

JEWISH STATEHOOD (III)

by Rabbi Yitzchak Etshalom

I

SEFIRAT HA'OMER

In an earlier shiur (which will be included in my forthcoming volume, *Between The Lines of the Bible*, volume 3), we discussed the implication of the Omer's worth of barley which is offered on the second day of Hag haMatzot ("Pesach") and the association it creates with the experience of the Mahn in the desert. Here is a brief summary from that essay:

The command for each person to restrict himself to a daily portion of Mahn for each member of the household represented not only a good deal of faith in God - but also tremendous self-restraint and concern for one's fellow. This is the "test" of the Mahn (16:4) - that we were tested to see how much concern each of us could demonstrate for our fellow, knowing that if we took more than our portion, someone else would go hungry. Indeed, the B'nei Yisra'el passed this test with flying colors! (v. 18) For a slave people, wandering in a desert to exercise this much self-restraint was a demonstration of their readiness to stand as a unified nation and to enter into a covenant which includes mutual responsibility.

This self-restraint was the first building block in the process of turning a multitude of slaves into a unified nation. The ability to maintain concern for one's fellow in the face of such temptation was the first indication that we would indeed be able to become a Goy Kadosh.

When we look back at the Mahn story, we note that each portion of Mahn that fell was 1/10th of an Ephah - or 1 Omer's worth! It is not surprising that the Torah commands us to "lift up" (symbolically returning the Mahn to its rightful Owner) exactly that amount of grain the day after Pesach. The lesson is clear: Liberation must carry with it a renewed sense of concern for social welfare and a mutual responsibility. As soon as we have celebrated our freedom, the Torah commands us to remember the miracle of the Mahn - and our miraculous response to the test.

Immediately after commanding us to bring this Omer's worth of barley, the Torah adjures us to begin counting the days and weeks, seven weeks in all, until the Shavu'ot festival with its attendant new offering of wheat. Although this time period should, by all rights, be a festive time (both from the agricultural perspective and from a religio-historical approach), the reality of Jewish practice is far from that. The period of "Sefirah" constitutes the longest period of national mourning in the year. As

was pointed out in the first installment of this essay, the "Sefirah" period has recently taken on a new tone as a result of Yom ha'Atzma'ut and Yom Yerushalayim. Nonetheless, even in "Mizrachi" circles, this period is, for the most part, a sad time, marked by the restraints normally reserved for mourners.

In this essay, I would like to look a bit further - deeper and more recently - at the nature of this period of time which bridges Hag haMatzot with Hag haShavuot.

II

REASONS FOR AVELUT DURING SEFIRAH

The Ba'al haMa'or (R. Zerahyah haLevi, 12th century Provence) suggests that the sadness associated with Sefirah is rooted in the destruction of the Beit HaMikdash. In explaining why there is no Shehech'yanu recited over the Mitzvah of counting, he notes that the counting is a sad reminder of the "destruction of our cherished House" (since we are counting from the offering of the Korban ha'Omer - which was not brought, due to the destruction). Interesting and innovative as this approach may be, it is not the conventional understanding of the Avelut during Sefirah.

Although there is no mention of Avelut during Sefirah in either the Bavli or Yerushalmi (the first mention is in the responsa of the Ge'onim, dating from the 10th century; see Otzar haGe'onim, Yevamot p. 141), most commentaries associate the customs of mourning with this story, related in BT Yevamot 62b:

[A historic note: The only prohibition mentioned in the writings of the Ge'onim is the custom of not marrying during this time. Avoiding haircuts and other forms of Avelut only show up in the 12th century, chiefly in the works of the Franco-German Rishonim. This can be traced to the tragic pattern experienced by the communities in the Rhine valley - that the Crusades were always launched during the spring (due to the inability to march before the ground thawed) and thus the sense of tragedy associated with the Sefirah period increased significantly.]

