

*“Guns, Talmud, and dialogue”
Yom Kippur 5780 (Oct 2019)
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This is Yom Kippur, a holiday marked by our need and desire to apologize. We ask in our liturgy to be forgiven for transgressions knowingly or unknowingly, intentionally or inadvertently, committed. We well know that an apology is only a full one if it is accompanied by a change in behavior. In that vein, I will not and cannot be speechless any longer.

I am sorry for staying silent while our country bleeds.

I am sorry for quickly scrolling past any news which talked about death by gun.

I am sorry for contributing to the carnage by being a bystander.

I am sorry that so many people have died and have I neither said nor done anything.

As a society, we are afraid to talk to each other about issues which might polarize. And every facet of those topics are forbidden. When we talk about, or rather don't talk, we actually need to talk about gun ownership, gun laws, suicides and homicides, accountability, ease of access, and terror.

And we need to do so in a way which puts community first. Because at the end of the day, that is where we live.

We need to lift the taboo of talking.

We need to remove from ourselves the stereotyping of one another.

We need to stop “othering” people who have a different outlook.

We need to stand together and we need to do something.

We need to live our lives without fear.

We need to protect families, and soldiers, and the vulnerable.

So please, I implore us all to talk. Let's create a country where our children, our grandchildren, great-grandchildren can enjoy life without being fearful of being harmed by guns. A world where access to guns is intentional not accidental. A world where guns are not cheaper than computers. A world where one life is worth saving, even if the expense is some individual choice.

A story.

There is a person who lives in classic suburbia, white picket fence in the front and all. One year, he decides to put a pool in his backyard because he enjoys the water and being outside and doesn't really want to have to go to the indoor pool at the gym every time he has the urge to swim.

Being in the idyllic neighborhood, none of the houses have tangible divisors between their yards. And kids, being kids, would come over to his house and swim when he was there. His house became *the* house to be at. But then one day, some kids came over when he was not home, and one of them drowned. The next day, the same situation. Finally, the guy says, I cannot keep coming home to this—I will build a fence.

His is the first backyard fence in the whole neighborhood. And for a while, it made people uncomfortable, but there were no more drownings. The neighborhood went back to business as usual. Summer came and the pool was all the rage. One day, a couple of kids decided to jump the fence when the man wasn't home and go swimming. They drowned. The next day, a couple more kids did the same thing. Finally, the guy says, I cannot keep coming home to this—I will hire a lifeguard.

The people who came over were a little weary at first, after all, they were now constantly being watched, but there were no more drownings. The neighborhood went back to swimming as usual in his backyard, even if he wasn't there, and even if they climbed over the fence.

Then one night, some kids decided to go swimming in the dark. They climbed the fence, the lifeguard was not on duty, and they drowned. The next night, same thing. Finally, the guy says, I cannot keep waking up to this.

He fires the lifeguard, he tears down his fence, and he fills in his pool with concrete. When neighbors asked, he said, "I built this pool as a way to relax and have fun and enjoy my hobby. I did everything I could to protect our kids, but that still wasn't enough. My hobby, my enjoyment, was not worth their sacrifice. Yes, it was my property, and yes it is my right to do as I wish within the bounds of the law, but the price was far too high. My rights do not supersede the needs of those around me."

In a world which has become polarized by partisanship and everything is portrayed as political, it seems as though every topic we address is black and white.

It appears that whatever issue any person brings up, if not said into their echo chamber, becomes categorized as us versus them.

To get out of this style of vitriolic speech, I want us to take note and pull elements from the characteristics of the communications of the Talmud. But unlike that time of 1700 years ago, our focus is not, *cannot* be, solely insular, or solely about the needs of the Jewish community.

How fantastic that there is the ability for each of us to address that which is nearest our own hearts? How sad and painful that there is such disrepair in the world that there can be a cause for each of us to tackle, and then some.

In that vein, we must get to a place where we can have dialogue about guns. We must not vilify a person who believes the opposite of what we believe. Or perceived opposite because we haven't actually sat down at a table and talked about it.

In 2017, 39,773 people died because of a gun, according to the Center for Disease Control¹, the CDC. This equals about one person every 15min, around the clock, every day of the year. On this, the holiest day of the year in the Jewish calendar, 100 people will die in America by a gun. And at a time when we look at ourselves, when we look where we've missed the mark, we as a country have missed this mark. As a society, we must say a vidui, a collective Jewish confession to all those people and their families.

