

Making *Sefirah* Count

I

The contemporary practice of *Sefirah* is a masterpiece of halachah and *hashkafa* gone awry.⁸⁵ When we compare the current incarnation of the practice and understanding of *Sefirah* with the primary sources, we see a bizarre parody of what it was meant to be.

Let us begin with how people tend to think about the period of *Sefirah*. If you stop someone and ask him what *Sefirah* is, he will almost always reply initially in terms of *minhagim* of *aveilut*. That is what it means to the average observant Jew.

This is tragic for many reasons. First, it means that we are more attuned to these customs that are not mentioned until the period of the *Geonim*⁸⁶ and are merely *minhag*, than we are to those aspects that are in the *Torah* and discussed in many *sugyot* of *Shas*, etc.

That is bad enough. What is worse is that the way these *minhagim* have evolved betray their true meaning, as we will see.

In the *Shulchan Aruch* (*Orach Chayim* §493) we find only those prohibitions that are found in the *Rishonim* citing the *Geonim*:

(א) נוהגים שלא לישא אשה בין פסח לעצרת עד ל"ג לעומר, מפני שבאותו

85. This analysis is primarily *hashkafic* and belongs more to the realm of *mussar* than halachah. It is not meant to be a *psak* of any kind, although it certainly draws conclusions from and has implications for halachic analysis. The actual halachic conclusions involve additional (and complex) considerations that are not touched on here, in addition to those that are.

86. There is no mention of any *aveilut* prohibitions during this period at all in *Shas*, despite the fact that there is discussion of the events which the *minhag* is based on! It is, therefore, clear that the *minhagei aveilut* of *Sefira* are post-Talmudic and originate from the *Geonim*.

זמן מתו תלמידי רבי עקיבא; אבל לארס ולקדש, שפיר דמי, ונשואין נמי, מי שקפץ וכנס אין עונשין אותו. הגה: מיהו מל"ג בעומר ואילך הכל שרי (אבודרהם ב"י ומנהגים). (ב) נוהגים שלא להסתפר עד ל"ג לעומר, שאומרים שאז פסקו מלמות...

1 It is the custom not to marry between Passover and *Atzeret* until *Lag B'Omer*; since during that period the students of R. Akiva died. However, it is permitted to be engaged or betrothed. And even in terms of marriage itself, if one violates this prohibition and gets married, we do not punish him.

[Rammah:] However, from *Lag B'Omer*; all is permitted.

2 It is the custom not to take haircuts until *Lag B'Omer*; when it is said they ceased dying ...

The prohibitions mentioned in the *Shulchan Aruch* are haircuts⁸⁷ and marriage. No other prohibitions are included in the *Shulchan Aruch*. This is exactly what one would expect based on the primary sources discussing the original *minhag*.

Everything else prohibited by later *poskim* all derive from the generally accepted (but conceptually radical) innovation of the Magen Avraham. He writes:

... אבל לעשות ריקודין ומחולות של רשות נהגו לאסור ונ"ל שאף מי שעשה שדוכים אסור לעשות ריקודין ומחולות:

... But it is the custom to prohibit singing and dancing of a mundane nature, and it appears to me that even one who made a match is prohibited from having singing and dancing.

Although this Magen Avraham is taken for granted, it is actually very radical and revolutionary. It is a major leap from the original halachah, not an extension

87. Whether or not this includes shaving (which is highly questionable for three different reasons) is a secondary issue and not within the scope of this discussion.

of it. In all of the sources it is clear that the prohibition was against getting married, not against weddings (which is clearly a very different matter). The *Geonim* and *Rishonim* discuss the case in which someone violated the prohibition and got married during *Sefirah*, yet the issue of attending a wedding during *Sefirah* is not a concern at all. None of the primary sources is concerned with attending such a party, hearing music or singing and dancing. The reason for this is clear: None of these activities were originally prohibited during *Sefirah*.

