

Shiur L'Yom Chamishi¹

[Thursday's Study]

READINGS: ***Torah Shoftim:*** **Deuteronomy 19:1-21**
 Haftarah: **Isaiah 52:1-2**
 B'rit Chadasha: **John 1:24-25**

Purge from Israel the guilt of shedding innocent blood.

[Deuteronomy 19:13(a)]

Today's Meditation is Psalm 94:20-22;

This Week's Amidah Prayer Focus is the 2nd Petition, Teshuvah [The Prayer of Repentance]

Ki-yachrit Adonai Eloheicha et-ha-goyim – When the Holy One your God cuts off the nations ... *asher Adonai Eloheicha noten lecha* - that the Holy One your God is entrusting to you ... *et-artzam virishtam* – and you possess their land ... *v'yashavta v'areihem uvevateihem* – and take up residence in their cities and houses ... *shalosh arim tavidil lach* – separate out for yourself three cities **Deuteronomy 19:1-2a.**

Moshe is rolling out a set of blueprints – blueprints that reveal the Holy One's Grand 'Infrastructure Plan' for the *Heaven-Scented Society* we are to spend our lives building. First the prophet-turned-Architect-of-Advanced-Civilization laid out the *Preparation Protocols*. These 'first pages' included essentials like:

1. covenant-relation based, *sh'ma-ing spirituality*;
2. *modest, Kingdom-honoring personal appearance and demeanor*;
3. *clean, healthy diet*;
4. *an inspiring capital city unlike that of any other nation because it is the chosen abode of the manifest presence of the Creator*;
5. *protocols of care for hurting, needy, and disadvantaged in our midst*;
6. *a calendar that doubles as the ultimate Revelatory Passion Play*;
7. *a system of justice geared toward redemption and restoration instead of retribution*; and
8. *servant-based models of leadership, government, and revelation that actually focus on the empowerment of the common man, not the enrichment of powerful elites.*

Now Moshe is ready to take us to yet another stunning vista. The next area he is going address is how we – as individuals and as a society – will choose to respond to 'offenses'. The Master taught: ***Offenses will come; but woe to that man by whom the offense comes.*** **Matthew 18:7b.**

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How we as individuals and as a nation respond to offenses is one of the major ‘litmus tests’ of our walk with the Holy One. We cannot say we ‘love the Holy One with all our heart, with all our soul, and with all our strength, and ‘love our neighbor as ourselves’, and harbor any level of ‘offense’. What is an ‘offense’? It is any negative *emotion* or *attitude* that our minds attach to a person [or a group of people] for any reason. What will we let cause us to entertain negative emotions and/or attitudes toward another human being? What will we let cause us to disapprove of or disrespect another person? What will we let cause us to abandon our sense of hopefulness and confident expectation so thoroughly that we decide to judge another person? What will we let cause us to fear them; to hate them; to be disgusted or appalled by them? Will we let any of the following irritations/aggravations distract us?

1. *personal affronts* [from *dishonor* to *disrespect* to *name-calling*, to *labeling*, to *derision*, to *mockery*, to *rejection*, to *harassment*, to *bullying*, to *persecution*, to *betrayal*; to *stalking*, to *assault*, to *battery*];
2. *insults, sarcasm, mockery, gas lighting, virtue-signaling, and derogatory labeling*;
3. *anti-social behaviors* [from narcissism to rudeness, to profanity, to vulgarity, to crudeness, to deception, to substance abuse],
4. acts of negligence,
5. *recklessness*,
6. expressions and manifestations of hate, bias, bigotry, and/or evil intent;
7. damages to property;
8. traumatic personal injuries;
9. deaths;
10. *violations of Torah’s instructions on how to live a well-lived life*;
11. *violations of criminal law*;
12. *violations of civil law*;
13. behaviors we consider ‘*disgusting*’ or ‘*abominable*’;
14. behaviors we consider ‘*unethical*’,
15. behaviors we consider ‘*immoral*’;
16. behaviors that *offend our sense of ‘social justice*’;
17. behaviors that *offend our sense of cultural ‘normalcy*’

Learning to deal responsibly with, and hold onto our *shalom*, our joy, our *emunah*, our humility, our gentleness, our goodness, and our self-control in the face of, all the world’s ‘offense triggers’ is *Mission: CRITICAL* for the people of the Great King. That is a major part of our testimony – the proof of our redemption and representation of the Holy One. Mercy and forgiveness, patience, and kindness, and loving the unlovable and unworthy constitute the essential evidence that prove that He is our King. The rest of the world, you see, is in bondage to offense. The way of all nations, ethnicities, cultures, and tribes with unredeemed souls and uncircumcised hearts is strewn with the debris of angst and offense, indignation, outrage, bitterness, dehumanization of everyone perceived to be either a competitor or an adversary, and hate. The peoples of the

