

Healing the Body, the Soul, and the Community

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In Parshat Re'eh, the following prohibition appears: (Devarim 14:1) "...Lo Titgodedu (you shall not gash yourselves), nor make any baldness between your eyes for the dead." In this verse, the Tora appears to reiterate a set of laws listed earlier, in Sefer VaYikra. Parshat Kedoshim (VaYikra 19:28) already listed prohibitions against making cuts in one's skin and tattooing. Whereas the context of the preceding and following verses (1) suggests that mutilating one's body may be part of idolatrous rituals, since the phrase "VeSeret LANEFESH Lo Titnu BiVesarchem" (and a cut FOR A SOUL to not place in your flesh) suggests a link between such practices and mourning. Parshat Emor (VaYikra 21:5) is more explicit with regard to associating the deliberate cutting of one's skin with the death of a loved one, since verses 1-4 clearly refer to what one does and does not do when confronted by such a profound personal loss. Consequently, when we come to the parallel section in Parshat Re'eh, our first inclination is to understand the verse in question as merely a review of the topic, albeit with certain variations and additions. (2)

Therefore the well known and for that matter, extremely significant interpretation for the verse in Devarim found in the Oral Tradition's Tractate Yevamot comes as a surprise. The understanding of the verse appears to not simply diverge from the "Peshat" (simple literal meaning); Reish Lakish, the author of the commentary, seems, at least at first, to be completely oblivious to the textual context in Devarim. In Yevamot 13b, the Talmud initially focuses upon the first Mishna in Tractate Megilla 2a, in which we learn that despite the fact that Purim during the lives of Esther and Mordechai was originally celebrated either on the 14th or 15th of Adar Sheini, (3) in small villages, (4) and sometimes in even large cities depending upon whether Shabbat coincides with the 14th or the 15th, (5) the Megilla in a given year may be read on the 11th, 12th, and 13th of Adar Sheini as well. While the Gemora in Megilla (6) explains very logically why this is necessary in order to encourage people to live in villages as well as support the

economies in the larger cities, Reish Lakish in Yevamot is concerned with a different issue: "Isn't this a form of "Lo Titgodedu-Lo Ta'asu Agudot Agudot" (you shall not form separate groups/sects)?! While The Gemora concludes that Reish Lakish's interpretation is not intended to exclude the alternate understanding of 14:1, i.e., not cutting one's skin while mourning, it is nevertheless also maintained by the Talmud that the interpretation regarding avoiding disunity among the Jewish people even while engaged in fulfilling Commandments is equally valid.

Tora Temima cites Biblical verses to demonstrate the legitimacy of Reish Lakish's interpretation, if not contextually-the neighboring verses seem to allow for only the interpretation associated with mourning-then at least etymologically. In addition to a verse like Melachim I 18:28 "...VaYitgodedu (and they cut themselves) after their manner with knives and spears..." where the meaning is consistent with the "Peshat" of Devarim 14:1, we also encounter (Yirmiyahu 5:7) "...They then committed adultery and in the harlot's houses Yitgodedu (they assembled themselves as troops, in regiments). Intriguingly, a verse in which both senses of the root G-D-D is used is Micha 4:14, "Now Titgodedi (gash yourself) Bat Gedud (daughter of troops), he has laid siege against us; they shall smite the judge of Israel with a rod upon the cheek." Furthermore, the reflexive form of the verb G-D-D also lends itself to both interpretations: the verse is prohibiting SELF-inflicted physical wounds, as well as the dividing of the SELF into separate, disagreeing units and components.

RaMBaM, in Mishna Tora, appears to treat Reish Lakish's interpretation as not simply word play, but as an important source of equal status to the "Peshat" interpretation, both to be simultaneously utilized to derive significant practical conclusions.

(Hilchot Avodat Kochavim, 12:13-14)

(Halacha 13) "Gedida" and "Serita" are one and the same (i.e., they both refer to making cuts in the skin.) (7) And just as idolaters would cut their skin when in a state of mourning as a manifestation of their pain, so too they would injure themselves during their idolatrous services, as is evidenced in "...And they cut themselves after their manner..." (8) Also this is prohibited by the Tora when it states, "Lo Titgodedu". But rather were one to cut himself during mourning either by hand or via an implement, he would be culpable for lashes; with respect to doing so as part of idolatrous rites, if by means of an implement, he is liable to

lashes, whereas if by hand, he is exempt according to the Tora, but guilty from the perspective of the Rabbis. (9)

(Halacha 14) And included in this prohibition (of "Lo Titgodedu") is the existence of two Jewish courts within the same city, each following a different custom. For such a state of affairs gives rise to great disputes, as it is said, "Lo Titgodedu"-do not create "Agudot, Agudot" (separate groups, subdivisions.)