Had the original prohibition included attending weddings, the Magen Avraham's addition would have been an extension of the preexisting halachah. It would be stretching the prohibition against weddings to include all singing and dancing. That might have been a reasonable extension. As is, it is a new prohibition that has nothing to do with the original, i.e. has no basis. In very recent times, the Magen Avraham's innovation has been extended to prohibition after prohibition to include all sorts of entertainment and music, buying new clothing etc. etc. All of this is taken as self-evident nowadays, despite the fact that it has no connection to the original institution of the *Geonim* and, therefore, has no real basis⁸⁸.

The problem, however, is much deeper *l'aniyat da'ati*. If we examine the particular formulation of the original institution of the *aveilut* during *Sefirah*, we will see that there is a very powerful reason for its original formulation.

The Ramban notes [on *Vayikra* (chapter 23)] that this period of time is a kind of Chol Hamoed between Pesach and *Shavuot*.

...והימים הספורים בינתיים כחולו של מועד בין הראשון והשמיני בחג, והוא
יום מתן תורה שהראם בו את אשו הגדולה ודבריו שמעו מתוך האש. ולכך
יקראו רבותינו ז"ל בכל מקום חג השבועות עצרת, כי הוא כיום שמיני של חג
שקראו הכתוב כן..

88. One might also wonder why we are adding so many *chumrot* in an area that is only a post-Talmudic *minhag*; when we generally say that one is to be lenient even in actual *aveilut*.

... and the counted days between them [I.e. *Sefirah*] are like *chol hamoed* between the first and eighth days of the festival [of Sukkot]. And this is the day of the giving of the *Torah*, when He showed them His great fire and they heard His words from the midst of the fire. For this reason, our Rabbis, z"l, always refer to *Shavuot* as *Atzeret*, as it is like the eighth day of the festival [of Sukkot], which the *Torah* refers to as such...⁸⁹

Sefirah is really a time of joy according to the *Torah*, and mourning is antithetical to the true nature of these days. This point is also noted by the *Yechave Da'at III* (no. 30).

...אולם לאחר ההתבוננות נראה שיש חילוק גדול בין ימי חודש אב הנ"ל, לבין ימי הספירה, כי בחודש אב שאירעו בו חורבן בית המקדש ושאר פורעניות המבוארים במשנה בתענית (דף כ"ו ע"א), הוא זמן של אסון כללי לעם ישראל, ונקבע בכיה לדורות, שמגלגלים חובה ליום חייב, אבל ימי הספירה מצד עצמם אינם נחשבים לימי פורענות חס ושלום, אדרבה, כתב הרמב"ן (בפרשה אמור), שקדושת ימי הספירה כימי חול המועד. וראה עוד בזוהר הקדוש פרשת שמות (דף י"ב ע"א), ופרשת שלח לך (דף קע"ד ע"א). ומטעם זה הסכימו גדולי האחרונים שאע"פ שאין לברך שהחיינו בימי בין המצרים, כמ"ש בש"ע /א"ח/ (סי' תקנ"א), מכל מקום מותר לברך שהחיינו בימי הספירה על פרי חדש שמתחדש משנה לשנה... ואם כן מטעם זה נראה שמותר להיכנס לדירה חדשה, ולבנות ולסייד ולצייר הדירה, ובפרט בארץ ישראל שמצות ישיבתה שקולה כנגד כל המצות. ורק שמחה של נישואין שהיא שמחה יתירה הוזהרנו להימנע ממנה בימי הספירה ...

