YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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STUDENT SUMMARIES OF SICHOT OF THE ROSHEI YESHIVA

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PARASHAT VAYESHEV

SICHA OF HARAV AHARON LICHTENSTEIN

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This week’s *shiurim* are dedicated in memory of Israel Koschitzky *zt"l*, whose yahrzeit falls on the 19th of Kislev. May the worldwide dissemination of Torah through the VBM be a fitting tribute to a man whose lifetime achievements exemplified the love of *Eretz Yisrael* and *Torat Yisrael*.

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Dedicated to Maya Bernstein & Noam Silverman -
In honor of the Birth of their daughter, Niva Hallel

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Judge Every Person Favorably

Adapted by Immanuel Maier

Translated by Kaeren Fish

“With righteousness shall you judge your neighbor”

Although this is a subject I have discussed on many occasions in the past, it is an important topic that needs to be addressed repeatedly – on the personal, public, and national levels. While this is not the only lesson to be learned from *Sefer Bereishit*, it certainly features among the most important. It is a theme that runs through several *parashot* and *chumashim*. Our point of departure here will be *Sefer Vayikra*.

In close proximity to the command, “You shall love your neighbor as yourself” (*Vayikra* 19:18), which Rabbi Akiva defined as “a great principle in the Torah” (*Sifra Kedoshim* 2), we find the exhortation, “With righteousness shall you judge your neighbor” (19:15). It is not clear whether this is a command. And if it is, we must ask two questions: First, to whom is it addressed? Second, what is its substance – in other words, how does one fulfill it?

There are other examples of teachings whose intended audience is not clear. *Massekhet Avot* is a staple of Jewish moral and ethical instruction. However, with regard to many of its principles, the *Rishonim* were divided as to whether they are directed towards *dayanim* (religious judges), as the Rambam maintains, or whether they also apply to the lay population – as per the view of other *Rishonim*.

As concerns our verse, “With righteousness shall you judge your neighbor,” Rashi (ad loc.) cites two different interpretations offered by *Chazal*: “[This is meant] literally. Another interpretation is, ‘Judge your neighbor favorably.’”

The first interpretation suggests that the verse is addressed to the judges, who are the focus of the context within which the verse appears. According to this view, we can understand the verse in one of two ways. First, it may be perceived as introducing a leniency in the legal system, whereby a single judge may render judgment (since the phrase is formulated in the singular form – “*tishpot*”). This is the view of Rav Acha, son of R. Ika (*Sanhedrin* 3a). Alternatively, it may be understood (in accordance with the view of Rabba, in the same discussion in the Gemara) not as permitting judgment by a single judge, but rather as a command to each judge, emphasizing his responsibility and commitment to proper justice. Thus, the exhortation concerns the just nature and quality of the procedure and discussion in court.[[1]](#footnote-1)

Let us now turn our attention to the second understanding presented by Rashi: “Judge your neighbor favorably.” This instruction, appearing in *Torat Kohanim* (*Sifra Kedoshim parsha* 2), is formulated in slightly different form by *Chazal* in *Avot* 1:6: “Judge every person (*kol ha-adam*) favorably.”[[2]](#footnote-2) It is clear that here the exhortation is directed not only towards judges, but towards every individual. And according to the *She’iltot*, this general obligation is indeed a biblically-ordained commandment.

In the world around us, there are some professions – such as psychology or social work – in which the critical evaluation of others, or judgment of them, are of central importance on the professional level. However, the idea goes far beyond the professional realm. An ongoing debate among great poets and writers concerns the question of whether they should internalize the reality that they see around them and describe it, or whether their role is to serve as critics, thereby helping to create reality. Even those who believe that they should create reality through criticism are forced to contend with the tension between the desire to judge, to criticize and to clarify, and the way and form in which this is to be done.

Not only Moshe Rabbeinu

Anyone who tries to understand the Torah not only in technical terms of describing facts, but also to understand the inner workings – in other words, plumbing the depths of the inner forces at work among the biblical characters – will know that in the world of midrash, the inner workings are expressed very openly. Characters who are held in the highest esteem in our tradition and consciousness – figures whom we ourselves would not dare to criticize – may be portrayed in a less flattering light in *midrashei* *Chazal*, sometimes even having grave sins or problematic traits attributed to them.

