disqualified because of their lack of faith, Moses' summary of the Torah's message focused on the importance of trusting and obeying the LORD. Moses emphasized the importance of *cheshbon ha-nefesh* (חֶשְׁבוֹן הַנֶּפֶשׁ, “soul searching”) in order to help the Jews to take possession of the promises of God.

A lot of commentators tend to regard the Book of Deuteronomy as Moses' final warning to Israel in light of their repeated failures and setbacks. Some (primarily Christian) commentators even go so far as to say that the book represents an indictment against the Jewish people that warrants regarding them as a cursed people. (This is essentially the odious doctrine of “replacement theology” that denies ethnic Israel has a future and a hope in God's plan of salvation.) Even many Jewish commentators, among them Rashi, seem to focus on Moses' *rebuke* (i.e., *tokhechah*: תּוֹכְחָה) of Israel and regard the book in a negative light. Because of this, it should be stressed at the outset that Moses' correction of Israel - including his review of the unseemly history of the desert generation - was primarily intended to remind the Jews of their high calling, their new identity, and their preciousness as God's people. As will be seen, Moses wanted Israel to remember its identity as *am segulah* (עַם סְגֻלָּה), God's “treasured possession among all peoples” (Exod. 19:5). Moses' admonition (מוֹסָר) functions more like the plea of a father to his children to walk in a manner that is worthy of his name than a stinging rebuke of the sins of his children. “My son, despise not the discipline (*musar*) of the Lord; neither be weary of his correction (*tokhechah*). For whom the Lord loves he corrects; even as a father the son in whom he delights” (Prov. 3:11; cp. Heb. 12:5-6). Therefore, “Know then in your heart that as a man disciplines his son (כַּאֲשֶׁר יוֹסֵר אִישׁ אֶת-בְּנוֹ), the LORD your God disciplines you (הוּא יִלְחֹק בְּיָדְךָ מִיִּסְרֶךָ)” (Deut. 8:5).



The Talmud (Kiddushin 70a) says, “Whoever declares others unfit (פוסל, “posel”) declares them unfit with his own blemish.” This is similar to Yeshua's warning about hypocrisy: “Why do you see the speck that is in your brother's eye, but do not notice the log that is in your own?” (Matt. 7:3). In order to judge well, we must first “remove the log from our own eye” in order to see clearly (Matt. 7:5).

If you look for flaws or defects in others, you will find them (Prov. 11:27). “A bitter person makes himself miserable.” In this connection, recall that when the Jews came to Marah, they “could not drink the water because it was bitter” (Exod. 15:23). The Hebrew, however, could be read, “they could not drink the water because they (i.e., the people) were bitter (כִּי קָרִיִם הָיָם). The problem is often not “out there” but within the heart (Matt. 15:19-20). *How* we choose to see, in other words, says more about us than it does the external world. If you read the daily news and see only ugliness, you run the risk of becoming hardhearted. Your despair can eclipse the Presence of God....



As I have written about elsewhere, it is psychologically *necessary* to make various judgments in our lives. Some of these concern matters of fact, some are preconscious assumptions we make, and some regard value judgments about the actions of other people. *Kol Yisrael arevim zeh bazeh* (כָּל יִשְׂרָאֵל עֲרֻבִים זֶה בַּזֶּה): “All Israel is responsible for one another” (*Talmud Shavuot 39a*). The Torah commands us to “reprove our neighbor” (תוֹכַחָה) *because* we love him as ourselves (Lev. 19:17-18). It's not a question, then, of whether we are to judge others (since we must), but rather how we will do so. Yeshua's statement, “Judge not that you be not judged” therefore *cannot* mean “seeing no evil” or refusing to correct our brothers and sisters. Indeed, showing indifference to other people's sin is itself a transgression. It is *unloving* to disregard the spiritual state of your neighbor. Whether we like it or not, we are our brother's keeper!

