

ISSUES OF IDEOLOGY AND IDENTITY

**“He Leaves and Cries; They Leave and Cry”:
Schisms and Hatred in Judaism and How to Prevent Them
Yom Kippur as a Time for Unity and Community**

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THE MISHNAH IN Yoma (1:5), the tractate dealing with the Temple worship on Yom Kippur (the Day of Atonement), recounts a very enigmatic event. The Mishnah lists the following as one of the ceremonies that must be performed in the course of the sacrificial order of the day:

מסרוהו זקני בית דין לזקני כהונה והעלוהו לעליית בית אבטינס והשביעוהו ונפטרו והלכו להם ואמרו לו אישי כהן גדול אנו שלוחי בית דין ואתה שלוחנו ושליח בית דין משביעין אנו עליך במי ששכן שמו בבית הזה שלא תשנה דבר מכל מה שאמרנו לך הוא פורש ובוכה והן פורשין ובוכין.

The elders in the Jewish Court went to the High Priest (*kohen gadol*), and they took him to the house of Avtinus and they made him take an oath; upon finishing, they left. What did they say? “Our Leader, High Priest: We are the agents of the Court, and you are our agent, and the agent of the Courts. Swear to us, in the name of God who resides in this Temple, that you will not deviate one bit from the authorized Temple ritual.” He leaves and cries, and they leave and cry.

The Talmud tells us that this ritual was established because the Sadducees (a group of Jews who had a different understanding of the Temple rituals on Yom Kippur than the Rabbis) were sometimes in control of the Temple rites, and they would instruct the High Priest to perform a slightly different sacrificial rite. Thus, the Rabbis made the High Priest swear that he would not deviate from the ritual mandated by the Rabbis.

Surprisingly, Rambam codifies that not only must the High Priest swear this oath, but that he must cry. Crying is part of the ritual. Why must everyone cry?

INDEED, UPON REFLECTION, one concludes that this whole swearing ceremony makes little sense. If the times were such that the priests (*kohanim*) were generally Sadducees, and the current High Priest (*kohen gadol*) was actually a Sadducee himself, he certainly would not swear this oath; instead, he would have performed the ritual exactly as the Sadducees understood Jewish law to demand. So too, if he were a High Priest who followed the Rabbis (a Pharisee, as they were called, and from whom Orthodox Judaism intellectually descends), there is no reason to fear that he would deviate from the standard ritual. He really does not need to swear, and he certainly does not need to cry.

Simply put, there were two options: Either the High Priest was a Sadducee, and then he would not swear, or he was a Pharisee, and he would gladly swear, and he need not cry. Why then did everyone cry? Indeed, why does Rambam mandate that one *must* cry?

THE ANSWER CAN be found in a story that explains the origins of this ritual, and has some relevance to our lives. The dispute between the Sadducees and the Pharisees concerned the location where the incense sacrifice had to be brought. One group said that it was to be brought in the Holy of Holies (*kodesh hakodashim*), while the other insisted it be brought immediately outside the Holy of Holies. The denomination to which the *Kohen Gadol* belonged in any given year determined where the sacrifice was placed. Every year the denominations fought, and every time a new High Priest needed to be appointed, tensions rose dramatically. Each side grew to hate the other: Jew hated Jew – and all because of *Yom Kippur*! A sad situation, indeed.

One year, the story recounts, the Sadducees proposed a compromise. Appoint two high priests, and let each perform the ritual according to his own rite, one after the other. The Pharisees, after a great deal of introspection and examination of the halacha, determined that this proposed compromise was unacceptable, as improper ritual was actually prohibited in the Temple area; they preferred losing control to sanctioning sin. Thus, the Rabbis refused this compromise, albeit with tears in their eyes, aware that more hatred between Jews might result, something they wished to avoid. However, they didn't know what else to do, as halacha mandated that one reject this compromise, and not sanction sin for the sake of peace.

A horrible backlash occurred after the compromise was rejected -- a reaction neither expected nor desired by either the Sadducees or the Pharisees. The community which the Rabbis led misunderstood the rejection of the Sadducees' offer, thinking the Rabbis spurned the proposal because "nothing of value could ever come from the Sadducees." The Sadducee community, too, misunderstood this rejection, and thought that "the Pharisees do not value peace." This misunderstanding of the motives of the Rabbis and the Sadducees -- by members of their own communities and outsiders -- increased the hatred between the denominations, and led to many more years of mockery, rivalry, and lack of cooperation, all to the detriment of Judaism, and all of which could have been avoided, if the motives and needs of each side had been understood properly.