world who do not both love the Holy One and humble themselves to serve Him according to Torah convulse with knee-jerk judgments over everything they see (or imagine they see), hear (or imagine they hear), or feel (or can be convinced by agitators that they *should* feel). They are easily manipulated by fear-mongers, hate-peddlers, race-baiters, class-envy inciters, deceptive narrative-framers, virtue-signalers, and loud-mouthed bullies shouting emotionally charged slogans. Thank Heaven those of us who have been redeemed by the Great King have the capacity to rise above all that. We can shake off offenses. We can forebear retribution in kind. We can resist the fleshly urge toward one-ups-man-ship. We have no need – or desire – for vengeance or retribution for wrongs done to us, because we have complete trust that the Holy One will work all things together – even unpleasant and/or unjust things – for good for all who love Him and are called according to His purpose. We have a Covenant with the Creator of the Universe – Who is Father to all men, even those we consider our ‘enemies’. We are Partners in His Grand Plan for the Redemption of Mankind as a Species and for the Restoration of Creation to its Original Edenic state of Blessedness, Fruitfulness, and *Shalom*. We are *dead to offense*; therefore we do not overreact to things that happen ‘in the flesh’ the way most men do. We represent a Glorious King Whose Throne is founded solidly – upon eternal pillars of *tzedekah* and *mishpat*, *chesed* and *emet*. We forgive quickly, because our intimate communion with the Holy One frees us from the fleshly/pseudo-intellectual prison of ‘fretting over evildoers’. That does not make us patsies or pacifists; we just do whatever our King says to do in every situation. We follow His rules of engagement, and sometimes those rules call for the strategic employment of resistance and/or preemptive application of force; but still we must not indulge an appetite for vengeance. We bow our knee to the will of our King – and we carry out His instructions, whatever they may be, without a hint of anger, without any suggestion of moral, ethical, ethnic, or cultural superiority, and without the slightest trace of malice.

So, if we are going to represent our King to the people and nations of the world in every facet of life, as we are called to do, we all have to decide how we will respond to things that offend the people who know not our King. Will we let our minds turn into kangaroo courts ruled by emotion, ideology, political opinions, and public outcry, the way the rest of the peoples and nations do – or will we establish, and let calm, rational, well-informed decisions be made by, impartial judges under the guidance of procedural and substantive rules of due process? Will we accuse, try, and slander people we do not like or who offend our sensibilities in the realms of innuendo and gossip - especially social media, the daily ‘news’, talk radio, shock television, and the blogosphere? Or will we let true, proven sages and duly commissioned and overseen courts of law sort out

what needs to happen in any given situation? Will we have kangaroo courts ruled by emotion, ideology, political opinions, and public outcry – or real courts governed by procedural and substantive rules of due process?

This is huge – for us who claim the Holy One as our King, of course, but also for the toxic over-reacting, accusation, rant, and ‘take-down’ obsessed world to which we are called to function as light and salt. I cannot overestimate its importance. How we respond to the questions above – and which path we choose at the crossroads Moshe is setting before us today - will go a long, long way towards determining just how healthy, how happy, how prosperous, and how long-lived a society we will have.

Will we introduce to the world something truly beautiful? Or just more of the same old toxic cesspool of opinion, hate, and blame?

***Will the Culture and Atmosphere We Create Be
Calm, Wise, Gentle, Safe, and Fruitful?
Or Offended, Outraged, Rant-Prone, Vindictive, and Violent?***

Will we, like the nations of the world, choose the well-worn path of offense, blame, bias, self-righteous vigilantism, angry mobs, gossip, slander, public uproar, protests, marches in the streets, crusades of vengeance, and lynchings? Or will we choose, and blaze for the world to follow, a trail clearly discernible as a much *more excellent way*? Will we choose to *bend our pride, ego, opinions, and emotions low to enable passage through the strait gate* of the Covenant? Will we follow our Divine Bridegroom-King’s *narrow path instructions to let wisdom, prudence and shalom have the first say*? Will we, before even forming, much less expressing, any opinion about who is right and who is wrong in any given situation, bite our lip, hold our tongue, and reserve judgment at least long enough to *give everyone a fair hearing in front of an unbiased tribunal which will conduct a calm, orderly, reasonable, and impartial evaluation of all trustworthy eyewitness testimony*? Will we *join our Bridegroom-King in preferring mercy over judgment, and preferring well-reasoned, forward-looking, judicially crafted solutions that are designed to bring healing over punishment, retribution, or revenge*? Will the voices that ring loudest and garner the most attention in our society be the angry, outraged, and offended voices of crusaders and demagogues screaming for quick and bloody vengeance? Or will they be the calm, the wise, and gentle voices of *tzaddikim* trying to bring healing by suggesting real, forward-looking solutions? The choice we - as individuals and as a collective - make at this crucial fork of two pathways will have deep and lasting effects not only the people involved in the controversies that arise, and on their progeny, but will also dramatically affect the land of Israel itself. The land

weeps when there is bloodshed. The rocks cry out where there is injustice, oppression, and hate. The skies turn to brass where there is ranting, raging, and *lashon ha-ra*. Where there is neither mercy nor justice – only offense, outrage, and vengeance – therefore, not only do *the people directly affected* suffer, but the rocks cry out, as all Creation groans under a huge, unintended, and unsustainable burden. Unclean spirits come rushing in like vultures. Jackals are always drawn to outrage; vermin to filth; and hyenas to angst and division. And soon the sweet, nurturing hum of *shalom*, *simchah*, and *b'rachah* – i.e. peace/wellness, joy, and blessing – get completely drowned out by rancor, drama, accusation, offense, and violence.