... However, after contemplation, it appears that there is a major distinction between the aforementioned days of Av and those of *Sefirah*. For the month of Av, during which the destruction of the Temple occurred, as well as the remainder of the troubles that are explained in the *mishna* in *Ta'anit*, is a time of general tragedy for the Jewish People, and was established as

89. In light of this, it is fascinating that the formulation of the *Shulchan Aruch* refers to *Atzeret* and not *Shavuot*—when describing the mourning of *Sefira*.

a time of tears for all generations, as that which is negative is assigned to that which is already so. But the days of *Sefirah* are not innately considered days of tragedy, God forbid, quite to the contrary! The Ramban writes that the sanctity of the days of *Sefirah* is comparable to that of *chol hamoed*. And see further in the holy *Zohar*. And for this reason, the great amongst the *achronim* concluded that although one may not say *shehechiyahnu* during the mourning days of Av, nonetheless it is permitted during the *Sefirah* on a new fruit... Therefore, it appears that one may enter a new home at this time, and to build and plaster and paint it. This is especially so in Israel, where the mitzvah of inhabiting it is of equal weight to all of the *mitzvot*. And it is only the joy of a wedding which is exceedingly joyful which is prohibited during *Sefirah*...

There is potentially a tension between the biblical nature of this period and the customs of mourning superimposed on it. How can customs of mourning be imposed on a period which the *Torah* defines as joyous?

The *Geonim* came up with a brilliant solution to this dilemma. They limited the expressions of mourning to prohibiting marriage and haircuts, as these restrictions don't detract from the *chol hamoed* character of these days. After all, marriage and haircuts are forbidden on *chol hamoed*, as well (albeit for other reasons). In this way, we are able to simultaneously have both the *nihugei aveilut* and the *chol hamoed* character of these days.

This framework is the basis for the Pri Megadim's statement that whoever is allowed to cut their hair on *chol hamoed* may certainly do so during *Sefirah*. This approach is codified by the Be'er Halachah:

נוהגים שלא להסתפר וכו' - ומ"מ אותן המותרין להסתפר בחוה"מ כבסימן
תקל"א י"ל דגם בספירה שרי דלא עדיף מחוה"מ [פמ"ג]:

The custom is not to cut one's hair etc. Nonetheless, in the case of those who are permitted to cut their hair on *chol hamoed* as described in § 531, one could say that they are certainly allowed to do so during *Sefirah*, as well, as it is not greater than *chol hamoed*.

Without the framework developed here, this psak makes no sense. After all, the prohibitions of Sefirah and chol hamoed reflect vastly dissimilar concerns. The category of those who could not have taken a haircut before Yom Tov makes sense, as the prohibition against haircuts on chol hamoed was instituted to discourage one from waiting to cut his hair on chol hamoed. This does not seem to be at all relevant to Sefirah, where the issue is one of mourning. Once we understand that chol hamoed serves as the paradigm for Sefirah, his comment becomes exceedingly cogent, even compelling!

In light of this, it is not at all obvious that additions made to the mourning of Sefirah are a change for the better! The modern innovations arguably detract from the original meaning of Sefirah (which the Geonim, *Rishonim* and Shulchan Aruch were careful to preserve). The chumrot added to the original formulation of the minhag pervert, rather than enhance, the original halachah. It is truly a case of kol hamosif gore'a (whoever adds actually detracts).

II

But why is there a need for such a tension within *Sefirah* in the first place? Why did the *Geonim* feel a need to interject any element of mourning into the *chol hamoed* of *Sefirah*?

In order to understand this, we need to examine the one aspect of the *aveilut* of *Sefirah* that is actually mentioned in the Talmud.⁹⁰ The *Gemara* in *Yevamot* (62b) tells of the tragic death of the students of Rabbi Akiva that occurred during this time of year.

שנים עשר אלף זוגים תלמידים היו לו לרבי עקיבא, מגבת עד אנטיפרס,
וכולן מתו בפרק אחד מפני שלא נהגו כבוד זה לזה, והיה העולם שמם, עד

90. As we mentioned above, even the few prohibitions that the *Geonim*, *Rishonim* and *Shulchan Aruch* do mention (that is to say not taking a haircut or getting married) are not to be found in the *Gemara*. That is not to say that they are not important, merely that they are secondary to that which is found in the Talmud.

שבא ר"ע אצל רבותינו שבדרום, ושנאה להם ר"מ ור' יהודה ור' יוסי ורבי שמעון ורבי אלעזר בן שמוע, והם הם העמידו תורה אותה שעה.