Instead of *refusing* to judge others (in the name of supposed tolerance), we are commanded judge people favorably by using a “good eye” (עֵין טוֹבָה). As it is written in the Torah, “in *righteousness* judge your neighbor (בְּצִדְקַת הַשֹּׁפֵט עִמֶּיִתֶּךָ)” (Lev. 19:15). Notice that the word translated “righteousness” is *tzedek* (צִדְקָה), a word that includes the heart



motive of “charity” and love. We are commanded to give tzedakah (צְדָקָה, “charity”) not just because it is “right,” but it is right because it is based on God's love and care for others. Something is *righteous*, in other words, because it expresses the truth about God's love. We could read this commandment as “in *love* judge your neighbor.” Our judgments should be based on compassion, empathy, and care for others - never as a verdict about someone's worth and status before God. We see with a redemptive eye, and that means seeing the potential of others and their inherent worth as God's children.



Similarly, Yeshua warned us not to judge by appearances, but to “judge with righteous (צְדָקָה) judgment” (John 7:24). In the context in which he spoke (i.e., teaching the crowd during the festival of Sukkot in Jerusalem), Yeshua justified healing someone on the Sabbath day as an example of understanding the “weightier matters” of the Torah. He appealed to the crowd to use their sense of charity (צְדָקָה) before coming to a decision. He was grieved that people often “turned off their hearts” by disregarding the pain of others (Mark 3:5). Yeshua warned us not to “judge by appearances,” which was the very mistake Job's friends made when they regarded Job's suffering as *deserved* because of some hidden sin... Certainly such indifference to personal suffering is an implication of a merit-based religious system that was endorsed by some of the religious authorities of Yeshua's day. Even some of Yeshua's disciples mistakenly correlated suffering with sin (John 9:1-3).

Pirke Avot 1:6 says, *dan kol ha-adam l'kaf zechut* (דַּן כָּל הָאָדָם לְכַף זְכוּת), literally, “judge every man with the hand of merit.” In other words, judge other people favorably and always give them the benefit of the doubt. Extend *kaf zechut* - “the hand of merit” - to every person you meet. Use a “good eye” to see them in their best light. Do not focus on defects of character, but rather look for the good in the person. This will encourage them to live up to their real identity and give hope to them that change is possible.

Look for the good, even if the person is notoriously evil. Rabbi Nachman of Breslov taught that it is impossible that an evil person has not done some good, and this represents his or her spiritual potential. Love draws out the good in others, not judgment. Focus on the good of others so that they might turn from despair and seek God.



This point is illustrated out by a story retold about a famous eastern European Jewish sage called the Chofetz Chaim (1838-1933). One day the saintly rabbi is said to have encountered a hardened ruffian at an inn. The man shouted roughly, drank whiskey, and approached the waitress inappropriately. Shocked at this man's behavior, the Chofetz Chaim prepared to correct the errant Jew. The innkeeper, fearing that harm would come to the rebbe, tried to dissuade him from intervening, explaining that the man's poor upbringing and the terrible suffering had made him incorrigible. Upon hearing this, the Chofetz Chaim approached the ruffian's table and greeted him warmly. He began to praise the man's service in the army and lamented his troubles and his lost opportunity to study Torah. "You've had a difficult life, but I see that you have never renounced your heritage. I envy the portion you will merit in the world to come!" Upon hearing this, the man began to shed burning tears of remorse and later became a sincere penitent.

We are told to "master the art of seeing good in others." Soren Kierkegaard tells the story of two young portrait artists who both sought to capture the essence of beauty in their paintings. One artist looked high and low for the "perfect face of beauty" but never found it. Tragically, he later gave up painting and lived in despair. The other artist, however, simply painted every face he saw and found beauty in each one. Now which of the two mastered the art of seeing the good in others? Which had the good eye, and which the evil?



If you find fault with others, you are a hypocrite; if you extend love to others, you will experience love in return. As you judge, so you will be judged; as you see others, so God you will be seen by God. "For with the measure you use it will be measured back to you" (Luke 6:38). This reciprocal principle of Kingdom life appears throughout Jesus' teaching. According to your faith, be it done unto you (Matt. 9:29). As you forgive, so you shall be forgiven (Matt. 6:14); as you judge, so you shall be judged (Matt. 7:2); as you show mercy, so you shall be shown mercy (Matt. 5:7); as you give unto others, so it shall be given unto you (Luke 6:38). This "as principle" works the other way around, too: "Whoever diligently seeks good seeks favor, but *evil comes to him who searches for it*" (Prov. 11:27).



