

Parashat Beshalach, 5770, 2010:

Rabbi David Etengoff

K'ish Echad b'Lev Echad (As one Person with One Heart)

Dedicated to the sacred memory of my sister-in-law, Ruchama Rivka Sondra, and the *refuah shlaimah* of Sarah bat Rachel, Yosef Shmuel ben Miriam, and Sheva bat Sarah Rivka.

The protagonist and heroine of this week's Haftorah is none other than the prophetess and judge Devorah, the wife of Lapidot: "Now Deborah was a woman prophetess, the wife of Lappidoth; she judged Israel at that time." (*Sefer Shoftim* 4:4, this and all Tanach and Rashi translations, *The Judaica Press Complete Tanach*) Our Sages noted in *Talmud Bavli, Megillah* 14a, that Devorah was one of the seven prophetesses: "Who were the seven prophetesses? Sarah, Miriam, Devorah, Chana, Avigail, Chulda, and Esther." (This, and following translations, my own) Devorah had the additional distinction of being one of the Judges (*Shoftim*) of the Jewish people – or did she? In other words, can the phrase "she judged Israel at that time" ("*hi shoftah et Yisrael ba'eit hahi*") be taken at face value?

At first blush, it seems that we ought to take the phrase, "she judged Israel at that time," quite literally, since the very next *pasuk* (verse) states: "And she sat under the palm tree of Deborah, between Ramah and Beth-el, in the mountain of Ephraim; and the children of Israel came up to her for judgment." (*Sefer Shoftim* 4:5, underlining my own) There is a fundamental halachic problem with this interpretation, however, that is clearly presented in the fourth century *Talmud Yerushalmi, Yoma* 6:1 (32a): "From here we may learn that a woman may not judge" ("*M'atah ain haisha danah*"). Although, inexplicably, the

Rambam (1135-1204) does not include this ruling explicitly in his *Mishneh Torah*, it is found nearly verbatim in Rabbi Yaakov ben Asher's (1270-1340) seminal work of Jewish Law entitled "*Arba'ah Turim*" and in Rabbi Yosef Karo's (1488-1575) *Shulchan Aruch*, *Choshen Mishpat*, *Hilchot Dayanim* 7:4: "A woman is disqualified from judging" ("*Ishah pasulah l'don*"). Given this clear-cut ruling, we must once again ask the simple and straightforward question: "Was Devorah really a judge?" The answer, as in many areas of *Halacha* (Jewish Law) and *Hashkafa* (Jewish Theology), is a resounding, "It depends who you ask."

Tosafot, Rashi's (1040-1105) 12-14th centuries students and disciples, discussed Devorah's status in a number of different *masechtot* (tractates) of the Talmud. One such source is *Talmud Bavli Gittin* 88b s.v. *v'lo lifni hedyotot*. Initially, Tosafot opines that the phrase from *Sefer Shoftim* "she judged Israel at that time," should not be taken literally, since it is entirely possible that its real meaning is "... perhaps she never rendered judgment at all, and [instead] she instructed [the judges] as to what the legal decisions ought to be." According to this view, although Devorah was a legal scholar who discussed cases with members of various *batai din* (Jewish courts), she was not an actual judge. It should be noted that this view is stated explicitly by Rabbi Yaakov ben Asher in the above-cited section of the *Arba'ah Turim*. In contrast, Tosafot's second approach suggests that Devorah was a practicing judge and that her mandate to judge had come directly from the Almighty: "Alternately, perhaps they [the Jewish people] had accepted her juridical authority upon themselves because of [a Divine pronouncement] from the *Schechinah* (G-d's immanent presence)." (Op. cit.)

Devorah as a judge in practice – based upon Divine mandate - finds further support in a previously cited Gemara, *Talmud Bavli, Megillah* 14a, in one of the explanations of the phrase “And she sat under the palm tree of Deborah...” Therein our Sages teach us: “Just as this palm tree has but one heart [Rashi: a central growing point] so, too, did the Jewish people of that generation have but one heart (*lev echad*) directed to their Father in Heaven.” This explanation is particularly fascinating in that Devorah’s universal acceptance as a judge for *Klal Yisrael* (the Jewish people) took place precisely because the heart of the Jewish people was unanimously directed to *Avinu she’b’shamayim* (our Father in Heaven).

The above-found interpretation parallels another great moment in our people’s history when we also stood united with one heart directed to G-d, namely, the awe inspiring Revelation at Mount Sinai: “They journeyed from Rephidim, and they arrived in the desert of Sinai, and they encamped in the desert, and Israel encamped there opposite the mountain.” (*Sefer Shemot* 19:2, underlining my own) Rashi, basing himself on *Mechilta d’Rabbi Yishmael, Yitro, Masechta d’b’Chodesh, Parasha* 1, notes that the phrase “and Israel encamped” is written in the singular rather than the plural that is found in the rest of the verse: **and Israel encamped there**: “Heb. *vayichan* [the singular form, denoting that they encamped there] as one man with one heart (*k’ish echad b’lev echad*), but all the other encampments were [divided] with complaints and with strife.” It seems, therefore, that when we were united *k’ish echad b’lev echad* at *Har Sinai* (Mount Sinai), nothing was impossible – even lowly and finite man was capable of encountering the infinite and ineffable Creator of the Universe.

May the time come soon and in our days when we once again stand shoulder to shoulder *k'ish echad b'lev echad* in total dedication to the Almighty, in the rebuilt *Beit Hamikdash* (Holy Temple) in Jerusalem, and under the leadership of *Mashiach Tzidkeinu* (the one and only Messiah). *V'chane yihi ratzon.*

Shabbat Shalom

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http://home.mindspring.com/~rdbe/parashat_hashavuah/index.html.

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