It was said that R. Akiva had twelve thousand pairs of disciples, from Gabbatha to Antipatris; and all of them died at the same time because they did not treat each other with respect. The world remained desolate until R. Akiva came to our Masters in the South and taught the Torah to them. These were R. Meir, R. Yehudah, R. Yossi, R. Shim'on and R. Eleazar b. Shammua; and it was they who revived the Torah at that time. A Tanna taught: All of them died between Pesach and Atzeret [Shavu'ot]. R. Hama b. Abba or, it might be said, R. Hiyya b. Abin said: All of them died a cruel death.

(There are several variations on this story in Midrashic literature, including a range of the number of students who died from 300 per the version in Tanhuma to a later version mentioning 80,000 dead; for purposes of this shiur, we will refer solely to the Bavli's version)

I would like to raise three questions about this story:

- 1) Why are R. Akiva's students described as "12,000 pairs", as opposed to "24,000 students"?
- 2) What is the implication of their not treating each other with respect? In what way did they not respect each other? Why is this so grievous a crime as warrant their death?
- 3) Is there any significance to their having died between Pesach and Shavu'ot? [This question seems like a straw man, inasmuch as we might ask this question about any period of time that they died. A closer look at the text, however, legitimates the question: Once we were told that all 24,000 students died "at the same time", what is the relevance of independently mentioning when it was? It would seem that the Gemara is implying that there is a particular significance and association between their tragic deaths and the time when it happened].

As we have done in the past two weeks, we will leave our questions for a bit and complete our discussion of the state of Religious Zionism - and then revisit these questions.

III

REASSESSING OUR ROLE

Ever since the notion of a "religious community" as a part - and not the defining whole - of the Jewish community-at-large first became a reality (during the latter part of the 18th century in Central and Western Europe), the observant/traditional world has seen itself as the bearer of any number of torches. In the early days of the confrontation with the Enlightenment, the rabbinic leaders and their constituents, as a matter of course, took a stand of firm opposition to interaction with the secular world. In other places and times, the platform of the religious segment has been Zionist or anti-Zionist, embracing of secular disciplines or rejecting their value, in favor of adopting modern dress and cultural norms or firmly isolationist and rejectionist - but all of these "stands" have been exactly that - positions which helped to define the community and its response to the world around it.

[These positions only became necessary when the Jewish community ceased to have the near-total control over its members as a result of the Emancipation; before that time, the notion of a portion of the community taking a stand - in the name of "religion" - in confrontation with another segment of the community was inconceivable.]

This new phenomenon was understandable, both in religious and sociological terms. The 18th and 19th centuries brought unprecedented changes into the Jewish community - changes which became outright challenges to the Halakhic leadership which had enjoyed centuries of unchallenged leadership. The Reform movement, Zionism, outright assimilation, the Haskalah and so forth afforded young Jews many choices - choices their forebears had never dreamt of. Each challenge to tradition had to be met head on with a defense of Torah and, in many cases, a closing of the ranks aimed at minimizing the demographic (and spiritual) losses.

Even (perhaps especially) Eretz Yisra'el, where a majority of the population (by the late 19th century)

was Jewish, teemed with competing ideologies, each of which desired to attract adherents. [This is not to say that we had never experienced this sort of ideological competition - the decades before and after the destruction of the second Beit HaMikdash are perhaps the best example of this. The crucial difference, for our purposes, is that all of those disputes took place within the rubric of a theistic approach to the world. People were arguing over the nature, interpretation and application of God's Will. In modern times, it is God Himself who has been put on trial - whether His Torah matters at all!]

As we (all-too-briefly) outlined in the first two installments, there are significant schisms within both the Jewish worlds and Israeli society. At times the fractious nature of our society causes no end of pessimism and resignation regarding our future. The (seemingly) total enmity that exists between those segments of our nation is rooted in two basic faults:

1) We do not know each other. There are tens of thousands of Israelis who have never once spoken with a man wearing a Kippah - much less a "Charedi" - this is, by the way, reciprocated in kind. It is so much easier to despise, revile and belittle people with whom we have no real connection and who don't even have names (just black hats - or bikinis).