A COMPROMISE WAS attempted, but it failed because one side could not reconcile it consistent with its principles. That is part of the life of honorable people seeking to work out their differences. Instead of trying again to find a compromise that both sides could live with -- even if this meant searching continuously and without abatement -- each side denounced the motives of the other, and no compromise was ever found. The environment had been too poisoned by hatred. And eventually our Temple was destroyed by God because of this hatred.

This is the reason the Rabbis and the High Priest cried then, and we continue to cry to this day. The Rabbis decreed that the High Priest and those who go to speak to him cry, so as to remember that misunderstanding each others' motives leads to the creation of hatred, which serves as the obstacle to a principled peace.

The need to live in peace with one's fellow Jews -- even with those who do not live a life consistent with halacha, and even more so with those who do, but of a slightly different flavor -- is an urgent religious duty, and we must continuously work at insuring that principled peace, and not extreme enmity, are the bywords; while we must not sacrifice our halachic principles, we must actively seek out compromises that bring peace. Otherwise, the State of Israel, and a united Jerusalem, shall surely cease. The nation that cannot stand together cannot endure and will soon be torn apart.

THERE ARE A host of complex issues dividing Judaism and Jews in our era. From the conversion

crisis in Israel to inter-denominational (and intra-denomination) cooperation in America, many issues remain unresolved and are slowly eating away at the foundations of our common home, and at the collective ability of Judaism to survive and thrive. Many recent compromises have been proposed to each of these problems, and these “solutions” seem not to have been accepted as the “proper” ones. So be it; compromise has to leave each side in a reasonable circumstance, and if these “solutions” are not the right ones, we should not accept them. However, we must continue to search for realistic compromises that will work.

We state repeatedly during the services on the *Yamim Noraim* that the Jewish people have been diminished because we have no *beit hamikdash*; our ability to repent and to have our repentance accepted by God is reduced by the lack of a central location where all Jews pray. Let me suggest that we lack a central location where all Jews can pray together because we have proven unable to genuinely live each with the other, peacefully coexisting, while aware of each other’s flaws and limitations.

GENERAL THOUGHTS ABOUT the need to strive for principled communal unity are nice, but accomplish little. Each of us, I am sure, asks him- or herself the question “should I work towards this goal, or leave this task to others, who are greater?” This concern is addressed by the Talmud in *Gittin* 56a, when describing the process that led up to the destruction of the *beit hamikdash*. The Talmud notes that Rabbi Zecharya ben Avkalus had a rationale for permitting sacrifices to be brought that were otherwise not permitted, if bringing them prevented the destruction of the *beit hamikdash* (as it would have, at that time). However, Rabbi Zecharya was hesitant to actually act upon his reasoning and subsequently the *beit hamikdash* was destroyed. Rabbi Yochanan opines that because of the humility of Rabbi Zecharya the *beit hamikdash* was destroyed. Commenting on this, Rabbi Tzvi Hirsch Chajes (*Maharatz Chayot, Gittin* 56a) states:

We see from this that the Rabbis thought that the manner of Rabbi Zecharya was not proper, as he felt that such sacrifices could be brought [and he should have so stated]... However, because of his great modesty, he did not have the strength to act according to his views *halacha lema’aseh* [and save the Jewish people]; rather, he was afraid that other rabbis would accuse him of permitting activity prohibited by halacha, and he did not think of himself as a great enough sage to permit people to act according to his understanding of the halacha. He thought that these types of decisions were left only to the wisest of the generation (“גדולי הדור”) [when in fact, he should have acted].

Why is it fair to criticize Rabbi Zecharya? The answer is that when Jewish survival is at stake, every one has to act.

May we be privileged to search -- with all our strength, and in a manner consistent with our religious and halachic principles -- for compromises that reduce the unneeded hatred between Jews. It is my hope and blessing that one day we will not have to cry anymore because Jews hate each other. That is something worth praying for during this High Holiday season. As the Haftorah for Yom Kippur tells us, God looks to see what we are doing to make the world a better place, and judges us based on that. Striving for unity is surely a worthwhile activity.

AND MAYBE ONE day we will not have to cry anymore.