The Paths of Righteousness, For His Name's Sake

All this week Moshe has been teaching us that *PURSUING TZEDEK* [i.e. what the Holy One would or has said to do in a given situation] is a critically important part of both our *personal calling* and our *national destiny*. *Pursuing tzedek* is absolutely essential for responsible Kingdom Administration. *Pursuing tzedek* is something EACH OF US IS TO DO PERSONALLY. It is to be the default motivation at the very CORE OF ALL OUR INTERPERSONAL INTERACTIONS, RELATIONSHIPS, AND COMMUNAL ACTIVITIES. We just have to remember that the kind of *tzedek* we are to pursue is not any concept of 'justice' that ever has been or ever will be formulated in the mind of fallen man. *Tzedek* must, in our eyes and conversations, never be confused with our own - or any other man's - opinion of right vs. wrong, good vs. evil, fairness vs. unfairness, or morality vs. immorality. Opinions about such things are *the folly of man*. Opinions about such things are silly mind games that children who eat from the tree of the knowledge of good and evil like to play. *Tzedek* is something far greater – something much more to be desired. *Tzedek* is instead *the determination of the brilliant mind and heart of man's Creator of what plan of action is most wise and most beneficial for mankind and Creation*. We just have to keep in mind that *the tzedek we are to pursue is not visible with the natural eyes or discernible with the natural ears of man – but can only be viewed through the eyes of the Bridegroom King and can only be understood through immersion in and meditation upon the words of the Holy One*.

In the first 21 verses of Deuteronomy 19 Moshe takes the 'pursuing *tzedek*' theme even deeper, exploring two practical elements of what the Holy One calls RIGHTEOUSNESS. First of all the passionate prophet will lay out for us again the Holy One's radical plan for us to build and maintain CITIES OF REFUGE in all the territories He delivers into our possession. There is nothing more threatening and toxic to human society than *human-on-human violence*. If we are going to build a Kingdom-of-Heaven Scented Society on earth, we are going to

need to provide the world a model as to how to *stop the vicious human-on-human violence cycle* that has plagued our species since Kayin slew Hevel. There can be no *vigilantism*. There can be no taking the law into our own hands. Knee-jerk reactions of human emotions – things like outrage, disgust, grief, fear, hate, prejudice, sympathy for victims and the like – can never be allowed to govern our response to or conversations about people or situations. What the world – our world – needs is not more emotion, or more condemnation. What our world needs is what the Holy One sees in the situation as being *tzedek*.

The Bridegroom-King has a plan to introduce His Tzedek to the world. And at its heart that plan involves us building what He calls ‘cities of Refuge.

Shalosh arim tav’dil lach b’toch artziecha

You are to separate three cities for yourself in the midst of your land

v’hayah lanus shamah kol-rotze’ach

that every manslayer may flee there

[Deuteronomy 19:2-3]

Three cities in our land are to be special. When human-on-human violence erupts, the manslayer is to be able to flee to any of these three cities to have his case considered rationally by strangers. He is not to be lynched by a raging mob. Nor is he to be slain like a dog by a vengeful relative. He is to be able to avail himself of what in legal jargon today is called a ‘*change of venue*’. And he is to have what in common parlance today is called a ‘*fair trial by an impartial tribunal*’.

What were these three special cities to look like? They were to be cities where the *pursuit of tzedek* – not *vengeance* – was always modeled to the world. The love of and pursuit of tzedek – and the eschewing of vengeance - was to be so pervasive in these cities that it literally changed the entire atmosphere there, and altered both human thought and human behavior. These were to be *cities set on a hill*. Shining in the sun, they were to declare to all: ‘if you come here, and enter these walls, what you will experience will be nothing short of the ***tzedek*** [justice] of the Holy One of Israel.

Now *that* is a radical concept if I ever heard one. This was completely unheard of in Egypt – or Kena’an – or anywhere else in the world at this point. Has Moshe lost his mind? No, he hasn’t. He knows that for far too long under the oppressive occupation of the Kena’ani the land of our inheritance has been subjected to senseless violence, to callous cruelty, and to the gleeful spilling of the blood of innocents in the name of false gods and demons. Think Sodom and Gomorrah. Think Genesis 19. Think of your worst nightmare as a child. For centuries the

land we are to possess and utilize as a stage for the presentation of the great passion play of Divine Redemption has been horribly polluted by, and crying out the Holy One under a great burden of, *dam naki* – i.e. ‘innocent blood’. And a big part of the reason the Holy One is bringing us into the land – and expelling the Kena’ani polluters from it - at this particular time in history is in order to make *tikkun* [i.e. repair, restoration] for that long season of toxic pollution. The Bridegroom-King has a redemptive and restorative plan. He has a story He wants to tell, and an invitation He wants us to give. And cities of refuge – special geographical areas where the atmosphere is absolutely supercharged with Torah and *tzedek* [justice] – are a part of that plan.

Before the *tzedek*, *tzedek* download is over, Moshe is going to lay out an even more radical element of our Divine Bridegroom’s plan to cause His ‘holy nation’ and ‘kingdom of priests’ to overflow with *tzedek* [righteousness, charity, justice]. The latter aspect will be *procedural*. Moshe is going to introduce to the world “*due process of law*” rules – Divine essentials of choreography under which the Kingdom of Heaven Society we are to build is to operate on earth. Let’s look a little deeper into both of these matters, shall we?