Rabbi Akiva had 12,000 pairs of students from Gevet to Antipras, and they all died in one period of time [between Pesach and *Shavuot*] because they did not treat each other with the proper respect. The world was desolate until he went to our Rabbis of the South and taught it to them... and they established the *Torah* at that time.

Let us try and delve into this text. The conventional wisdom is that Rabbi Akiva taught the *Tanna'im* of the south his knowledge of the *Torah*. While that is true, it is not the meaning of this passage.

In fact, the expression *and taught it to them* refers to that which immediately precedes it, the tragedy that befell his first students. It was the lesson of that catastrophe that he transmitted to the Rabbis of the south.

This is clear from the parallel account of these events in *Kohelet Rabbah* (XI). That *Midrash* describes it this way:

ורבי עקיבא אומר שנים עשר אלפים תלמידים היו לי מגבת ועד אנטיפרס וכולן מתו בחיי בין פסח לעצרת ובסוף העמידו לי שבעה ואלו הן, רבי יהודה ורבי נחמיה ורבי מאיר ורבי יוסי ורבי שמעון בן יוחאי ורבי אליעזר בנו של ריה"ג ורבי יוחנן הסנדלר, אמר להם הראשונים לא מתו אלא מפני שהיתה עיניהם צרה בתורה זה לזה אתם לא תהיו כן מיד עמדו ומלאו כל ארץ ישראל תורה

Rabbi Akiva said: I had 12,000 students... and they all died during my lifetime, between Pesach and *Shavuot*. In the end I was given 7 others... He [Rabbi Akiva] said to them: the first [students] died because they were selfish with their *Torah* knowledge and didn't want to share it with each other. You should not be that way! Immediately they arose and filled the land of Israel with *Torah*.

This version is very enlightening, for several reasons. First, it confirms our

understanding that it was the lesson of the tragedy that Rabbi Akiva conveyed to the second group of students.

Secondly, it clarifies the notion that they did not treat each other with respect. Each wanted to be greater in *Torah*; they wanted to shine at the expense of the other. This is, of course, human nature, but not the *Torah* ideal that they should have represented. It is clear that the concept of “not treating each other with respect” and being “selfish with their *Torah*” is really one and the same.

This is borne out by the statement of the *baraita* that is known as the sixth chapter of *Avot*. It teaches that a person who learns anything, however minor, from another, must treat him with respect. The *baraita* goes on to define respect as the sharing of *Torah*! It should be added that it is further striking because the *baraita* opens with a statement by one of those luminaries of the south—Rabbi Meir. He teaches the greatness of learning *Torah* for its own sake, i.e. not for one’s self-aggrandizement⁹¹. This is exactly what he learned from his great master, Rabbi Akiva. This concept is, in fact, the subject of the entire chapter.

In light of this, it is clear why the *Talmud* in *Yevamot* speaks of 12,000 pairs of students, rather than 24,000⁹². It is the relationship between members of each *chavruta* (study pair) that is the issue.

The emphasis (in both sources) on the spread of *Torah* by the second set of students *at that time* now becomes clear. Having learned a lesson from the tragedy, they enthusiastically shared their *Torah* and spread it throughout the land.

III

It is important to note that this is the essence of *Talmud Torah*. R. Eliezer

91. See our discussion of this *baraita* in the commentary on *Avot* (chapter 6) in this *sefer*.

92. as in *Ketubot* (63a) [the discussion of the variant texts on this point is beyond the scope of this discussion].

Mimitz explains that in addition to the need to teach others, there is **even** a need to teach oneself. When he cites a proof-text (and there are, of course, countless statements of *Chazal* he could have chosen), he chooses to stress learning as a preparation for teaching others! This is how he formulates it [*Sefer Yereim* (§258)]:

... ומשננתם למדנו גם שמצוה על האדם ללמד עצמו. כדתניא בקדושין פ"א [ל' א'] ושננתם שיהיו דברי תורה מחודדים בפיה שאם ישאלך אדם לא תגמגם ותאמר אלא אמור לו מיד שנאמר אמור לחכמה אחותי את.

