CHAPTER 6, LAW 8 - CRYING OUT

by Rabbi Dovid Rosenfeld

One who rebukes his fellow should not (at the start) speak with him so harshly that he shames him, as it is stated, '[You shall surely rebuke your fellow] and you shall not bear upon him a sin' (Leviticus 19:17). So [too] did the Sages say, 'I might think you must rebuke him [while] his face is turning colors, [the verse] comes to teach us, 'and you shall not bear upon him a sin' (Talmud Erchin 16b). From here [we see] that it is forbidden to shame a Jew, all the more so in public.

Even though one who shames his fellow does not receive lashes, it is a terrible sin. So did the Sages say, 'One who shames (lit., 'makes white') the face of his fellow... has no share in the World to Come' (Pirkei Avos 3:15) . Therefore, one must be careful in this matter -- that he not embarrass his fellow publicly, whether a small or great [person]. And he should not call him a name which shames him, nor should he speak before him about a matter which embarrasses him.

When does all of this apply? In matters between a person and his fellow. But in matters of heaven if he did not repent [after you rebuked him] privately, we shame him publicly, we publicize his sin, we execrate him to his face, and we disgrace and curse him until he returns to the better -- as did all the Prophets to Israel.

For the past few weeks, the Rambam has been discussing the obligation to rebuke your fellow, whether your fellow wrongs you personally or you happen to catch him sinning to G-d. In the previous law, the Rambam taught that rebuke must be administered gently and compassionately, making it clear to the sinner that you are speaking from care and only have his best interests in mind. At the same time, continued the Rambam, based on Talmud Erchin 16b, if your fellow refuses to heed, you must keep on at him until it literally comes to blows. To this, however, we explained that the Talmud was assuming the sinner knew full well he should be behaving but only could not control himself. He just needed that swift kick in the pants to knock him back to his senses. Today, however, when the vast majority of Jews know precious little of the beauty of Judaism (often in spite of being raised in relatively traditional homes), honey is far more appropriate than vinegar to show others the error of their ways.

This week the Rambam begins in a similar vein, stating that it is forbidden to shame your fellow while rebuking him -- or to ever shame him for that matter. He bases it upon the verse we have been discussing all along: "You shall surely rebuke your fellow and you shall not bear upon him a sin." One of several implications of the final phrase is that in rebuking your fellow you must not bear [upon yourself] and on account of him a sin. Meaning, do not sin in the course of performing the mitzvah

(good deed) of rebuke by shaming your fellow in the process.

All of the above follows clearly from our discussions of the past weeks. Your goal in rebuking your fellow must not be to tell him off and certainly not to once and for all give him a piece of your mind. It is to **help** your fellow: to show him his error, and help him realize his true potential.

This is in fact clear from the term the Torah employs here. The word the Torah uses for rebuke, "l'hochi'ach", doesn't really mean to chastise or rebuke. All along we've been using the simplistic English translation which really does not do it justice. The word actually means to prove. We are not telling off, we are showing and instructing: demonstrating to our fellow that his present actions -- even if he imagines he is living it up -- are harmful and counterproductive.

And in fact, as my teacher R. Yochanan Zweig points out, the true root of the word "hochi'ach" is "ko'ach" -- strength. ("Hochiach" is the causative conjugation, meaning literally "to make strong"). When the Torah commands us to inform our fellow of his errors, it actually says we must "strengthen" him. And when we think about it, this word hits the nail on the head -- for there is nothing more empowering than knowing what's wrong with you.

Very often, we're lethargic and out of synch without really knowing why, or we get down on ourselves because we know we have faults we cannot seem to overcome. And sometimes, all it takes is a good friend who sees us from the outside (yet who is close enough to understand us well and to care) to hone in on the underlying flaw which is dragging us down. And with that knowledge, we can come back to life and go off running. When we have faults or problems we cannot cope with, we are weighted down -- not only because of the problems themselves but because of our sense of helplessness to pick ourselves up. When, however, that true friend helps us identify just what is wrong with us, we are invigorated and can face life anew.