The only commentator who strives to demonstrate how the two interpretations of the verb G-D-D, the "Peshat" and the comment of Reish Lakish, are actually interrelated, is R. S.R. Hirsch. He gains his interpretive perspective by considering not only the immediate context of Devarim 14:1, but also the topics that the Tora discusses immediately before, i.e., a) the false prophet (Devarim 13:2-6), b) the "Meisit" (enticer) (Devarim 13:7-12) and c) the "Meidiach" (the deceiver, the one who draws away) (Devarim 13:13-19). (10) According to R. Hirsch, the common denominator of these three topics is the manner by which SPIRITUALITY (one who falsely claims to be a prophet-see Devarim 13:6), SOCIAL POSITION (the status of the "Meidiach" gives him undue influence among the masses) and FRIENDSHIP (the close relationship enjoyed with the "Meisit" makes one susceptible to his encouragements and enticements to follow his lead) can all potentially be exploited in order to weaken the people's devotion to God, and consequently promote idolatry among them. Settling the land of Israel will per force entail a decentralization of religious authority, which in turn will embolden individuals who may harbor alternate religious perspectives and loyalties. On a metaphorical level, it could be said that turning away from God in order to pursue other religious perspectives is creating "wounds" and causing "bald spots" in the "body" and on the "head" of the Jewish people, detracting from the health, wholeness and unity of the group as a whole.

While the death of a loved one is certainly not deliberately designed to weaken one's devotion to God, enduring such an experience can certainly have such an effect, making the mourner as susceptible to heretical thoughts as the audience of the "Navi Sheker", the "Meisit" and the Meidiach". In order to attempt to counter this vulnerability that results from an alienating and devastating loss, Moshe stresses the overriding consideration that we are (Devarim 14:1) "...The children ...of the Lord your God..." (14:2) "...A holy people, ...chosen to be

exclusively belonging to Him out of all the people on the face of the earth". The knowledge of our special position vis-à-vis HaShem should at least put our lives into perspective, and allow us to continue to understand whom we truly are, despite the terrible thing that has happened to us. R. Hirsch writes, "...the prohibition against making incisions in one's body and removing the hair from one's head ensured the keeping of one's self-estimation, the consciousness of one's worth arising from being directly belonging to God, even in comparison and connection with our dearest and most honored personalities."

By extension, just as the Tora instructs us neither to do harm to our people by corrupting our beliefs as a result of following the example of individuals of undo influence attempting to lead us astray religiously, nor abuse our physical bodies when caught up in the throes of grief, so too the Jewish people as a whole must be protected by the avoidance of Halachic disputes and mutually exclusive practices on the part of divergent communities. During the period when the Sanhedrin HaGedola, the Jewish Supreme Court, was functioning, disputes were settled and a uniformity of religious observance was maintained. The dissolution of such unity and consistency of observance came about to a large degree as a result of the disbanding of the central religious and judicial authority embodied in the Sanhedrin. Tosefta Sota 14:9 succinctly captures this paradigm shift when it states that once there was no longer an official judicial body to resolve Halachic disputes, the followers of Hillel and Shamai, by means of their countless arguments, created the perceived reality that rather than a single Tora, there were in effect two separate versions of Jewish law and tradition. The subsequent exile from Israel of the Jewish people and their dispersion throughout the civilized world further promoted the evolution of separate traditions, interpretations and customs. While Yevamot 14a and RaMBaM in Mishna Tora emphasize that conflicting courts in the SAME city constitute a violation of "Lo Titgodedu", the Talmud clearly states that the prohibition does not apply to courts in SEPARATE cities and communities. Demanding that much higher degree of coordination and standardization during a period of geographical disunity and disconnectedness, while perhaps an ideal that will hopefully be eventually realized at some time in the future, would constitute insisting upon a standard that cannot be reasonably expected to be realized during the current state of decentralized and significantly disorganized Jewish life.

An especially poignant manifestation of disparate and ultimately counterproductive Halachic thinking surrounds the failed movement in the 17th century to reconstitute the Sanhedrin, based upon an evocative comment of RaMBaM in his compendium, Mishna Tora. In Hilchot Sanhedrin 4:11, he writes the following:

If in Israel there is even only a single individual who has "Semicha", (11) he can invite two other individuals to sit beside him (12) and they in turn can confer "Semicha" on 70 others either simultaneously or one after the other. Afterwards the single individual together with the 70 (upon whom "Semicha" was just conferred) will comprise a Great Sanhedrin, which now can appoint other courts. (13) "Nirin Li HaDevarim" (it seems to me) (14) that if all of the scholars throughout the land of Israel would agree to appoint judges and confer upon them "Semicha", their ordination would be legitimate, they could judge cases involving monetary fines, (15) and they in turn could confer on others "Semicha".