2) Everyone is 100% convinced that his position is the only correct one. Not only that - but, in many cases, any acceptance of the "opposite" position will mean national suicide, the end of Judaism, a "theocracy" - take your pick of which alarmist cry fits the crier. This statement is deliberately exaggerated - there are many fine citizens who are tolerant and prepared to reevaluate their own positions on issues of the greatest concern - but that is not the tone of debate which pervades the nation and which forms the political and social dialogue.

Until now, for the most part, the various spokesmen and segments of the religious sector in Israel (and abroad) have taken roles in these debates - roles which placed us squarely in one camp and just as squarely in opposition to another. Whether it is the fervent idealism of the settlers, the ideologically-driven zealotry of Neturei Karta or the devoted outreach of Habad (just to mention three examples), the religious community has consistently been seen (especially by our secular brothers and sisters) as "positions" - quite often, positions which are controversial.

I would like to suggest that we have much more to offer Am Yisra'el than "positions" and that, while we are duty-bound to maintain the integrity of our public policy as well as morality and allegiance to Halakhah, this need not come at the expense of the unity of Am Yisra'el.

IV

THE ABILITY TO LISTEN

The ability to listen to differing viewpoints - even those diametrically opposed to our own, is the hallmark of a true scholar - and should be the desire of anyone who claims to be committed to the

ideals and values of Torah. At the end of the beautiful Midrash expounded by R. Elazar b. Azariah on Kohelet 12:11, we are taught:

The masters of assemblies: these are the disciples of the wise, who sit in manifold assemblies and occupy themselves with the Torah, some pronouncing unclean and others pronouncing clean, some prohibiting and others permitting, some disqualifying and others declaring fit. Should a man say: How in these circumstances shall I learn Torah? Therefore the text says: All of them are given from one Shepherd. One God gave them; one leader uttered them from the mouth of the Lord of all creation, blessed be He; for it is written: 'And God spoke all these words. Also do thou make thine ear like the hopper and get thee a perceptive heart to understand the words of those who pronounce unclean and the words of those who pronounce clean, the words of those who prohibit and the words of those who permit, the words of those who disqualify and the words of those who declare fit. (BT Hagigah 3b)

In other words, a true student must be able to see both sides of the question; both approaches, in order to properly grow in his studies. In much the same spirit, the Gemara explains why the Halakhah nearly always follows Beit Hillel:

Because they were kindly and modest, they studied their own rulings and those of Beit Shammai, and were even so [humble] as to mention the opinions of Beit Shammai before their own... (BT Eruvin 13b)

What was the nature of the mutual disrespect among the students of R. Akiva? Why are they described as "12,000 pairs" of students?

I believe that one question answers the other. The Gemara is not telling us that one student did not respect some other student among the 24,000 - one he barely knew. The Gemara is teaching us that Havrutot (study partners) did not respect each other. These "pairs" of students, who studied in dyads, did not study with each other in an environment of respect. That being the case, what sort of attitude could they have had towards each other?

Perhaps we can find a clue in a Mishnah in Pirkei Avot:

R. Hananiah b. Teradion said: When two sit together and there are no words of Torah spoken between them, lo, this constitutes a "session of scorners" (*Moshav Leitzim*) as it is said: Nor sat he in the seat of the scornful. But when two sit together and there are words of Torah spoken between them, the Shekhinah abides among them, as it is said: Then they that feared the Lord spoke one with another, and the Lord hearkened and heard, and a book of remembrance was written before Him, for them that feared the Lord and that thought upon His Name. (Avot 3:2)

R. Hayyim of Volozhin, in his Ruach Hayyim, notes that this Mishnah is not referring to a case of two people sitting together, telling jokes or talking "vanity". The Mishnah pointedly states: "There are no words of Torah **between them**, i.e. each is studying on his own but neither talks to the other. Why

are they not interacting? Because each is convinced that he has nothing to learn from the other! That is why these are called **Leitzim** - scornful people. (His comment is well-supported from the second half of the Mishnah).