The Rambam continues that all of the above is true regarding interpersonal matters. For such you must go very easy on your fellow, criticizing him gently and privately. Although as we learned last week, if he does not listen, you must keep on at him until it comes to blows (at least once upon a time), there is no reason to publicize the issue beyond you and him. And further, you should not so readily trust yourself when your own honor is at stake. If he sinned to you personally, you may only go so far in rebuke, always making certain you're coming to help him rather than chew him out.

In public matters, however, no holds are barred. The Prophets went all out in condemning the sins and excesses of the Jewish people. General breakdowns in society -- the sort the Prophets regularly railed against -- were not criticized quietly and discreetly. The Prophets yelled and screamed and would not be silenced -- until either the people improved or G-d punished an unheeding populace with war and exile.

It is true that the Prophets generally decried public issues and problems of society at large. Yet we find in Jewish law that even private infractions may be publicized if the perpetrator will not yield. Say a person refuses a court summons and cannot be brought to justice. Now in Biblical times the Torah

instructed us to have a police force to see to it that the populace would obey their judges (see Deuteronomy 16:18 and Rashi there). But throughout much of Jewish history -- even in the many societies which permitted Jews autonomy in religious matters, we were allowed judges but not police. In such times the standard practice -- not uncommon till this today -- was to publicize the names of those who disobeyed the courts, and at times to entirely ostracize them from the community.

(For an even more personal issue, see Talmud Kesuvos 63b which discusses the practice of publicizing the behavior of a spouse who refused to perform his or her marital duties to his or her partner. (Another one not in practice today.))

One more case deserves mention. We often find Orthodox Jews protesting (though hopefully not rioting) in cases of gross public violations of Torah law. Very often, the situation is one which will not be resolved by a single (or even many) shows of public resolve. Large, apathetic government bureaucracies rarely respond to public opinion; they almost seem to have a policy of doing whatever their constituents do **not** want. But even so, such rallies are held -- quite regularly. What purpose do they serve?

The answer is that just as the Prophets, at times we must simply protest the desecration of G-d's Name. We must stand up for Jewish values; we must demonstrate unequivocally that we find certain types of behavior unacceptable -- be it abortion, same-sex marriages, or public desecrations of the Sabbath. Perhaps no one will listen, but we **must** stand up for G-d's honor. We cannot go down pretending nothing has happened. We must not give the slightest impression of complicity to evil. True, no one may be swayed by our sentiments. Yet we must be heard. Let the world know that there are at least some among us who care about G-d.

A great contemporary rabbi once bemoaned the fact that today fundamentalist Christians appear to stand for moral values more so than the Jews -- particularly ironic when we consider that Christianity's moral underpinnings come directly right from us. Yet tragically, less traditional branches of Judaism often have higher visibility and better PR. It is thus all the more imperative that we show the world just what we stand for.

Needless to say, this should not be viewed as a carte blanche to ram our positions down others' throats whenever we feel like it or want some media attention. As we all know too well, public protests, especially in the Holy Land, degenerate into a front for a couple of bad eggs to behave in manners more antithetical to Jewish values than the policies they're demonstrating against. (The Israeli media focuses its attention entirely on such ruffians, giving the world the absurd impression that that's all Orthodox rallies consist of.)

The Talmud writes, "Just as there is a mitzvah (obligation) on a person to say something which will be heard, so too there is a mitzvah not to say something which will not be heard" (Yevamos 65b). We must at times protest, but we must carefully consider if our words will benefit anyone or merely fan

existing animosities, making cordial relations even more difficult. See also in Jewish law the statement of the Rema (O.C, 608:2) that in cases in which you don't expect others to heed you, you should protest one time alone. The protest is to state unequivocally what we believe in. It must go on record that we disapproved. But beyond that first protest, there may be little more good we can do.

Thus, as in many issues, a careful balancing act is required. At times we must protest and let the world know what we stand for. Yet at times we must recognize that the world is not ready for everything we have to say and more harm than good will result. Yet throughout, we must be **bothered** and feel the need to cry out against the injustices of the world. It may help and it may not, but we should never be so indifferent as to remain silent.

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