

5-17-25 Message to Roeh Israel Abilene – *Emor* (say!)
Double Torah Portion: Leviticus 21:1 – 24:23
Haftarah: Ezekiel 44:15-31
Suggested Acheron K'tuvim: Matt 15:1-20

Biblical Dispute Resolution 8 – Constructive Purpose Exception

Central question: When is it permitted, or even required, to speak in a way that would otherwise harm others?

We are today in parasha *Emor*, which means “Say!” Its name comes from the 7th word in the English and the 10th word in the original Hebrew.

Lev 21:1-4

21 Then the Lord said to Moses, "Speak to the priests, the sons of Aaron, and say to them, 'No one shall defile himself for a dead person among his people, 2 except for his relatives who are nearest to him, his mother and his father and his son and his daughter and his brother, 3 also for his virgin sister, who is near to him because she has had no husband; for her he may defile himself.

וַיֹּאמֶר	יְהוָה	אֶל־	מֹשֶׁה	אָמַר	אֶל־	הַכֹּהֲנִים	בְּנֵי	אַהֲרֹן	21:1
And said	the Lord	unto	Moses,	Speak	unto	the priests	the sons of	Aaron,	
559	3068	413	4872	559	413	3548	1121	175	
וַאֲמַרְתָּ	אֲלֵהֶם	לִנְפֹשׁ	לֹא־	יִשְׁמָא	בְּעַמּוֹ:				
and say	unto them,	for the dead	none	There shall be defiled	among his people:				
559	413	5315	3808	2930	5971				
כִּי	אִם־	לְשֹׂאֲרוֹ	הַקָּרֵב	אֵלָיו	לְאִמּוֹ	וּלְאָבִיו			2
But	for	his kin,	that is near	unto him,	for his mother,	and for his father,			
3588	518	7607	7138	413	517	1			
וּלְבָנוֹ	וּלְבָתּוֹ	וּלְאָחִיו:							
and for his son,	and for his daughter,	and for his brother,							
1121	1323	251							
וּלְאִחָתּוֹ	הַבְּתוּלָה	הַקְּרוֹבָה	אֵלָיו	אֲשֶׁר	לֹא־	הָיְתָה	לְאִישׁ		3
And for his sister	a virgin,	that is nigh	unto him,	which	no	hath had	husband;		
269	1330	7138	413	834	3808	1961	376		
לָהּ	יִשְׁמָא:								
for her	may he be defiled.								
3807a	2930								

So far in this series, we have been learning much regarding various ways that people can engage in evil and prohibited speech regarding one another.

Yeshua directly confronted some of His detractors when they engaged in evil speech. He spoke of how speech defiles far more deeply than does eating without first washing the hands. And, interestingly, as He rebuked those who were speaking *loshan hara*, they were offended.

Matt 15:1-20

15 Then some Pharisees and scribes came to Jesus from Jerusalem, saying, 2 "Why do Your disciples transgress the tradition of the elders? For they do not wash their hands when they eat bread." 3 And He answered and said to them, "And why do you yourselves transgress the commandment of God for the sake of your tradition? 4 "For God said, 'Honor your father and mother,' and, 'He who speaks evil of father or mother, let him be put to death.' 5 "But you say, 'Whoever shall say to his father or mother,' Anything of mine you might have been helped by has been given to God," 6 he is not to honor his father or his mother.' And thus you invalidated the word of God for the sake of your tradition. 7 "You hypocrites, rightly did Isaiah prophesy of you, saying,

8 'This people honors Me with their lips,
But their heart is far away from Me.

9 'But in vain do they worship Me,
Teaching as doctrines the precepts of men.' "¹

¹ Isaiah 29:13

10 And after He called the multitude to Him, He said to them, "Hear, and understand. 11 "Not what enters into the mouth defiles the man, but what proceeds out of the mouth, this defiles the man." 12 Then the disciples came and said to Him, "Do You know that the Pharisees were offended when they heard this statement?" 13 But He answered and said, "Every plant which My heavenly Father did not plant shall be rooted up. 14 "Let them alone; they are blind guides of the blind. And if a blind man guides a blind man, both will fall into a pit." 15 And Peter answered and said to Him, "Explain the parable to us." 16 And He said, "Are you still lacking in understanding also? 17 "Do you not understand that everything that goes into the mouth passes into the stomach, and is eliminated? 18 "But the things that proceed out of the mouth come from the heart, and those defile the man. 19 "For out of the heart come evil thoughts, murders, adulteries, fornications, thefts, false witness, slanders. 20 "These are the things which defile the man; but to eat with unwashed hands does not defile the man."

This is a classic use of the Hebraic linguistic technique of *kal v'chomer* (light and heavy). This teaching tool takes two things that both are

important, and by comparing one of them to the other, renders the lesser one of no value compared to the high importance of the greater one.

