



Hilkhot Teshuva 3:1-2
The Weighing of Man's Merits Against His Wrongdoing
By David Silverberg

Each and every person has merits and iniquities. One whose merits exceed his iniquities is righteous, and one whose iniquities exceed his merits is wicked. If they are equal – he is average. This applies as well to a country: If all its residents' merits exceed their iniquities, it is righteous, and if their iniquities exceed [their merits], it is wicked. This applies to the entire world, as well. A person whose iniquities exceed his merits immediately dies in his wickedness, as it says, "...because of your abundant iniquities" (Yirmiyahu 30:14). Similarly, a country whose iniquities exceed [its merits] is immediately obliterated, as it says, "The cry of Sodom and Amora is indeed great..." (Bereishit 18:20). The same is true of the entire world: if their iniquities exceed their merits, they are immediately destroyed, as it says, "The Lord saw that man's evil was great" (Bereishit 6:5). This weighing is not made according to the number of merits and iniquities, but rather according to their magnitude. There can be a merit that is worth several iniquities, as it says, "since something good is found in him" (Melakhim I 14:13), and there can be an iniquity that is worth several merits, as it says, "One sinner will forfeit much goodness" (Kohelet 9:18). They are weighed only by the knowledge of the God of Knowledge, and He knows how to calculate merits against iniquities.

(Hilkhot Teshuva 3:1-2)

This passage ranks among the most difficult sections in Hilkhot Teshuva, and certainly among those that has generated the most discussion. The straightforward reading of this passage gives rise to a number of critical questions regarding divine judgment and theodicy. In this essay we attempt merely to present some of the approaches taken in explaining Maimonides' comments and responding to the criticism of the Ra'avad and others who objected to the implications of this passage.

Let us begin by first noting the probable Talmudic sources for Maimonides' remarks in this passage. In Masekhet Rosh Hashanah (126b), the Talmud cites a famous comment in the name of Rabbi Yochanan regarding the judgment that takes place on the festival of Rosh Hashanah:

Three books are opened on Rosh Hashanah: one of outright wicked people, one of outright righteous people, and one of those in the middle. Outright righteous people are immediately inscribed and sealed for life. Outright wicked people are immediately written and sealed for death. Those in the middle are held in abeyance from Rosh Hashanah until Yom Kippur.

Here in *Hilkhot Teshuva*, Maimonides essentially cites this Talmudic passage after first defining the terms "righteous" and "wicked." The "righteous" are people whose merits exceed their sins, and are inscribed to life, while the "wicked," whose sins exceed their merits, are inscribed to death. (Later we will address the question of whether or not Maimonides speaks here specifically of the annual judgment of Rosh Hashanah.)

The source for Maimonides' definitions of "righteous" and "wicked" in this respect is likely a different Talmudic passage, which he cites explicitly later in this chapter (*halakha 4*) from *Masekhet Kiddushin* (40a-b):

A person should always see himself as though he is half guilty and half meritorious. If he performs one *mitzva*, he is fortunate, for he has tilted himself to the side of merit; if he commits one transgression, woe unto him, for he has tilted himself to the side of guilt... Rabbi Elazar ben Rabbi Shimon said: Since the world is judged on the basis of its majority, and the individual is judged on the basis of his majority, if he performs one *mitzva*, he is fortunate, for he has tilted himself and the entire world to the side of merit; if he commits one transgression, woe unto him, for he has tilted himself and the entire world to the side of guilt.

This comment clearly indicates that guilt and merit are established based on a calculation of a person's good deeds and wrongful acts, such that it is possible for a single worthy or sinful act to determine a person's fate. The Gemara also extends this principle to the guilt or merit of the world at large, and Maimonides adds that this concept applies to individual nations, as well.

The Ra'avad's Objection

The obvious difficulty in Maimonides' remarks was noted by the Ra'avad, in his critique of *Mishneh Torah*: "It is not like he [Maimonides] maintains, that when they [the Talmudic Sages] said, 'the wicked are immediately sealed for death' [it means] that they die immediately. This is incorrect; after all, there are many living wicked people!" From Maimonides' remarks, it appears as though no wicked person is ever allowed to survive on the earth, and no wicked nation is allowed to endure. Even if, for argument's sake, we assume that Maimonides speaks here only of an annual judgment, which occurs on Rosh Hashanah, which he mentions explicitly later (*halakha 3*), the reader is still left wondering how to reconcile his assertion with reality. Are there not righteous people who perish, and wicked people who live and prosper? Does the death of a righteous and pious sage necessarily mean that his misdeeds were found to exceed his merits on the previous Rosh Hashanah? Conversely, are we to believe that the most wanton, pathological criminals emerge meritorious in judgment year after year, as their good deeds exceed their crimes?

