YOUR PERMANENT RECORD
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Yesterday was hard for me, it was painful.

Like many of you, I was riveted to the TV and radio listening to the testimony of Dr. Ford and Judge Kavanaugh in the US Senate.

Of all the things that happen in US politics the appointment of a Supreme Court Justice probably has the least bearing on me or any of us living here in Canada.

And still we are at an inflection point in history. Yesterday was about much more than a political appointment, it was a crystallization of the divisions that are tearing at the social fabric of American society, and really most western nations. Those divisions hung in frayed tatters like the strands of *kryiah* ribbon, the torn cloth that symbolizes Jewish mourning. Yesterday was a day of tearing of the ties that bind us together.

For women and enlightened men in this #MeToo moment of awakening yesterday affirmed their greatest sadness and fear that a woman's voice is still discounted and distrusted. That no one is listening to their cries of pain, of abuse. No one believes them. Blame the victim, boys will be boys, you don't matter.

For white America, particularly white American men, they mourned the loss of their privilege and power, passionately articulated by Sen. Lindsey Graham when he declared indignantly "I'm a single white male from South Carolina, and I'm told I should just shut up, but I will not shut up," He articulated the rallying cry of so many who feel we have to go backwards to make our society great again. That whatever progress has been made toward inclusion of the minority has been at the exclusion and expense of the majority class.

And we mourned once again the death of civility, decency and democracy. The erosion of societal norms and long fought for customs that seem to be the only bulwark against total anarchy. The breakdown of "mutual toleration" and respect for the political legitimacy of the opposition. The importance of respecting the opinions of those who come legitimately to different political opinions, in contrast to attacking the patriotism of any who disagree, or warning that if they come to power they will destroy the country.

Yesterday was a day of sorrow, of mourning, of rending; and yet it there was torah in the midst of the whirlwind.

Azeh hu hacham, halomend m'kol adam – who is wise, the one who learns from all people. It's a verse found in the Mishna, in pirkei avot, but it is also written here, on the attarah of my tallit, as it has been from the day I was ordained a rabbi. It's the code that I have tried to live by in my

life and certainly in my rabbinate. There is always something to learn, from everyone, even those you disagree with, especially those you disagree with.

So, what can we learn from yesterday, what can our tradition teach us from such a revealing moment in the tearing of our social fabric?

I think there are at least three lessons that Jewish tradition can illuminate and that transcend these two people, the politics of the day and even this moment in history, as transcendent as it already is:

[1] Everything is part of your permanent record.
I tell my Bnai Mitzvah students that our lives are a book that we write with every action we take everyday. That up until age 13 those pages are written in pencil, you can cross out, you can erase, but from the age of majority in Judaism, from age 13, we start writing in ink and what is written then is indelible, it will follow us forever. Even the more true in the age of social media and the internet.

Just like *Sefer haHayim* that we speak about during the High Holy Days, this is the book of our life and what is written there bares testimony to our days and our years.

Why do Jews wear a yarmulke?

Because it reminds us that we live our lives on camera, maybe we can hide what we do from other people but like Jonah who tried to hide from God, everything is ultimately seen and recorded. Even if you don't believe in an all-knowing God, the Jew is commanded by tradition to live as if; as if God exists and can see all we do, and therefore we must live with integrity.

Rabbi Judah HaNasi said: What is the right path to choose? One noble in itself, he answered and noble in effect. Know what is beyond and what is above: an eye that sees, an ear that hears, a hand that writes.

[2] The power of words.

Midrash Vayikra outlines the seven traits that God hates:

1. arrogant eyes
2. a lying tongue
3. hands that shed innocent blood
4. a heart that devises wicked thoughts,
5. feet that run eagerly toward evil,
6. a false witness
7. one who sows discord among people.

How many of these violations pertain to an irresponsible use of speech? More than half by my count.

Speaking and thinking ill of another person, construing their actions in the worst possible way, gossiping and spreading rumors which harm the reputation of another person — these activities are so widespread in our social discourse today that they no longer attract our notice at all. Yet they strike at the core of the kind of world Judaism is trying to establish. Those practices provoke a cynical disregard of human decency; they cultivate our suspicion of each other and our assumption that others are speaking ill of us behind our backs just as we are of them.

In Hebrew, such speech is called *lashon hara* (literally, "an evil tongue"). *Lashon hara* is the practice of speaking about other people, rather than speaking to them. It involves transforming a living, complex human being into a caricature — an object of evil, or sloth, or competition. In speaking ill of others, we participate in their dehumanization, initiating a process whose end is uncontainable.