Here, the two things of importance are: 1. The tradition of the Elders requiring ritual washing of the hands before eating. And 2. Publicly accusing another person of a wrongdoing for purposes of diminishing him in the eyes of others (the classic example of *loshan hara*.)

Yeshua made it clear that eating with unwashed hands might not be the best thing, but it is completely overshadowed by *loshan hara*. Yeshua applied to those detractors the verse in Isaiah which rebukes those who profess fidelity to G-d, but whose hearts are only thinking of themselves.

Notice that Yeshua's words were certainly true, and His delivery of them to these sinful accusers was also certainly offensive to them. Let's revisit the definition of *onas devarim*, hurtful words. Using *unnecessarily* harsh, angry, or insensitive words. Focus on whether the words were spoken by necessity. Were they necessary? It would seem so. And further, we will see that the words also seem to be appropriate as *toeles*.

In the final analysis, if Yeshua's words were overly harsh, and delivered outside the exceptions to harsh speech, then it was a sin, and Yeshua

could not from that point forward be sinless, and the perfect sacrifice for our sin. So, if one believes that Yeshua was sinless, then one must by implication also believe that Yeshua's words and actions in this instance are within the limits of proper speech as found in Torah.

Before we go further, let me make one more point. I have heard some sweet people in the body of faith interpret Yeshua's words in this passage to be evidence that He abolished kosher commandments. They reason that if what comes out of the mouth defiles, and not what goes into it, then nothing that goes into the mouth is defiling. And so, a Christian is free to eat anything he wants to eat, free from the kosher laws.

That interpretation is incongruent to this Scripture. The issue was not at all whether what they were eating was kosher – grains and bread are kosher – but the issue was whether Yeshua's followers had ceremonially washed their hands before eating anything kosher.

The concept of kosher never came up in the conversation between some of the Parushim and Yeshua. And Yeshua's teaching to the multitude didn't address that issue at all, either.

If you read the passage carefully, you can see that the intent of this group of Parushim was to call Yeshua's teachings into question. It seems that they wanted to show that His teachings were not in agreement with those of this group of Parushim, who invoked the traditions of the Elders as authority.

And if He is teaching error, or if he is allowing His followers to transgress the law, then He cannot be Messiah of Israel. So, you see the background motivation for the accusation. Clearly the hearts of the accusers were not pure.

What is interesting about their accusation is that Yeshua's teachings were in fact *quite consistent* with a number of teachings of the most pure sects of the Parushim, because they each followed G-d's Torah more closely.

And this is a good introduction to our teaching for today. In this lesson, we will learn about times when speaking words that otherwise are prohibited are not only allowed, but sometimes even required.

This exception is known in Hebrew by *toeles*. In English we would say, "constructive purpose." The key word in that phrase is "constructive."

Let's first remember that the most severe forms of evil speech do not fall under this exception. There is no "constructive purpose" for giving malicious maligning and slander. The intent to harm by such words completely negates any constructive purpose at all.

Neither is there any room for gossip under this exemption. Gossip, *rechilus*, or "tale bearing" also involves a kind of inner satisfaction from sharing something harmful about another person. Clearly, the heart that promotes – or hears – gossip is the opposite of the pure heart motive required for the exception.

It is impossible for words spoken as *onas devarim* – hurtful words – to be brought under this exception. The hostile and hurtful intention behind those words prevents their use for a "constructive purpose."

Only within the more general category of evil speech, *loshan hara*, is there an opportunity to see a "constructive purpose."

Let's first remind ourselves of the broad strokes which encompass *loshan hara*.

Evil speech is speech about a person or persons that is negative or harmful to them. Even a true report can be evil speech, for it also can be

harmful to another by diminishing the standing of the one being spoken of in the eyes of others. The damage caused by evil speech can be emotional or financial, or merely a lowering of others' respect for the victim.

Generally, speech that would otherwise be classified as “evil” is permitted (and often required) in circumstances when the speaker is trying to help the one who is the subject of the speech, when the speaker is attempting to protect others from the person about whom he is speaking, and when the speaker is called to offer truthful testimony in a court. Let's talk more about specifics.

There are four general categories speech which qualifies as *toeles*. They are:

1. Speech to help the person about whom you are speaking.

An example is a conversation intended to inform a spiritual leader of a sinful behavior or harmful practice being carried out by a member of the congregation or faith-based organization for the purpose of having leadership consider what needs to be done.

This report should be of facts which were either witnessed by the person making the report or is already widely known by the community.

This should be a private conversation between the one making the report and the leadership, in a setting which avoids eavesdropping.

2. Speech to help persons actually being harmed, or in danger of being harmed, by the actions of the person being spoken about. This can be carried out in several ways:

- a. Preventing someone from becoming a victim of the person's actions or speech. This would include offering a warning to that person who is considering entering some type of relationship (business, social, mentoring, marriage, etc.) which would likely be harmful to the person being warned. This speech should be in a private conversation, if possible.
- b. Speech which provides assistance to a person who has already suffered damage after being victimized by the person being discussed. This speech should be in a private conversation, if possible.