... and from *v'shenantam* we learn that there is also an obligation on one to teach himself. As it says in *Kiddushin: v'shenantam*- that the words of *Torah* should be 'sharp' in your mouth; so that if someone asks you a question you will not mumble and say it, but rather answer immediately, as it says: "Say to wisdom, you [are] like my sister."

This explains a puzzling comment in *Berachot* (20b):

משנה. בעל קרי מהרהר בלבו ואינו מברך לא לפניו ולא לאחריה; ועל המזון מברך לאחוריו ואינו מברך לפניו. רבי יהודה אומר: מברך לפניו ולאחריהם. גמרא. אמר רבינא, זאת אומרת: הרהור כדבור דמי. דאי סלקא דעתך לאו כדבור דמי, למה מהרהר? - אלא מאי הרהור כדבור דמי, יוציא בשפתיו! - כדאשכחן בסיני.

Mishna: A *ba'al kerī* (one who had a seminal emission) recites mentally and does not say the blessing before or after. And on food he blesses after, but not before. R. Yehuda says: "He blesses before and after."

Gemara: Ravina said: "This teaches us that thinking is like speaking; for otherwise, what is the point of his saying it mentally?" So, what are you suggesting, that thinking is the equivalent of speaking? If so, why doesn't he say it aloud? As we find at Sinai.

The *Gemara* concludes by noting that the halachah of *ba'al kerī* is patterned after Sinai, and therefore only includes the spoken word. The obvious difficulty is that *Bnei Yisrael* were silent when they received the *Torah* at Sinai! This is noted by *Tosafot*, who suggests the following:

כדאשכחן בסיני - פירוש אף ע"ג דכדבור דמי לענין שיצא מ"מ לאו כדבור
דמי לענין שיהא בעל קרי אסור להרהר כדאשכחן בסיני דהיה שם דבור והיו
צריכין לטבול ואע"פ שהיו שותקין שומע כעונה [סוכה דף לח:].

“As we find at Sinai.” Meaning that although it is the equivalent of speaking in terms of fulfilling the obligation, nonetheless it is not the same in terms of the prohibition of the *ba'al kerī*, based on the model of Sinai. For there it was speech and there was an obligation to immerse themselves. And although at Sinai they were silent, listening is the equivalent of answering (i.e. speaking).

Rashi does not seem to explain it this way, although it is not immediately clear what he is suggesting:

כדאשכחן בסיני - שהפרישן מאשה דכתיב אל תגשו אל אשה (שמות י"ט),
ועל פרישה זו סמך עזרא לתקן טבילה לבעלי קריין קודם שיעסקו בתורה,
דכתיב (דברים ד') והודעתם לבניך וסמיך ליה יום אשר עמדת לפני ה' אלהיך
בחורב, כדאמרינן לקמן בפרקין (/ברכות/ דף כ"א, ב').

“As we find at Sinai.” Where they were separated from women, as it says: “do not go near a woman.” And this separation was the paradigm for *Ezra*’s enactment requiring immersion for the *ba'al kerī* before learning *Torah*, as it says: “And make known to your children,” which the *Torah* juxtaposes to this the text, “The day you stood before Hashem your God at Horeb,” as it says later on in this chapter.

The truth is that Rashi could not have explained as *Tosafot* did, because

he understands the mechanism of *shomea k'oneh* differently. *Tosafot* cites the difference of opinion:

וכתב רש"י בסוכה פרק לולב הגזול (דף לח:): דאדם המתפלל ושמע מפי החזן קדיש או קדושה אינו יכול להפסיק ולענות עם הצבור אלא ישתוק וימתין מעט דשומע כעונה וי"ל דלכתחלה אין לעשות כן דענייה חשיבא טפי הדור מצוה. ור"ת ור"י היו אומרים דאדרבה אי שומע כעונה הוי הפסקה אם שותק. ומ"מ נהגו העם לשתוק ולשמוע וגדול המנהג.

