

One day this summer, Louise and I were on a beautiful hike with friends. The conversation is roaming everywhere – Spinoza, baseball, Avishai Margalit (my latest favorite philosopher), the White Sox, defining idolatry, family, healthcare reform, aging parents, contemporary fiction, movies, and summer of ‘69 retrospectives including Woodstock, the moon landing, the miracle Mets, and the collapsing Cubs. Out of the clear blue I am asked, “Are you going to give a High Holiday Sermon on Bernie Madoff?” I pause and respond slowly, even hesitantly, “I don’t think so”, while thinking to myself:

“Is there something here that I am missing?” “What is there to say, besides that he is a scoundrel, thief, crook who caused so much damage to charities, and individuals and so many in between. He ruined people’s lives. What am I missing?”

My hiking companion pushed on with a story and a question.

People they knew had been in Paris earlier in the year. The woman had bought a \$1000 pair of shoes and then said that she was going to scuff up the bottoms of them so they would look used and she would not have to pay duty on them when she re-entered the United States. My friend went on that there are people who do that all of the time when they re-enter the country. What did I think of that?

Our talk then went deeper and deeper — Madoff and beyond — about people who think nothing of these sorts of lies, and who feel good or triumphant when they cheat the system or game the system. Our hike ended but the conversation echoed for the rest of the summer.

What is this about what seems to be an accepted value, in parts of our culture, of doing whatever we can get away with “as long as it doesn’t hurt anyone?”

Madoff said that he knew that what he was doing was wrong and he was simply going to continue until he was caught. The annual challenge of these holy days is to take time to look deeply at ourselves, so we can “catch ourselves,” so to speak.

“For the sin we have sinned before you by dealing deceitfully...

For the sin we have sinned against you by lying to others

For the sin we have sinned against you by lying to ourselves.”

But to return to my questions — what is this about doing whatever it is we can get away with? Who makes the decisions? Where do we draw the line? Why is not paying duty to the United States Treasury on vacation gifts purchased abroad any different than shoplifting?

What about cheating on our income tax, e.g. under reporting income?

What about this one — sneaking a bag of micro wave popcorn or a soda into a movie theater rather than pay the concession stand’s inflated prices? What about the way you justify it-- telling yourself that the concessionaire does not sell low fat/low salt popcorn or caffeine free diet drinks so sneaking it in is the only way because the concession stand would not get your business anyway.

There seem to be so many ways of “getting away with it” — Medicare fraud, false authorship of reports and false testimonies, false reports on clinical drug trials, hospital procedures, mortgage rules that are incomprehensible, bank regulations that make no sense. There are days that I simply cannot bear to read the newspaper

and don't know what to hope for — lying or incompetence, fraud and dishonesty or ignorance and stupidity. Greed, greed, greed — which of these is the lesser cause for outrage, frustration and a general sense of hopelessness?

I also wonder—what about all those people who think that the ordinary rules of life don't apply to them. What gives them this sense of entitlement — that the rules “don't apply to me”?

- Who make the rules?
- Who decides whether our little justifications are alright or not?
- Where is the line on theft?
- What does honesty require?
- Is it ever ok to tell a lie?
- Does scale matter? One caffeine free diet coke is ok—two? six?
- Who are we harming?
- What about the greater good?

Let's consider that greater good and the great dictum by Rabbi Shimon ben Gamliel (Babylonian Talmud, Avot 1:18) who proclaims that “the world endures on three things: justice, truth, and peace”. It is difficult to imagine a society surviving for long if no one cares about fairness, or honesty. Without these, how can there be peace? Without fairness, isn't a sense of rage always close at hand?

With regard to lying, the Torah is straightforward in many places:

- "You shall not bear false witness" (Exodus 20:16)

- "Distance yourself from a false matter" (Exodus 23:7)
- "You shall not steal, you shall not deny falsely, and you shall not lie one to another" (Leviticus 19: 11)

The obligation for honesty continues in Leviticus 19: 36: "You shall have just scales, just weights, a just ephah (a dry measure), and a just *hin* (a liquid measure)." The Rabbis (Babylonian Talmud, Baba Metzia 49a) translate *hin* to mean "yes" based on the similarity of the word *hin* to the Aramaic word meaning yes (*hen*). According to the Talmud, the verse "a just *hin*" teaches us that an individual's "yes" should be **just** as should be his "no." In other words, your word is who you are. Your words need to be as honest as your measuring scale.