The Ra'avad thus rejects Maimonides' view, and claims that, as human experience dictates, we must acknowledge the possibility of death that does not result from unworthiness. In his view, each individual comes into the world with a predestined lifespan, and his conduct determines whether or not he reaches the age for which he had been destined. When the Gemara speaks of a decree of life or death on Rosh Hashanah, it refers to the heavenly tribunal's decision as to whether the individual has earned the

right to continue living his full allotted period. The Ra'avad cites in this context God's promise to *Benei Yisrael* that in reward for their obedience, "I shall fill the number of your days" (*et mispar yamekha amalei* – Shemot 23:26), which the Talmud (Yevamot 49b-50a) explains as a reference to a person's allotted lifespan. The Talmud there cites a debate as to whether it is possible for a person to exceed his allotted period, but it appears that all views accept the basic concept of a prescribed amount of years which a person can either earn or squander, depending on his conduct. The Ra'avad draws proof from this verse (and the Gemara's discussion) against the implication of Maimonides' comments, that death is solely a function of one's unworthiness.

It should be noted that the Ra'avad's interpretation of the Talmud's comment does not appear to resolve the question he raised against Maimonides. Even if the judgment on Rosh Hashanah pertains to the right to continue living towards one's predestined lifespan, this explains only why we find righteous people who leave the world at a young age. It does not address the question of why vicious criminals are permitted to live despite many years of sinful behavior.

"Life" and "Death" in the Next World

To explain Maimonides' position, the *Lechem Mishneh* commentary suggested an entirely different reading of this passage, such that Maimonides does not actually speak of "life" and "death" at all. Rather, he refers to existence in the world to come, or being denied this existence. According to the *Lechem Mishneh*, Maimonides speaks here not of the annual judgment of Rosh Hashanah, but rather to the judgment each individual faces upon departing this world. Hence, the *Lechem Mishneh* notes, Maimonides writes in *halakha* 3, "Just as a person's merits and iniquities are weighed at the time of his death, similarly, on each and every year, the iniquities of each and every person on earth are weighed against his merits on the festival of Rosh Hashanah." The implication of this construction is that until this point, Maimonides had been discussing the judgment that occurs after death. Necessarily, then, the *Lechem Mishneh* deduces, the decision between "life" and "death" must refer respectively to inclusion in, and exclusion from, the eternal life of the next world. Physical life and death, by contrast, is determined each year on Rosh Hashanah, as Maimonides discusses in *halakha* 3, and does not depend upon the weight of one's merits as opposed to his sins, as does the final judgment rendered at the time of death.

The *Lechem Mishneh* draws support for his contention from the famous rabbinic dictum (Kiddushin 39b), "*Sekhar be-hai alma leika*" – "There is no reward in this world." The Sages taught us that the reward and punishment for one's good and sinful deeds comes not in the world in which we live, but rather in the afterlife. Accordingly, it seems difficult to assert that a person's judgment for life or death on Rosh Hashanah will hinge on the weighing of his merits against his sins. Necessarily, then, Maimonides speaks here not of a decree for continued physical life or for death, but rather of one's worthiness for eternal life in the next world.

It should be noted that later in Hilkhot Teshuva (9:1), Maimonides writes regarding the world to come, "It is the life with which there is no death... And whoever does not earn this life is someone who is dead and does not live eternally..." He indeed speaks of existence in the next world as the eternal "life," and the denial of this existence

as the ultimate form of "death." This description might perhaps justify the *Lechem Mishneh*'s otherwise strained reading of "life" and "death" in our passage as references to one's status in the afterlife.

Nevertheless, the *Lechem Mishneh*'s interpretation seems untenable for a number of reasons. Firstly, as noted by Rabbi Yosef Kapach in his commentary to *Mishneh Torah*, later in *Hilkhot Teshuva* (8:1) Maimonides defines the punishment of *karet* (eternal excision from the Jewish people) as referring to the denial of entry into the world to come. Moreover, here in chapter 3 (6-14) Maimonides presents a specific list of twenty-four sinners who have no share in the world to come. In his view, then, it is only those who transgress one of these particular violations whose souls are eternally barred from the next world. According to the *Lechem Mishneh*'s reading, however, anyone whose sins exceed his merits upon his death forfeits a share in the next world, in direct opposition to Maimonides' explicit comments both in this chapter and in chapter 8.