The Role of Cities of Refuge in Our King’s Grand Redemptive Plan

Moshe has already told us that the Holy One’s Grand Plan for the Redemption of Mankind and the Restoration and Unburdening of Creation involves us building *cities of refuge*. The first location where we are to build these cities is in the area *East* of the Jordan – specifically in the area where the tribes of Gad and Reuben and the half-tribe of Menashe, settled after the defeat of the Emori warlords Sichon and Og. See **Deuteronomy 4:41-43**. In today’s aliyah Moshe instructs the tribes who were to settle *West* of the Jordan, in *Eretz Yisrael* proper, to set up cities of refuge in those territories as well².

But wait a moment! Should we feel insulted? Should the whole idea that we – a redeemed people - will need cities of refuge in the land in which we settle – not bother us a little? After all, we would like to think that once we enter the wonderful land the Holy One has prepared for us – the place something deep in our souls tells us is “home” - that *murders* and *theft* and *seduction* [whether spiritual and physical in nature] and *devastating accidents* will be far from us. We would like to think the lion will lie down with the lamb, and that, when we are in charge, no one will inflict any harm on our Bridegroom-King’s Holy Mountain. Alas, Moshe does not want us to lose touch with reality – or the Divine Bridegroom’s timing. The lion will one day lie down with the lamb, Dear Reader – but that day is *not upon us quite yet*. So when we get to our promised land we

² All of this is pursuant to the Holy One’s instructions, as set forth originally in Numbers 35:6-34.

will find out quickly that ... well, that *stuff happens*. *Eretz Yisrael*, as wonderful and as blessed as it is, is not some utopian wonderland. It is real – and we will be real. Fallen human nature will still think the thoughts, speak the words, and do the works of uncleanness. The dark energy sources of *anger* and *offense* and *rage*, of *lust* and *jealousy* and *greed*, and of *worry* and *fear* and *paranoia*, will still immerse people from time to time. As a result we will still have the very hardest issues of life in a fallen world to deal with – even in the good land of *Eretz Yisrael*. The law of gravity will still apply there – as well as the law of sowing and reaping. People will fall off roofs and down staircases. Accidents will happen. Arguments will occur – and so will physical altercations. Men will still be found doing what men do when they let their passions and/or appetites run away with them. And the same will hold true for women. There will be rapes, and family violence, and sexual perversions, and murders.

Welcome to *Post-Fall Reality Course 101*: We cannot rebuild Eden; only *the Divine Bridegroom* can. So in the meantime our Covenant Partner in Heaven wants us to know that *it is not the absence of bad things in our lives that is going to mark us as His; it is the way in which we respond to those bad things* that will show the world Who our King really is. *Bad things* will continue to happen to *good people* on occasion - even in *Eretz Yisrael*. And it will be how we respond to bad things, not how loud we sing praise songs or how well we expound doctrines, that constitutes the true measure of whether we truly serve the Creator of Heaven and Earth - and *sh'ma* His instructions for life on planet earth - or not.

Moshe therefore tells us plainly that some of us will cross over the Jordan and take possession of our inheritance in *Eretz Yisrael* only to have our lives, or the lives of our spouse, or a child, or a dear friend, shattered - or even snuffed out - early by someone else. He knows our ‘natural’ tendency when that happens will be to feel hatred, bitterness, rage. He knows those closest to the situation will want to punish someone – and get the vengeance they mistakenly believe will bring them some degree of closure or ‘justice’ - so much that they cannot be trusted to make sound judgments. He knows they will not be able to listen rationally to the other side of the matter. He knows collateral damage always occurs in those situations. He knows innocents will get killed. He knows the cycle of human-on-human violence cannot be stopped if outraged, vengeance-crazed mobs are allowed to act on emotion instead of pursuant to *tzedek*.

In *Eretz Yisrael*, it seems, violence breaks out somewhere every day. Rocks are hurled. Fists fly. Knives slash. Gunfire erupts. Bombs detonate. Out of pure hate and vindictiveness, everything from tractors to vehicles to kites and even balloons, is getting turned into an instrument of terror. Likewise, in the cities of

the Americas, as well as Europe, Africa, Asia, and Australia, the story is much the same. A radicalized jihadi here; a drunk-driver there; a race-obsessed thug here; a gangbanger here. A thrill-seeker here; a seasoned terrorist there. A rapist here; a child molester there. A group of radical youth beating someone up here; a group of ideological fanatics beheading someone there. A small group spouting fascism here; a mob of people inflicting violent beatings and spewing profanity and hate in the name of ‘anti-Fascism’ there. One accusing someone of racism, sexism, or misogyny here; another labeling everyone who opposes their politics or ideology as ‘idiots’ or ‘lib-tards’ there. One culture’s terrorist serves as another culture’s ‘freedom fighter’. One ethnic group’s hero serves as another ethnic group’s villain. One group desecrates synagogues, churches, temples, and graveyards; another group firebombs mosques, gay nightclubs, and abortion clinics. Drug-deals go south; blood is spilled in the streets. Violent words – or worse – are unleashed simply because of someone’s offense against, distrust of, or animosity toward a race, a religion, a nationality, or a gender. Policemen shoot unarmed civilians dead in the night; angry militants shoot completely different policemen down in broad daylight. An angry former employee shoots up his former employer’s jobsite; fans of one sports team beat to death a fan of another sports team. Computer-geeks assault schools. Wives run their husbands down with cars; husbands shoot their wives with pistols. Mothers drown their children in lakes and bathtubs; fathers and stepfathers beat them to death for crying too loudly in the night. Football heroes slice the throats of former girlfriends. Rap music artists gun down rivals like dogs. Terrorists fly airplanes into commercial buildings full of innocent people. Packages laced with bioweapons are sent through the mails. Lives get destroyed. Families get devastated. Children are made orphans. And it is not getting better – and it is not about to. Most of the time it happens far, far away from us. We usually do not see it – we just hear about it or read about it. So why does it affect us so much? Why do we weep? Why do we inwardly rage? Why do we bow our heads and pray – or look for a way to help the wounded or bereaved? Because *we are, at essence, erez*. The Holy One could have formed us out of some other substance, but Genesis 2:7 says He chose to make us out of *erez*. And *erez* has a special spiritual quality activated by innocent blood. *Eretz*, you see, hears a *voice* – a voice echoing the Holy One’s voice – a voice that cries out *for the avenging of innocent blood*. But *vengeance – as well as the voice that cries for vengeance – belongs to our Covenant Partner in Heaven ... and to Him alone*. And the Holy One’s people are to remember that always by providing *cities of refuge* in the Land.

