

MOSHE OUTSHINES THE DREAM TEAM!

by Rabbi Aron Tendler

In this week's Parsha, in the after-math of the Golden Calf, Moshe confronted his greatest challenge as teacher and leader of the Jewish people. His beloved nation and children were threatened with extinction! The facts were irrefutable. The prosecuting team and the judge were one and the same. Not only did all the circumstantial evidence point to the Chosen People's intentional betrayal of G-d; not only did the DNA evidence show beyond a shadow of a doubt that the Jews had worshipped another G-d; not only were the sandaled footprints in the sand clearly those of "His kingdom of priests" and no one else; but more so than all that, the Judge Himself had personally videoed the entire incident! Not even the Dream Team could have pulled off this one! Even an argument based upon "their unknown intentions" would not have worked. As we say during the High Holidays, "Before You is revealed all the hidden secrets!" G-d, is called the only "Truthful Judge" because He is the only judicial force that renders His decisions based upon the absolute knowledge of everything that is related to the actual crime, as well as the full, far reaching impact of every possible consequence. What was Moshe to do when Hashem said to him, "And now leave Me, and My anger will burn against them, and I will destroy them..." (32:10) What possible defense could he have offered on behalf of his nation?

Precedence in law is a very powerful argument. If the defense can show that another judge had ruled in a similar case to acquit, rather than to convict, it is possible that the judge will take such a ruling into account and do the same. It is even more powerful if the defense can show that the very same judge hearing the present case set the precedence. In the Torah there is another moment when man argued against G-d's intended punishment. In the story of Sodom, Avraham brilliantly argues on behalf of leniency, and G-d openly agreed that He would be lenient if Avraham's argument could be substantiated. Unfortunately for the Sodomites, Avraham could not find 10 righteous people to win his case. Yet, Avraham valiantly attempted their defense, in spite of the overwhelming evidence against them. Moshe could have taken heart from that precedent to know that G-d is in essence a compassionate and merciful judge. However, there was one problem. The reason why Avraham lost the case was because he too was arguing before the Heavenly Tribunal. Although his argument had merit, nevertheless, the judge knew with absolute certainty that there were not 10 righteous men. If so, Moshe was in the very same situation. If G-d Himself says, "Go down because your nation has worshipped an idol", and all are to blame, it does not leave much room to maneuver!

The best proof of how ridiculous Moshe's position was can be seen in the timing of his defense. Moshe had been on Mt. Sinai for 40 days and nights. As the events of the Golden Calf unfolded, he wasn't present to witness them. G-d informed him that the Jews had sinned. In the very next verse in the Torah, before Moshe had a chance to visit the crime scene or speak to the people in preparation of their defense, Moshe began his defense! The reason why Moshe didn't argue against G-d's "rush to judgment" is because the judge was G-d! If G-d said that the events occurred, as they occurred, then there was no need to investigate further. Therefore, given the irrevocable fact of their betrayal of G-d, what could Moshe have argued?

The Torah recorded Moshe's first argument as, "What will the non-Jewish world say; and "What will happen to your promise to the fore-fathers?" From a strategic point of view, both arguments appear quite weak. First of all, G-d was never concerned with what others might say. In the end, time was on His side. Given another 500 years, the events of the Golden Calf would be a matter of ancient history, and the new and improved Bnai Yisroel would be evidence of His absolute control and power. Additionally, what a lesson the world would have learned. G-d does not play favorites! Even when His own children sin, justice must prevail!

The argument of fulfilling His promise to the fore-fathers was also weak because He clearly said to Moshe, "...And I will make you into a great nation." (32:10) G-d's promise to the forefathers would be fulfilled so long as a descendent would survive and inherit the land of Israel. In essence, Moshe, a grandchild of those same forefathers would have become the next "father" of the Jews!

The Gemara in Berachot 32a explains Moshe's real strategy in defense of the Bnai Yisroel. Rather than argue the merits of the case, Moshe fully accepted G-d's presentation of the case as fact. Moshe's argument then focused on the intrinsic nature of the human and how it must modify G-d's view of justice. Moshe argued that G-d Himself must accept partial blame for what had happened. It was G-d who had created a free willed creature that was inherently flawed. It was therefore inevitable that this creation would fail at some point. It was inevitable that he would, at some time, betray his Creator! As it says, "There is no such thing as a Tzadik who only does good and will never sin.

The nature of the human is such that he must sin! Therefore, Moshe argued, "If You created humans who inevitably will sin, You must have also established a system of justice that allows these flawed creatures to learn from their mistakes! There must be the possibility of Teshuva - repentance; or else Your entire system of justice does not make any sense! Who creates a flawed creature that will eventually sin and have to be destroyed?! That could not have been Your intention! When you promised the forefathers that their children would survive and inherit the land of Israel they knew, as did You, that their grandchildren would not be perfect. They knew that You knew that there would be problems, especially given the rebellious nature of their children, and the promised size of the nation. Therefore, You must have had it in mind that you would give them another chance, and forgive them for their inevitable betrayal!"

Moshe's argument regarding the other nations was founded upon the same strategy. The Jews were intended to be role models for the rest of the world as how to integrate G-d into their daily lives. If at the very first major sin G-d would destroy the sinners and not give them a second chance to learn from their mistakes, the rest of the world would learn that it is impossible to integrate G-d into normal daily living. Normal life involves making mistakes. Normal life includes the expectation that the human will fail. Why even attempt to have a relationship with G-d if I know that I am destined to fall off the tightrope of life without the benefit of a safety net? Therefore, in order for G-d to accomplish His stated purpose in choosing the children of Avraham, Yitzchak, and Yakov, as His "kingdom of priests", G-d had to forgive the Bnai Yisroel and give them a second chance!

As the Torah relates, G-d accepted Moshe's argument and forgave the Bnai Yisroel. Moshe, through his determination to save his people, had proven his personal claim on the leadership of the nation. He had set the standard by which all other leaders would be judged. He had established "unqualified love" as the foundation for greatness. As the ultimate servant of G-d, Moshe emulated his Master. Just as G-d loves every person without qualification, so too, Moshe loved every Jew without qualification.

However, unqualified love does not mean that actions do not have consequences - just the opposite! Moshe himself punished the 3,000 people who were directly involved in the sin of the Golden Calf. Unqualified love means that you always do what is in the best interest of those whom you love. Therefore, punishment, if it is truly warranted and properly executed, can be the greatest expression of unqualified love.

Good Shabbos.

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