

Shavuot 1: In a Savage World, No Apologies Needed, Not Then and Not Now

- Basil Herring.

1. We can begin with one of the bitterest accusations and criticisms ever leveled against the Torah and the Jewish people. Devarim 33:2: “God came from Sinai, and shone forth from Seir, and appeared from Mount Paran.” Mishnah, Bava Kamma 38a: “This teaches that if an ox of a Jew gores the ox of an idolator, the Jewish owner is exempt from any damages, but if the ox of an idolator gores the ox of a Jew, the idolator is held responsible for damages. Why? Said R. Yochanan, it is because God first offered the idolators the Torah but they refused it, so he confiscated their assets.”

2. At first glance this appears to be a shocking and disconcerting statement, to say the least. Is the Talmud, and the great R. Yochanan, so morally primitive as to suggest that God, in a fit of anger provoked by the refusal of the nations to accept His Torah, summarily confiscated their assets for all time to come, and awarded them to the chosen people who did accept His Torah? Can the anti-semites since time immemorial be right, in their harsh accusation that the Talmud is a hateful, discriminatory work of legalistic hair-splitting that advocates a double standard of accountability, penalizing Gentiles and favoring Jews?

3. And what of this Torah, revealed on Shavuot to the Jewish people at Sinai, that we are commanded to accept and embrace and live by 3,000 years later? Now that we are in the 21st century, can we still in good conscience, proclaim in light of this apparently Orwellian inversion of words and values, that the Torah is God’s unblemished and unsullied word? What do we say to those who consider the Jews money-grubbers, influence peddlers, filthy rich schemers, shady dealers, who unfairly dispossess the Gentiles? And what do we say to the Palestinians and their cohorts who are so quick to accuse the Jews of stealing their lands, their property, their homes, their wealth?

4. Torah Temimah, Devarim 33:2: He explains that to answer these questions, we need to go back and examine the Talmudic discussion of this mishnah. For the Talmud itself sharply questions the apparent double standard, and says “if a Jew is exempt from the damages of his ox, so too should the idolator be exempt?” Said R. Abahu: There is a reason, and it is to be understood in light of the prophet Habakuk 3:6 (a verse in the very chapter that we will read tomorrow in the Haftorah for the second day of Shavuot): Amad va-yemoded eretz; ra’ah vayater goyim. “He stood firm and measured the world; he looked and indicted the nations.” This tells us that God wanted to know if the Gentiles were observing the 7 Noahide laws of social justice which they had accepted upon themselves, so He went to see if they measured up to their commitments. And when he saw that they had failed to do so, ‘amad ve’hitir mamonom le’Yisrael’ he declared their money forfeit in favor of the Jewish people.” What is R. Abahu (and R. Yochanan) saying? The 7 laws of Noach are the essential foundation of the just society. They contain the prohibition against incest, murder, violence, eating living flesh, blasphemy and the denial of God. People that violate these laws are people that have become totally corrupt and decadent. And if it is an entire people that does these things, then it is a nation of anarchy, murder, and thievery, a society of Hobbesian proportions of every man at war against his neighbor.

5. In other words, to coin a term, they were societies of Jedwabnean proportions. As in the city of Jedwabne, in North Eastern Poland, which, as has recently come to light, to the belated consternation of even the Catholic Church, in 1941 was the scene of a horrific pogrom, by which the Polish Catholics, not the German occupiers but the Poles themselves, who had lived side by side with their Jewish neighbors for hundreds of years, turned against the Jews in a bloodthirsty orgy that murdered 1600 Jews, and then took possession of their homes and property.

6. Listen to the words of the Torah Temimah (written in the early part of the 20th century, in Eastern Europe): “How should people such as these be treated? Surely they should be treated like wild animals which destroy the world and cause mayhem to civilized societies, which is indeed how they are treated in our own time by responsible governments in their punishment of violent criminals, by removing their civil rights and privileges, and sentencing them to hard labor and even death, as is well known. For this reason, far from apologising for the Talmud, we should proclaim the righteousness of its just laws in comparison with the governments of our time. And we the Jews should be properly proud that thousands of years ago, when all of the nations were shrouded in primitive moral and political darkness, the people Israel already had just and fair laws that maintained the integrity and civilization of our society.”