Let us think for a moment about Moshe Rabbeinu – the greatest of the great. The midrash discusses Miriam’s sin of speaking badly of Moshe, and questions whether it was only Miriam who was struck with *tzara’at*, or whether perhaps Aharon was, too. In this context the midrash also speaks of the *tzara’at* that struck Moshe. If someone were to wake any of us in the middle of the night and ask what it was that Moshe was punished for at the burning bush, we would probably answer that his lengthy arguing with God was problematic: God tells him to do something, but he tries in every possible way to refuse and evade the mission. This is a problem concerning the man-God relationship. Perhaps this arguing reflects a lack of trust, or a deficiency in his faith.

However, the midrash locates the problem in the interpersonal relationship. The Gemara teaches:

“Resh Lakish said: One who casts aspersions on the innocent is punished with bodily suffering, as it is written (*Shemot* 4:1), ‘But they will not believe me…’ – but it was known to the Holy One, blessed be He, that that Israel would indeed believe him. He said to Moshe: They are believers, [and] descendants of believers, while you will ultimately fail to believe. They are believers – as it is written (*Shemot* 4:31), ‘And the people believed’; descendants of believers [as it is written] (*Bereishit* 15:6), ‘And [Avraham] believed in God.’ You will ultimately fail to believe – as it is written (*Bamidbar* 20:12), ‘Since you did not believe in Me….’ And from where do we learn that [Moshe] was smitten? As it is written (*Shemot* 4:6), ‘And God said to him further, Place your hand in your bosom…[and behold, it was leprous as snow].’” (*Shabbat* 97a)

The great Moshe Rabbeinu tells God that *Am Yisrael* will not believe him. God punishes him for casting aspersions on them, for He knows that when Moshe tells them that the time has come, they will believe him. Some part of them, something deep inside, will surely believe God’s word, despite the 49 levels of impurity to which they have sunk.

*Chazal* speak very harshly here concerning Moshe. Admittedly, Moshe was under great stress during this encounter, and it is possible that his statement, “But they will not believe me,” was uttered out of despair or weakness. Ultimately, however, he is punished and afflicted. We would certainly not dare to say such things about Moshe, but this is what the midrash does.

If the midrash views even such a spiritual giant as Moshe as guilty of suspecting people without justification, then this is a phenomenon that extends even to the highest places. If this could happen to Moshe Rabbeinu himself, then we must understand the power of this evil inclination with which we must contend. We now realize the extent to which “sin crouches at the door.”

Removing a person from the world

Beyond the question of the ubiquitous nature of this phenomenon, we must also understand the danger it entails. At this point let us turn our attention from *Sefer Vayikra* to *Sefer Bereishit*.

The first Rashi in the *Sefer* begins by quoting Rabbi Yitzchak, who asks why the Torah does not begin with the first commandment given to *Am Yisrael* – “*This month shall be for you the first of months….*” The answer, as cited by Rashi, is that in the future, when *Am Yisrael* are accused of having “stolen” Eretz Yisrael, they can respond that the Holy One, blessed be He, Who created the entire world, chose to give it to them. Clearly, both the question and the response require some explanation. And indeed, both Ramban and Rabbeinu Bechaye discuss Rashi’s explanation.

We might take a different view of what Rashi is saying. We recently read *parashat Chayei Sara*, where Rashi (*Bereishit* 24:42) cites a different well-known teaching of *Chazal*: “The conversations of the forefathers’ servants are more admirable before God than is he Torah of their own descendants.” The statement certainly applies more broadly than just this *parasha*, and concerns more than just the conversation of Avraham’s servant. We can learn much from the narratives in the rest of *Sefer Bereishit*, too.

Let us consider a later narrative, where Yosef brings his father, Yaakov, before Pharaoh. Pharaoh asks Yaakov how old he is, and Yaakov responds by describing the years that he has lived as “few and bad” (*Bereishit* 47:9). Why does he view his life in this way?

From the outset, Yaakov has had to deal with challenges and difficulties. He has contended with Esav, who sought to kill him, and Lavan, who tried to swindle him. He has wandered from place to place. Despite the impression of his having escaped Esav in *parashat Vayetze*, he encounters him once again on his return journey to Eretz Yisrael, and this time Esav is accompanied by an army of four hundred men.