We must also apologize to each other. For some people, the topic of gun governance is strong enough to make or break relationships. And then it has become a political issue. It's become a partisan issue. In our country right now, the political divide feels larger and more expansive than the Grand Canyon.

If only one issue makes the voter's identity, then that is not good for our society or our country. We are far more complex than a single question. And this question is far more nuanced than a single checkbox of "more gun regulation or not?"

This is one of the most polarizing topics we as Americans face is the question of guns.

Let us remember that the most important thing is for us to speak with each other, to be in dialogue, and in relationship.

¹¹ https://www.cdc.gov/nchs/data/nvsr/nvsr68/nvsr68_09-508.pdf#tab05

I want us to envision what a Talmudic dialogue could look like if guns had existed way back then. The most famous pair of rabbis is undeniably Hillel and Shammai. They were in dialogue with over 300 topics.

Here is one way I think this dialogue could go:

Shammai: As we read in the Bill of Rights, the second amendment states “a well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed”. Clearly we see it is for us to own our weapons.

Hillel: Yes, I see your point. D’var achar, alternatively, we see that it says a militia is needed first, then the rights to weapons. Therefore I rule that militias are able to have weapons, but not every person.

[The rabbis would discuss a topic and when they did, often they would start on seemingly opposing sides of an issue. One, in this case Shammai, would open with a statement, and the other, in this case Hillel, would give a counter argument. What would follow is the dialoguing over the individual points of the statements, each trying to show why his point is favored.]

Shammai: Even if that were the case, each one of us is capable of being called to provide militia service at any time. Therefore, it is incumbent on each of us to bear arms.

Hillel: Ahh, you are thinking of a colonial militia—one in which everyone could be called at anytime. I, my friend, have learned from another, that as an established State, our military takes the role of the militia, and therefore my position holds.

Shammai: Incorrect, friend. Don’t you remember when we were of the State but then we began to realize our own sovereignty? Why, we had to defend ourselves against that State. My position holds.

Hillel: To your ruling shall the courts rule in this time. Let my opinion be noted such that in more peaceful times, we needn’t pit brother against brother.

Shammai: Thank you my teacher.

[in the course of conversation, one will often acknowledge the validity of the other’s point and agree to it. Of course more conversation is inevitable.]

Hillel: There is one other matter in this subject I would like to clarify. And that is who. Who may bear these arms?

Shammai: Didn’t we just say as such?

Hillel: Yes, but as we know, just because we say everyone, that does not mean all peoples.

Shammai: I do not understand. Even in Numbers it tells us men >20 and <60 go to war.

Hillel: You would do right to also remember in Deuteronomy² there are exceptions of who is required to go be a soldier. This includes anyone who has built a house, planted a vineyard, became engage and not yet married.

And also, one who is afraid and tender-hearted is exempt. Let him go back home lest he die in battle.

Shammai: True and further, other sages have set the limit of this ruling based on interpretation of how long a man might be excused for his new bride—a year and no more³.

[The Mishnah ties its thoughts together with biblical quotes, frequently volleying verses, back and forth. Additionally, with respect, the sages will often call out each other's blind spots to showcase the point they are trying to make.]

Hillel: My friend that is a literal read. Just as one might think that “one who built a new house” refers only to the literally construction—but it applies to all acquisition—whether by marriage, by inheritance, by gift, by purchase, or by building.

Shammai: Shall the same then apply to all cases? Whether home, vineyard, bride, tenderhearted?

Hillel: Yes, and all the moreso the last. One who is tenderhearted shall not be required to make war, nor shall he be required to support the troops with water, roads, etc.

Shammai: This cannot be. We would then have no men to go to war.

Hillel: If that is the case, then the populace has spoken and the courts must find another way. So too in the matter of our second amendment. One is not obligated, nor allowed, to bear arms if there is an economic, familial, physical, psycho-moral exemption.

Shammai: Let the courts side with Hillel on this matter.

And so we can see Hillel and Shammai discussed, debated, and ruled on the second amendment.

What we know of their previous and numerous exchanges, they continued to value each other.

