WHAT IS SAID AND WHAT IS HEARD
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1. Two very troubling and provocative events in the Jewish world happened this week
    a. FIRST: The banning and fining of Donald Sterling the nominally Jewish owner of the LA Clippers Basketball team for grotesque and racist remarks that he made to his mistress about publicly associating with African Americans. (He didn't want her too.)
        i. She recorded his disgusting tirade and sold them to the TV Tabloid TMZ. The world heard them and the NBA threw him out of basketball, fined him $2.5m and might force him to sell the team.
    b. SECOND: The vote by the Conference of Presidents of Major Jewish Organizations to **not** allow J-Street the left leaning Israel Advocacy group a seat at the table when they applied for membership to the conference.
2. These two events would seem to be unrelated
    a. In Sterling's case: A long time racist is caught on tape being who he really is
    b. As for J-Street the old guard Jewish communal organizations voted to maintain the status quo turning a deaf ear to the calls from younger Jews to expand the dialogue on Israel.
        i. There is nothing new here.
            1. Racists are the last to realize they are racists
            2. Institutions are slow to change – even when change is all around them.
        ii. As we say in Talmud, *Ain hadash tachat hashamayim* there is nothing new under the sun.
            1. And while that may be in fact the case – two important lessons rise from these two seemingly unrelated issues.
3. The first lesson is that nothing is private anymore
    a. In Don Sterling's case while I find his comments atrocious and deeply offensive I am deeply troubled that a private conversation between two people can be surreptitiously recorded and for what he said in private he is fined, banned and might be forced to divest from his ownership of his team.
        i. I do not defend his horrendously hateful remarks
        ii. But I do think he has a right to say them in the privacy of his own home.
    b. If we start prosecuting people (and he was tried not only in the court of public opinion but also by the NBA Commissioners office) for what they say in private to other people, especially when those comments however distasteful they are, where does that leave the freedom of speech and thought?

c. It was Evelyn Beatrice Hall writing in her biography of Voltare, who penned the phrase: “I disapprove of what you say, but I will defend to the death your right to say it".
d. Like it or not Donald Sterling has a right to be a racist idiot in the privacy of his own home.
e. Just as each of us has a right to our own private opinions and thoughts – many of which others too would find abhorrent and indefensible.
    i. Otherwise be prepared to let loose the thought police and grant them the right to determine which of our private utterances—even those we view as innocent or taken out of context—can be leveraged to take away our jobs and possessions not to mention our reputations.

4. The second lesson – which is really related to the first, is that the quaint notion that there is a firm dividing line between internal community dissent and external public debates is a fallacy.
    a. There is no privacy anymore and in regard to Jewish communal life there never has been.
        i. And that’s a good thing.
        ii. Judaism has never kept its debates be they between Moses and Korach, Hillel and Shamai or Ben Gurion and Menachem Begin behind closed doors. Even if the doors were closed the windows were open.
            1. By which I mean – we were fooling no one trying to hide the reality that we are not monolithic is our opinions or approach to anything and certainly not what is in the best interest of the Jewish People or Jewish State.
                a. The old punch line to a joke no one can remember anymore – ‘Two Jews, Three Opinions” is funny because it is so true.
                    i. We ourselves as individuals are often of two minds and opinions on many things.
    b. What I find tragic and discouraging about the vote by the conference of presidents.
        i. the vote by the way was 22-17 against inclusion with 2/3 needed to grant them a seat.
    c. What I find tragic is that not only are we lying to ourselves to think that the views of J-street don’t matter to the larger Jewish community.
        i. We clearly realize that they do matter, so much – particularly to younger Jews who have grown disenchanted with the ‘Israel can do no wrong’ position of those 22 Jewish organizations. That we fear the reality of their position.
            1. We don’t legitimize J-street by including them at the table – rather we DELEGITIMIZE all the other Major Jewish Organizations by NOT INCLUDING THEM.
        ii. I disapprove of what you say, but I will defend to the death your right to say it

1. Let them come to the table and be shouted down.
2. Let them bring their resolutions and have them fail in a democratic process.
    a. If the Major Organizations fear they might pass, if they fear they might gain support then what the Conference fears is exactly what J-Street is saying – they are out of touch and no longer representative of the people they claim to represent.

5. We gain some perspective on these two issues –
    a. What we say in private that becomes public and
    b. What we say publicly that we want to keep private in this week's Torah portion, Emor in the Book of Leviticus.
    c. The parasha itself Emor – means SPEAK
    d. In addition to key commandments relating to priests in the Temple and the food offerings they consume. Emor relates the story of a "half-Israelite young man" (Egyptian father), who fights with a full Israelite because he is not being allowed into the camp.
    e. The "half-Israelite" then profanes the name of God by speaking out against God in a blasphemous way although we don't know what he says. God instructs Moses that the man is to be stoned to death, and the sentence is carried out.
        i. As an interesting aside I just want to point out that the man has a good reason to be angry at God and God's Law. According to midrash his mother who is named in this parasha and the only woman named in all of Leviticus: Shelomit bat Divri was Jewish, her husband was the Hebrew slave that was beaten to death by the Egyptian Taskmaster we read about in the Moses story.
        ii. Why was the man beaten to death?
            1. Because he discovered the Egyptian taskmaster had raped his wife Shelomit and confronted him. Moses ultimately sought vengeance. The boy who is now sentence to death for blasphemy against God's name was the result of that incident of rape. Case out by the Jewish community, literally denied a place within the camp he has good reason to be angry and to blame God and Judaism.
    f. This young man does not die for any act he performs. Rather, his words prove offensive to the holiness of God and Israel. The Torah doesn't reveal how many Israelites hear the condemned man profane God's name, but he makes his statement publicly. His words could have incited some or even many in the Israelite camp to join him in rejecting God, thus his punishment.
        i. Its harsh – but not unprecedented by biblical standards

ii. But we don't live by biblical justice – and thank goodness as many of us would be stoned to death for what we wear, what we eat and what we do on a daily basis.

6. Let's be honest. Sterling's remarks were never intended to be made public or to sway anyone but his girlfriend.
7. And the opinions of J-street agree or disagree with them, keeping them out of the room will not silence them, in fact it might only provoke them to scream louder to be heard.
    a. This should lead us to consider two ideas. First, whatever we say even when private, can come back to haunt us.
    b. Second, we no longer enjoy any comprehensive freedom to express ourselves—including our prejudices or opinions. Who knows when we're being recorded and by whom? And the means to air recorded comments abound. If private words are made public, we may be condemned not for what we've done but for what we've said. Our deepest feelings, misguided as they may be, can be used against us.
8. And by the same token – who has the power to silence our public opinions? In this age of internet, email and 24 hours news. There is no mute button. We can cover our ear but people are still talking only we can't hear what they are saying.
9. I make no excuses for Donald Sterling. I also believe that Adam Silver, commissioner of the NBA did the right thing for the NBA.
    a. But someone recorded a private conversation without Sterling's permission then used it against him. There's something wrong about that.
    b. I defend the right of the Conference of Presidents to vote in a democratic ways on who gets to sit at the table, but they are misguided if they think their vote will silence J-street. The only people who will not hear J-street are those around the table, those who perhaps need to hear a difference of opinion the most.
10. The nameless young man in the parasha is silenced – he is stoned to death. But 3000 years later we are still talking about him and what he said.
    a. Words live on – longer than people do
        i. Be careful in what you say our rabbis caution, because everything is heard somewhere.
            1. You can close your eyes but you cannot close your ears, no matter how hard you try.
            2. Sometimes the best idea is to simply close your mouth.