

Rosh Hashanah Day 2009  
On One Foot

Unetaneh tokef etzem hayom..

This is the great and awesome day, when it is decided....

Who shall be secure and who shall be driven

Who shall be tranquil and who shall be troubled

Who shall be poor who shall be rich

Who shall be humbled and who shall be exalted. ???

For some of us, this has been a great year, financially and otherwise. For others, this was a year when the tables were turned upside down, and we found ourselves humbled in the face of scandals and collapsing markets.

Of course, we know that some reversals are not due to God's decree, but are directly related to our human foibles of avarice, greed, and perhaps the sin of being "just a little too clever". I'm sorry, but listening to the explanation of the derivatives that took down the housing market reminds me of the mythical stories of the foolish Jews of Chelm. These Jews were known for being "uberchachamim", so clever that they repeatedly contributed to their own demise.

In one story, the Chelmites devise a plan to capture the moon in a barrel, and sell off its light piece by piece. They cleverly calculate the day when the moon will be at its apex, and stealthily move a large barrel around to capture the moonlight. When the barrel is full of light, they slam on the lid. Much bickering ensues as to who gets what piece of the moon, and whether pieces can be bundled for greater profit. Shares of moonlight are traded throughout the night. Fortunes are made, at least on paper. Imagine the shock that results when the Chelmites come to their precious barrel the next evening, and see that their barrel is empty the moon is once again

in the sky. How did the moon escape? It must be an intellectual property fraud, they decide. Someone has taken their idea (probably from the inside) and stolen the moon! Perhaps, someone suggests, they ought to trade in the sun instead. It seems more stable. And on it goes.....

Last year's Rosh Hashanah story, which I hope that you remember, was about the raffling off of a mule, who unbeknownst to the ticket buyers, had died- but only the winner complained! Well, that story did not seem so funny by November. We all had been burned. By December, our Severe Recession was threatening to turn into a –dare we say it- Full Blown Depression. Even though, according to the experts, it appears that we are turning the corner, and that the world economy will recover, unparalleled numbers of people without jobs face dwindling unemployment benefits, and California homes continue to fall into foreclosure.

With recovery on the way, the question then becomes: “Will we just revert to our old ways? Will we continue to create new “products” that sell us a piece of the moon?”

Rabbi Donniel Hartman, my teacher and guide whose wisdom has influenced so much of my sermon today, highlights the moral distinction between the “is” and the “ought” of business in Jewish law.

“ But Rabbi” I hear, “It’s a jungle out there. Business is business Deception, less than full disclosure, that’s just the way it IS.”

But there is another way, which Judaism calls the “ought” of our business dealings.

Which brings us to yet another mule story, this time from the Talmud, in tractate Baba Metzia .

Shimon ben Shatah traded in cotton. His students said to him “Master, allow us to buy you a mule so that you will not have to labor so much!” They went and bought a mule from a certain non- Jew. When they brought the animal into the stable, they saw that there was a very fine precious stone hanging from its neck. They rushed to the Rabbi and told him “ You will never have to work again!”

“ How so?”

“ We found an incredible precious stone on the neck of the mule that we bought from Mr. So and so, the non-Jew.”

“Does he know about it?” asked the Rabbi.

“No”, said the students.

He told them “Then go and return it at once.”

“But Rabbi,” they started to explain, quoting very famous sages of the Talmud, “Isn’t it written that while you can’t steal from a non- Jew, appropriating his lost property under certain circumstances is permitted?”

The Rabbi responded “What, do you think; Shimon ben Shatah is a Barbarian?”

And then, a very interesting postscript is added to the story. Shimon ben Shatah, we are told, wanted to hear the worlds “Blessed is the God of the Jews” more than to receive all the financial rewards of this world.

Shimon ben Shatah just knows that it’s wrong to keep the lost jewel. He goes for the “ought” and not the “is”, even if it is permitted by a convoluted version of the law. He simply knows better, and acts accordingly.

How does he know? Do we have an inherent plumb line to morality? Like pornography, do we just know righteousness when we see it?

Which brings me to yet another story, one of the most famous in the Talmud. There were two schools of Jewish thought in the early

years following the destruction of the Temple in Jerusalem. One was that of Hillel, the other that of Shammai, two brilliant scholars who had a different perspectives on the essence of Judaism.

A pagan of the time came to the famous teacher Shammai, and said “ I will convert if you teach me the whole Torah while I stand on one foot.” Shammai immediately took builders t-square, which he was holding in his hand, and rapped the man sharply on the head.

The non-Jew then goes to Hillel and repeats the same request, “ I will convert if you teach me the whole torah while I stand one foot.” Hillel’s reply is often quoted as the essential foundation of Judaism.

**WHAT IS HATEFUL TO YOU, DO NOT UNTO YOUR NEIGHBOR.**

That is the whole torah, and the rest is commentary, says Hillel. Now, go and study.”

Wow!!! That’s all I need to know! It should be easy, especially if I ignore the study part. But how do I know what is hateful to myself? First of all, do I know myself well enough to answer this question? Do I really know what I want? And what if I have self-destructive tendencies? Can I assume that others might enjoy a good whipping? And who are my neighbors- only those in my tribe, or my community, or my country? Do Latino immigrants count? Afgan villagers? Palestinians? Suspected terrorists held for interrogation? What are the limits of the phrase **WHAT IS HATEFUL TO YOU, DO NOT DO UNTO YOUR NEIGHBOR.**

Moreover, this injunction is expressed in the negative. Where are the positive commandments, those that urge us to give tzdakkah, visit the sick, and even reach out to “col yoshvei tevel”, all the inhabitants of the world?