If this is true, why have the scholars bemoaned the absence of "Semicha" leading to the inability to adjudicate cases involving monetary fines? BECAUSE THE JEWS ARE SCATTERED (literally and figuratively) AND IT IS IMPOSSIBLE THAT THEY WOULD ALL AGREE...

RaDVaZ, in his commentary on this passage in Mishna Tora, notes how the scholars of Tzefat attempted to carry out RaMBaM's recommendation and all agreed to appoint R. Yosef Karo, the author of the Beit Yosef and the Shulchan Aruch, as a recipient of "Semicha" so that the Sanhedrin could be begun again. However their plans were thwarted by the "Chacham SheHaya BiYerushalayim" (the scholar who was in Jerusalem) who objected to the proposal, thereby not allowing RaMBaM's criteria of "the agreement all scholars in the land of Israel" to be satisfied. While there is considerable scholarly debate regarding the motivation for his objections, nevertheless, it is clear that RaMBaM had astutely asserted that a point of "no return" had been reached whereby universal agreement and cooperation become beyond the pale of possibility, no matter how significant the issue being considered may be to Jewish continuity and cooperation.

Typically, the concept of "Lo Titgodedu" is invoked with regard to whether individuals who have different traditions with respect to wearing Tefillin during Cholo Shel Moed, should pray in the same Minyan. (16)

Another Halachic context in which the issue arises is when the leader of the prayer services is accustomed to follow a different "Nussach" (version of the liturgy) for prayer than the congregation in which he happens to be praying. (17) However confining Reish Lakish's interpretation of Devarim 14:1 to relatively narrow ritual matters such as these, would seem to once again engage in the problematic of the "forest and trees dilemma" that dogs the steps of Orthodox Judaism in so many areas. (18) While the Halachic issues of ritual practices during prayer should not be trivialized, the concept of "Lo Titgodedu" has so many other implications whose resolutions and applications are far less clear-cut than the areas cited above, and are at the same time so fundamentally crucial during the period of Jewish history in which we live. What happens when different congregations take positions that are at odds with one another regarding reciting Hallel on Yom HaAtzmaut, the extent to which women can participate in public prayer services, interrelationships with institutions and congregations of different denominations, the standards of Kashrut and Shabbat observance, the laws of personal modesty-the list goes on and on.

Those of us who value our personal autonomy, are perhaps secretly happy with the status quo, which affords us real choices and does not require monolithic conformity to certain norms and standards. But we should recognize that this is not the ideal. When we pray in the silent devotion, "Restore our judges to their original situation, and our advisors as they once were..." we should be cognizant that we are requesting that the Sanhedrin be reinstated, thereby healing the "gashes" and "bald spots". The unity of the Jewish people in terms of practice and sensibility appears to be a higher value than individual choice and preference, and we should keep in mind what we are praying for, recognizing its ultimate positive value for the strength, vitality and viability of our people.

Finally, "Lo Titgodedu" should speak to us on a communal level. While we have our differences and preferences, members of a community should not only see themselves as a "family", but literally as a single body, an entity that can enjoy good health and happiness, but one that can also experience disease, depression and injury. The analogy in Yerushalmi Nedarim 9:4 designed to explain why taking revenge and bearing a grudge (19) are so nefarious and evil, states it very well: What were to happen if while one is cutting something, his hand slips and he cuts his hand? Will he in turn cut the hand that was holding the implement at the time of the accident? The end of the verse

prohibiting revenge and grudges states, "...And you will love your neighbor AS YOURSELF", i.e., s/he is yourself. When one of us bleeds we all do; when one of us is healed, we are all the better for it.

Shabbat Shalom.

(1) See VaYikra 19:26-27; 29-31.

(2) The term "Mishna Tora", based upon Devarim 17:18, is applied specifically to Devarim, which is seen as a review of the previous four books of the Bible. This is understandable contextually since the contents of Devarim comprise Moshe's valedictory address immediately prior to his death, in which he emphasizes the history, concepts and practices which he considers essential to the Jewish people's continuity and commitment to HaShem. Nevertheless, commentators frequently take note of variations in language and detail with regard to how stories and Commandments are presented in Devarim, in contrast to how they are articulated in the preceding Biblical books. With respect to the prohibition against mutilating one's body, the following differences are noted and are subject to interpretation:

a) The term "Seret" appears in V. 19:28 and 21:5, but not in D. 14:1.

b) The term "Gadod" appears in D. 14:1, but not in V. 19:28 and 21:5.

c) The verb in D. 14:1 is reflexive, while in V. 19:28 and 21:5 it is transitive.

d) In V. 21:5, tearing out hair is the first thing mentioned, while in D. 14:1 it is mentioned last.

e) The location of the baldness in V. 21:5 is on the head, while in D. 14:1 it is between the eyes.

f) Tattooing is omitted from D. 14:1.

g) The explanatory phrase at the beginning of D. 14:1 is absent in V. 19:28 and 21:5.

