

# TILL DEATH DO US PART

*by Nechama Stampler*

## **Till Death Do Us Part<sup>1</sup>**

You are children to Hashem your G-d. You should not cut yourselves, and you shall not make a bald spot between your eyes for a dead person.

Rashi: Do not place a cutting or tearing of the flesh, as the Emorites do. You are G-d's children. It is appropriate for you to have a pleasant appearance, and not look cut or balded.

Maharal: It is difficult to harmonize this understanding of the plain meaning of the verse with a derashah of Chazal<sup>2</sup> that derives from here that a single court in a city should not present conflicting decisions, with some of the judges ruling like Bais Hillel, and others like Bais Shammai. This would divide the practice of the community into two camps.

The gemara demonstrates quite well why the word "sisgodedu" accommodates both derashos. It also points to the allusion of its root to the word agudah, group. This hints to us that a community should not be divided against itself regarding a single halachic issue, with some acting one way, and others in a demonstrably different way.

Yet, we are still not put at ease by this. While the derashos are both justified and appropriate, they still grate on us, because they have nothing to do with each other. Over-the-top personal mourning practices do not strike us as related to the conduct of community courts. We are accustomed to seeing derashos on a given pasuk relate to a single topic.

In fact, the derashos do revolve around a single point: dividing what is meant to be whole. Tearing into the flesh in the anguish of mourning cuts into what is meant to be whole and undivided. Similarly, when a court divides itself into two camps regarding some halachic decision, it takes a community that ought to be united in practice, and divides it into two. The Torah finds each one of these situations contrary to a wholeness that Hashem engineered into it, and wished to see maintained. Ramban challenges Rashi's explanation of the connection between our being children of Hashem and the prohibition of cutting into flesh. Rashi says that because we are His children, it is inappropriate for us to disfigure ourselves. Because of our relationship with Him, we ought to give a pleasing appearance. If this were the case, asks Ramban, would it not be forbidden to tear into the flesh for any reason at all - not just as a mourning observance?

I don't believe this to be a valid objection. The Torah tries to educate us, to change our acceptance of many wrong-headed ideas. But it does not try to forbid every behavior that flows from those ideas. It will often restrict the lesson to obvious or common manifestations of that attitude, while disregarding others. Tearing into the flesh as a mourning practice was a common behavior, while other forms of tearing were less common. The Torah does not try to be exhaustive in its prohibition, and limits itself to the strongest example of the faulty attitude, and disregards the others.

Returning to the main issue, we can look at the prohibition in an entirely different manner as well. The prohibition against cutting our flesh aims at preserving our consciousness of Hashem's Oneness.

When a person suffers a loss, he attributes his loss to the operation of Divine judgment. His focus on the midah of din may be so complete, that he loses sight of Hashem's opposing midah of rachamim. The tearing of flesh is a preverbal expression of giving midas ha-Din an exclusive - as if midas ha-rachamim did not exist. G-d's Oneness, however, demands that all things be contained within Him. Rachamim is at least as much a part of Him as is din - if anything, far more so. Concentrating too narrowly on din is, in effect, a denial in part of Hashem's Oneness. Tearing into the flesh for any other purpose or occasion says nothing about din and rachamim, however, and therefore lies outside of the purview of our prohibition.

Din in its pure sense is associated with one other public institution. Elsewhere, the Torah teaches "Judgment belongs to G-d."<sup>3</sup> The court is not a place for rachamim, but for the exercise of din. Although as human beings we can hardly hope to promote din in a pure form, we are still aware of our role as purveyors of a commodity - din - that is sourced within Hashem. The face of that Din ought to testify to the One G-d behind it. When the output of a beis din is fractured, and divided, this too detracts from our appreciation of G-d's Oneness.

The element that is common to both of the derashos - the one cited here by Rashi, and the gemara's finding of a prohibition against splitting a community's halachic base - is a requirement to relate to the Oneness of Hashem in a manner not apparent to most people. Believing that Hashem is One requires far more than rejecting the idea of many gods, or a chief god with many associates. While the true nature of His Oneness is unfathomable to us, who live in a world of many things and many divisions, we can at least understand on some level the idea of Hashem as containing all phenomena within Him, with no exceptions. The Torah does not demand this only of the philosopher, but in a measured manner, of all loyal Jews.

Sources:

1. Yevamos 14A
2. Based on Gur Aryeh, Devarim 14:1
3. Devarim 1:17

