



COVENANT & CONVERSATION

THOUGHTS ON THE WEEKLY PARSHA

RABBI LORD JONATHAN SACKS ZT"l

FORMER CHIEF RABBI OF THE UNITED HEBREW CONGREGATIONS OF THE COMMONWEALTH

May the learning of these Divrei Torah be לעילוי נשמת
HaRav Ya'akov Zvi ben David Ariele zt"l

לעילוי נשמות

פנחס בן יעקב אשר וגולדה בת ישראל דוד אייזע"ה ועזריאל בן אריה לייב ומעניה בת יצחק שרטור ע"ה

The Danger of Suspicion

It is a fascinating story, and from it comes one of the great principles of Judaism. Two of the tribes, Reuben and Gad, see that the land east of the Jordan is ideally suited as pasture for their large herds and flocks of livestock. They approach Moses and ask for permission to settle there, rather than crossing the Jordan. Moses is initially furious at their request. It is, he says, bound to demoralise the rest of the people ("Shall your fellow countrymen go to war while you sit here?"). Had they learned nothing from the sin of the spies who, by de-motivating others through their behaviour, condemned an entire generation to forty years of wandering in the desert?

The Reubenites and Gadites take the point. They explain that they have no wish to exempt themselves from the struggles of their fellow Israelites. They are fully prepared to

accompany them into the Promised Land and fight alongside them. "We will not return to our homes until every Israelite has received his inheritance." Moses makes them take a public pledge to this effect and grants their request on condition that they fulfil their word. "When the land is then conquered before God you may then return, *free of any obligation before God and Israel* and this land will be yours as your permanent property before God."

The italicised phrase - literally *you will be innocent before God and Israel* - became in the course of time an ethical axiom of Judaism. It is not enough to do what is right in the eyes of God. One must also act in such a way as to be seen to have done right in the eyes of one's fellow man. One must be above suspicion. That is the rule of *veheyitem neki'im*, "You shall be innocent in the eyes of God and Israel."

How did this translate itself into Jewish law and life? The Mishnah in Shekalim speaks of the three periods in the year when appropriations were made from the collective donations stored in the Temple treasury. The Mishnah states that "The person who made the appropriation did not enter the chamber wearing a bordered cloak or shoes or tefillin or an amulet, so that if he subsequently became poor, people would not say that he became poor because he committed an offence in the



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chamber, and so that if he became rich people would not say that he did so by misappropriating contributions in the chamber - for we must be free of blame in the eyes of people just as we must be free of blame before God, as it is said, 'You shall be innocent in the eyes of God and Israel.'

Similarly the Tosefta states: "When one went in to take up the offering of the chamber, they would search him when he went in and when he came out, and they continue chatting with him from the time he goes in until the time he comes out."

Not only must there be no wrongdoing when coins are taken from the Temple treasury; there must be no suspicion of wrongdoing. Hence the person who gathered the money should not wear any item of clothing in which coins could be hidden. He was to be searched before and afterwards, and even engaged in conversation so that he would not be tempted to secrete some of the money in his mouth.

Two rabbinic teachings from the Second Temple period speak of families famous for their role in Temple life and the lengths they went to place themselves beyond suspicion. The Garmu family were experts in preparing the showbread. It was said of them that "their memory was held in high esteem because fine bread was never found in their children's homes, in case people might say, they feed from the preparation of the showbread." Likewise the Avtinas family were skilled in making the incense used in the Temple. They too were held in high regard because "Never did a bride of their family go forth perfumed, and when they married a woman from elsewhere, they stipulated that she was not to go out perfumed, in case people should say, They perfume themselves from the preparation of the Temple incense."



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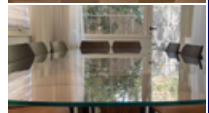
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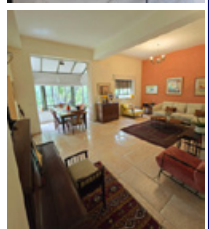
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The general principle is stated in the Talmud Yerushalmi:

R. Samuel bar Nachman said in the name of Rabbi Jonathan: In the Mosaic books, the Prophets and the Writings, we find that a person must discharge his obligations before men just as he must discharge them before God. Where in the Mosaic books? In the verse, 'You shall be innocent in the eyes of God and Israel.' Where in the prophets? In 'God, the Lord God, He knows and Israel too shall know.' Where in the Writings? In the verse, 'You shall find grace and good favour in the eyes of God and men.' Gamliel Zoga asked R. Yose bar Avun, Which verse says it most clearly? He replied, 'You shall be innocent in the eyes of God and Israel.'"