Shammai, on the other hand, raps the man on the head, for only through the study of our laws, with all of our 613 commandments,

can we understand what it means to take on the yoke of being a Jew. Hillel assumes, like Rabbi Shimon ben Shatah, that mankind is essentially good, and will instinctively know to do the right thing. But what about the “Yetzer HaRa” the evil inclination that seems to be with us from birth? Do we have an inclination towards evil? Can we be trusted to know the right? Shammai says no. We need a religion not of self-perceived ethics, but of regulations and laws that prevent our falling into evil ways.

So, who is right, Hillel or Shammai? The answer is yes. Liberal American Judaism sides with Hillel, but Orthodoxy tends to the legalism of Shammai. The Talmud generally follows the school of Hillel, but then compiles tractate after tractate of laws to govern our behavior, just in case.

Shimon ben Shatach knew what to do- he sent back the jewel. His last statement, however, is most interesting. He wanted to hear the words “Blessed is the God of the Jews” more than he wanted all the financial gain in this world. What the world thinks of the God of the Jews is more important to him than money. To do otherwise is Hillul Hashem, the desecration of God’s name. According to the Talmud, THIS is the greatest sin possible.

In tractate Yoma, we are told that there are four kinds of sins, but for only three of them can repentance, or tshuvah, bring atonement.

If someone has transgressed a positive commandment, she can confess her sins and be forgiven on spot.

If one transgresses a negative commandment and repents, the sentence is suspended until Yom Kippur, and the day itself brings forgiveness of their soul.

If someone has been sentenced to excommunication by the religious court, their repentance and the Day of Yom Kippur suspend judgment, and their suffering finishes the atonement.

But in the fourth category, if one desecrates God's name, "the penitence has no power to suspend judgment, nor the day of Yom Kippur to procure atonement, but only death finishes the process."

This year, Bernie Madoff emerged as one of the greatest desecrators of God's name in Jewish history.

A trustee of Yeshiva University, Mr. Madoff went directly to the "Now Go and Study" section of Hillel's wisdom, and skipped the essential tenets of human decency. I do not need to give you the details of the billions Madoff bilked from his friends and neighbors. Some of these people are even members of this synagogue. Do not do unto others...? We know hateful when we see it. It is particularly painful, however, that this man was a Jew, causing the majority of his havoc within the Jewish community. For Shimon be Shatach, how the world sees the God of the Jews was more important than financial gain. How is the world to regard us in this Madoff moment? How do we regard ourselves?

Repeatedly I am asked the question: "Can Bernie Madoff do tshuvah? Can he confess his sins aloud, promise not to repeat his offenses, and turn his life around- preferably while sitting in his gazillion dollar mansion? Jewish law is very clear as to monetary damages. He must pay back everything, plus one fifth to those whom he directly harmed. But what about tshuvah for his soul?"

If one desecrates God's name, "the penitence has no power to suspend judgment, nor the day of Yom Kippur to procure atonement, but only death finishes the process, for surely this iniquity shall not be expiated until you die". (Yoma)

Under these terms, I believe that Bernard Madoff's soul can only be cleansed with his death. The "hatefulness" done to one's neighbors, and to God's name, is on such a scale that even his

confession, the power of Yom Kippur and his own suffering can not bring him atonement and peace.

We are justifiably outraged by the appearance of a Madoff in our midst. The penalty for such a desecration of the boundaries of human conduct must be huge. But wait, the Rabbis ask. What exactly constitutes the desecration of God's name? The answer given is shocking. "C'gon Ana"- The Aramaic phrase begins.. "If it were me"... If it were me, says Rab, "and I were to take meat from the butcher in a place which doesn't allow credit, and I do not pay him at once, this would be desecration of God's name. Desecration of God's name is withholding the monies that are rightfully due to the butcher or the baker. That which is hateful to you do not do unto your neighbor." C'gon ana" I must ask.. "If it were me...?"

The same rabbis of the Talmud developed a checklist of questions that each person is asked when they get to heaven. What do you think is the first question?

No, it is not "what the hell are YOU doing here!"

When you get to heaven, according to the sages, the first question that you will be asked is not "Did you put on tefilin?" Or "Did you always light candles on Shabbat? No, the first question that you will be asked is

Nasata v'natata b'emunah? "Did you conduct your business affairs honestly?"

Did you conduct your business affairs honestly? Did you pay your associates on time? Did you purposefully mislead or give bad advice for your own gain? Did you participate in financial transactions that you knew, on some level, could cause harm to

others along the way. Were you careful not to do to your neighbor that which is hateful to yourself? Did you pay the butcher on time?

The honesty of our dealings with others, and ourselves, will be crucial in determining the quality of the life we live here on earth, let alone in heaven. On Rosh Hashannah, we pray:

Al chet shchatanu l'fanecha b'masah U'matan

For the sin we have sinned against you, by not dealing honestly.

We begin each year with an audit, and what good is an audit if we do not input adequate information?

And if and when we do reach heaven, and are asked "Were you honest in your business dealings" let us be sure that our answer will be a resounding YES! Until that time, we would do better to straighten out the mess of our affairs here below.

Well, if there is one thing that we all appreciate, it's getting the exam question ahead of time. Open book test too. This gives us a lifetime to prepare. There will be no cheating on the final exam.

May 5770 bring peace and prosperity for all of us.