***Dealing Effectively – and Covenantally –
With Outcries of ‘Innocent Blood’***

Have you ever wondered why reports of, or witnessing, acts of murder or of

senseless killing affect us so? Have you pondered why scenes of bombed-out Israeli buses and bus-stops, and the images of the explosion of the Murrah federal building in Oklahoma City [1995], the collapse of the twin towers of the World Trade Center and the smoking ruins of the Pentagon [2001], haunt even us who live nowhere near the devastation, and who, in most instances, do not know a single person directly affected by the carnage? Why are we so fascinated by the cases of strangers such as Natalie Holloway? Are we just *morbid by nature*? No Beloved. Something in us *hears the cry of dam naki* – i.e. ‘innocent blood’.

In choosing to make man from *eretz* the Holy One intentionally *programmed us* have a gut-wrenching revulsion to the shedding of innocent blood in our world. When our lives [the gates of our eyes or ears in particular] are touched by innocent blood, something primeval in us cries out, like the *eretz* that unwillingly received the blood of *Hevel* [Abel] at the hands of *Kayin* [Cain], for that blood to be avenged. Most of mankind simply *gives in* to this primeval revulsion. Leaping to conclusions, rushing to judgment, and calling for *vengeance* – this is the way of the world around us. It is the way of *Kayin*, and *Balak* – and even the younger version of *Moshe*. It is *a tale as old as time*, and *a song as old as rhyme*. Getting even – or going one better – you see, is the standard fallen human response. But ‘getting even’ does not solve the problem. It does not advance the Kingdom. It is just piling darkness on top of darkness – not bringing light. Rushing to judgment, taking sides, and taking vengeance always leads us away from the Holy One ... and into *a downward spiral* that leads *straight into the Serpent’s lair*.

Enter the Redeemed Community, living the *sh’ma* lifestyle, stage right. The Holy One has *redeemed us* and *given us a new nature*. He has *re-constituted us*. And so, He prophetically and creatively speaks over us whom He has redeemed and recreated, that we are to respond *differently*. We are to respond not in accordance with the cry of the *eretz* of which we are made, but in accordance with the cry of the other substance of which we were created – the Breath of the Holy One. See Genesis 2:7 - after the Holy One formed man of the dust of the earth, *He breathed into His nostrils the breath of life*. Unlike the rest of the world - but like our Creator, who in mercy gave a mark to *Kayin*, to protect him from blood avengers - *we are called to subordinate our demand for vengeance to a more excellent way*. We are to *stay calm, keep our shalom, and follow* due process of law. The subjugation of the innate demand for vengeance to due process of law requires that there be *a presumption of innocence* until proven guilty. The presumption of innocence until proven guilty, in turn, requires that we establish *places of refuge* – to which the person innocent until proven guilty can run, and where they will be protected while due process of law runs its

course.

Please understand, however, a city of refuge is NOT a place where a murderer gets off ‘*scot-free*’. It is just a place where he *receives protection from the lynch mobs of society* pending a fair and impartial Torah trial. Which brings us to the second aspect of today’s aliyah – *due process of law*.

***Due Process of Law – the Divine Bridegroom’s Radical Plan of
Introducing Tzedek [i.e. Heaven’s Idea/Picture of Forward-Looking,
Redemption-Focused Justice] to the World***

The American legal system was founded upon a principle we have come to know, by virtue of its use in our Constitution, as “*due process of law*”. This is a concept that did not originate with our founding fathers. Due process of law did not originate in the *Magna Carta* of England or the Constitution of the United States of America. It instead originated in the Torah. It came from the *tzedek, tzedek* download of wisdom that the Holy One brought forth from His servant Moshe. Why Moshe? Because Moshe, more than most men, knew well – and firsthand – the critical need for ‘*due process of law*’. He himself had slain another man, and had been forced to run for his life from the blood avenger. **Exodus 2:11-15**. Having himself been given refuge from the blood avenger by Yitro the prince of the Midyani [Midyanites]³ Moshe understood well that *man’s idea of vengeance was not always – or even very often – consistent with the Holy One’s idea of vengeance*. Moshe was thus the perfect choice to announce that in lieu of taking *vengeance* the Holy One’s people would adhere to our Covenant Partner in Heaven’s rules of *due process of law*.