Nevertheless, it seems that it is not these circumstances that define Yaakov’s life as “bad.” External troubles and enemies are a hazard that a person is able to cope with. None of this is too much for Yaakov. Even if a person is forced to submit to and accommodate outside dangers, his life goes on; he can continue to function. Rather, then, what clearly causes Yaakov to define his years as “few and bad” are the troubles at home. At the beginning of our *parasha*, we read:

“Yosef, being seventeen years old, was feeding the flock with his brethren; and the lad was with the sons of Bilha, and with the sons of Zilpa, his father’s wives; and Yosef brought to his father their evil report.” (*Bereishit* 37:2)

This “evil report” is mutual: Yosef speaks badly about his brothers, and they speak badly about him. It is easy to see that the brothers would have reason to slander Yosef: we are told that he “curled his hair” (Rashi on *Bereishit* 39:6), which is seemingly inappropriate. And Yosef finds reason to “report” on them to his father, too. But is this a good reason to break up a family? Is it possible that the entire glorious edifice of Yaakov’s household starts to collapse over nothing more than a curling of hair?

What we learn is that jealousy and suspicion are utterly destructive. With just a small measure of benevolence and goodwill on the part of each side, they could have managed to get along. But the moment that people become mean and suspicious, even the smallest issue becomes grounds for hatred and competition. This reaches the point where in the space of just a few verses, containing nothing more than dreams, the brothers are ready to kill Yosef.

The reason for starting with “*Bereishit*”

How far does this go? The answer to that question is to be found at the end of the *Sefer*, where the brothers fear that after the death of Yaakov, Yosef will exact revenge: “Perhaps Yosef will hate us, and he will repay us for all evil we have done to him” (*Bereishit* 50:15) – and owing to this concern the brothers are ready to tell all kinds of stories. There is no end to the fear and suspicion!

How fearful the brothers were of Yosef, and how angry they were at him! How much bitterness Yosef stored in his heart over decades after being sold! Clearly, it is this anger and this bitterness that are the cause of Yaakov’s lifelessness for so many years.

Is this lesson alone not sufficient reason for the Torah to start off with the narratives of *Sefer* *Bereishit*? As noted, while this may not be the most important message of the *Sefer*, it is certainly near the top of the list. The Torah wants us to understand how mistrust and blame can destroy everything, even amongst this most majestic family.

A society depends on mutual trust

One of the reasons for this situation coming about in the first place is the absence of women in the story. There is no Sara, who would know how to balance the different forces. There is no Rivka, who in her wisdom was able to maneuver between Yitzchak, Yaakov and Esav. In our narrative, no mention is made of our matriarchs – some of whom were already dead, others of whom were not actively involved in the events.

Suspicion hurts three parties. First, the person who harbors it is injured. Although everything can be interpreted in different ways, he automatically views matters in a negative light. He takes a mean, grudging view of everything – and this removes him from the world. Second, his attitude harms the person who is suspected of wrongdoing – and this is so even if the suspicion is in fact justified. And third, society as a whole is harmed. Mutual trust and confidence should be the glue that holds society together; woe to neighbors who do not trust one another.

Today, our situation is in this regard is quite bad. Not only do secular people harbor suspicion towards the religious sector, and vice versa; there is suspicion and mistrust even within each camp and each group. Every episode, every statement, is interpreted as a call of defiance and a call to war. If there is anything that may be understood in different ways, people are happy and eager to instantly apply the worst and most damning interpretation possible.

Even if the situation in our own midst is better than elsewhere, there is always room for improvement. We need to do more than simply giving lip service to ideals. It starts with the family, with parents and children. Heaven forefend that we should become a society that is ruled by carping and mistrust.

1. Beyond the question of whether the verse is giving license or imposing a command, the concept of “justice” here demands closer attention, too. See the Rambam's discussion of the definition of justice (*mishpat*) – along with other related concepts: righteousness, law, and benevolence **–** in the penultimate chapter of his *Guide of the Perplexed*. [↑](#footnote-ref-1)
2. The category of *kol ha-adam* would seem to include non-Jews, too. [↑](#footnote-ref-2)