

## Speaking Up and Shutting Up

עת לקשות ועת לדבר:

There is a time for silence and a time for speaking (Ecclesiastes 3:7)

Or the less pc and less religious sounding version of this phrase : There is a time to speak up and a time to shut up.

This year, on facebook and in my September Ruah article, I put out a challenge for us to create our own communal al chet, which we will be weaving into our Yom Kippur services. I received a number of thoughtful responses that have already begun to deepen my process of reflection - so thank you to everyone who shared their responses. I hope to use these confessions from the heart to help me examine and own where my actions have missed the mark.

*Al chet sh'hatanu lefanecha through not hearing the message behind the words.*

*Al chet sh'hatanu lefanecha by taking sides...and by NOT taking sides.*

*Al chet sh'hatanu lefanecha by acting without thinking, and by thinking without acting.*

These are three of the responses I received which really hit home as they related to some of the key questions that have been preoccupying me.

This past year, I have found myself, more than ever, asking myself the question of when MUST I speak out, when speaking and acting don't feel elective any more, but a moral imperative?

And when is speaking and acting beneficial but not at the level of a moral imperative?

And when is my speaking neutral with no great gain or loss?

When is it harmful to speak? When is it harmful to not speak?

And how do I make sure to listen and understand prior to speaking?

The world around me feels very different than we gathered last Yom Kippur.

My personal life has been pretty stable (for which I am grateful). A few more grey hairs (which I have disguised), my children thinking they are wiser than last year, my body finding exercise just a little bit harder, and I'm finding late nights a little bit harder.

But the world around me is swirling and changing rapidly and it often feels the floor has been pulled out from under me. Our world is on fire. It seems that everything is a critical subject to be addressed. As one rabbinic colleague joked, this year, the question for rabbis is not what topic to speak about, but what topic is not a critical subject to address.

There is so much on my mind tonight. So many subjects that need addressing. Rather than speak about any one particular current concern tonight, I want us to examine some of the underlying dynamics to our interactions, considering how and when we choose to speak and act or refrain from speaking and acting, and about our ability or lack of ability to listen.

Tonight, I have chosen to bring a cautionary tale from the Talmud as a lens for examining our interactions with each other. This story is at least 1500 years old, but I feel it could've been written today with all of its contemporary resonance.

As I read this story, I see it speaking to a myriad of contemporary topics - many, many in the realm of politics, and news, and many on the interpersonal front, stories from people's families and marriages and work settings.

Tonight, as part of this dvar torah I have chosen deliberately not to name any of the contemporary echoes I hear in this story. (Though would be happy to talk about it in smaller, more intimate settings). I have chosen not to name any contemporary applications for two reasons:

- There is no way to be exhaustive in my list of where it applies and I don't want our reading of the story to be limited to any list I might provide.
- And because tonight I want to move beyond politics and tweets and the noise flooding us 24-7 through our screens to consider timeless questions of our behavior and interactions.

My hope is to provide this Talmudic story from Sanhedrin 26a and a brief analysis as a guide for our reflections this Yom Kippur and on our travels on a the journey of life.

This story I bring does not provide clear answers, nor good role modeling. It is one where people get it wrong at each and every point. It is a story with missed opportunities and examples of to what not to do. I bring this story as I fear it is **our story**. I bring it with the hope that we can be different from the characters in this story and avoid falling into the same traps and to figure out how to behave differently. It doesn't need to be our story.

This is the work of this day, to take account of ourselves and move towards teshuva.

This story has a number of details and complexities that I have taken a few liberties to simplify in my retelling, though it is still rather complicated. Following the story, I will provide a brief analysis. And on the table in the lobby there are copies of the story for anyone who wants to study it in more depth.

A bit of background to the story:

- The story involves 6 individuals, though we only hear three voices, and two of the individuals don't even have a name.
- Everyone in the story, or at least all those with agency and voice have many missteps, and with that cause pain to others.

- The story takes place during the sabbatical year. There are certain agricultural prohibitions in the land of Israel for land owned by Jews including being forbidden to plow and prune unless there is economic distress.
- Our current fixed calendar system when it is known in advance when the Jewish leap year occurs was established in the 4th century CE. In a leap year, we add an additional month, the month of Adar Bet prior to Purim. At the time of our story, the leap year schedule was not yet fixed. There was a yearly decision process to decide whether or not to add the additional month based upon such factors as climate conditions and the sufficient ripening of crops.
- The deliberations about the calendar were supposed to take place in the land of Israel, though in our story, the rabbis making this decision are heading to a city named Asya, in Turkey to deliberate - perhaps this is a tip off that things are not right in the world at the time of this story, with the rabbis bypassing the authoritative place of decision making, for an alternative place to deliberate - or perhaps their leaving the land of Israel is simply another dimension to everything in this story being broken.
- The story includes many themes. I personally hear the themes of speaking up and opting not to speak up, poor listening skills, labelling, verbal escalation, scapegoating, corruption, abdicating responsibility, turning a blind eye, privilege, challenging credibility and overinflated egos. It raises questions about how we build and destroy relationships.