Moshe describes different aspects of the due process principle for us throughout Torah.

1. The Requirement of Credible Eyewitness Testimony and Proof of Evil Motive

Moshe begins by saying:

***But if any man hates his neighbor, and lies in wait for him,
and rises up against him, and strikes him mortally so that he dies,
then the Zakenim of his city are to send and bring him there,
and deliver him into the hand of the avenger of blood that he may die.
Your eye is not to pity him, but you are to put away the innocent blood from Yisra'el,
that it may go well with you.***

³ The Midyani were descended from *Avraham avinu* [Abraham our father] as well. After Sarah’s death Avraham married Keturah and had six children, half-brothers of Yitzchak – one of whom was Midyan. **Genesis 25:1-4**.

2. Clear, Well-Publicized Standards, Established in Advance

Moshe tells us that there can also be no ‘*ex post facto*’ [after the fact] changing of the law in the kingdom of our Covenant Partner in Heaven. He says:

You are not to remove your neighbor's landmark
[esp. the boundary marker of the city of refuge], *which they of old time have set,*
in your inheritance which you are going to inherit,
in the land that the Holy One your God is giving you to possess.

If the landmark could be moved, a person who had reached the city of refuge could, simply by a change in the rules after the fact, be denied the protection the Holy One mandated for him. The way of the Holy One is for a person to be judged *in accordance with the law in effect at the time he allegedly committed the offense* – not some new higher standard of conduct concocted after the fact to make sure a scapegoat gets punished.

3. The “Kingdom Due Process’ Requirement of Corroboration of Guilt By the Eyewitness Testimony of Two or More Disinterested Eyewitnesses Instead of by ‘Circumstantial Evidence’, ‘Hearsay’, or ‘Trial by Emotion’

The next aspect of ‘due process of law’ the way of our Covenant Partner in Heaven is the requirement of *two or more eyewitnesses* for any conviction or for the infliction of any punishment.

*One witness shall not rise up against a man for any iniquity,
or for any sin, in any sin that he sins:
only at the mouth of two witnesses, or at the mouth of three witnesses,
is a matter to be established.*

To understand the significance of this requirement, consider that if America had this requirement, it would void at least 90% of the criminal convictions that take place here. Our prisons would be virtually empty. Why? Because criminals do not usually do their work in public, where other people can see them. There are almost never any eyewitnesses – much less *two* or *three*. As Yeshua showed us in the episode of the woman ‘caught in adultery’, this sometimes resulted in people who were ‘guilty as sin’ going free on a technicality. See John 8:10 – where Yeshua said “*Woman, where are your accusers*” (i.e. the Torah-mandated *witnesses* against you). The result – a guilty person going free - is acceptable. It is, in light of the innate avulsion of the *eretz* [including that within us] to the shedding of innocent blood, preferable to killing a person who cannot be proven guilty by due process of law.

The Worst Enemy of Kingdom Due Process: The Interested, Biased, or Paid-Off Witness

Moshe then continues, outlining what is to be done to determine, in those cases where two or more witnesses come forward, to further protect the accused:

*If an unrighteous witness rise up against any man
to testify against him of wrongdoing,
then both the men, between whom the controversy is, will stand before the Holy One,
before the Kohanim and the judges who will sit in those days;
and the judges will make diligent inquisition.*

A witness' testimony is not to be accepted at face value. It must be given under oath [the idiomatic meaning of "before the Holy One"]. It must be given publicly [the idiomatic meaning of "before the Kohanim and the judges"]. And it must be subject to cross-examination [the idiomatic meaning of "and the judges shall make diligent inquisition"]].

Are you beginning to see the dramatic difference between the world's system of *vigilante justice* and the system of due process of law of our Covenant Partner in Heaven? Moshe is not through. He has some *tough words* for anyone who would consider bearing false witness against someone else:

*And, behold, if the witness is a false witness,
and has testified falsely against his brother;
then you are to do to him as he had thought to do to his brother:
in this manner you are to put away the evil from the midst of you.*

Moshe then announces a stunning revelation – that in kingdom of our Divine Bridegroom the underlying principle and purpose of due process of law is not to be vengeance at all, but is forward-looking and society- and bloodline-healing:

*Those who remain will hear, and fear,
and will henceforth commit no more any such evil in the midst of you.*

Moshe then completes the section by announcing that, according to the Holy One's idea of due process of law, the over-riding principle is merely just compensation for the injured or bereaved person– not 'going one better'. The Redemptive Plan of the Holy One does not involve revenge; it is all about conflict resolution and reconciliation. It is not about who was wrong and who was right; it is about where we as a society - and as individuals – go from here, and how we can make the best of a bad situation. The language employed, however, sounds shocking to the uninformed ear. Moshe puts it thusly:

*Your eyes are not to pity;
life [will go] for life, eye for eye, tooth for tooth,
hand for hand, foot for foot.*

Moshe is waxing poetic. His "eye for eye, tooth for tooth" language – like Yeshua's cut off your hand, pluck out your eye language, and Sh'lomo's 'cut the baby in half' and give half to each woman claiming the baby as hers decree - is not intended to be literal. It is *idiomatic*. It is *figurative*. It simply recognizes that resolution of matters of personal injury involves taking from the party who has been found guilty something that is, in monetary terms, *roughly equivalent in*

value to that of which the victim was deprived. Physically gouging out eyes, whacking off heads, and cutting off fingers was never part of the redemptive plan of the Holy One or the legal system of His Covenant People. Nor was ever intended to be. But to understand that requires eyes that *re'eh* [i.e. behold], and which can see beyond line on page, as translated into English by scholars paid by a bloodthirsty British monarch bent on rooting out all opposition to his religion as well as his reign.