This concern became the basis of two halakhic principles. The first is known as *aschashad*, "suspicion", namely that certain acts, permitted in themselves, are forbidden on the grounds that performing them may lead others to suspect one of doing something forbidden. Thus, for example, R. Shimon bar Yochai held that one of the reasons why the Torah prescribes that *peah* [the corner of the field left unharvested for the poor] should be left at the end of harvesting was because of suspicion. If the owner of the field had set aside an unharvested corner at the beginning or middle, the poor would come and take what is theirs before the end of harvesting, and a passer-by might think that no corner had been set aside at all. Likewise the rabbis ordained that if a house has two doors on different sides, Chanukah candles should be lit at both so that a passer-by, seeing one door but not the other, should not think that the owner of the house had failed to fulfill the command.

A closely related halachic principle is the idea known as *marit ha-ayin*, "appearances". Thus for example, before milk substitutes

became common, it was forbidden to drink milk-like liquids (made, for example, from almonds) together with meat on the grounds that people might think it was milk itself. Similarly it is forbidden on Shabbat to hang out garments that had become wet (for example, by falling into water) to dry, in case people think that one has washed them on Shabbat. In general one is not allowed to perform actions which, permitted in themselves, lend themselves to misinterpretation.

The connection or contrast between these two principles is a matter of some debate in rabbinic literature. There are those who see *chashad* and *marit ha-ayin* as very similar, perhaps even two names for the same thing. Others however see them as different, even opposites. *Chashad* represents the possibility that people might think you have done something forbidden and thus think badly of you. *Marit ha-ayin* concerns cases where people, knowing that you are not the sort of person to do something forbidden, draw the mistaken conclusion that because you are doing X, Y is permitted, because X is easily mistaken for Y. Thus, to take one of the cases mentioned above, people seeing you hanging out clothes to dry on Shabbat might conclude that doing laundry is permitted, which it is not.

This concern for appearances is, on the face of it, strange. Surely what matters is what God thinks of us, not what people think of us. The Talmud tells us of a moving encounter between the dying Rabban Yochanan ben Zakkai and his disciples:

They said to him: Master, bless us. He said to them: May it be God's will that the fear of heaven should be as important to you as the fear of [the opinions of] human beings. They said: Is that all? He said: Would that you were able to attain this

[level of spirituality]. You can see [how difficult it is] because when someone wants to commit a sin, he says, I hope no one will see me [thus placing his fear of human beings above the fear of God who sees all].

What is more, it is forbidden to suspect people of wrongdoing. The rabbis said, "One who suspects the innocent is [punished by being] bodily afflicted" and "One should always judge a person in the scale of merits." Why then, if the onus is on the observer not to judge harshly, should we - the observed - be charged with the duty of acting above suspicion?

The answer is that we are not allowed to rely on the fact that others will judge us charitably, even though they should. Rashi makes a sobering comment on the life of Moses:

If he left his tent early, people would say that he had had a row with his wife. If he left late, they would say, He is devising evil plots against us. (Rashi's commentary on Deut. 1:12)

Even Moses, who devoted his life with total selflessness to the people of Israel, was not able to avoid their suspicion. R. Moses Sofer goes so far as to say that he was troubled throughout his lifetime by the challenge of the command, 'You shall be innocent in the eyes of God and Israel,' adding that it was far easier to fulfil the first half of the command than the second (in the eyes of Israel!). Indeed he wondered if it was possible for anyone to fulfil it in its entirety. Perhaps, he said, this is what Ecclesiastes meant when he said, "There is not a righteous man on earth who only does what is right and never sins" (Ecclesiastes 7:20).

