

Kol Rina
An Independent Minyan
Parashat Ki Tetze
August 29, 2020 *** 9 Elul, 5780

Kol Rina – An Independent Minyan, is a traditional egalitarian community. We are haimish (homey/folksy), friendly, participatory, warm and welcoming. We hold weekly services in South Orange as well as holiday services and celebrations which are completely lay led. We welcome all to our services and programs from non-Hebrew readers to Jewish communal and education professionals.

Ki Tetzei in a Nutshell

https://www.chabad.org/parshah/article_cdo/aid/2286/jewish/Ki-Teitzei-in-a-Nutshell.htm

Seventy-four of the Torah's 613 commandments (mitzvot) are in the Parshah of Ki Teitzei. These include the laws of the beautiful captive, the inheritance rights of the firstborn, the wayward and rebellious son, burial and dignity of the dead, returning a lost object, sending away the mother bird before taking her young, the duty to erect a safety fence around the roof of one's home, and the various forms of kilayim (forbidden plant and animal hybrids). Also recounted are the judicial procedures and penalties for adultery, for the rape or seduction of an unmarried girl, and for a husband who falsely accuses his wife of infidelity. The following cannot marry a person of Jewish lineage: a mamzer (someone born from an adulterous or incestuous relationship); a male of Moabite or Ammonite descent; a first- or second-generation Edomite or Egyptian. Our Parshah also includes laws governing the purity of the military camp; the prohibition against turning in an escaped slave; the duty to pay a worker on time, and to allow anyone working for you—man or animal—to "eat on the job"; the proper treatment of a debtor, and the prohibition against charging interest on a loan; the laws of divorce (from which are also derived many of the laws of marriage); the penalty of thirty-nine lashes for transgression of a Torah prohibition; and the procedures for yibbum ("levirate marriage") of the wife of a deceased childless brother, or chalitzah ("removing of the shoe") in the case that the brother-in-law does not wish to marry her. Ki Teitzei concludes with the obligation to remember "what Amalek did to you on the road, on your way out of Egypt."

Haftarah in a Nutshell

https://www.chabad.org/parshah/article_cdo/aid/555429/jewish/Haftarah-in-a-Nutshell.htm
This week's haftarah is the fifth of a series of seven "Haftarot of Consolation." These seven haftarot commence on the Shabbat following Tisha b'Av and continue until Rosh Hashanah.

Forsaken Jerusalem is likened to a barren woman devoid of children. G-d enjoins her to rejoice, for the time will soon come when the Jewish nation will return and proliferate, repopulating Israel's once desolate cities. The prophet assures the Jewish people that G-d has not forsaken them. Although He has momentarily hid His countenance from them, He will gather them from their exiles with great mercy. The haftarah compares the final Redemption to the pact G-d made with Noah. Just as G-d promised to never bring a flood over the entire earth, so too He will never again be angry at the Jewish people.
"For the mountains may move and the hills might collapse, but My kindness shall not depart from you, neither shall the covenant of My peace collapse."

FOOD FOR THOUGHT

Does Love Conquer All? (Ki Teitse 5780) by Rabbi Jonathan Sacks <https://rabbisacks.org/ki-teitse-5780/>

Our parsha contains more laws than any other. Some of them have generated much study and debate, especially two at the beginning, the law of the captive woman and that of the “stubborn and rebellious son.” There is, however, one law that deserves much more attention than it has generally received, namely the one placed between these two. It concerns the laws of inheritance:

If a man has two wives, and he loves one but not the other, and both bear him sons but the firstborn is the son of the wife he does not love, when he wills his property to his sons, he must not give the rights of the firstborn to the son of the wife he loves in preference to his actual firstborn, the son of the wife he does not love. He must acknowledge the son of his unloved wife as the firstborn by giving him a double share of all he has. That son is the first sign of his father’s strength. The right of the firstborn belongs to him.
(Deut. 21:15-17)

Note that the Hebrew word here translated as “does not love” or “unloved” is *senuah*, which normally means “hated.” We will see later why this strong word is used.

On the face of it, this is a straightforward, logical law. It tells us that love must not override justice. The firstborn, in ancient Israel and elsewhere, have special rights, especially in connection with inheritance. In most societies they tended to succeed to their father’s position. That was the case in Israel in relation to kingship and priesthood.[1] They did not inherit all the father’s property, but they did inherit twice as much as the other children.

It was important to have rules like the above to avoid damaging family splits every time a death occurred or was imminent. The Torah gives us a graphic example of the court intrigue that went on, as David lay dying, as to which of his children should be his heir. More recently, *lehavdil*, there have been several examples of Hassidic dynasties irreparably torn apart because different groups wanted different individuals to inherit the leadership.

There is a tension between individual liberty and the common good. Individual liberty says, “This wealth is mine. I should be able to do with it what I like, including deciding to whom to hand it on.” But there is also the welfare of others, including the other children, other family members, and the community and society that are damaged by family disputes. The Torah here draws a line, acknowledging the rights of the biological firstborn and circumscribing the rights of the father.

The law as such is straightforward. What makes it remarkable is that it reads as if it were directed against a specific biblical figure, namely Jacob. One connection is linguistic. The key terms in our law are an opposition between *ahuvah*, “loved,” and *senuah*, “hated/unloved.” This opposition occurs ten times in the Torah. Three have to do with the relationship between us and God: “those who hate Me and those who love Me.” That leaves seven other cases. Four are in the paragraph above. The other three are all about Jacob: two of them about his love for Rachel in preference to Leah (Genesis 29:30-31, 32-33), the third about his love for Joseph in preference to the

other sons (Genesis 37:4). Both caused great grief within the family and had devastating consequences in the long run.