7. What an amazing insight! Neither God nor the rabbis are guilty of immoral or unfair moral or legal practices, God-forbid. Neither Torah nor Talmud has anything to be ashamed about. When the mishnah speaks of the idolator’s ox, it refers only to the man or woman who has demonstrated their own complete moral collapse, their own rejection of the rule of law, their own refusal to abide by the most elementary moral code that forbids rape and incest, murder and blasphemy. Such people allow and encourage aggression against others, whose motto is to seek to violate the body and the property of law-abiding men and women. Habakuk was absolutely right: ra’ah – God saw it all, from the vantage point of what he observed during the course of His tour of Paran and Seir, and then vayater goyim – He indicted the nations and their possessions so illegally and immorally gained. The verse, and the Talmud, do not at all refer to civilized societies ruled by laws that are just and equitable. In such societies, the possessions of Jews and Gentiles are to be treated with absolute equity and fairness, with one standard, one law, and absolutely equal justice for all. This was true in prophetic antiquity as it was true in rabbinic medieval times, and it is certainly true today.

8. There are many consequences and implications of this principle and Torah insight:

a. It stands as a powerful rebuke to certain extremists within Orthodoxy who propound doctrines that would discriminate against decent and law-abiding Gentiles, in business and in public policy. Modern Orthodoxy, and Torah Judaism, affirm without qualification, that in contemporary society we do and should treat all people and their property, with fairness and sensitivity.

b. It is a searing indictment, on the political level, of the Arabs and Palestinians who so obviously epitomize in almost every respect the Neanderthal profile of violators of the 7 Noahide laws. It teaches us that we as a nation need not apply the same standard to them when they carry out, or condone in their masses, terrorism and vile destruction, as we would to other nations. They deserve to be treated as the criminals and socio-paths that they are, no matter how hypocritical the rest of the world may be.

c. Finally, on this Shavuot, this passage should be a powerful impetus toward strengthening and invigorating our own pride and affirmation of the eternal validity and compelling value of the Torah in its entirety, both moral and ritual, rational and historic, toward God and man, our fellow

Jews and our fellow human beings. To recognize ever more personally how important it is to recommit ourselves to studying Torah, and keeping its mitzvot, on an ever more thorough and knowledgeable way, discovering again and again its supernal wisdom and insight into the human condition.

9. To conclude: See the Vilna Gaon on Dev. 33:2 “miyemino esh dat lamo.” (See Itturei Torah.): When God offered the Torah to the nations, the Sifri records that each of them rejected it, referring to the various prohibitions against murder, theft, sexual immorality and the like, as being incompatible with their history and national character. Until finally Benei Yisrael accepted it, quoting “I am the Lord your God.” The Vilna Gaon points out that according to this, the nations rejected the moral commandments that were on the second luach, i.e., on the left side. While the Jews accepted the Torah starting with the Anochi of the first luach, i.e., on the right, followed by the commandments relative to Avodah Zarah, Shabbas, and respect for our parents and our past. This, said the Gaon, is the meaning of “miyemino esh dat lamo,” i.e., God’s people took the esh dat, the faith of fire, that began on the right, and then proceeded to the left, reflected in the Hebrew convention of reading from right to left, rather than the non-Jewish way of reading from left to right.

10. Whatever the Gaon intended, I would explain this as saying that the second tablet of moral commands must begin with a fundamental commitment to truth and spiritual wholeness, without which morality can end up as vacuous pap and meaningless generalities. The faith that must burn within the Jew needs to balance both luchot, keeping them in delicate equilibrium, fully grounded in faith and in Torah knowledge, and brought to fruition in a life of unparalleled moral sensitivity. That is indeed the way of the Torah Jew, the Orthodox Jew, and most especially in the Modern Orthodoxy which we proudly uphold and practice: To seek always to be in the midst of, and to balance, both the Right and the Left: via our commitments to God, to ritual, and to Torah, as these are brought to fruition in our pursuit of ethical excellence, moral probity, and interpersonal sensitivity, not just toward Jews, but towards all civilized, decent people.

11. This Shavuot, may we be worthy of being such bnei and bnot Torah.