



נחמנו נחמנו...

## Who Judges Us on High?

*Midrash Shochar Tov glosses the verse from Tehillim 27: “Of David. HaShem is my light and my salvation, whom shall I fear?” “HaShem is my light” – on Rosh Hashana; “and my salvation” – on Yom Kippur. The kabbalistic sources suggest the intent of this Midrash is that the Heavenly Tribunal sits in judgement on Rosh Hashana, but HaKadosh Baruch Hu presides on Yom Kippur and shows clemency to His people Israel. (Rabbi Chaim Yosef David Azulai: Sefer Ruach Chaim, Drush 3, Shabbos Teshuva.)*

What is the point of a system of dual judgement? To explain the matter, I quote from the son of the Chafetz Chaim (Rabbi Yisroel Meir Hachohen) who related an incident he heard from his father. “My father and teacher told me a story he heard during his childhood in Vilna. Rabbi Shaul Katznebbogin and his renowned colleague Rabbi Feivel, the preacher at the great synagogue of Vilna, were discussing how judgement is meted out in the heavenly court, as they strolled about the city. They agreed that it must be that the judges who compose the court come from the ranks of the sages of the generation. Judges from an earlier generation would undoubtedly hold the defendants to an impossibly high standard and convict them all without exception. A passer-by happened to overhear this snatch of their conversation. He approached them. He said, “My Rabbis! I overheard your discussion. I have no doubt that both of you will sit on the heavenly court among the other leaders of the generation. I ask you to judge my deeds now while I am still alive and have the opportunity to change my ways should they be found wanting.” Rabbi Shaul turned to Rabbi Feivel and said,



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“What he is saying makes good sense. Be consistent and hear him out.” Rabbi Feivel replied humbly, “This brings to mind an incident from my childhood. One day it happened that the Rebbe in Cheder was called out in the middle of class. The class dissolved, and we decided to play soldiers. We sorted ourselves into ranks: some were privates, others, officers and generals. The lower ranks saluted their superiors and obeyed their orders. The officers court-martialed the privates for infractions of military discipline. The make-believe came to an abrupt end when the door opened and the Rebbe reappeared. The “generals” and “officers” went back to being timid young boys, fearful in the presence of their Rebbe. The point should not be lost on you.”

Rabbi Feivel’s parable underscores the huge gulf of authority between HaKadosh Baruch Hu and His heavenly court. The following passage by Ben Ish Chai illustrates the point:

*Rabbeinu the Ari Za”l, commenting on the pasuk (Shmuel 1 2:6) “HaShem kills and revives, brings down to the grave and raises up,” notes that there are exceptional Tzadikim who sin in thought only and not in deed. The Heavenly Court is unaware; only Hakadosh Baruch Hu knows of the sinful thoughts of these Tzadikim. Likewise, there are exceptional evildoers who, broken in spirit, sincerely have in mind to repent for their sins but never have the opportunity to carry out their repentance in word and deed. These evildoers are known only to Hakadosh Baruch Hu. After death the evildoers are taken by the authorized angels to Gehinom. Hakadosh Baruch Hu will order an angel to bring one of the Tzadikim who sinned only in thought down to*



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*Gehinom, so that the Tzadik may free the neshuma of one of the unfortunate evildoers who failed to translate their desire to repent into action. This decision illustrates the verse, “The Rock, whose acts are perfect, for all His ways are just...” (Devarim 32:4). The soul of the Tzadik who sinned in thought only is induced to believe it is destined for Gehinom. G-d’s intention however is that the soul of the Tzadik draw out the soul of that evildoer who meant to repent from Gehinom. The sanctity of the Tzadik attracts the soul of the evildoer like a magnet. The distress the Tzadik suffers suffices to atone for his sinful thoughts. The angel whose task it is to take the soul of the Tzadik down to Gehinom and bring him back up is unaware that the Tzadik sinned in thought. Hakadosh Baruch Hu does not reveal His true intention to the angel, so as not to shame the Tzadik.*

The passage shows that the Heavenly Court is unaware of man’s inner thoughts. An evildoer who resolved to repent may be therefore condemned to Gehinom unwittingly by the Court. Conversely, a Tzadik who sinned in thought may be awarded a place in Gan Eden that he does not deserve by the same court.

How is it that Hakadosh Baruch Hu, who knows man’s hidden thoughts as well as his actions, always judges with compassion, even though man’s inner side may be sinful?

The answer to this question is found in *Minchat Yehuda* by the kabbalist Rabbi Yehuda Petaye Zatz”l. Rabbi Petaye describes his conversations with the angels appointed to escort the souls of the deceased:



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*I asked [the angel], “Please recount your unusual experiences as an overseer of the spirits of the dead.” He replied, “There was one amazing episode. A spirit for which I was responsible had possessed Mrs. So-and-so. The spirit settled in her throat, and caused her great pain by interfering with her breathing, speech, and consumption of food and drink. The woman was hospitalized for what all presumed was a natural illness. The woman’s young children came to visit her in the hospital. The children, who were of beautiful appearance, bedecked with golden-blond hair, burst into tears when they beheld their mother’s pathetic condition. The mother broke down also. Afterwards, the woman decided to put an end to her life by poison. As soon as she swallowed the poison the spirit inhabiting her body reacted and fled. The woman sensed immediately that she had recovered and regretted her act but by then the poison had already entered her system and it was too late to save her life. Summoned to the Heavenly Court, she was asked to account for her suicide – a serious crime under Halacha. The woman threw herself to the ground and declared, “I acknowledge before Hakadosh Baruch Hu and before this court of Justice, that I sinned by taking my life and wasting my blood. I deserve whatever punishment you decree for me and more, and I accept the Heavenly judgement willingly with love. But it stands open and revealed before Hakadosh Baruch Hu that unbearable pain lead me to do what I did. Only Hakadosh Baruch Hu knows the depth of my pain. However, I am prepared to accept the Heavenly judgement.” The court was moved by her plea; their eyes brimmed with tears of sorrow, but the judges were bound by the law and could allow no leniency. A voice from the uppermost world rang out and*



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*ordered, "Pardon her for this transgression alone." This was the only case I have seen where the court was moved to tears."*

This incident illustrates the principle that only Hakadosh Baruch Hu fathoms the hearts of men. Only He is entitled to grant pardon for sins or commute the sentence of the deceased.

In the introduction to this essay I quoted Rabbi Chaim Yosef David Azulai who stated that the Heavenly Tribunal sits in judgement on Rosh Hashana, but HaKadosh Baruch Hu presides on Yom Kippur. This distinction explains why we do not say *Vidui* [confession before HaShem for our sins] on Rosh Hashana, but on Yom Kippur we recite the *Vidui* throughout the day. Confession before the Heavenly Court will trigger automatic conviction and punishment; but HaKadosh Baruch Hu, all-knowing and compassionate, seeks to pardon us and welcomes our repentance.

*Rabbi David Daniel Hacohen.*