This is how the Torah describes Jacob's feelings for Rachel:

Jacob loved Rachel and said, "I'll work for you (Laban) seven years in return for your younger daughter Rachel" ... So Jacob served seven years for Rachel, but they seemed like only a few days to him because of his love for her ... And Jacob cohabited with Rachel also; indeed, he loved Rachel more than Leah. And he served him (Laban) another seven years. (Genesis 29:18-30)

And this is its description of the impact it had on Leah:

When the Lord saw that Leah was hated, He enabled her to conceive, but Rachel remained childless. Leah conceived and bore a son, and named him Reuben; for she declared, "It means: 'The Lord has seen my affliction'; it also means: 'Now my husband will love me.'" She conceived again and bore a son, and declared, "This is because the Lord heard that I was hated and has given me this one also," so she named him Simeon. (Gen. 29:31-33)

I have translated the word *senuah* here as "hated" simply to give a sense of the shock of the text as it is in Hebrew. We also understand why this word is used. Leah was, as the text says, loved less than Rachel. Jacob did not hate her, but she felt hated, because less loved, thus unloved. This feeling dominated her marriage as we see in the names she gave her eldest children. The rivalry continues and intensifies in the next generation:

When his brothers saw that their father loved him (Joseph) more than any of his brothers, they hated him and could not speak a peaceful word to him. (Genesis 37:4)

Less loved, the brothers felt hated, and so they hated the more loved Joseph. Love generates conflict, even though none of the parties want conflict. Jacob didn't hate Leah or her sons or the sons of the handmaids. He did not deliberately decide to love Rachel and later Joseph. Love doesn't work like that. It happens to us, usually not of our choosing. Yet those outside the relationship can feel excluded and unloved. This feels like being hated. The Torah uses the word *senuah* to tell us how serious the feeling is. It is not enough to say "I love you too," when every act, every word, every look says, "I love someone else more."

Which brings us to inheritance. Joseph was the eleventh of Jacob's twelve sons, but the firstborn of Jacob's beloved Rachel. Jacob proceeded to do what our parsha tells us not to do. He deprived Reuven, his and Leah's firstborn, of the birthright, the double portion, and gave it instead to Joseph. To Joseph he said:

Now, your two sons, who were born to you in the land of Egypt before I came to you in Egypt, shall be mine; Ephraim and Manasseh shall be mine no less than Reuben and Simeon. (Gen. 48:5)

Later in the same chapter, he says: "I am about to die; but God will be with you and bring you back to the land of your fathers. And now, I assign to you one portion more than to your brothers, which I wrested from the Amorites with my sword and bow" (Gen. 48:21-22). There are many interpretations of this verse, but according to Rashi,

“This refers to the birthright, that Joseph’s children should receive two portions when Canaan would be divided amongst the tribes.” Jacob’s other children would receive one portion, while Joseph would receive two, one for each of his sons Ephraim and Manasseh.

It is against this practice that the law in our parsha is directed. That is what is extraordinary. Jacob/Israel is the father of our people. But specifically in this respect, his conduct must not be taken as a precedent. We are forbidden to act as he did. The Torah is not telling us that Jacob did wrong. There are all sorts of explanations that reconcile his behaviour with later law. Jacob did not keep the Torah except in the land of Israel (Ramban), and his gift of a double portion to Joseph happened in Egypt. We are forbidden to transfer the birthright on grounds of love alone, but we may do so if we believe that the firstborn has significant character deficiencies, which Jacob believed to be true of Reuben (Gen. 49:3-4; Abarbanel).

But the law is telling us something very profound indeed. Love is the highest of emotions. We are commanded to love God with all our heart, soul and might. But it is also, in family contexts, fraught with danger. Love ruined Jacob’s life, time and again: in his relationship with Esau (Isaac loved Esau, Rebecca loved Jacob), in the relationship between Leah and Rachel, and in the relationship between Joseph and his brothers. Love brings joy. It also brings tears. It brings some people close, but makes others feel distanced, rejected.

Therefore, says the Torah, in our command: when love is likely to be the cause of conflict, it must take second place to justice. Love is partial, justice is impartial. Love is for someone specific; justice is for everyone. Love brings personal satisfaction; justice brings social order.

Judaism is the most effective attempt in history to provide the proper balance between the particular and the universal. It is both. It worships the universal God by way of a particular faith. It believes in a universal connection between God and humanity – we are all in God’s image (Gen. 1:27) – and a particular one – “My child, My firstborn, Israel” (Ex. 4:22). It believes in a universal covenant with Noah, and a particular one, with Abraham and later the Israelites. So, it believes in the universality of justice and the particularity of love and the importance of both.

When it comes to the relationship between humans, there is an order of priority. First create justice, then express love. For if we let those priorities be reversed, allowing injustice in the name of love, we will divide and destroy families and groups and suffer the consequences for a long time.

A seemingly minor law about inheritance is in fact a major statement of Jewish values. I believe that Judaism got it right by placing love at the heart of the religious life – love of God, neighbour and stranger – but at the same time recognising that without justice, love will not save us. It may even destroy us.[2]

Shabbat Shalom [1] Significantly, this was not the case when it came to Torah and positions based on it. See Nedarim 81a. [2] The quote, “Love conquers all,” comes from the Roman poet Virgil. The Prioress in Chaucer’s *The Canterbury Tales* wears a brooch engraved “Amor Vincit Omnia” (Love conquers all). The Prioress’ Tale is notorious for its antisemitism: it contains a 14th century version of the Blood Libel. This itself should give us pause.

Doubt: Thoughts for Elul from Rabbi Lord Jonathan Sacks

<https://rabbisacks.org/>

The place of doubt in Judaism is very interesting because most people define faith as certainty. I define faith as the courage to live with uncertainty. The truth is, it's pretty obvious, that you can look at the world and find it meaningless; you can look at the world and find it meaningful. If you're looking for a life without doubt, without risk, and without uncertainty, stop living because you cannot really live without taking risks. In fact, the Bible makes it pretty clear that God took a massive risk when He created humanity, and that risk didn't play out terribly well because by Genesis chapter six God regrets that He ever created man in the first place, and it grieved Him, to His very heart, a key sentence for me.