The Torah's admonition "Distance yourself from a false matter" includes all kind of lies. The Talmud changes this ethic slightly, permitting and even encouraging lying in certain situations.

"Rabbi Ille'a said: It is permitted for a person to deviate from the truth in the interest of peace." One rabbi argues that not only is one permitted to lie in the name of peace, but it is obligatory to lie in such cases.

In this regard, another famous text (Babylonian Talmud, Kethuboth 16b-17a) discusses the challenge of what to say to a bride at her wedding.

The School of Shammai says: "We praise the bride as she is." The School of Hillel says: "We say that she is a beautiful and graceful bride."

The School of Shammai said to the School of Hillel: If she was lame or blind, does one say about her that she is a beautiful and graceful bride? But the Torah said (Exodus 23: 7): "Distance yourself from a false matter." The School of Hillel said

to the School of Shammai: “According to your opinion, if someone made an inferior purchase in the marketplace, should one praise it or deprecate it in his eyes. Surely, one should praise it.” From here the Sages said: “A person’s disposition should always be pleasant with people.” Or we might say—“no harm, no foul.”

Shammai’s “total honesty” can be disconcerting in matters of everyday life. The Talmudic principle that we have to be concerned about “the ways of peace” creates conflict with the value of “Distance yourself from a false matter.”

What are we then to do with such common expressions as “You’re looking good” “Great to see you,” “Thanks for the lovely gift,” “I had a really nice time,” “You haven’t aged a bit,” or “I missed you.”

As opposed to “You look lousy,” “I couldn’t care less whether I saw you,” “Your gift-- ehhhh,” “I had a not so great time,” “Boy, did you age,” or “I really didn’t miss you at all”

How are we supposed to live?

Jewish law offers other prescriptions about when lying is permitted—to protect one’s self or others from thieves, or others who would do you harm. You can also lie to protect certain private, personal matters. The Talmud deals with everything. It is nice to know that one need not be forthcoming with such provocative questions as “did you have sex last night.” (I am not making this up –see Baba Metzia 23b)

In sum —

The prevailing value is truth — we are permitted to lie only when we are preserving peace, preventing harm, or protecting certain kinds of privacy. Preserving peace cannot come at the cost of stealing. Each case needs to be individually sorted out. We call it living responsibly — thoughtfully.

What about the current ethic of getting away with it? That, too, is part of our problem.

Do you ever think that the ethic of contributing to the common good is being stripped from our country? We instead see so many ask — “who does it harm?” — not thinking or realizing that the answer is all of us.

In contrast to this, Avishai Margalit writes about communities that are bound together by thick relations — communities of shared memory, shared sacrifice, shared vision, shared purpose. These are communities where there is a sense of “we.” Rabbi Solivetchik called such communities “communities of destiny.” Margalit writes that “**caring** is the attitude at the heart of all thick relations.” “Getting away with it” and “The rules don’t apply to me” are in direct conflict with “**caring**.” Are we a nation that has forgotten how to **care**?

Margalit roots “caring” in what he calls “the importance of the past.” “When we care about another” he writes, “we find it natural to expect the other to be one with whom we share a common past and common memories.” Do we Americans feel this way about each other? Do we continue to ensure common mythic memories? “Land where our fathers died, land of the Pilgrims pride” kinds of commonality?

In this respect I think of the rabbinic discussion on Deuteronomy (26) as well as debate on the first blessing of the amidah — what we call the avot/imahot.

We read in Deuteronomy that a farmer bringing first fruits to the Temple was to recite a statement briefly reviewing the Israelite experience of exile and bondage in Egypt and recalling God's redemption and promise that brought them to the Land of Israel. The question arises as to whether a convert to Judaism, should recite these statements when no such promise was made to a convert's biological ancestors. Likewise, perhaps it is inappropriate for a convert to say the prayer "God of my ancestors Abraham, Isaac and Jacob..."