Additionally, the *Lechem Mishneh*'s approach overlooks Maimonides' inclusion in this context of entire nations and even the entire world, as cited above. In the same passage in which he speaks of an individual's judgment based on the weighing of his merits and demerits, he mentions as well the corresponding judgment to which nations and humankind are likewise subjected. Quite obviously, Maimonides cannot possibly refer here to judgment after death; no entire nation, not to mention the entirety of the human race, perishes together such that a collective judgment can be issued after death. It is thus inconceivable that this passage speaks of life in the world to come, as opposed to continued physical existence. (This point is succinctly made by Rabbi Nachum Rabinovich, in his *Yad Peshuta* commentary.)

As for the *Lechem Mishneh*'s proof from the Talmud's assertion that "there is no reward in this world," Maimonides very clearly addresses this issue in the ninth chapter of *Hilkhot Teshuva*. There he takes the view that God does, in fact, grant earthly reward for one's *mitzva* observance, but this reward is intended merely to facilitate further observance. Without the blessings of peace, health and prosperity, the encumbrance of persecution, ailments and poverty would stifle a person's spiritual growth and compromise his level of achievement. God therefore promises to reward a person's efforts to uphold the Torah by allowing him to continue doing so and thereby earn reward in the eternal world. Thus, the concept of *sekhar be-hai alma leika* does not dictate that one cannot earn life or death through his conduct; God will indeed grant the blessing of life to enable a person to continue his pursuit of spiritual excellence, and deny a person this blessing if he has displayed insufficient interest in this pursuit.

"They are Weighed Only by the Knowledge of the God of Knowledge"

The only solution, it would appear, to explain Maimonides' comments is to accept the contention of Rabbi Yosef Karo, in his *Kesef Mishneh* commentary, where he gives the following response to the Ra'avad's objection:

Our rabbi [Maimonides] already answered this by writing, "This weighing is not made according to the number of merits... They are weighed only by the knowledge of the God of Knowledge." It is thus indeed possible that it will appear to us as though he is an outright wicked person, but he performed a *mitzva*

for which he is worthy of merit, as it says with regard to Aviya, "since something good is found in him."

According to the *Kesef Mishneh*, Maimonides actually anticipated the Ra'avad's objection and preempted it with his concluding remarks, disclaiming the ability of human beings to assess a given individual's status of merit. Aware that some readers will find his comments inconsonant with the realities of human experience, Maimonides here denies the accuracy and even the significance of our superficial character judgments. We can never truly determine the value or worth of any *mitzva* act, or the magnitude and destructive repercussions of a given misdeed. Thus, a person who appears righteous may nevertheless have committed a violation which, for reasons unbeknownst to us, counterbalances many of his merits. Likewise, a sinner may have performed certain seemingly minor acts to which the Almighty affords considerable weight in rendering judgment, such that it negates much of his wrongdoing. As the *Mishna* exhorts in *Pirkei Avot* (2:1), "Be meticulous with regard to less significant *mitzvot* as with more significant *mitzvot*, for you do not know the reward given for [the performance of] *mitzvot*." We can never ascertain with any degree of confidence the worth and value of any individual *mitzva*, and thus a seemingly minor act of goodness performed by an otherwise evil man may have the effect of neutralizing much of his wrongdoing.

Rabbi Yosef Kapach, in his commentary, follows the *Kesef Mishneh*'s theory in explaining Maimonides' position, and expresses sheer astonishment at the Ra'avad's challenge: "The difficulty raised by the Ra'avad later – 'there are many living wicked people' – is especially astonishing. For who ascended the heavens that he knows the Almighty's calculations?" For Rabbi Kapach, the very thought of determining a person's overall status as meritorious or sinful based on human perception is simply preposterous.

Rabbi Aharon Soloveitchik, in his *Perach Mateh Aharon* commentary, elaborates further on this distinction between divine and human evaluation of worthiness, citing from his illustrious grandfather, Rabbi Chaim Soloveitchik of Brisk. Rabbi Soloveitchik noted that *Beit Din*, the Jewish court, is capable of judging only individual acts. Human judges are assigned the task and granted the authority to determine whether the alleged crime in fact occurred, and to administer the appropriate punishment designated by the Torah. They must ignore all external factors, such as the individual's past history and his remorse for the crime. The True Judge of the world, however, takes into account the entire range of relevant factors when judging and sentencing His subjects. He assesses not only the specific act or acts in question, but also the person's overall status and standing. Thus, for example, a person can escape punishment for even grievous crimes in the merit of a virtuous act performed in the past. For this reason, our perception of divine judgment does not contradict Maimonides' assertion in this passage, because this judgment is conducted by "the God of Knowledge" who takes into account factors of which people are often entirely aware.