One of the most beautiful in the whole of Judaism occurs early in the Book of Jeremiah. We say it on Rosh Hashanah, "zacharti lach chesed neuraich," I remember the kindness of your youth, the love of your betrothal. "leich teich acharei bamidbar be'erez lo zerua'ah," how you were willing to follow me into an unknown, unsown land. Jeremiah is saying God loves the Jewish people because they had the courage to take the risk to go into a place they've never seen before, with no map and no roads, just the pillar of cloud and the pillar of fire. Judaism means the courage to take a risk. The whole of life is facing the unknown; because even though we can look up to the heaven and see a hundred billion galaxies, each with a hundred billion stars, and when you can look within us at the human genome where there's 3.1 billion letters of genetic code, we can know everything, but there is one thing we will never know: what tomorrow will bring. We face an unknown, an unknowable, future; that means that every single course of action we take, every commitment, has its underside of doubt. It's the ability to acknowledge that doubt, and yet say, "Nonetheless, I will take a risk." That is what faith is: not the absence of doubt, but the ability to recognise doubt, live with it, and still take the risk of commitment.

[Who Are We? Ki Tetzei by Stephanie Ruskay](#)

<http://www.jtsa.edu/who-are-we>

The Jewish master narrative hinges on retelling our own story of being enslaved and freed by God to become a holy people. We tell this story repeatedly, and it is meant to wash over our souls and permeate our brains. Enslavement should feel real, as should the taste of freedom.

What if you were a slave and had been able to escape? Would you have expected to find people who would help protect you or people who would turn you in?

If you had been the person to encounter a slave who had fled, would you have protected them and become complicit in their escape, or followed local laws and returned them to their master?

This is among the topics that Ki Tetzei invites us to consider—but with clear direction. In Deuteronomy 23:16-17 we learn: "Don't deliver a slave to his master if he seeks refuge with you. Rather allow him to reside among you, wherever he chooses within any of your cities where it is good for him. You shall not oppress him."

This summer, as our country is reckoning with race and the 400-year legacy of slavery, I have been thinking a lot about Frederick Douglass. On September 3, 1838, Douglass,

with significant help from his soon-to-be wife, Anna Murray-Douglass, escaped from slavery, traveling north by train and steamship.

He became active as an abolitionist and preacher. Yet his freedom did not translate into love of country. In 1847 he wrote, "I have no love for America, as such; I have no patriotism. I have no country. What country have I? The institutions of this country do not recognize me as a man" ("Country, Conscience and the Anti-Slavery Cause: An Address Delivered in New York City," May 11, 1847). He had taken bold action to assert his own human dignity. But patriotism is more than an individual act of pride for one's country. It requires you to see yourself as part of the nation's project, and America at that time would not grant Douglass the full human experience of choosing to live as he wanted, and particularly, where he wanted.

Jewish text and tradition regularly challenge us and raise questions for today. But on the topics of the slave's transition to freedom and how to treat poor people, our texts offer a usable framework that doesn't require us to stretch. They inspire us towards righteousness.

Not only do we learn to protect a slave who has escaped and to offer refuge, we also learn about prioritizing the dignity of those in our debt. We are told that when we go to collect the debt we should wait outside, aiming to prevent the debtor from feeling any shame about their home—a feeling to which many of us can relate now when Zoom meetings show off our homes to everyone.

If they've given us a coat as collateral for a loan, we are to return it to them each night, in case they rely on it for warmth. We are to pay laborers on the day they do the work, not letting them languish and suffer as they await funds that are rightfully theirs. We don't collect all of our produce from the fields but leave some for anonymous hungry people who can wander in to retrieve it. And we use weights and measurements that are just because anyone who is perpetuating injustice is an abomination to God. On these matters of justice, our instructions are clear.

Yet despite the Torah's clarity, I'm struck by the ways upholding these laws would not have been simple. Going back to our first example, I contemplate how a Jew would have made sense of the 1850 Fugitive Slave Act, which required slaves to be returned to their owners, regardless of whether you lived in a slave or free state. It even required the government to take responsibility for finding, returning, and trying escaped slaves.

What would you have done if you encountered a slave who had escaped? As a Jew, your master story reminded you daily you'd been enslaved and freed—but, as a Jew, you also had a religious principle that we follow the law of the land, a law requiring you to return the slave. And what if you worked for the government and were doubly bound to seek out fugitives and return them?

If you decided not to return the slave, how would you honor the second part of the obligation, to allow the now freed person to live wherever they wanted and to not oppress them?

In the US, we are living through a period of reckoning with who we are as a nation, where we've come from, and where we are headed and that means coping in a deep historical, ethical, and spiritual way with the issue of slavery.

In 1865 the 13th Amendment officially abolished slavery, but in the years that followed Black Americans really did not have the freedom to which the Torah aspires. They were limited by laws, policies, and practices that determined where they could live, if they could get credit to buy a home, and if they would feel welcomed; new regulations were regularly established to constrict their rights

This July 4th, many listened to Frederick Douglass's speech, "What to the Slave Is the Fourth of July?", in which Douglass explains that it is not a day that symbolizes freedom for Black people who were enslaved and did not receive independence in 1776. *How, he asks, should Black Americans engage with this day, the day of another people?* It is important to realize that we are not yet done with this question of how and where a person who was formerly a slave can live in this country. The ethical quandary about returning a slave who had escaped is not limited to the past. Each July 4th—and every day in between—each of us makes choices that either advance or impede equity for all people, regardless of race.

This summer we mourned the loss of Congressman John Lewis, the great civil rights leader who worked tirelessly to ensure that inheritors of the legacy of slavery could live wherever they wanted and not be oppressed. As we each contend with how we will personally do our part to ensure that all people can live where they want, free from oppression, we would do well to remind ourselves of Congressman Lewis's famous agitation to go out and make trouble, "good trouble, necessary trouble." Without it, we will never fulfill the second part of the Torah's obligation to ensure that people with a familial history of slavery are able to choose where they live and live freely in all aspects of their lives.

We may like to believe about ourselves that of course we would have protected the slave who had escaped. But we must also ask ourselves—what are we doing today? Because however we are personally grappling with and addressing racial injustice today is probably a lot like how we would have reacted then.