What Has this Ancient Divine Download of Kingdom Due Process To Do With Me and My World?

I can easily see how one could skim through the above discussion, and nod, and say “that is all very interesting”, and conclude that it has nothing to do with anyone who is not a lawyer or a judge. Such an attitude would, I believe, constitute an unfortunate mistake, a tremendous opportunity squandered, and a failure to ‘*rightly divide the word of truth.*’ In the sermon on the mount Yeshua taught us that we are not to look at the *mitzvot* of Torah as an external code of conduct only – but are to apply it to ourselves, letting its essence penetrate our actions, our words, and even our thoughts and attitudes, until it reaches what I call the ‘threshold of pain’.

Torah is more powerful than a two-edged sword, able to penetrate us, to the point of dividing soul and spirit, joints and marrow, and judging even the thoughts and intents of the heart. Hence, we are not to congratulate ourselves on the fact that we have never violated the DO NOT KILL instruction by plunging a knife into our neighbor’s back, or broken the DO NOT COMMIT ADULTERY instruction by cavorting with a friend’s beloved bride. We are not to restrict Torah’s application to full-grown physical acts. We are to let Torah cut deeper – yielding voluntarily to its two-edged blade. We are to invite it to slice past the full-grown physical acts, to the level of our thoughts, our attitudes, and our words. Yeshua taught this principle by making it clear that, *if we are harboring ill-will toward another person*, we have violated Torah with our emotions, just as if we had assaulted that person with our fists. He taught us that *if we have let the seed fester*, and grow to the extent we have gone beyond just harboring ill-will in our hearts, but have employed our lips and tongue in the enterprise, spoken *l’shon ha ra* of our brother [i.e. saying things about him to other people, behind his back, in hopes of making him look bad in their eyes]⁴, or if we have taken the ill-will so far that we have *verbally attacked him* [for instance, calling him a “fool” to his face], we have violated Torah with our mouth, just as if we had stuck the knife in him. Similarly, Yeshua taught us that *if we have looked upon our neighbor’s mate with impure thoughts*, we have violated Torah with our eyes and with our desires [which like minds, tongues, and lips, belong exclusively to our Covenant Partner in Heaven], and have therefore violated Torah

⁴ See Matthew 5:22.

just as if something physical had happened.

What does all this mean with regard to the ‘due process of law’ instructions of Torah? Assume you hear a comment, or read a note, which contains negative remarks about, or accusations against, another person. What do you do? If you say the Torah’s ‘due process of law’ provisions apply only externally, and therefore are limited to lawyers and judges in a courtroom setting, then you may feel free [subject to other Torah provisions, at least, regarding not ‘spreading slander’ about your neighbor, for instance] to accept as true, and let your opinion of that one spoken about be influenced by the negative comment. If, however, you let the Torah of due process penetrate deeply, to the thoughts and intents of your heart, you will begin to ask Torah questions before you receive or act on the negative information.

Six Tests To Help Us Employ Torah’s Concepts of Kingdom Due Process In Real Life Situations We Face Every Day

Any time you hear or read something critical of anyone else, stop and ask yourself a series of questions before deciding how you feel or what you think about what you just heard or read. First of all, ask yourself if the one speaking [or writing] the *l’shon hara* is an *eyewitness* to the behavior of the other person about which he/she is talking. If he/she is not, you will know from Torah that you need to disregard the *l’shon hara*, erase it from your memory banks, refuse to talk about it with anyone, and listen to it no more. Opinions, theories, assumptions, conclusions, are simply *not trustworthy* – they are nothing more than the poison nectar of the fruit of the tree of the knowledge of good and evil.

Secondly, if by chance the witness whose allegation or accusation you have heard or read passes the first hurdle, you will ask yourself if there are ‘*two or more*’ eyewitnesses that confirm, as eyewitnesses themselves [not through hearsay, opinion, or circumstantial evidence] what has been alleged. If there are not ‘*two or more*’ confirming *eyewitnesses* – independent of hearsay, circumstantial or opinion evidence – you will know from the Torah that you need to disregard the *l’shon hara*, erase it from your memory banks, refuse to talk about it with anyone, and listen to it no more.

Thirdly, if the *l’shon hara* somehow passes the hurdle of ‘*two or more witnesses*’, you will ask yourself if the person accused has been confronted publicly with the accusations, before a third party with no stake in the controversy and no bias in favor of one side or the other, who has had and exercised the opportunity to cross-examine the witnesses against the person. If this has not occurred, you will know the *l’shon hara* is to be disregarded, and never repeated nor even thought of again.