The students may have sat together in pairs; but, each one being convinced that he has the only valid interpretation of the text and has nothing to learn from his fellow, they did not listen to each other.

This is, indeed, a most severe crime. If the students of Torah, the standard-bearers of our people, cannot learn one from the other and do not respect each other, what sort of lesson is being taught to the "laity"? What sort of impression is being made about the nature of Torah and its effect on its students?

As it was taught: *And thou shalt love the Lord thy God*, i.e., that the Name of Heaven be beloved because of you. If someone studies Scripture and Mishnah, and attends on the disciples of the wise, is honest in business, and speaks pleasantly to persons, what do people then say concerning him? 'Happy the father who taught him Torah, happy the teacher who taught him Torah; woe unto people who have not studied the Torah; for this man has studied the Torah look how fine his ways are, how righteous his deeds! . Of him does Scripture say: *And He said unto me: Thou art My servant, Israel, in whom I will be glorified*. But if someone studies Scripture and Mishnah, attends on the disciples of the wise, but is dishonest in business, and discourteous in his relations with people, what do people say about him? ' Woe unto him who studied the Torah, woe unto his father who taught him Torah; woe unto his teacher who taught him Torah!' This man studied the Torah: Look, how corrupt are his deeds, how ugly his ways; of him Scripture says: In that men said of them: *These are the people of the Lord, and are gone forth out of His land*. (BT Yoma 86a)

One additional note - R. Akiva was the one who maintained that "v'Ahavta l'Rei'akha Kamokha" is the "great rule of the Torah (Sifra Kedoshim) - and it was his own students who failed to internalize and implement this basic lesson. Note that the story in the Bavli follows R. Akiva's advice to continue teaching students throughout life, as the teacher does not know which students will be "successful". Either R. Akiva learned this great lesson from the tragic end of the "students of his youth" or the story is a sad illustration; we might propose that R. Akiva learned the lesson that "Zeh K'lal Gadol baTorah" from the terrible fate of his students who, in spite of their (possible) mastery of the text, hadn't mastered the attitude of essential respect and dignity due to each fellow.

V

BETWEEN PESACH AND SHAVU'OT

Just as the lesson of the Korban ha'Omer is particularly appropriate for this time of year, so is the lesson of the death of R. Akiva's students. If we are to march from national freedom (Pesach) to spiritual freedom (Shavu'ot); from a slave-nation to a holy nation, we must re-learn the lessons of the

Mahn on a deeper level.

Not only must we remember that the price of freedom is mutual concern; but that the only way that this nation can achieve its destiny is through unity - and that unity will only be found when the members of the nation learn to listen to each other, with all of their opposing viewpoints and differing perspectives. We may honestly disagree and there are surely points which individuals and groups will always see as their "bottom line"; but that does not obviate us from the responsibility to foster a spirit of dialogue and interaction among our people.

The religious community is uniquely situated to facilitate such dialogue today. We are not "facing" competing ideologies, which was the reality of one generation ago. Today, the "competition" is bereft of ideals and visions. If we continue to be a people known by our positions - positions which set us apart and which define us as belonging to one political party or another - then we will eventually lose many people who are honestly hungry for Torah. If we can take the lessons of our tradition regarding the value of peace - peace within our people - and honest, passionate disputes which culminate in an increased sense of brotherhood between the disputants (cf. your local Beit Midrash), then we will have succeeded in taking our rightful place as leaders and teachers within the nation. We will succeed in finally completing the long and winding road which leads from Exodus to salvation, from Egypt to Sinai, from Pesach to Shavu'ot.

As we begin our second fifty years as an independent state, we must look at the bigger picture and make every effort to bring as many of our brothers and sisters together: To meet, learn about each other and learn how to disagree within the bounds of brotherhood.

Said R. Hiyya b. Abba, Even father and son, master and disciple, who study Torah at the same gate become enemies of each other; yet they do not stir from there until they come to love each other (BT Kiddushin 30b)

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