May we be blessed to make good and necessary trouble that will allow us to tell our children and grandchildren that in this time of reckoning we helped ensure that freedom from oppression for all people is real. (Stephanie Ruskey is Associate Dean, The Rabbinical School at JTS)

[Ki Teze: Let's Make a Deal by Rabbi Rabbi Jay Kelman](https://www.torahinmotion.org/civCRM/MAILING/VIEW?RESET=1&ID=2905)

<https://www.torahinmotion.org/civCRM/MAILING/VIEW?RESET=1&ID=2905>

"All of man's earnings are decreed on Rosh Hashanah, except for expenses regarding Shabbat and Yom Tov and expenses relating to Jewish education" (Beitzah 16a). The more we spend in the latter two areas, the more G-d will graciously grant us. Though the above is hard to prove, it reflects the fundamental notion that while we are required to work for our sustenance, ultimately it is only through the blessings of G-d that our endeavours are met with success.

One who cheats, cuts corners and does not conduct monetary dealings with full integrity not only cheats man, but undermines G-d's plan for division of the world's wealth. With this understanding, the Talmud's statement (Shabbat 31a) that the first question that G-d will address to us after 120 years, *nasata v'natata b'emunah*, takes on

new meaning. Nasata v'natata bemunah is normally translated as, were your business dealings conducted honestly? While this is undoubtedly a crucial facet of the question, it does not do full justice to the term emunah.

Emunah means faith, specifically faith in G-d. What G-d is really asking us is whether our business dealings reflect a belief in G-d. Do we have emunah, faith, that we cannot outsmart G-d in a business deal, or do our dealings show that though we may meticulously observe the rituals of the Torah, we really don't believe that G-d is the master of the world? If one believes that G-d decrees the relationship between our efforts and success, why interfere with His plan?

The Torah warns that, "You must not keep in your pouch two different weights, one large and one small...you must have a full, honest weight and a full, honest measure. If you do so, you will long endure on the land that G-d, your Lord, is giving you. For an abomination, to'evah, to G-d—your G-d—are all who do these things" (Devarim 25:13-16). Harsh words indeed for one who sells 15 ounces of meat, yet charges for a pound. Indeed, Jewish law states that the mere possession of dishonest weights is prohibited, because one who possesses such will ultimately use them.

In the Torah, the mitzvah of honest weights is followed by the mitzvah to remember the unspeakable evil perpetrated by Amalek against a defenceless Jewish nation as they were leaving Egypt—a seemingly strange juxtaposition. Rashi, basing himself on the Midrash, makes a startling comment: "If you lied regarding weights and measures, you must prepare for the provocation of the enemy". Dishonesty in business is the forerunner of Amalek. We know that G-d punishes midah k'neged midah, measure for measure. What is the connection between the crime and the punishment?

The Torah tells us, "Remember what Amalek did to you on the way when you were leaving Egypt...he struck those of you who were hindmost...and he did not fear G-d" (Devarim 25:17-18). The purpose of the Exodus was to instill the fact that "I am Hashem and I shall take you out from under the burdens of Egypt...and you shall know that I am Hashem, your G-d" (Shemot 6:6-7). So powerful was the Exodus that "Peoples heard, they trembled... terror and dread fell upon them" (Shemot 14:14-16). Yet Amalek, in contradistinction to every other nation, "did not fear G-d". To them, there is no providence, and G-d's will can be manipulated and ignored. Thus, Amalek is the perfect "punishment" for those who, by their monetary malfeasance, show that they, too, do not fear G-d.

As awful as it is to cheat others, a punishment of Amalek seems quite harsh and not quite fair. This notion may be understood as teaching the Jewish people that, just as we must eradicate the evil that Amalek reflects, we must do the same regarding unethical business practices. Furthermore, one who cheats others generally preys on the weakest and most vulnerable members of society, following in the footsteps of Amalek.

"Due to the iniquity of dishonest weights, Amalek comes". As we approach the Yamim Noraim, where the presence and dominion of G-d is the central theme of the day, we must ensure that we will be able to respond in the affirmative when asked, "Did you conduct your monetary affairs faithfully?"

Now some commentaries that address the unrest in our country right now:

"Let Justice Roll Down Like Waters"

Lessons for 2020 From Rabbi Abraham Joshua Heschel's 1963 address on religion and race by Micah Streiffer

<https://www.tabletmag.com/sections/belief/articles/heschel-on-race-and-religion>

In January 1963, with the struggle for Black civil rights in full upswing, Rabbi Abraham Joshua Heschel delivered a groundbreaking address to the first ever National Conference on Religion and Race in Chicago.

It was a tense and tumultuous moment in American history: Debate raged over school integration, segregated public buses, and voting rights for African Americans.

Heschel's talk followed that of a young pastor from Georgia named Martin Luther King Jr., who had increasingly become the most recognized spokesperson for equality—propelled by his charismatic speaking style, his commitment to nonviolent protest, and his powerful, faith-based rhetoric. Yet King's brand of activism was not universally applauded in the religious community. The civil rights leader and his concerns were seen by some Jews and Christians as too radical, and by others as outside the purview of religious life entirely.

Heschel—himself a unique mixture of mystic, philosopher, and activist, as well as a refugee from Nazi Germany—saw the conference as an opportunity to teach a Jewish lesson that would dovetail with King's powerful Christian narrative, to dig deeply into the biblical and rabbinic traditions and pose questions such as: *What would the prophets say about segregation? What does the Torah teach about racism? What does God demand of us in this moment?* The resulting essay is a sweeping moral and religious argument in favor of social activism and of racial equality.

It was at that conference that Heschel and King met for the first time and began to develop a friendship that would strengthen both of their resolve. From there, they went on to influence one another's writing and preaching, to support one another on important civil rights projects, and even to march side-by-side through the streets of Alabama.

In some ways, 1963 was a different time: before the Civil Rights Acts, before Affirmative Action, and long before the election of America's first Black president. Yet, nearly six decades later, issues surrounding institutional racism are still very real, and the ideas that Heschel offers in "Religion and Race" still resonate.