And Rashi wrote in *Sukkah*, in the chapter *lulav hagazul*, that a person who is in the middle of praying and hears Kaddish or *kedusha* from the *shliach tzibur* may not interrupt his prayers and answer with the congregation, but should rather be silent and wait a bit, since listening is the equivalent of answering (speaking). And one could say that it is preferable not to do that, since actually answering is considered a better way of performing the mitzvah. And Rabbeinu Tam and the R"Y disagree and say that, to the contrary: If indeed listening is the equivalent of answering (speaking), then [doing as Rashi instructed and] being silent is considered an interruption. In any case, the people are accustomed to being silent and listening, and custom is very powerful.

Tosafot clearly believes that *shomea k'oneh* means that it is as if the person who listens is saying what he heard. The *shomea* is an active participant according to *Tosafot*. For this reason, listening is an interruption (just as speaking is).

Rashi understands the matter differently. He views *shomea k'oneh* to be a means of connecting to the other person's act, such that it relates to both of them. The *shomea* is passive according to Rashi. For this reason, listening is not an interruption. This is also the reason why it is better to say the *brachah* oneself, when possible.

It follows that *Tosafot's* explanation for *k'deashkechan b'Sinai* is not viable for Rashi. It is no coincidence that he doesn't suggest such an approach. The question is, how does Rashi deal with this issue?

The essence of the answer can be found in *Talmidei Rabbeinu Yonah*⁹³. They say that:

...ולא נאסר שם אלא הדבור כדילפינן במכילתין (כב.) מדכתיב והודעתם לבניך ולבני בניך וסמיך ליה יום אשר עמדת לפני ה' אלקיך בחורב. והידיעה א"א אלא בדיבור...

...and the only thing that was prohibited was speech, as we learn in our tractate from the fact that it says: "And make known to your children," which the *Torah* juxtaposes to the text, "The day you stood before Hashem your God at Horeb," and the transmission of knowledge is only possible through speech.

What does this mean? We need ask ourselves, what was unique about Sinai, which required this level of purity. We know that Sinai was not the first time that the Jews received *Torah* or mitzvot, so this cannot be the cause of the requirement. At the same time, if it was the aspect of revelation, then it should not serve as a paradigm for regular *Talmud Torah*⁹⁴. Why then did the revelation at Sinai (and *Talmud Torah* thereafter) uniquely have this requirement?

The answer lies in what we truly gained at Sinai. In order to understand this, we need to review a piece of what we discussed in *Amittah Shel Torah on the Torah (Parshat Yitro)*:

One of the most famous events of Jewish history to never happen (according to the plain sense of the *Torah*) is the declaration "*na'aseh v'nishma*" prior to hearing the words of God at Sinai. The *Torah* relates the response of *Bnei Yisrael* three times. The first response was (19:8):

ויענו כל העם יחדו ויאמרו כל אשר דבר ה' נעשה.

And the whole nation answered together and said: "All that Hashem said we will do."

93. *Talmidei R. Yonah, Berachot* (12a).

94. Although there is an element of revelation in all *Talmud Torah*, this can not be the basis; otherwise the pre-Sinaitic *Talmud Torah* should have also required it.

The second response, which appears to be after the *Torah* is given, was (24:3):

ויבא משה ויספר לעם את כל דברי ה' ואת כל המשפטים ויען כל העם קול אחד ויאמרו כל הדברים אשר דבר ה' נעשה.

And *Moshe* came and told the nation all the words of Hashem and the laws, and the people responded with one voice, “All that Hashem said we will do.”