A story is told of a wandering merchant who came into a town square, offering to sell the elixir of life. Of course, large crowds would surround him, each person eager to purchase eternal youth. When pressed, the merchant would bring out the Book of Psalms, and show them the verse "Who desires life? Keep your tongue from evil and your lips from speaking falsehood."

Judaism teaches that the sin worse than murder is gossip and slander, because where with murder the victim suffers only once, with gossip and slander the victim suffer again and again and again. Like a feather pillow ripped open in the wind, once falsehood is given voice it is impossible to unhear what has been said, impossible to get all the feathers back in the pillowcase.

[3] **Do not bear false witness.** In Jewish tradition our rabbis are quite concerned with one who is wrongly accused, indeed it is so important that right there amongst the 10 commandments is the commandment not to bare false witness.

The Torah says (Deuteronomy 19:15): "One witness shall not arise against a man for any sin or guilt that he may commit; according to two witnesses or according to three witnesses a matter shall stand." Thus, two witnesses provide conclusive proof of reality, but one witness does not.

Interestingly the testimony of two witnesses is equal in its force to the testimony of three or more witnesses. Thus, if two witnesses say an event occurred, and one hundred witnesses say it did not occur, the two groups of witnesses are considered to contradict one another, but no more weight is given to the larger group; other evidence is needed to reach a judgment.

We know well the role that witnesses play in Jewish history, how critical their testimony is even when the thing appears to be so clearly known. Think of those who spoke against Eichman, the survivors of the Shoah who are rapidly diminishing in number recorded their testimony and memories for generations to come, so that they could bear witness to the unfathomable.

The *Shema* – the watchword of our faith, has coded within its writing, in the oversized *Ayin* and *Daled* of the first and last words the word *Ayed* – witness. As Jews we bear witness to the oneness, the unity of God in all things.

And there was apparently a witness and a third person in the room with a young Dr. Ford and a slightly older Judge Kavanaugh, Mark Judge, he did not come forward, he did not bear witness beyond a statement through his lawyer. We don't know because he could not be questioned if he beared true or false witness?

Thus, we were left with only the voice of the alleged victim and the accused.

Popular culture calls this a He Said-She Said dilemma, to which we essentially say there is no just solution, you can never really know.

Judaism has a different take, the story that comes to mind is that of King Solomon and the baby. For those that are not familiar or forget the particulars. Two women come before King Solomon both claiming to be the mother of a child. There are no witnesses that can collaborate their claims, there was no DNA testing, only one person's word against another; she said-she said in this case.

Solomon revealed their true feelings and relationship to the child by suggesting cutting the baby in two, with each woman to receive half. With this strategy, he was able to discern the non-mother as the woman who entirely approved of this proposal, while the actual mother begged that the sword might be sheathed, and the child committed to the care of her rival.

I watched yesterday and for me the baby in the case of Judge Kavanaugh and Dr. Ford was the legitimacy of the court itself, the confidence of a nation. The sword was the threat or insistence of an FBI investigation in to the alleged incident. Dr. Ford consented, even begged that an investigation be undertaken, Judge Kavanaugh dogged and would not answer the question, ultimately deferring to the vague position that it was not for him to decide, an interesting position for one who sits in judgement of others. But without witnesses, and by the Solomon test – his willingness to sacrifice the integrity of the court and due process to win the seat, to cut the baby in half was telling, at least to me.

Yesterday was a painful day, may we learn the lessons it so painfully taught:

1. Everything is part of your permanent record
2. Words matter
3. Do not bear false witness

And perhaps there is a forth lesson from all of this as late this afternoon we learned that one senator, Jeff Flake of Arizona held up the vote on Judge Kavanaugh's confirmation for one week so that an FBI investigation could be conducted into Dr. Ford's allegations, he too cried out 'spare the baby'. An act of political courage and bipartisanship that has been seldom seen in the United States in the last 30 years.

Perhaps the lesson from Sen. Flake's actions is *b'makom sheh ani anashim, l'histadel l'hiyot ish.* In a place where people are acting inhuman, be a human being, be a mensch, save the baby.

Perhaps the lesson is that one person, of integrity and selflessness, and wisdom can make a difference, indeed that has historically been the case since the time Abraham argued with God to stave off, at least for an investigation, the destruction Sodom and Gemorah and it is again today.