Maimonides answers definitively that the converts should say these blessings. Maimonides' answer underscores Judaism as a faith community, emphasizing its embrace of transmitted values. Being the descendant of Abraham is of no significance, argues Maimonides, if one has not accepted the belief in Abraham's God. Consequently, anyone who does so is as much a member of the community of Israel as any other Jew; pedigree is irrelevant. Maimonides continues by observing that most of the Israelites who left Egypt were idolaters and that at Sinai they fashioned a golden calf — they were in such desperate need of the teachings they received at Sinai. (I wonder today — how many of those who can trace themselves to the Colonial era or such — were their ancestors actually Tories?)

Perhaps we can consider this a model for what it is to be a nation — a people with thick relations. Maimonides' teachings lifts the Jewish people out of a native tribalism and reminds us that it is the beliefs and principles that make us who we are.

Can this also be our message to our country? That America is founded on the ideals of fashioning a more perfect union with liberty and justice for all? That the aspiration for domestic tranquility and the civility that this requires is our national

birthright? That scuffing a pair of \$1000 shoes to avoid paying taxes is an insult to all of us.

A great debate was held in antiquity—‘What is the greatest principle in the Torah?’

One rabbi stepped forward and said that the greatest principle of Torah was the Shema — “Hear Israel- Adonai our God is One”—Judaism’s greatest theological statement that simultaneously proclaims god’s unity and denies any room to idolatry.

A second rabbi steps forward, nods his head in admiration, but then says “no.” Faith is critical to Jewish life but Judaism is rooted in living in this world. Our greatest principle is “ahavta l’reecha kamocho” — Love your neighbor as yourself.”

A third rabbi sits and listens. He stands and says “no no, you are both far too wise —these are great verses but they are not the greatest verse of the Torah.”Our third rabbi then cites a mundane verse from Exodus (29:39): “The one lamb you shall offer in the morning; and the other lamb you shall offer at evening.” The rabbi then explains. “The Shema — our great proclamation of faith — who can fully understand it? The unity of God is a great principle and there is no denying its greatness, but it won’t feed me.

Love your neighbor as yourself — likewise is a great aspiration — as an ideal and as an ethic, it is second to none. But it is too big to embrace, too daunting and it won’t bring a hungry man a piece of bread.

My mundane verse is really a verse to live by — every day do a little bit that is required of you. ‘Do the morning task in the morning and the evening task in the evening.’”

The tallest mountain is climbed one step at a time, a hungry community is fed one mouth at a time, a good life is lived one day at a time. Every day simply do the decent thing — pay your taxes, stand in line, don’t sneak the popcorn into the theater.

The rabbis compared a life of these small acts to a coat of chain mail link armor. Each day we do what we can until looking back over the course of a lifetime, we have a multitude of good small deeds that are the story of our life. We cannot all be Amos, Isaiah, or Jeremiah but we are challenged to remember that we are heirs to their tradition. In others words, this is something that we each have to work at every single day. It begins with honesty and a commitment that every small deed matters.

Now all we need is a little inspiration —

Remember that You Tube video that went around the world last spring.

How many of you watched Susan Boyle sing Les Miserables’ “I Dreamed a Dream” on the British TV show “Britain’s Got Talent.?” There was something about that clip that moved me to tears. She was able to cut through the cynicism, she humbled the rich and beautiful and trendy and for a moment opened up everyone’s eyes to what life can be about. A woman who had waited in many lines over a lifetime brought some much needed grace and real beauty to reality TV —

real beauty in the everyday from the most ordinary and unexpected of places. Susan Boyle came to me as a kind of anti- Bernie Madoff — a balm in Gilead, if you will.

We too need to lift our voice in song to reclaim our country.

We are an ancient people who have witnessed humanity's greatest nations and empires rise and crumble — Babylon, Persia, Greece, Rome, Byzantine, Spain, the British, even Nazi Germany. They're all gone because history isn't ultimately about worldly power. History is shaped by ideas, and by moral vision — by doing the right and the good.

This is a lesson of our Rosh Hashanah holiday: Just as we are judged, we believe that nations are judged according to the ethics of its citizenry — their commitment to the dignity and worth of each human being, their devotion to honesty, and fairness. This nation, too, and we its citizens, all will be judged.

We, who carry among humanity's longest historical memories, we can remind America of its past. We are testimony to that past. Now we must devote ourselves to reclaiming that past as our future.

One good, small, honest, deed every day. That — and a beautiful song to inspire us.

Shananh Tovah!