Tractate Yevamot⁴ says “although Beit Shammai and Beit Hillel disagreed on many critical issues, nevertheless, they behaved with love and friendship toward one another, as it says in Zechariah⁵ “Truth and Peace they lived.”

But Hillel and Shammai do not live now and they did not actually have this dialogue. All we can do is to learn from how they talked and try to emulate it because while I do not have any answers, I do know that our current modus operandi is not sustainable.

We cannot continue to wear blinders to controversial issues. Our initial impulse is to make that which is uncomfortable someone else's problem. This is not unique to now.

² Deut 20:5-9, abbreviated

³ Deut 24:5, and BT Sotah 43a:8

⁴ BT Yevamot 14b:4-10 abbreviated

⁵ Zecharia 8:19

Take for example, in the 1980s and HIV/AIDS.

Thought initially to be only a problem for gay men, we realized it's a national problem (as an aside, we've yet to recognize it as an international problem too).

From about 1983 to 2016, over 675,000 people died from the disease. In addition to curbing the problem with education and antiretroviral drugs, the taboo of talking about HIV has lifted. The taboo of being gay has seen a dramatic shift in the last 25 years, especially in the last ten. Even the taboo of having AIDS/HIV has been dramatically lessened. We have learned to talk about it.

We have learned that when an epidemic hits our country, we need to face it, talk about it, and find ways to minimize and hopefully, eventually eradicate the problem. We haven't gotten there with HIV...yet.

But with the drug "PrEP⁶" and sex education, and routine blood work, we're getting much closer to limiting its spread. Rabbi Tarfon said in Pirkei Avot⁷ "Although we are not obligated to complete the work, neither are we free to desist". We have not yet completed this task, but we're on our way.

Our journey, however, has just begun when we look at the opioid addiction. Until recently, we've turned a blind eye to death by drugs, relegating drug addiction to "those not like us". As is the case for so many epidemics, natural or human-caused, all ages and socio-economic demographics are affected. With heroin, fentanyl, oxycontin, and Vicodin as the key culprits, this epidemic killed over 47,000⁸ people last year in America.

We're finally accepting how these drugs affect people and just how addictive they are.

We are looking at ways of reducing the 191 million prescriptions written a year.

We have established treatment and rehab centers; we have a counter-acting (naloxone) drug if someone is found to have overdosed but has not died.

We're teaching patients and doctors of the risks.

We're fining and holding companies responsible such as Purdue and Johnson and Johnson, to the tune of billions of dollars.

And most importantly, we're talking about it.

We want to help; we see ways we've erred in the past and we are trying to make a course correction.

Sometimes a course correction happens nearly immediately.

Such as when there are health scares and outbreaks, such as e coli in spinach and thousands of tons of bagged spinach gets recalled and thrown away immediately⁹.

Or just two of the same-model plane crash within six months and the whole world basically grounds that aircraft¹⁰.

Or when the franchise Chi-Chi's in Pennsylvania was found to have an outbreak of Hepatitis A, about 565 cases, due to raw green onions. 76 locations, with over 7000 employees, closed a few months after the outbreak¹¹.

We reacted swiftly and decisively and strictly in all of the aforementioned cases.

Because the possibility of getting Hep A was enough to not just not eat green onions, but

⁶ <https://www.cdc.gov/hiv/basics/prep.html>

⁷ M. Avot 2:6

⁸ <https://www.cdc.gov/drugoverdose/index.html> [and submenus]

⁹ <https://www.cdc.gov/ecoli/2006/spinach-10-2006.html>

¹⁰ <https://www.nytimes.com/interactive/2019/business/boeing-737-crashes.html>

¹¹ <https://www.nytimes.com/2003/11/17/us/community-is-reeling-from-hepatitis-outbreak.html>

to shut down “America’s favorite Mexican restaurant”. And no one batted an eye. Course correction was not needed as everything was just instantly resolved in each of these cases.

We have yet to fully acknowledge that we are even on a course, even on a trajectory, which needs changing when it comes to firearms.

When a person moves from suicidal ideation to being actively suicidal, rash decisions are made. The ease of access to guns and the permanence of gunshots, means more death in suicide attempts¹². In 2017, nearly half of all suicides were carried out by gun, over 23,000 of them.

Do we need better mental health care?

Absolutely!