Now, for our story.

Once there were two rabbis, Rabbi Hiyya and Rabbi Shimon who were on their way to Asya, to deliberate whether to add a leap month to the calendar for that year.

Reish Lakish decided to join them to learn about the deliberation process.

On the road while in the land of Israel, Reish Lakish saw a man plowing (which under most circumstances would be forbidden as it was the sabbatical year). Reish Lakish turned to Rabbis Hiyya and Shimon and said: "Look at this cohen who is plowing." Rabbis Hiyya and Shimon answered that he could be a hired worker in the field belonging to non-Jews which would make his plowing permissible.

The Rabbis continued on their way when Reish Lakish saw a man pruning vines in his vineyards (pruning for agricultural purposes is not allowed). He said to the others "here is a cohen who is pruning vines during the sabbatical year". They replied that he could say in his defence that he needed the branches to make a basket for his olive press - which is allowed.

The narrator of the story wants to know why Reish Lakish presented the men as cohenim when no personal details, including tribal status was known. The narrator answers its own question that cohenim are suspected of desecrating the sabbatical year given them having additional access to corruption because of special food designated for cohenim.

Our story continues with Rabbis Hiyya and Shimon, in fine aramaic, commenting about Reish Lakish: this one is a nuisance, *torada hi*.

When they reached their final destination for deliberating the calendar, Rabbis Hiyya and Shimon went up to the roof, and took the ladder out from under them in order to prevent Reish Lakish from having access and joining them.

Reish Lakish then comes before Rabbi Yohanan, his long time hevruta (study partner) and a very important and powerful sage at the time. Reish Lakish asks him “are people suspected of desecrating the sabbatical year kosher to rule regarding the calendar?” casting aspersions on the legitimacy of Rabbis Hiyya and Shimon.

Reish Lakish continues to disparage Rabbis Hiyya and Shimon by comparing them to a case of cattle herders (a talmudic insult) ruling on the calendar, who were ineligible to be rule about the calendar. And concludes that Rabbis Hiyya and Shimon are worse than the case involving cattle herders suggesting they are a conspiracy of wicked people.

Rabbi Yohanan answers Reish Lakish’s concern and accusation with two words:: dah akah, this is problematic.

Rabbis Hiyya and Shimon then come to Rabbi Yohanan, and say to him, Reish Lakish referred to us disparagingly as cattle herders and you said nothing in response?

Rabbi Yohanan replies: “And even if Reish Lakish had referred to you as shepherds, who are also disqualified from bearing witness in addition to being disqualified from serving as judges, what should I have said to him? “

And thus our story ends - with no reciliation or conclusion or even an explanation of what Rabbi Yohanan finds problematic. And no where in Talmudic literature do these characters meet again.

Let’s break this story down, character by character, looking at the flaws and missed chances and their inability to hear the messages behind the words.

First, our two anonymous men in the field whose names we don’t know, nor what they are truly doing or why they might be doing forbidden acts. They are voiceless. We never hear their perspective or learn more details. We only know what Reish Lakish proclaims he has seen, colored by his impressions and very limited knowledge. Their identity is exclusively spoken about connected to their presumed tribal status. And while we hear a possible defense of them by Rabbis Hiyya and Shimon that also is conjecture and the truth remains unknown.

Next we have Reish Lakish. Reish Lakish appears at the beginning of our story interested in learning from Rabbis Hiyya and Shimon about the leap month deliberations. But before he can do

that, he quickly becomes suspicious of the people he sees on their journey, coming to negative conclusions about them, labeling them as cohenim and accusing them of breaking Jewish law. He doesn't stop to ask the people in the field what they are doing, he doesn't learn their names, nor does he pause to consider why Rabbis Hiyyah and Shimon are not bothered by their actions.

Perhaps Reish Lakish is correct in wanting to call attention to a possible act of breaking of the law and it is praiseworthy that he wants to stop it - but with his over zealous, holier than thou attitude, he is not able to accomplish that, or even determine if there is indeed a problem or whether his assumptions were wrong. Rather, he raises animosity and being blinded by his zealousness, misses the call for compassion for people who might be engaged in agriculture during the sabbatical year due to dire economic distress, in which case the rabbis allowed plowing and pruning.

And Reish Lakish doesn't seem to learn. After being rebuffed the first time, he repeats himself and again is rebuffed and eventually shut out.

When Reish Lakish loses his access to power by being closed out of the deliberations, he runs and cries foul to his friend and hevruta R. Yohanan. But rather than engage in self-reflection about his role, or focus on the problem of access being denied, or worry whether a fair judgement takes place, Reish Lakish is preoccupied with undermining the credibility of of Rabbis Hiyya and Shimon and defaming their character, calling them names and accusing them of being a conspiracy of wicked people.