It is worthwhile to conclude this section by citing Maimonides' own remarks in his *Commentary to the Mishna*, in the context of the Mishna's discussion of the four occasions on which different aspects of the world are subjected to divine judgment (Masekhet Rosh Hashanah 16a). After explaining the straightforward meaning of this Mishna, Maimonides adds, "The revealed aspect of this passage is explained as you have seen, but the hidden aspect is undoubtedly very abstruse."

When is Man Judged?

In this description of the weighing of merits against sin, Maimonides does not specify when this weighing takes place. At first glance, it appears as though a person "immediately dies in his wickedness" the moment his iniquities exceed his merits. As Maimonides does not ascribe any time-frame to this evaluation, he might mean that it takes place automatically at every moment.

This reading, however, is negated by Maimonides' remarks later, in *halakha* 3, which we cited earlier: "Just as a person's merits and iniquities are weighed at the time of his death, similarly, on each and every year, the iniquities of each and every person on earth are weighed against his merits on the festival of Rosh Hashanah." Maimonides speaks of the evaluation of merit at the time of death, and each year on Rosh Hashanah. If the judgment takes place on these occasions, then clearly it does not occur at every instant. The question thus arises, how often does God make an accounting of man's conduct, and when precisely does this occur? The Gemara in *Masekhet Rosh Hashanah* (16a) cites three views as to the frequency of God's judgment of human beings, whether this occurs each year, each day or each moment. What is Maimonides' position on this issue? (Earlier we presented the view of the *Lechem Mishneh*, that Maimonides here speaks of judgment after death; as we saw, however, this reading seems untenable for the reasons discussed above.)

One possibility, perhaps, is that Maimonides' comments in *halakha* 3 serves as clarification for his earlier remarks in *halakha* 2. Namely, he first describes the process of divine judgment, and then proceeds to specify that this process occurs annually, on the festival of Rosh Hashanah (in addition to the judgment that a person faces after death). One might draw support for this reading from the fact that the Mishna in *Masekhet Rosh Hashanah* (16a) indeed follows the view that judgment takes place annually on Rosh Hashanah, as noted by the Gemara in its analysis of the Mishna. We might therefore suggest that Maimonides here codifies the view accepted by the Mishna.

Alternatively, one might contend that Maimonides deliberately left this passage ambiguous to indicate that it is unknown when God judges man – except upon his death and each year on Rosh Hashanah. Maimonides does not purport to outline the precise schedule and method of divine judgment, but merely to establish the basic doctrine of human accountability, that a person's conduct is evaluated and an appropriate judgment is rendered. The questions of precisely how and when this occurs belong to the realm of knowledge that is not disclosed to mankind.

Rabbi Moshe Leib Shachor, in his *Ko'ach Ha-teshuva* commentary (pp. 216-7), follows this general approach, thought he does identify a general framework within which judgment takes place:

[Maimonides speaks here] of the time when judgment is aimed against him, such as if he is deathly ill, or he finds himself in danger and is judged whether or not to be saved. With regard to these [situations] Maimonides writes in our passage that a person whose merits exceed [his sins] is righteous, and a person whose iniquities exceed [his merits] is wicked. And his judgment is rendered according to the result of the judgment at that moment.

Rabbi Shachor cites in this context the Talmud's comment in *Masekhet Berakhot* (52a), "Three things bring to mind a person's iniquities, and they are: [walking under] a leaning wall, overconfidence in prayer, and handing over one's fellow's judgment to Heaven." The Gemara speaks of three situations where a person in effect exposes himself to divine judgment: deliberately placing himself in a position of danger, praying with the presumption that he deserves a favorable response, and appealing to God to punish his fellow for a wrong he committed against him. In all these instances, the individual presumes himself meritorious, in response to which his conduct is scrupulously assessed so that his worthiness can be determined.

This comment indicates that judgment takes place when a person finds himself or places himself in a precarious situation, at which point God must determine whether he deserves to emerge unscathed. This occurs either during times of danger, or on occasions when a person implicitly declares his own worthiness, prompting the Almighty, as it were, to evaluate his conduct.

In any event, this explanation works off the assumption that with the exception of the annual occasion of Rosh Hashanah, judgment does not occur according to any sort of fixed schedule. God, in His infinite wisdom, decides when judgment is warranted, and man is advised simply to ensure a meritorious standing at all times, and to avoid bringing judgment upon himself through the kinds of behavior mentioned in the Gemara.