Yet there is a profound idea embedded in the concept of *veheyitem neki'im*, 'You shall be innocent.' The Talmudic sage Rava was scathing of those who stood in the presence of a Torah scroll but not in the presence of a Torah sage. To be a Jew is to be summoned

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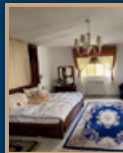
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to become a living *Sefer Torah*. People learn how to behave not only from the books they study but also - perhaps more so - from the people they meet. Jewish educators speak of 'text-people' as well as 'text-books,' meaning that we need living role models as well as formal instruction. For that reason, Rabbi Akiva used to follow Rabbi Yehoshua to see how he conducted himself in private, saying 'This too is part of Torah, and I need to learn.' The twin principles of *chashad* and *marit ha-ayin* mean that we should act in such a way as to be held as a role-model (by being above suspicion - the rule of *chashad*) and that, just as a book of instructions should be unambiguous, so should our conduct (by not laying itself open to misinterpretation - the idea of *marit ha-ayin*). People should be able to observe the way we behave and learn from us how a Jew should live.

The fact that these rules apply to every Jew, not just to great Sages, is eloquent testimony to the spiritual egalitarianism of the halachah. Each of us is bidden to become a role-model. The fact, too, that these rules exist despite the fact that we are commanded not to suspect others of wrongdoing, tells us something else about Judaism, namely that it is a system of duties, not just of rights. We are not allowed to say, when we have acted in a way conducive to suspicion, 'I have done nothing wrong; to the contrary, the other person, by harbouring doubts about me, is in the wrong.' To be sure, he is. But that does not relieve us of the responsibility to conduct our lives in a way that is above suspicion. Each of us must play our part in constructing a society of mutual respect.

This brings us back to where we began with the request of the tribes of Reuben and Gad to settle the land east of the Jordan. Moses, we recall, granted their request on condition

that they first joined the other tribes in their battles. They did so. Years later, Joshua summoned them and told them that they had fulfilled their promise and were now entitled to return to the place where they had built their homes (Joshua 22).

However, by a profound historical irony, suspicion was aroused again, this time for a quite different reason, namely that they had built an altar in their territory. The other tribes suspected that they were breaking faith with the God of Israel by constructing their own place of worship. Israel was on the brink of civil war. The suspicion was unfounded. The Reubenites and Gadites explained that the altar they had built was not intended to be a place of worship, but rather a sign that they too were part of the Israelite nation - a safeguard against the possibility that one day, generations later, the tribes living in Israel proper (west of the Jordan) would declare the Reubenites and Gadites to be foreigners since they lived on the other side of the river:

That is why we said, 'Let us get ready and build an altar - but not for burnt offerings or sacrifices. On the contrary, it is to be a witness between us and you and the generations that follow, that we will worship the Lord at the Sanctuary with our burnt offerings, sacrifices and fellowship offerings. Then in the future your descendants will not be able to say to ours, "You have no share in the Lord." And we said, "If they ever say this to us or to our descendants, we will answer: Look at the replica of the Lord's altar which our fathers built, not for burnt offerings and sacrifices, but as a witness between us and you.'

Civil war was averted, but only just.

Suspicion is a pervasive feature of social life and it is intensely destructive. Judaism - a central project of which is the construction

of a gracious society built on justice, compassion, mutual responsibility and trust - confronts the problem from both directions. On the one hand it commands us not to harbour suspicions but to judge people generously, giving them the benefit of the doubt. On the other, it bids each of us to act in a way that is above suspicion, keeping [as the rabbis put it] “far from unseemly conduct, from whatever resembles it, and from what may merely appear to resemble it.”

Being innocent before God is one thing; being innocent before one’s fellow human beings is another, and far more difficult. Yet that is the challenge - not because we seek their approval (that is what is known as pandering) but because we are summoned to be role-models, exemplars, living embodiments of Torah, and because we are called on to be a unifying, not a divisive, presence in Jewish life. As the Chatam Sofer said, we will not always succeed. Despite our best endeavours, others may still accuse us (as they accused Moses) of things of which we are utterly innocent. Yet we must do our best by being charitable in our judgement of others and scrupulous in the way we conduct ourselves. ■

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