The danger in these two areas is that the conversation can easily transform from prevention, assistance and support to gossip and malicious maligning. Both parties should be very careful to set boundaries so that their sin not exceed the one of the person being spoken about.

2. Speaking in a way which assists in ending a dispute in which the person is involved, and which is significantly harmful, or divisive, in the community.

This would include not only providing a private rebuke to an offender, being a witness to a confrontation by another to an offender, and offering collaborating testimony to the offender so as to establish a fact of the offense, and finally, in offering testimony before a *beit din* (religious court of judgment) empaneled to determine the facts in a dispute and render a judgment. All but the proceedings before a *beit din* should be as private as can reasonably be arranged. In a *beit din*, the judge(s) of the religious court will determine how private the proceedings should be.

This very thing was invoked by Yeshua when He reminded His followers of how they are to resolve disputes among one another.

Matt 18:15-18

15 "And if your brother sins, go and reprove him in private; if he listens to you, you have won your brother. 16 "But if he does not listen to you, take one or two more with you, so that by the mouth of two or three witnesses every fact may be confirmed. 17 "And if he refuses to listen to them, tell it to the church; and if he refuses to listen even to the church, let him be to you as a Gentile and a tax-gatherer.

Yeshua didn't elaborate on the entire process, but only summarized it as a reminder to those who heard. There is significantly more to this process, which we will address in future lessons.

3. Speech which assists others in learning from the other person's failures or other improper conduct. This exception would most commonly apply to speech by a leader during a message, group training or discipleship.

4.

Avoiding identifying the parties by name is required, unless the matter is already publicly known. Otherwise, it is quite easy to slip into the sin of gossip or malicious maligning.

The obvious danger in applying these exceptions is that the speaker might simply find within them convenient rationales for engaging in sinful speech, and using the exception as a “cover” for sinful speech.

Another consideration when applying any of these exceptions is determining in advance whether the statement one intends to make will actually accomplish a good result.

If there is not a high level of certainty that the words will make a positive difference, then one should avoid making the statement. It is better to err with silence than sin with speech.

Remember that the exception is based upon achieving a better result in the end, and if that is improbable, then the speech does not fall within the exception. A good rule of application is: if you do not have a high degree of certainty regarding a good outcome, it is best to remain silent. The intention of the heart is central to application of these exceptions.

If the motivation is love and truth, then the speech has a far more likely chance of falling within one of the exceptions.

It is also important to note that there are some special rules for speech which pertain to testimony before a *beit din*. The first of which is when you are a witness to sin, and is called to testify, you must appear and offer testimony.

Lev 5:1-2

5 'Now if a person sins, after he hears a public adjuration to testify, when he is a witness, whether he has seen or otherwise known, if he does not tell it, then he will bear his guilt.

Ex 20:12

16 "You shall not bear false witness against your neighbor.

So, if you are a witness, you must not only appear to offer testimony, but that testimony should also be the truth. Failing to do either is a sin.

There is a greater punishment for providing false testimony meted out in Hebraic law than in the laws of mankind in America today. Moses ben Maimon (Rambam), wrote in his work *Mishneh Torah, Testimony*:

When a person delivered false testimony and witnesses testify to that fact, he is called an *eid zomeim*, "a conspiring witness."

It is a positive mitzvah² to requite him in the manner in which he desired through his testimony to effect his colleague. If witnesses testify with regard to a transgression for which one is liable to be stoned to death and it is proved that they testified falsely, they are all stoned. If the transgression was punishable by being burned to death, they are burned to death. Similar laws apply with regard to other forms of capital punishment.

If they testified falsely with regard to a transgression punishable by lashes, each one of them is lashed as are all those obligated to be lashed.

How much more careful would witnesses be in American courts if such reciprocal punishments were imposed for false testimony? I dare say that justice would be more certain in that system.

² A "positive mitzvah" is a requirement from Torah to do some action that G-d requires.

I find that considerable evil speech passes without objection in the body of faith, and even in church facilities.

There is no exception which justifies evil speech which is shared as part of a “prayer request” as that practice is customarily carried out in some modern churches.

It seems that many such “prayer meetings” provide opportunity for evil speech of various categories to be spread under the guise of a “prayer request.” There is no permissible room for any gossip, nor can any gossip (regardless of how shined-up it might be) fall within the four exceptions defining permitted speech which would otherwise be evil speech.

The four exceptions to evil speech are, by necessity, somewhat vague. This is because their application must be broad enough to cover the infinite variety of human circumstances, and interchanges.

To assist in this analysis, I will continue next week with a number of common failure points which will help those who wish to prioritize holier speech determine whether their contemplated speech is permitted, or remains in the “evil speech” realm.