Fourthly, if the *l'shon hara* somehow has passed all of the above Torah due process tests, you will ask yourself if somehow, the standards of judgment being applied to the person against whom the allegations are being made have been changed after the fact – *ex post facto*. Is he/she being held to a standard that is different than the standard that was applied to everyone else prior to the alleged act of wrongdoing? Has someone moved the boundary marker of Torah, to suit their own purposes?

Fifthly, you will ask yourself if, even assuming all the foregoing, you have acted as a false witness – declaring, out of malice or in hope of personal gain - things you have not seen, or about which you really did not have all the facts.

And sixthly, if all those 5 tests have been passed you will ask yourself if the punishment you propose – the judgment you mete – is *proportionate to the offense* - or represents instead an attitude of vengeance or malice or self-righteousness on your part.

This is what I call ‘threshold of pain’ Torah. It is “*real*” Torah, Messiah style. Torah is intentionally *designed to take us there*. It is *at that precise point*, where it convicts us, that it has its desired effect, and our Covenant Partner in Heaven can begin the healing process. The Torah is, you see, designed to *heal us*, not *condemn us*. Yield to the two-edges of our Covenant Partner’s sword. Let it penetrate to the threshold of pain. Then please, *be healed*, Beloved – and let’s press forward together with the Bridegroom-King’s mandate for us to build a Kingdom of Heaven Scented Society on earth.

Questions For Today’s Study

1. Let’s start our study with some very basic questions for everyone:

[A] What is a “city of refuge” for?

[B] How many cities of refuge were to be West of the Jordan?

[C] The number of cities of refuge West of the Jordan was to be *increased* if a certain thing were to happen. What was the “thing” that had to happen for the number of cities of refuge to be increased?

2. In verse 10 of Deuteronomy 11 we are told the REASON we are to build cities of refuge in the land. It is:

*... that innocent blood not be shed in the midst of your land,
which the Holy One your God gives you for an inheritance, and so blood be on you.*

[Deuteronomy 19:10]

[A] What reason is given for the establishment of cities of refuge?

[B] What does it mean for “innocent blood” to be on land? [**Hint:** go back and read Genesis 4:1-12]

[C] How is our setting up of ‘cities of refuge’ an imitation of the Holy One’s act of mercy in giving the ‘*mark of Kayin*’ [Cain] to Hevel’s killer, as that event described in Genesis 4:13-16?

[D] In what ways and for what sins do you think guilt has come upon America through “innocent blood”?

3. What did the Holy One instruct Israel should be done to one who gave false testimony in the form of a false accusation against another man? [See vv. 16-21]

4. The suggested haftarah reading for today is Isaiah 52:1-2. It is a prophetic exhortation, first to the city of Jerusalem, and then to all who, according to Torah, are called to come to that city three times a year, to celebrate the *Sh’losh Regalim* [3 pilgrimage festivals], namely *Pesach*, *Shavuot*, and *Sukkot*. Those of you who sing *Lecha Dodi* [*Come By Beloved, to Greet the Bride*] on *Erev Shabbat* will recognize the prophetic words *Yeshayahu ha navi* declares over us.

I encourage you to stop before reading this haftarah, close your eyes, and take a deep breath. Breathe a prayer asking your Covenant Partner in Heaven to speak to, and comfort, the soul within you. Bless Him as your Creator, Redeemer, and Restorer. Offer Him your life, your possessions, your home, your family, and your future. Then *sh’ma*, and let the prophetic message of Yeshayahu penetrate you, dividing soul and spirit, joints and marrow. This is the word of the God of Avraham, of Yitzchak and of Ya’akov:

*Awake! Awake! Gird yourself with strength, Tziyon!
Put on your beautiful garments, Y’rushalayim, the holy city:
for henceforth there shall no more come into you the uncircumcised and the unclean.*

*Shake yourself from the dust;
arise, sit up Y’rushalayim:
loose yourself from the bonds of your neck, captive daughter of Tziyon.*

[A] Compare Revelation 21:10-22:5 with the Haftarah parsha for today.

[B] Who, according to Isaiah 51:2, will no longer enter into the City of God?

5. In today’s reading from the apostolic Scriptures it is revealed who sent the priests and Levites out to the Yarden [Jordan] to question John. It was, it turns out, the most influential and respected group in the 1st Century religious world. The apostolic writer records it for us very clearly:

The ones who had been sent were from the P’rushim [Pharisees].

[John 1:24]

[A] Look up “Pharisee” in your Bible Dictionary or other reference book,

and write a brief description of who the Pharisees, including:

- [i] how and when they came into existence;
- [ii] what they believed and practiced;
- [iii] what was the root of their major disagreements with:
 - a. the Sadducees,
 - b. Yochanan, and
 - c. Yeshua.

[B] What do you think led the Pharisees to send out a delegation of kohanim and Levi'im [more likely aligned with the Sadducees than the Pharisees] to investigate John?

[C] Do you think the principles announced in today's Torah of "due process of law" had any part in the questioning of Yochanan?

*May your actions and attitudes always be more consistent
with the Breath of our Covenant Partner in Heaven
than with the cry of the eretz for vengeance.*

The Rabbi's son

Meditation for Today's Study

Psalm 94:20-22

*Are you fellowshiping with the throne of wickedness.
Conspiring to find a lawful way to inflict mischief?
Are you gathering together against the soul of the righteous?
Are you condemning the innocent, and shedding his blood?
Against such the Holy One is my high tower;
My God is the rock of my refuge.*