The most compelling explanation of this is that this was after *Moshe* told them the Decalogue (*divrei Hashem*) and the contents of *Parshat Mishpatim* (*v'et kol hamishpatim*).⁹⁵ Despite this, the people still only say *na'aseh*. It is only the third time, which was after the *Torah* was written down and read to them, that they respond (24:7) with *na'aseh v'nishma*. Thus, the *Torah* states:

ויקח ספר הברית ויקרא באזני העם ויאמרו כל אשר דבר ה' נעשה ונשמע

And he took the book of the covenant and he read it to the nation, and they said: “All that Hashem said we will do and listen to.”

In light of this it is hard to say that the meaning of *na'aseh v'nishma* is that they were accepting the *Torah* ‘sight unseen.’ Nonetheless, *Chazal* are telling us a true point, albeit in a *midrashic* way. The first time they said *na'aseh* it was prior to hearing the contents of the *Torah*. The slogan *na'aseh v'nishma* therefore captures the essence of the event, if not its original meaning. In any case, we are left to consider the meaning of *na'aseh v'nishma*. We also must ask ourselves why it changes from *na'aseh* to *na'aseh v'nishma* on the third time.

The answer seems to be that the writing down of the *mitzvot* (described in chap. 24) is a watershed event. The *mitzvot* had been, until that point, isolated commands given to the Jewish people by a *navi*. The command of a *navi* is, by definition, limited to its precise parameters. One cannot extrapolate from it to

95. See Ramban's critique of Rashi's approach on this point.

other situations, times or places. The appropriate response to such a command can only be *na'aseh*. Once the *mitzvot* were written down in the *Torah*, they were integrated into the *Torah* system. They were no longer isolated commands of a *navi*; they were now *Torah*. Now they were not only to be obeyed, they were to be studied, understood and applied. This is the meaning of *na'aseh v'nishma*. *Lishmoa* means to understand, this being the new challenge that was given to man at this point. It is from this point that we say *it isn't in heaven*. This is what changed from the *na'aseh* of v. 4 to the *na'aseh v'nishma* of v. 7.

We can now understand the introduction to the Revelation in the beginning of the *parshah*. The *parshah* opens with the discussion between Yitro and *Moshe* about the court system. The relevance of this section is an issue in general, the more so if we take the position that the natural chronology is broken here.

Yitro's advice is actually a very appropriate opening for the *parshah*. The original system was predicated on the idea that every new case necessitated *Moshe Rabbeinu's* involvement as a conduit between God and man. This was true as long as the system involved commands of a *navi*. Once there was an organic body of *Torah* it was possible for Judges to learn the Divine principles and apply them. This was Yitro's suggestion, which dovetailed perfectly with the innovation of Sinai.

In other words, what we gained at Sinai was the ability to be the *ba'alei hamesorah*, interpreting and transmitting the meaning of the *Torah*. It is not the learning of *Torah* as much as the ability to teach it that we received at Sinai.

Based on this, we can appreciate the interpretation of R. Yonah. He explains that it is the potential for speech (*Torah sheb'al peh*, the transmission of *Torah*) that we received at Sinai, even if it is only actualized later when we actually teach *Torah*. This is also the meaning of Rashi's comment on the *Gemara*!

In light of this we can appreciate a famous *Gemara* in *Kiddushin* (30a):

אמר ריב"ל: כל המלמד את בן בנו תורה, מעלה עליו הכתוב כאילו קבלה

מהר סיני, שנאמר: והודעתם לבניך ולבני בניך, וסמך ליה: יום אשר עמדת לפני ה' אלהיך בחורב.

R. Yehoshua b. Levi taught: If one teaches his grandson *Torah*, the *Torah* views it as if he received it at Sinai. As it says, “And make known to your children,” which the *Torah* juxtaposes to the text, “The day you stood before Hashem your God at Horeb.”

It is unclear who is “as if he received it at Sinai.” Is it referring to the person teaching, or the one being taught? It is generally understood as referring to the student, the message being one of our *mesorah* stretching back and connecting us to the Revelation.

