I’d like to begin today’s d’var Torah with one of my favorite lines from “Fiddler on the Roof.” Tevye says:

I know, I know we are the chosen people.
But once in a while, can’t you choose someone else?

Why did the Israelites receive the Torah? Why are we the “chosen people?” Would it surprise you to learn that according to one Talmudic sage the reason the Israelites received the Torah is because of one of the grave sins we confess to during the אשманו (Ashamnu) prayer on Yom Kippur? In that confession, we admit to "קשינו ערף – we have been stiff-necked.” This language hearkens us back to the story of the Israelite’s worshiping the golden calf, God says:

רָאִיתִי אֶתְנָא הַשְּׁמִירָה עַמָּה שֶׁקְשֵּה עֹרֶף הוּא
I have seen this nation, and behold it is a stiff-necked nation.¹

Commenting on this verse in the midrash on Exodus, Rabbi Meir says about the Israelites, "ראויים הן להערף they are worthy of beheading."² However, ironically, in the Talmud, without quite using the phrase “stiff necked,” Rabbi Meir states that it is the Israelite’s stubborn character that causes them to receive the Torah:

תנא משמיה דרבי מאיר: מפני מה נתנה תורה לישראל - filmer בשון עוזיר
It was taught in the name of Rabbi Meir: Why was the Torah given to Israel?
Because they are strong-willed.³

Rashi explains:

ונתנה להם התורה הזאת בס '-', והוא מ.getContext subtraction

¹ Exodus 32:9.
² Exodus Rabbah Ki Tissa 42:9.
³ BT Betzah 25b.
And so the Torah was given to them to study intensely, because it weakens their strength and humbles their heart.⁴

In further discussion in the Talmud, one opinion compares the Israelites to fire and says that "אֲלֵהֶם (לָא) נְתָנָה תּוֹרָה לְיִשְׂרָאֵל אַךְ כֹּל אֲנָמָה וְלֵשָׁן יִוְלִי לְעֹמֵד בְּפָגְעָם." So, according to Rabbi Meir, the Torah is given to the Israelite people as an antidote to their strong-willed nature. While we won’t focus directly on this, this teaching suggests that the Israelites were chosen to receive Torah not due to a positive trait but rather because without Torah Israel would be downright dangerous.

There is no doubt, given the above, that being “stiff necked” is a negative attribute worthy of confession. Of course, we always want to be able to compromise and to reconsider our ideals and behaviors. Being stubborn is hardly conducive to repentance and change. But here’s the catch. Sometimes, being stiff-necked isn’t all that bad of a thing.

Shemot Rabbah contrasts Rabbi Meir’s view with the view of Rabbi Yitzchak bar Redifah said in the name of Rabbi Ami:

אתה סבור אתה לובט אתו אח לשהב אתו יודא אתו לובט

You think that the description of Israel as “stiff-necked” is critical⁶, but in fact it means to praise them! [For they say] “Either a Jew or hanged!”

Rabbi Ami takes “stiff necked” as a praise, for in his day a Jew was willing to be hanged rather than give up his or her commitment to Torah. So, while Rabbi Meir saw the “stiff neck” as one that was worthy of beheading, Rabbi Ami saw the stiff necked person as one who was willing to put his or her neck on the line in order to preserve Judaism!

The midrash continues:

א"ר אבין עד_now קורין את ישראל בחוצה לארץ האומה של כזעורף.

Rabbi Avin said, “Until this day they call Israelis in the diaspora “the stiff-necked people.”⁷

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⁴ Rashi on BT Betzah 25b s.v. שָׁחַת עִזּוֹת.
⁵ Id. commenting on Deut. 33:2 מִימִינוֹ אשדת אֵש דָת, an enigmatic phrase which for these purposes we will translate as “on God’s right a law of fire for them.”
⁶ Lit. “Do you think that this (i.e. the description of the Israelites as “stiff-necked”)
⁷ Id.
To Rabbi Meir, the Israelites’ resolute character made them a danger to society and almost worthy of beheading. However, ultimately, God decided that the Israelite קשוש flick was not a disease to be cured but a characteristic to be channeled toward good through the Torah. Rabbi Ami and Rabbi Avin tell us that generations later it was precisely the Israelite stubbornness of character that helped perpetuate Torah, as the Israelites refused to capitulate to those who demanded they surrender their faith or to give in to conditions that made abiding by their faith so challenging.

The truth is that a strong will can be a dangerous thing when it is held by those with mistaken beliefs or problematic impulses. At the same time, it is an essential characteristic for those who have proper values and a positive inclination. Have you ever noticed that whether you evaluate someone as “resolute and principled” or as “stubborn” ultimately depends on whether or not you agree with that person? A key challenge we all face is when to passionately fight for what we believe, when we need to reconsider the rightness of our cause, and how to deal with the uncertainty of which situation we are in. It’s never easy to tell the difference.

I wish I could claim to have an easy answer to this conundrum, but I must admit I have no easy advice about how to distinguish between when we are right and when we are wrong. Obviously, we want to want to try to figure out our opinions and guide our behaviors by unbiased evaluation, by examining the evidence as dispassionately as possible, and coming to as methodical a conclusion as we can. However, we are unfortunately horrible judges of our own biases, and we are plagued by confirmation biases that make it extremely difficult for us to genuinely re-evaluate our conclusions.