Death Without Sin

From Maimonides' comments in this passage it appears that death results solely from a person's guilt. Whenever judgment is conducted, a meritorious person earns continued life while one whose sins exceed his merits is sentenced to death, and thus death occurs only as a result of an individual's unworthiness.

As noted by a number of writers, the Gemara in *Masekhet Shabbat* (55b) reaches the precise opposite conclusion, namely, that all human beings are destined to perish irrespective of their sins and merits. The Gemara reaches this conclusion on the basis of an unequivocal statement in a *berayta*: "Four people died through the instigation of the snake." These four individuals – whom the *berayta* identifies as Yaakov's youngest son Binyamin, Moshe's father Amram, David's father Yishai, and David's son Kilav – lived lives entirely free of wrongdoing, and did not deserve to die. Their lives nevertheless ended "through the instigation of the snake," as a result of the curse issued against mankind in the wake of Adam's sin in the Garden of Eden. The Gemara thus concludes "*yeish mita be-lo cheit*" – "there is death without sin" – seemingly in direct contrast to Maimonides' comments here in *Hilkhot Teshuva*.

Rabbi Kapach suggests reconciling Maimonides' comments with the Gemara's conclusion on the basis of a significant qualification of the rule that Maimonides establishes in this passage. When the Talmud speaks of "death without sin," it refers to the eventuality of death that affects all people, including the impeccably pious. Maimonides, however, speaks of death before reaching an advanced age, as punishment for one's wrongdoing. Thus, one who departs the world during old age did not necessarily die as a result of his insufficient merit; rather, he suffered death as a result of

the curse to Adam, which introduced mortality to the world from which no human being is immune.

According to this reading, then, Maimonides does not deny the possibility of death without sin. He acknowledges that death can occur even without sin – but only at an advanced age, after a long, fulfilling life. This passage speaks only of premature death, which occurs, in his view, only as a result of wrongdoing. (This is as opposed to the view of the Ra'avad, who, as mentioned earlier, held that each person enters the world with a predetermined lifespan.)

The Judgment and the Execution

The reader's initial impression upon surveying this passage in *Hilkhot Teshuva* is that the guilty sinner dies the moment he is judged and his sins are determined to exceed his merits. Maimonides indeed writes, "A person whose iniquities exceed his merits immediately dies in his wickedness..." One commentary (*Be'erot Ha-mayim*, cited in the *Sefer Ha-maftei'ach* section of the Frankel edition of *Mishneh Torah*), however, demonstrates that a closer examination of this passage might yield a different conclusion. In discussing the situation of an entire nation condemned to destruction on account of its misconduct, Maimonides cites as the source for such a possibility the decree issued against the city of Sodom: "The cry of Sodom and Amora is indeed great..." In this verse, God informs Avraham of His decision to annihilate Sodom and its surrounding cities, but later God expresses His willingness to spare the condemned region should it be discovered that its population includes ten righteous people (*Bereishit* 18:32).

Evidently, the issuance of a decree does not irrevocably seal the fate of the city – or, presumably, that of an individual. Indeed, the Gemara (*Masekhet Rosh Hashanah* 16a) cites Rabbi Yitzchak as establishing that "crying [in prayer] is beneficial for a person both before a decree and after a decree." In the twelfth installment in our series, we noted that Maimonides accepted this position, that even after the issuance of a divine decree, it is subject to revocation through prayer and repentance. Maimonides writes that "repentance and prayer is always beneficial" (*Hilkhot Teshuva* 2:6), indicating that it is effective even after a decree is issued against an individual.

Seemingly, then, we are compelled to suggest a different reading for Maimonides' statement that a sinner "immediately dies in his wickedness" once his misdeeds exceed his merits. Maimonides likely refers to the immediacy of the issuance of a decree, rather than the immediacy of its execution. As we have seen, he almost certainly acknowledges the possibility of reversing harsh decrees, and thus necessarily their execution does not always occur immediately.

It thus emerges that the linkage between a person's survival or death and the judgment spoken of by Maimonides is not quite as clear and straightforward as it might first appear. For one thing, Maimonides likely acknowledged death "instigated by the snake," the natural culmination of a person's sojourn on earth irrespective of his conduct. Additionally, even if a person is determined worthy of death, the execution of that sentence does not necessarily occur immediately. If we witness – as the Ra'avad commented – the presence of "many living wicked people," it may very well be that their sentences have been decreed, but the execution has been delayed in the hope of their repentance. As God famously declared through the prophet Yechezkel (18:23), "Do I

desire the death of a wicked man... Is it not [My desire] that He returns from his paths and lives?"