One might, however, understand the *Gemara* differently. Perhaps it is saying that by teaching *Torah* we actualize that which we received at Sinai. The truth is that the more natural subject is the teacher, not the student.⁹⁶ The parallel discussion in the *Yerushalmi* (I:7) also seems to support this understanding:

ר' יהושע בן לוי הוה יליף שמע פרשתה דבר בריה בכל ערובת שובתא חד זמן אינשי ועל מיסחי בההן דימוסין דטיבריא והוה מיסתמך על כתפיה דרבי חייה בר בא אנהר ונפק ליה מן דימוסא מה הוה ר' דרומי אמר כך הוה רבי לעזר בר יוסי אמר שליח מנוי א"ל רבי חייה בר בא לא כן אלפן רבי אם התחילו אין מפסיקין אמר ליה חייה בני וקלה היא בעיניך שכל מי שהוא שומע פרשה מבן בנו כאילו הוא שומעה מהר סיני מ"ט [דברים ד ט] והודעתם לבניך ולבני בניך וגו' יום אשר עמדת לפני י"י אלהיך בחורב כיום אשר עמדת לפני י"י אלהיך בחורב

R. Yehoshua b. Levi was accustomed to review the *parshah* with his grandson every Erev *Shabbat*. One time, he forgot and went to the bathhouse in Tiberias and was supporting himself on the shoulders of R. Hiyya. He remembered about learning with his grandson and left the bathhouse. What are the details of the incident? [R. Dromi said that it was as described, that

96. This also seems to be the way that Rabbeinu Hananel understands it.

he had just entered and not yet disrobed. R. Lezer b. Yosi said that he had already disrobed.] R. Hiyya [b. Ba] said to him: “Didn’t our master teach us that once one began, he need not interrupt?” [R. Yehoshua b. Levi] answered him: Hiyya, my son! Is it a light matter in your eyes? After all, one who reviews the *parshah* with his grandson is like one who heard it from Mount Sinai! What is the source? “And make known to your children the day you stood before Hashem your God at Horeb.” That is to say, like the day you stood before Hashem your God at Horeb.

Here it seems clear that it is the grandfather, the *Rebbe*, who is considered as if he received it from Sinai⁹⁷.

During the period when we are counting up to *Matan Torah* it is appropriate that we focus on this issue, namely that we are supposed to learn *Torah* specifically in order to teach others. It is essential that we work on this character trait that R. Akiva taught *Rabboteinu shebedarom* in order to be worthy of receiving the *Torah*. For this reason, the *Geonim* strove to integrate mourning for Rabbi Akiva’s students into *Sefirah*.

Along these lines, the *Talmud* in *Nedarim* (35a) says that deserving the gift of *Torah* is contingent on being willing to share our *Torah* with others.

... כיון שעושה אדם את עצמו כמדבר שהוא מופקר לכל - תורה ניתנה לו
במתנה, שנאמר: ומדבר מתנה, וכיון שניתנה לו במתנה נחלו אל, שנאמר:
וממתנה נחילאל...

... Once a man makes himself like the desert, that is accessible to all, *Torah* is given to him as a gift, as it says, “And from the desert to *Matana* (gift)”. And once it is given to him as a gift, God is his inheritance, as it says, “And from *Matana* to *Nachaliel* (the inheritance of God).”

Like many areas of *halachah*, there is a body and a soul to the laws of mourning

97. However, the continuation does deal with the other aspect, namely the stretch of tradition reaching back to Sinai.

during *Sefirah*. Unfortunately, nowadays the superficial aspects often thrive and grow, while the soul of the halachah is almost entirely ignored. It is easy to forgo a concert or a CD, but much harder to treat others with respect. It is simple not to shave, but far more difficult to care more about someone else's growth than about my own standing.

It is easy to observe, and even to add to, the laws of *Sefirah*. It is far more difficult to learn the lesson of Rabbi Akiva's students. But as *Chazal* teach us, *lefum tza'ara agra*, the reward is commensurate with the difficulty.