Just before Moses began his reproof of Israel, he declared his love and faith in the people. “The LORD your God has multiplied you until you are today as numerous as the stars in the sky. May the LORD, the God of your fathers, make you a thousand times more as you are (כְּכֶם), and bless you, as He promised you” (Deut. 1:10-11). Moses first brought up God's love for the Jews before he began his admonition. Notice he used the word *kachem* (כְּכֶם, “as you are”) in this blessing. May the LORD multiply you - *as you are* - a thousand times! You are beloved; you are worthy: may the LORD bless you a thousand times over! (How different is this picture of Moses than the typical cartoon made of him by many in Christianity, who envision him smashing the tablets as if that were his “last word” on the subject of the Torah to Israel!)

Were the people perfect then? Obviously not, as would be clear through Moses' later admonition to them. Nonetheless, Moses used a “good eye” to see their *potential* as God's chosen people. Here was this ragtag group of desert wanderers, descendants of slaves from the “house of slavery,” whom the LORD God Almighty personally redeemed to be His own treasured possession. Despite their failures in the past and all that went before, Moses reminded them that they were esteemed as *mamlechet kohanim v'goy kadosh* (מַמְלֶכֶת כֹּהֲנִים וְגוֹי קָדוֹשׁ), a “kingdom of priests and a holy people” (Exod. 19:6).

Moses' approach gives us insight about how we might correct the people we truly love. Often people become defensive when they are criticized and stop listening. Adding sincere praise and encouragement helps them open up to our message, since it is grounded in a sense of respect and value for their well-being. God thinks highly of the Jewish people, and that is the very first thing to be heard. God greatly esteems us, too. Despite the fact that we are sinners, God truly loves us. He considers us *worthy* to be saved. Again, why else did Yeshua suffer and die on the cross if God did not value our lives so much?

Shame is never the goal of the Torah. As King David prayed: *Elohai bekha vatachti; al-avoshah* (אֱלֹהֵי בְךָ בָטַחְתִּי אֶל־אֲבוֹשָׁה): “My God, I trust in you; let me not be ashamed” (Psalm 25:2). Some people use the idea of God's “law” as a sort of club to hammer a sense of guilt upon the soul. They insist that man is “totally depraved” and under God's death sentence. Such people then hope to explain the good news of the gospel to escape God's righteous wrath for sin. These people, perhaps well meaning, forget that the LORD is “near” - *karov*-to the brokenhearted. This adverb means “close enough to touch.” The same root is used for the word *korban* (קָרְבָּן), an offering that draws us near to God, as well as *karov* (קָרִיב), a near



kinsman. In other words, God's desire has always been for people to draw near to Him, and He has always provided a way for people to do so -- even those who lived under the terms of the Sinai Covenant.

Guilt (אשמה) is an objective state of being sinful that may or may not be accompanied by feelings of remorse, but shame (בושה), at least in its *toxic* sense, is a state of soul that regards itself as fundamentally flawed, inadequate, and essentially unlovable. God does not want us to grovel in self-disgust or live in constant fear of His judgment. He does not want us to hate ourselves or to regard ourselves as unlovable. As His creation, He loves us and finds us of value and worth. Why else would he have given His Son up to ransom us from sin and death? Like a parent who loves his child but wants to correct him by saying, “this doesn't become you,” so God wants us to remember who we really are. He wants us to “walk in love” as His “dear children of light” (Eph. 5:8). God's correction is meant to form His character within us, and this first must begin with our assurance of our value, dignity, and worth in His eyes.

We are commanded to judge with *tzedakah*, with love as our underlying assumption. If God so commands us, surely we can trust that He likewise judges us this way. God's love is his essence - “God is love” (ὁ θεὸς ἀγάπη ἐστίν) - and He regards you as worthy to receive His love and blessing. He loves you *b'ahavat olam* - with “an everlasting love” (אהבת עולם), and therefore in *chesed* he draws you to Himself (Jer. 31:3). Why else would Yeshua die on the cross unless He expressed God's desire to judge others favorably?



Be encouraged, *chaverim*. You are “fearfully and wonderfully made” and you have a future and a hope in the world to come (Jer. 29:11). “There is no fear in love, but perfect love casts out fear. For fear has to do with punishment, and whoever fears has not been perfected in love” (1 John 4:18). Keep hope. God's love never fails (1 Cor. 13:8).