Racism is a religious issue

In his essay, Heschel frames the issue of racism in powerful religious terms:

At the first conference on religion and race, the main participants were Pharaoh and Moses. Moses' words were: "Thus says the Lord, the God of Israel, let My people go that they may celebrate a feast to me." While Pharaoh retorted: "Who is the Lord, that I should heed this voice and let Israel go?" The outcome of that summit meeting has not come to an end ... The exodus began, but is far from having been completed.

Heschel thus places the struggle for African American civil rights in a Jewish religious context: that of the exodus from Egypt. His basic argument is a familiar one today: Human beings are part of a single family, created in the image of God. Anything less than the full equality of all people is an abrogation of God's will and a travesty to

God's very being on Earth.

He thus defines racism essentially as a form of idolatry—as the exaltation of petty human prejudices above God's truth. At the same time he asserts that racism is a "disease"—one that affects "the spiritual substance and condition of every one of us." This dual definition of racism is important. Through it, Heschel asserts that the problem of racism exists in two spheres—the public and the private, the realm of social policy and the realm of individual bias/fear/privilege. Which means that it must be addressed in both spheres. It is not enough to outlaw hiring based on race, since employers' decisions are shaped by unconscious prejudices. It is meaningless to declare "equal protection under the law," as long as police officers and the African American community remain locked in a cycle—fueled by trauma, fear, power, and prejudice—that pits them against one another. It is premature to proclaim that our schools are integrated when Black and white students go home to such different neighborhoods, live with such different assumptions about themselves and their opportunities, and know so little about each other. These policy shifts must be accompanied by educational efforts, by training for law enforcement officers, by allocation of resources to address the deep traumas in the Black community, and by an honest individual accounting of each of our own personal biases—no matter how neutral or alert to injustice we think we are.

There can be no neutrality

By challenging us to admit our own prejudices, Heschel challenges the notion that one can be neutral in the face of racism. He argues in no uncertain terms that there can be no neutrality on this issue:

There is an evil which most of us condone and are even guilty of: indifference to evil. We remain neutral, impartial, and not easily moved by the wrongs done to other people. Indifference to evil is more insidious than evil itself. ...

An honest examination of the moral state of our society will disclose: Some are guilty but all are responsible.

Surely, when writing these words, he had in mind the crimes of Nazi Germany a mere 20 years earlier—in which whole segments of the population were systematically singled out for discrimination or destruction while so many stood by with feigned neutrality. Heschel drives home his point by drawing upon a halachic argument—found in the Talmud—that equates the crime of humiliation with that of murder:

"Bloodshed," in Hebrew, is the word that denotes both murder and humiliation.

Thus, by the definition of Jewish law, a society that humiliates or mistreats its citizens is morally equivalent to one that murders. And for a citizen to live quietly, "neutrally," in such a society is tantamount to being guilty of murder. This is one of the hard lessons of 2020: that the absence of active racism does not mean the presence of equality, since to do nothing is to preserve the status quo. Those of us (even within the Jewish community) who benefit from the privilege of being recognized as white have been—knowingly or not—perpetuating the deep racial divide in American society and the ongoing subjugation of the Black community. Knowing this calls for an active, anti-racist response to the current situation.

To act is not optional

Rabbi Heschel's final call, then, is for *teshuvah*—for a societywide process of repentance and change:

We have failed to use the avenues open to us to educate the hearts and minds of men, to identify ourselves with those who are underprivileged. But repentance is more than contrition and remorse for sins, for harms done.

Repentance means a new insight, a new spirit. It also means a course of action.

Would that these words were somehow less applicable today than they were in 1963. But they most certainly are not. Today, the problem of systemic racism still demands a sweeping and fulsome process of *teshuvah* in our society: an examination of the historical inequities, the resource allocations, the modes of training and education, the biases—both conscious and unconscious—that have led to the current situation. Not to do so would be an abrogation of our responsibility as citizens, as humans, as moral beings.

But even as Heschel exhorts us that this issue cannot be ignored, he reminds us that it *can* be solved, that “the greatest heresy is despair” and that the human capacity for goodness and for love is not to be underestimated. This hopeful message has resonance today as well, for in the midst of all the pain, the anger and the anguish, there is a real sense—perhaps more real than ever before—that change is possible. That the work is underway. That it is time to finally carry forward the task that was begun so long ago. Finally, let the passion of protest lead to lasting societal change. Finally, let words of hope be transformed into real equality. Finally, as the prophet Amos once wrote—and as both Rabbi Heschel and Dr. King were known to proclaim—“Let justice roll down like waters, and righteousness like a mighty stream.”

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We Must Engage the World Right Now by Ari Lamm (June 12, 2020)

<https://www.tabletmag.com/sections/belief/articles/norman-lamm-engage-the-world>

It was Sunday evening, the day after Shavuot, and my body felt like it was shutting down.

The first thing I learned when I turned on my phone just after the holiday ended was that my grandfather, Rabbi Dr. Norman Lamm, had taken a turn for the worse. By Sunday morning he had died. He was perhaps the greatest Jewish orator of the last century, legendary theologian, and president of Yeshiva University. He was also my guide, my hero, and my teacher. His death would've been devastating for me under any circumstance, but it was even more so because my beloved grandmother Mindella Lamm had passed away just a month earlier from COVID-19.

These twin losses, coming after months of sheltering in place and economic devastation and civil rights protests, were more than I could take. By the time I returned home from my grandfather's funeral on Sunday, I felt something inside of me give out. I lay down on the couch. I couldn't move. I could barely think. I slept. It didn't help. The Jewish tradition warns us against despair, but, to be honest, at that moment I felt something very close to it.

In a daze, I stumbled to my bookshelf. I found my grandfather's books, and began scanning through the tables of contents, searching for something, anything that would bring him back to me. I rifled through erudite disquisitions on religious doubt, Jewish higher education, modesty, even the spiritual implications of extraterrestrial life. All wonderful, but, somehow, I knew none of these would bring me what I sought. And so I turned to his sermons.