Those who work on how to address confirmation biases offer several pieces of advice, although they are difficult to put into action. Very prominent is that we should try to take in as much information as possible before making any conclusion, that we should try our best to be cognizant of our biases, and that we should try our best to explore other possibilities, including making a concerted effort to argue in favor of other opinions. The Talmud tells us of the many disagreements between the academies of Hillel and Shammai. In general the halakhah follows Beth Hillel, the academy of Hillel. Interestingly, the Talmud’s explanation of this seems to suggest that the academy of Hillel engaged in practices that would have minimized their confirmation bias.

See e.g. https://www.mindful.org/how-to-avoid-confirmation-bias-at-work/, https://www.journalofaccountancy.com/issues/2015/feb/how-to-overcome-confirmation-bias.html (accessed on 9/2/18, I have preserved copies of same which are available on request).
The Talmud tells us that the halakhah follows Beth Hillel, at least in part, because they would teach both their own opinion as well as the opinion of Beth Hillel, and moreover they would first explain the opinion of Beth Shammai before explaining their own opinion. Perhaps the halakhah follows the academy of Hillel in some part because their willingness to present and consider the opinion of the other side first made them more able to give that side of the argument fair consideration. In fact, the Mishnah in Eduyot provides several examples of where Beth Hillel was convinced of the rightness of Beth Shammai’s arguments.

I think we can also find some guidance from Rashi’s explanation of why the Torah would mitigate Israel’s strong-willed nature. Rashi mentioned not just that the Torah would temper the Israelite’s nature but that the study of Torah would do so. The very fact that God asks us to be guided by divine decree guides us toward the realization that we can’t always discern on our own what is good and just. Therefore, we need to look outside ourselves, toward the Torah, for guidance between right and wrong. This was a very different concept than what was presented by other legal treatises in the Ancient Near East, which until the Torah all showed the gods empowering the human ruler to create the laws, whereas in the Torah it is God who provides the laws. Second, the fact that we are taught the necessity of regular study and contemplation of Torah - meditate upon it day and night - forces us to constantly consider different perspectives, to recognize the possibility that our current understanding might be wrong, and to acknowledge our responsibility to constantly improve our understanding of what God asks of us. I might add that the rabbinic aphorism that the Torah has 70 faces teaches that even if we get something “right” there are still 69 other perspectives that have some elements of truth that we can incorporate into our beliefs. The Talmud tells us that immediately before the heavenly voice announced that the halakhah follows Beth

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9 BT Eruvin 13b.
10 1:12-14.
11 See text above, accompanying footnote 4.
12 Jeffrey Tigay, JPS Tanakh, introduction to Deuteronomy Chapter 5.
13 Joshua 1:8.
Hillel over Beth Shammai, the voice stated, “ואלו דברי א-להים חיים” , “both are the words of the living God.” ¹⁴ This teaches us that different opinions, even opinions with which we passionately disagree, can still be right when the issue is looked at from a different perspective – even if we are right, too!

For better or worse, we live today in a period when lots of people have very strongly held beliefs. Are we stubbornly holding on to our beliefs despite evidence to the contrary? Or are we taking brave and important principled stands to insist on values we hold dear? How can we know the difference? How can we avoid being stubborn on the one hand but be sure to stand up for what is just and right on the other? Maybe the best we can do is to advocate passionately for our beliefs while doing our best to respect those who hold other beliefs and even to acknowledge the possibility that it is we who might be wrong. Perhaps that realization can lead us to mutual respect and maybe even reasonable compromise, especially when the value of compromise is an important good in and of itself.

As I said, I can only begin to scratch the surface of how to distinguish when we are being too headstrong and when we are standing up for the right principles. For better or worse, every human being is, in one way or another, a person of קשות עורף, a stiff-necked nature. Our responsibility is to temper that stubbornness through studying the Torah and other external sources for understanding between right and wrong, considering other perspectives, and being open to changing our views. At the same time, we need to be prepared to call our stubbornness to arms in defense of that which is good, just, and righteous.

I’ll close with a prayer fashioned on Reinhold Niebuhr’s Serenity Prayer:

God, grant us the strength to act resolutely in furtherance of our inclinations and beliefs that are good, right, and just in Your eyes;

Grant us humility to reconsider our attitudes and prejudices when we stray from Your guidance;

And grant us the wisdom to know the difference.

¹⁴ BT Eruvin 13b.
FOR CLOSING PRAYER AT CONCLUSION OF SERVICE:

וְהָאֵּר עֵּינֵּינוּ בְּתורָתֶךָ. וְדַבֵּּק לִבֵּּנוּ בְּמִצְותֶי

Dear God, enlighten our eyes in your Torah and let our hearts cleave to your commandments.\(^{15}\) We are your עם קשי עורף, your stiff-necked people, whom, perhaps, you chose in order to temper our stubbornness, but whose stubbornness also empowered us to continue to perpetuate your Torah throughout the generations. We pray for your guidance so that we be guided by your Torah, so that we may have the humility to reconsider our own views and to continuously improve our understandings, and so that we may continue to be your עם קשי עורף in ways that help bring good, justice, and light into the world.

\(^{15}\) Morning prayer immediately preceding Shema.