(3) See Esther 9:17-18.

(4) Since small villages usually did not contain enough people to constitute a Minyan, which is the ideal context in which Megillat Esther ought to be read, the inhabitants were permitted to fulfill the Mitzva of reading the Megilla on a Monday or Thursday, when they would come to the market in the large metropolises. If the 14th of Adar Sheini is on a day other than a Monday or Thursday, it would result in their reading the Megilla on a day other than the 14th, which is the standard date for unwallled cities from the time of Joshua to celebrate Purim.

(5) Megilla 4b records the Rabbinic prohibition initiated by Rabba that provided for no Shofar blowing when Rosh HaShana would coincide with Shabbat, no taking the four species on Sukkot on the day of Shabbat, and no Megilla reading when the 14th is a Shabbat, because of the fear that in a place where there is no "Eiruv", people will come to illegally carry on Shabbat their "Shofrot", "Arba Minim" and "Megillot". Consequently, if the 14th of Adar Sheini was a Shabbat, not only the villagers, but even the residents of the large cities would move the reading of the Megilla to the market day, or the 12th of Adar Sheini.

(6) According to Megilla 2a and 4b, not only is the leniency for the villagers designed to help them read the Megilla in a Minyan, but also to make available to the city dwellers additional agricultural products to enhance their Purim meals, brought to town by the villagers.

(7) See fn. 2 a, b.

(8) The text in Melachim I 18:28 emphasizes that the prophets of Ba'al, during their religious frenzy, cut themselves with their spears, as they "usually did." This suggests that the normal form of this type of idolatry is to use implements in order to make the cuts. If in order to violate the prohibition against idolatry, one must replicate the idolatrous ritual precisely, then only when implements are used, is the Tora law transgressed, and one receives the Tora mandated punishment, in this case, lashes. However, with regards to Jewish mourning practices, the issue is not how the cut is inflicted, but rather that it was done at all. Therefore it makes no difference whether an implement was used or one employed his nails, etc. Once the Tora law is violated, the Tora punishment must be applied.

(9) Although the law might state that one is "Patur" (exempt) from the Tora punishment, that does not necessarily mean one is exempt entirely ("U'Mutar"), and Rabbinic sanctions might apply. Often the term "Patur" is interpreted to mean exempt from the Tora punishment, "Aval Asur" (but still prohibited Rabbinically, nevertheless) and some form of punishment will be applied. Furthermore, just because one receives a Rabbinic rather than a Tora punishment, does not mean that it will be more lenient. There are instances where the Rabbinic punishment is made more severe than the Tora punishment in order to make people disinclined to take Rabbinic law lightly.

(10) Since the term "LeHadiach" (to deceive, draw away) is also used in passing with respect to a false prophet in Devarim 13:6, this type of individual can be associated with the "Meidiach" of 13:13-19.

(11) Ordination, i.e., authorization to serve as a decisor of Jewish law that can be traced from generation to generation all the way back to when Moshe first gives Yehoshua ordination in BaMidbar 27:23. Sanhedrin 13b-14a states that R. Yehuda ben Bava was the last to give such authorization to several of his students, the practice being discontinued during the Roman persecutions, which is the same time that the Sanhedrin of the Second Temple was abolished.

(12) This would thereby constitute the smallest configuration of a Jewish court, a "Beit Din" of 3 judges.

(13) The problem inherent in the first portion of RaMBaM's comment, of course, is that once "Semicha" was discontinued, there did not remain even a single such individual, and therefore unless the discontinuity would end, his proposal is for all intents and purposes moot.

(14) Rarely does RaMBaM employ such tentative language in his Mishna Tora, and therefore there is extensive scholarship concerning what this phrase may imply.

(15) Such cases were deemed to be particularly complex, as well as potentially ethically difficult with respect to issues of favoritism and the potential for imposing economic ruin upon the individual found guilty. Consequently only the most astute judges were authorized to try this type of dispute. In the absence of such qualified judges, this entire area of practical Jewish law was rendered void.

(16) See Magen Avraham and Pri Chadash on Shulchan Aruch, Orach Chayim #493.

(17) See Igrot Moshe, Orach Chayim, Part II, #21, 23, 24.

(18) See [here](#).

(19) See VaYikra 19:18.