While my grandfather's many scholarly books and essays represented him at his most analytical, what I needed in my moment of anguish was not learned words on a page, but the sound of his voice. I needed to hear him speak from the soul. I needed his sermons, which, at their best, majestically captured the poetry of the Torah and its wisdom. I needed to see if he'd left behind any wisdom that might help me find some light in our dark collective moment. I clicked on the [digitized](#) database of his sermons, and clicked almost at random. And there, in a sermon from 1952, was the voice I was hoping to find:

"When the propaganda machines have ceased their loud clattering and the din of the partisan shouting has been silenced," read the sermon, "the still small voice of religion must make known its moral and spiritual judgment."

Consider the state of the Union when a young Rabbi Lamm wrote those words. The country was still mired in an increasingly unpopular overseas conflict. Domestically, a polio epidemic was sweeping across the nation. And on the social policy front, the nation was firmly in the bloody grip of Jim Crow. Twenty-seven states still had anti-miscegenation laws in force. Many states mandated racially separate services from railcars, to restaurants, to barbers. Three days after my grandfather preached these words, in fact, the Supreme Court began to hear arguments in *Brown v. Board of Education*.

I read and reread my grandfather's words perhaps a dozen times. I was stunned. I could almost hear my grandfather calling out from the halls of heaven, reassuring the Jewish people and our country that there is a way forward; that the Torah—the still small voice of the Jewish tradition—must inform our present, and holds the key to our future.

For my grandfather, Torah required two things: listening and teaching. Regarding the first, my grandfather believed, with ancient Jewish tradition, that God is the architect of creation, and that the Torah is the blueprint from which He worked. So in order to know God and His Torah, we must investigate and appreciate all the mysteries of creation, from physics and astronomy, to literature, history and all other records of the human condition. My grandfather articulated this point as a fleshed-out philosophy in his most famous book, *Torah Umadda*, published in 1990. But its roots lie already in his sermons, which are replete with references not only to traditional Jewish sources, but also the writings of Plato and Aristotle, scientific and literary journals, and great works of contemporary philosophy and social critique. The point is clear: In its most refined form, Judaism requires that we listen to, and learn from, others.

This is a critical message for us in 2020: As the nation continues to wrestle with historic mistreatment of black Americans, now is precisely the time when listening to those communities tell their stories would be both a source of increased wisdom and a

catalyst for healing. Keeping our ears open to black experiences can help us better understand our fellow bearers of the divine image, and bring to life the Torah's call, enshrined on the Liberty Bell, to "proclaim liberty throughout the land."

A willingness to listen is especially important at a time when prominent voices in the commentariat and government close their ears in the name of "law and order." In a sermon delivered in 1968, following unrest in nearly every major American city in the wake of Martin Luther King Jr.'s assassination, titled "Law and Order," Rabbi Lamm preached:

Human law is important—but it is not infallible, inviolate, or absolute. It must be subordinated to a divine *dayyan* [judge]. In essence this means that law prevails, but not above conscience, not above religious principle, not in the presence of a higher moral code. Therefore, for instance, Jewish religion teaches that *dina de'malkhuta dina*, that the law of the country wherein we dwell remains our law. However, when such governmental law bids us violate the law of the Torah, then it must yield, for human law is subordinate to divine law.

The higher, divine law requires us to listen and learn so that, as the Psalmist taught, we may gain a heart of wisdom.

But listening alone is insufficient. In fact, it is cowardly, reflecting a belief that deep down we have nothing to add ourselves. The student of Torah has much to learn from others, but has tenfold as much to teach. As my grandfather relentlessly emphasized for decades, all of society—the lofty and downtrodden alike—desperately needs the Torah's wisdom as well.

If that strikes you as a rabbi's wishful thinking, take a moment and study the long and still ongoing struggle for freedom and rights in this country. In the entire history of our nation, we have not achieved a single victory in the fight against racism that hasn't depended upon the values and stories of the Hebrew Bible. Abraham Lincoln, perhaps America's foremost theologian of liberty, drew extensively upon the Hebrew biblical tradition, especially in his famous Second Inaugural Address. In his Pulitzer Prize-winning biography of Frederick Douglass, David Blight referred to the legendary black orator as a "prophet of freedom," noting "Douglass' deep grounding in the Bible, especially the Old Testament." Martin Luther King Jr.'s public addresses are saturated through and through with learned references to the great Hebrew prophets, from Isaiah and Ezekiel, to Amos and Zechariah. Barack Obama's repeated references during the 2008 presidential campaign to "the Joshua generation" are incomprehensible without an understanding of the Hebrew scriptures. It is true, as Haifa University's Eran Shalev documents, that white abolitionists in America's antebellum period evinced an increasing tendency to invoke the Christian Bible as well. But this "further spotlights the one group that did *not* take the privileged American majority's lead in preferring the New Testament to the Old: black Americans, enslaved and free, would remain committed to the Hebrew Bible throughout the antebellum period and beyond."

The Torah, as my grandfather understood, is civilization's best hope. It represents the greatest, grandest moral tradition in the history of humanity. America's Jewish and black communities (which, of course, sometimes overlap), have always understood this

best. And without the Torah, my grandfather warned during the turbulent summer of 1953, we all become “easy prey for any cruel ‘ism’, which can tyrannize the empty souls of ignorant children, from atheism to communism to materialism.”

This is my grandfather’s answer from beyond the grave to the question of how Jews should contribute to society. Should we attend rallies? Should we give to activist causes? Should we call our members of Congress? Perhaps all of the above are worthy options. But these are activities in which anyone can engage. But what can we do that no one else can? What unique service can Jews render to society?

My grandfather’s answer is that we are the ones best prepared to bring forth the Torah from Zion and the word of the Lord from Jerusalem. In my grandfather’s words, “we must engage the world right now and, speaking in a cultural idiom it understands, say that we are dissatisfied with it.” The answers society seeks will not be found in secular academia, the jargonized world of activism, or the trendy domains of pious social media exhibitionism. None of today’s cruel, or even just empty “isms” could ever substitute for the majesty and wisdom of the Torah.