Rabbis Hiyya and Shimon - we don't know where one starts and where one ends as they have no independent voice from one another. I appreciate that they wanted to give the anonymous men in the field the benefit of the doubt and find possible ways to get them off the hook from Reish Lakish's accusations. However, it is not clear if that is their motivation or they just want to disagree with Reish Lakish. They too goof by ignoring the situation and then using conjecture to explain what is happening, rather than investigating. They too overlook trying to understand why they are active in the fields and miss that they may have been motivated by hunger and need, or because they were being greedy and manipulating agricultural resources that belonged to all of the people? Was this a systemic problem that needed addressing or individuals needing support or redirecting?

It's hard to listen to the overly pious, zealous voice always calling fire, which we have here with the voice of Reish Lakish. Even with this, Rabbis Hiyya and Shimon are at fault for going straight into defiance mode, needing to prove Reish Lakish wrong. They choose not to hear Reish Lakish and ignore his concerns about possible suspicious behavior in the fields. As part of their role in assessing whether an extra month should be added to their calendar, they are supposed to be observing what is taking place in the fields and the growth of the produce and being sensitive to details. Shouldn't this concern for details extend to other areas too?

Why do Rabbis Hiyya and Shimon need to pronounce Reish Lakish a troublemaker and negatively influence their impression of him. They choose, without consulting anyone else or giving him a warning or an ability to change, to shut out Reish Lakish - cutting off his access and the access of

others to the process of deliberation when they intentionally pulled up the ladder. They blocked out outside and differing voices and tried to consolidate their power at the expense of the others. They were engaged in secretive, behind doors deliberation when the process was supposed to be open. And they, like Reish Lakish, opt for triangulation with running to Rabbi Yohanan without trying to resolve their problems.

Rabbi Yohanan is Reish Lakish's study partner and one of the most powerful rabbinic figures at the time and known as a tremendous scholar. He could've done so much and yet he does so little. He fails to act, not once, but twice, in the face of hatred and mud slinging and a deliberate request from the sides to intervene.

What would I have liked to taken place in this story?

There are so many places where something different could have happened. So many places that could have been catalysts for getting to know one another and understanding each other's motivations, listening to one another rather than exchanging nasty words and blaming one another.

I want compassion for each other to reign and for each of them to take seriously the role and responsibility that comes with their having power as rabbis. I want them to learn from one another and be open to each other's wisdom. I want them to listen to each other's concerns and suggestions. And make sure each person a voice. I want everyone to have self-awareness of their role in contributing to the tension, dysfunction and erection of walls.

I want Rabbi Yohanan when he saw how ugly things were getting, not to abdicate responsibility and shrug his shoulders. I want him to call foul and offer a differ model - teaching that defamation of character won't solve anything and only lead to hurt and that there are ways to hear one another. He wanted him refocus everyone on the core questions of law, and needs of the day rather than their preoccupation with name calling and mudslinging.

Why did I tell this story tonight?

I tell it because it is OUR lives. But it doesn't need to be our lives.

The rabbis who wrote the Talmud knew of human frailties and were not afraid to talk of them and weave them into tales of caution - hopeful that they may serve as mirrors for examining our own behavior, helping us move past where others have gotten stuck.

Yom Kippur is about acknowledging that we are human, which means we are not perfect. It is about telling the ego to move aside so we can reflect and move forward based on thoughtfulness and deliberation and not our ego. It is about acknowledging that change is possible and that we are

strong enough to admit to our shortcomings and change. Yom Kippur is about choosing who we want to be and figuring out how to be that person.

We live in a broken world - we choose all the time whether we are going to ignore this brokenness, let our righteous indignation add to this brokenness or channel our frustration, anger and sadness to bring more healing to our relationships and our world. We have agency in what we choose, how we live and what attributes we embody - we can choose to listen, to build relationships and to speak up thoughtfully and passionately and to thoughtfully decide when best to hold our tongue.

Which character in the story do you emulate?

Who's flaws haunt you and resonate with you?

To what problems in the world or in your life do you want to apply the cautionary lessons of this Talmudic story?

How do you go about being the change and positive influence you want to be?

We know from various studies in motivation and follow through, that we are more accountable and more likely to make change happen, when we say it outloud and share it with someone else. Find time this Yom Kippur to share with someone else your thoughts and commitment to how you are going to be different this coming year.

My dream is that when we gather a year from now, next year on Yom Kippur, in addition to beating our hearts, may we also be able to say, I've practiced and have been true to the Yom Kippur commitment I made today. And may we all have many fewer things which require a beating of my heart.

May we grow in our ability to thoughtfully build alliances and speak and act wisely and productively when we can cause good. May we take seriously our privilege and power and not abdicate responsibility. May we learn to control our impulses when speaking and acting may cause harm. May we grow in our judgement in learning which is which and how to listen to each other, and honor the spark of the divine within.

Gmar Hatimah Tova.