Do we need more specialists who can identify problems before they become life-taking?

For certain.

Does that mean we don’t also need to address the availability, inexpensive, and lackadaisical attitude of guns?

Most certainly not.

Few problems have one simple answer. We are not going to prevent all suicides by removing access to guns. That does not give us the permission not to try *something*.

Suicides accounted for 60% of all gun-caused deaths. Which means that 40% had victims other than the self.

Of those, the type which garners the most headlines and the most sensation are mass shootings, which have steadily increased over the last two decades. An average of 6.4 per year in the early 2000s¹³ which ballooned to 30 last year¹⁴, according to the FBI. From a straight numbers perspective, the number of people who die in mass shootings is a mere fraction of all other gun deaths. What makes them more potent is the terror aspect.

America was traumatized by the 9-11 terror attacks by airplane. So when one person with a shoe bomb tried to board a plane a few months later, we reacted. And now, almost 18 years later, everybody still has to take their shoes off at the airport. One person. One plane. Tremendous reaction.

The fear, the vulnerability, the unknown, the lack of control—all that amounts to terror.

When guns are used to kill strangers,

who are at a concert,

or shopping,

or praying,

or watching a movie,

or attending football game,

or going to the bank,

or going to work,

or going to school:

THIS IS TERROR.

¹² <https://www.vox.com/policy-and-politics/2017/10/2/16399418/us-gun-violence-statistics-maps-charts?fbclid=IwAR3ue4axi6HRjnHDaQerwuGHtRI0JvJQXGvdBLUOgLMO7vJgVZOjlgAcwUY>

¹³ <https://www.fbi.gov/file-repository/active-shooter-study-2000-2013-1.pdf/view>

¹⁴ <https://www.fbi.gov/file-repository/active-shooter-incidents-us-2016-2017.pdf/view>

Less than 2% of all gun deaths are attributed to mass shootings. But the fear that comes from not knowing, when, or where is terrorizing. It is no longer an “if” but a “when and who”.

Because we did nothing after little children were killed in their school in Newtown MA.

Because we did nothing after politicians were targeted in a charity baseball game.

Because we did nothing after Columbine in 1999 and a generation later we did not thing after Parkland FL.

THIS IS TERRORISM.

Just as the school year started, Rabbi David Wirschafter wrote a poem which was then circulated widely through the Reform Judaism online platform. Parts of it read: “May we send our children off to school each morning in peace, may they learn throughout the day in peace, and may they return home to us each afternoon in peace. We pray for a year without disruption from gun fire and from rumors that someone is going to “shoot up lunch’.¹⁵”

When we create prayers for sending our children to school and learning is not the focus. **THIS IS TERROR** and it is unacceptable.

For every scenario where guns are used, restricting guns will not make the issue disappear entirely. We don’t yet live in a world without hatred, without fear, without othering.

We cannot continue to live in a world of fear and of death where we do nothing because we cannot talk to one another. Therefore, we must find solutions to try. The alternative is unconscionable.

We need a course correction and we need it now. We need this as individuals. We need this as a society. The only way society at large will change is if we individuals demand it. When we do so, those that can affect change, will.

Going back to our Talmudic pair, it is important to note that Hillel and Shammai were not just anybody—they were the leaders of their community. They were able to make rulings because they were the experts. They modeled skill, knowledge, dialogue.

We cannot change how our leaders speak to each other, we cannot even change the level of expertise they have on any given subject.

But what we can do is learn from our Talmudic sages.

Our sages did not shy away from having difficult conversations. Nor did they let those conversations derail their sense of community. It is said that not only did Beit Hillel teach Beit Shammai’s opinions and rulings, but Hillel even did so before teaching his own.

I hope that not only are we able to dialogue with one another, we are able to do so with respect and care. That we do so by keeping community as a central value. That we admit there is no us versus them, that it’s just you and me, together.

May our words and our actions align with our values. May we try and perchance those trials will lead to success, knowing that the biggest success will be that we tried at all. May we not be defeated by perceived failure, but energized to engage. May 5780 be the year of speaking, of listening, of dialogue, of hope, of aspiration, of peace. May this be our blessing and may it be so.

¹⁵ <https://reformjudaism.org/practice/prayers-blessings/prayer-safety-during-school-year>