To give just one example: In place of the clunky, alienating phrase “systemic racism,” we can instead teach an American public still attuned to the language and morals of biblical religion that racism constitutes the sin of idolatry. Rabbi Lamm, in fact, developed this theory in several sermons spanning almost a decade. The Shabbat after the march on Washington in 1963, my grandfather drew upon the 19th-century commentator Rabbi Naftali Zvi Yehuda Berlin (known by the acronym “Netziv”) in explaining that idolatry—a crime that usually requires the support of an entire social and cultural apparatus—is the best way to think about racism in America:

It was bad enough when hate-frenzied mobs lynched individual Negroes, but this crime of *shefikhat damim* [homicide] is exceeded by the greater blot on our record: the methodical economic exploitation of one segment of our population, the systematic oppression of one race as the source of cheap labor and its designation as the first to suffer in any economic recession. When the economy of a great nation is built upon such patent injustice, it is a crime of *avodah zarah* [idolatry], it is a breach of faith. It bespeaks lack of faith in G-d who is *av echad le-kulanu*, One Father for all humans, making us all brothers.

Here we can find all the concepts that talking about systemic racism hopes to convey. But rather than reflecting the sterile terminology of academia’s secular gospel, Rabbi Lamm drew from an elevating biblical vocabulary that has always nourished this country. He employed the only common language Americans have ever shared for discussing race, equality and human dignity: the Hebrew Bible. These, my grandfather reminds us, are the truths we can and must teach our fellow Americans.

My grandfather believed that the Jewish people must listen to and learn from others, yes, but he also knew that we must never accept the role of listening or following only, even when this is what social justice activists demand. This would be an abdication of our responsibility to teach, bringing the Torah’s insights to those around us.

Reading through my grandfather’s sermons, the dual charge to listen and to teach, came through clear as day. But the more deeply I delved into them, the more I also began to perceive a warning simmering just beneath the surface. I think he expressed

it best in a sermon from 1970, "Confessions of a Confused Rabbi," delivered two weeks after the Kent State shootings and shortly after the beginning of America's Cambodian campaign.

In that sermon, my grandfather relates that young people in his congregation had approached him to ask why he hadn't addressed those events when they occurred. He confessed that he felt conflicted. On the one hand, he was outspoken against the Vietnam War and considered the Kent State and Jackson shootings "a blot on the history of our nation." Moreover, he several times delivered spirited (if qualified) defenses of hippie culture and '60s campus activism. (Considering his audience of prim, refined German Jews, that was probably the bravest stand he ever took in his rabbinic career). And yet, as he explained, he could not go all the way with the zealous student activists of the day. He gave several reasons, but the third one in particular stands out:

Third, I question the priorities and consistency of many Jewish students when they make of the Black Panthers a *cause celebre* of their moralistic movement. Yes, I agree that they are, in this country, entitled to a fair trial and to be protected from police brutality and vindictiveness. I believe we should see to it that the police who were brutal are punished, and that even Black Panthers receive their rights as American citizens. But they are not our friends! They are anti-Semites and they are anti-Israel. I would like to see young Jews who seek justice for the Black Panthers—and more power to them in their passion for justice—oppose these pernicious anti-Semites with equal zeal.

Although my grandfather considered the anti-racist cause for which the Black Panthers, the most influential black militant political organization of the late 1960s, fought a righteous one, he could not and would not ignore their blatant anti-Semitism and anti-Zionism. Citing the early rabbinic sage Hillel's famous dictum, "if I am not for myself, who will be?" he exclaimed, "I have nothing but contempt for the so-called 'universal' Jew who makes every people's concern his own, save that of his own people."

That my grandfather believed with all his heart that black lives matter and, in light of American history, require special care and protection, I have no doubt. He said as much, and more, over the course of decades' worth of preaching and teaching. What, however, would my grandfather have thought of the Movement for Black Lives, an umbrella organization that, to this day, proudly proclaims on its website that Israel is an apartheid state (in its "Cut Military Expenditures Brief")? We cannot know of course. What I do know is that he insisted that everything we do, we do not because we are "allies," but because we are Jews. That means that we are morally bound—whether by God, as he believed, or at least by the force of history or self-respect—to exhibit no tolerance for those who would demonize our people. As my grandfather stressed, "we have no right merely to dismiss offhand the interests of *kelal yisrael* [the Jewish people]."

I suspect that while today's Jewish community's anti-racist activism would have made him proud, as it did once upon a time, he would have been horrified by those, like the Movement for Black Lives, who ignore, excuse, or only half-heartedly protest the

defamation of our people by those who should know better. It would certainly be much easier, especially in the untamed wilds of social media, to downplay our concerns, or weakly deflect that "this is not about us." But as my grandfather preached in that same sermon from 1952 with which I began, "if Peace conflicts with Truth, Peace must go and Truth must prevail."

By the time I finished reading, it was long past midnight. I had read through dozens, maybe hundreds of sermons, luxuriating in the sound of my grandfather's poetic, prophetic voice. Yes, I was still completely heartbroken. But I found that I could stand a little straighter. In a world and at a time that feels so broken, I began to feel a surge of hope. My grandfather may have departed this world for the next, but he left his wisdom behind for us. He instructed us to listen with an open heart to the perspectives of others; he charged us to bring the Torah out into the world around us; and he cautioned us never to forget our Jewish self-respect when we engage with society. In the end, as I eventually drifted off to sleep, all I could think about were the words with which my grandfather concluded his eulogy for his own grandfather in 1949: "I [imagined] him say to me, in an affectionately mocking tone, 'Why make a fool of yourself crying here now?' And then, 'Go home and start learning. You have a lot of constructive work to do that you'll be missing if you tarry here too long. Not that I mind your presence ...'"

(Rabbi Dr. Ari Lamm is the CEO of the Bnai Zion Foundation, and a historian of religion)

[What and Whose Violence? My Personal Experience by Rabbi Michael Lerner](https://www.tikkun.org/what-and-whose-violence)
<https://www.tikkun.org/what-and-whose-violence>

Ever since large numbers of people spontaneously took to the streets in wake of the police murder of George Floyd, large sections of the media have focused on the destruction of windows and in some cases actual looting of stores, and media pundits have agonized over the alleged tendency of "the Left" to be wedded to "violence." Now the NY Times says that the looting in Wisconsin in response to the cold blooded shooting of yet another African American by police may be scaring suburban voters back into support for Trump's camp just before the election.

I share the following story to provide a context that must be taken seriously as we assess what is happening in our streets. I was indicted in 1970 as part of what became known as "the Seattle Seven Conspiracy Trial," after an anti-war and anti-racism demonstration turned chaotic when dozens of police attacked the demonstrators with clubs and tear gas.

The demonstration took place a few days after the close of a more famous trial of "the Chicago Seven." While the jury in the Chicago trial was out (and would return a verdict of "not guilty") the judge cited all the defendants for contempt of court and sentenced them to prison. I was a visiting Assistant Professor of Philosophy and had founded an organization that we named the Seattle Liberation Front to challenge militarism, racism, inequality, and many other perversions of what we believed to be American ideals. We felt the need for a new organization because the most popular youth anti-war organization, Students for a Democratic Society (SDS), had been taken over by the

violence-exalting Weatherman organization, that had a few months before taken over the national office of the SDS and had declared the SDS dissolved.

We sent letters to the judges at Seattle's Federal Courthouse and to other public officials declaring that we would be coming to the courthouse to conduct a "teach-in" to the judges on the ways that the Nixon White House was using the courts as a political instrument to undermine the freedom to express dissent and petition our government to stop the war in Vietnam, and release Bobby Seale, the national chair of the Black Panther movement who had been tied up and gagged during the Chicago trial.

When we arrived for the teach-in, the doors of the courthouse had been locked and we had no alternative plan. After forming small groups to decide what to do next, the police arrived and began assaulting over 2000 demonstrators. At that point, some protestors fought back, some threw paint on the courthouse, and others threw rocks breaking some windows. Most started a spontaneous march chanting anti-war and anti-racism slogans. The police followed them, throwing tear gas. Within two hours, many of the downtown offices had been closed because the teargas made work impossible. A handful of demonstrators broke windows of downtown stores.

The media asked me to comment on the demonstrators' violence. I made two points: 1. I regretted the destruction of property but pointed out that the U.S. government that very day was killing hundreds of Vietnamese and destroying far more property than the windows of a handful of stores, and 2. The word "violence" was only appropriate when used to describe acts that caused sentient creatures (animals and human beings) pain and/or bodily injury. It was only in capitalist societies that cared more about property than about people that this term was now being used against those of us who were trying to stop U.S. violence against people of color in Vietnam and in America's ghettos. (I should have added and against animals.)

The next night, at a meeting of the activists, a tall young man in perfect hippy attire stood up and shouted in outraged tones: "who gave professor Lerner the right to apologize for what we did yesterday? We should have done more damage to those stores and to cars—they are all owned by people with white skin privilege." At the trial, he was revealed as one of the many undercover agents who had infiltrated our organization (our meetings were publicly advertised).

We were charged with conspiracy to destroy federal property (the courthouse) and using the facilities of interstate commerce with the intent to incite riots. The most dramatic moment of the trial came when another witness for the prosecution, a young man who had volunteered out of patriotism and hatred of the Left, testified under cross examination that the paint that had been thrown at the courthouse had been paid for by the FBI and that he, working with the FBI, had brought the rocks to the courthouse the night before (because there were no rocks in downtown Seattle). In response, many members of the jury gasped loudly. The government's "conspiracy" case had totally fallen apart. The prosecutor asked for a postponement for a day, using the excuse that the next defendants arrived late to court, the judge declared a mistrial and held us in contempt of court. Another defendant and I were sent to Terminal Island Federal Penitentiary 1000 miles away, and when the 9th Circuit

ordered the judge to release us, he publicly refused their order, President Nixon called him publicly to congratulate him for standing up to the “notoriously liberal” judges (presidential lawlessness was not invented by President Trump). We were in prison many weeks before the 9th Circuit ordered the prison to release us for at least for a week so that we could appear at the appeal hearing overturned the contempt conviction.

So when I hear radio or television claims that the anti-racist, environmentalist, and pro-economic justice demonstrators are violent extremists (and demonstrators pointing out that the destruction of property was mostly done by others who were not really part of their demonstrations), I wonder why the media focused so much on the few lawless among the hundreds of thousands around the country who took to the streets. I have witnessed agitators sometimes succeed in recruiting sincere anti-racist demonstrators into acts of property damage, and I’m aware that some people living in or near poverty will “loot” when given a chance, perhaps the only way one they can slightly redress the wild inequalities of wealth they face, hoping to sell some of what they looted and not even imagining that in so doing they are giving credibility to those who want to dismiss the larger anti-racist and pro-justice causes that brought so many people to the streets. Yet, as I learned as a defendant in Seattle, it is a huge mistake to underestimate the conscious and illegal behavior of some police, undercover government agents, and, as in Portland, overt and transparent agenda of the Trump administration to incite a new civil war by inciting violence and the destruction of property, which sections of the media falsely identify as the doings of the demonstrators for justice and an end to racism.

We spiritual progressives should do all we can to stop the looting. It is wrong because it causes damage to Americans (white and Black) who have not been the source of American racism. And it has a destructive impact politically, pushing people into the arms of the racist police forces and racist politicians who, using the promise of “law and order,” win people whose interests would be better served by progressive policies. Looting is a gift to right-wing extremists and detrimental to the struggle against racism—which is precisely why right-wing politicians are making looting a central part of their fear-mongering strategy in American politics in the months before the 2020 elections. (Rabbi Michael Lerner holds a Ph.D. in philosophy (1972) and a second Ph.D. in psychology (1977), is editor of Tikkun www.tikkun.org, executive director of the Institute for Labor and Mental Health and rabbi of Beyt Tikkun Synagogue-Without-Walls in Berkeley.)

Yahrtzeits

Merna Most remembers her husband Dr. David Most on Tuesday September 1st (Elul 12).