

Bearing Witness as a Way to Stop Worrying, Whatever the Details to Follow ***Kol Nidre 2018 – Rabbi Yael Ridberg***

I read a crisp little book last year called *On Tyranny: 20 Lessons from the 20th Century* by Timothy Snyder. Always measured in their observation, the 128 pages are a brief primer in every important thing we might have learned from the history of the last century, and all that we appear to have forgotten in these first decades of the 21st century.

I devoured the book in the hope that it would feel like the important instructions given about rip tides. Whatever you do, don't try to swim towards the shore, into the riptide itself, you will only exhaust yourself, and likely drown. Instead swim *parallel* to the shore and follow breaking waves back to shore at an angle. Not fool proof of course, but essential knowledge.

I wasn't disappointed. And while all the lessons were expressions of the idea that "in politics, being deceived is no excuse,"¹ Lesson 8 hit me between the eyes: **Stand Out**: "Someone has to. It's easy to follow along. It can feel strange to do or say something different. But without that unease, there is no freedom. The moment you set an example, the spell of the status quo is broken, and others will follow."²

When I consider the midrash about the traveler coming upon what he perceived to be a burning palace, he doesn't *just* notice it. He **stands out** by asking who is the caretaker? Which of course, then renders him a witness to the fire, and therefore, a response is required.

This was also a particularly poignant lesson because it echoes so many biblical laws that insist that the bedrock of Israelite society isn't only awareness of what is happening around us, it's about what do we *do* when we are *witnesses to suffering and injustice*.

Just a few weeks ago in *Parashat Ki Tetze* we read the laws regarding oxen or sheep that have gone astray, or have collapsed beneath a burden, and the lengths a person has to go to bring the animal back to the owner, Or relieve the burden from the animal. These laws echo earlier ones in Exodus, where the animal belongs to one's enemy – not one's friend as in Deuteronomy. In both cases, the rationale for the law is *lo tuchal l'hitalem – you must not remain indifferent. Stand Out*

This commandment is built on several Jewish values: 1) That we are all created *betzelem Elohim*, in the divine image; 2) That we were strangers and slaves in the land of Egypt; and 3) All of Israel is responsible for one another.

¹ Leszek Kolakowski, *On Tyranny*, Timothy Snyder

² *On Tyranny*, p. 51

So much of the news from the past year that rendered us incredulous, also inspired awareness of what was going on. And it also inspired a response. **We showed up**: in the streets, in handcuffs, in print, and on the airwaves.

The prophet Isaiah offers us an understanding of the divine call to witness, when God is imagined to say to the people: *Atem edai – when you are witnesses, then I am God*³

This is such a powerful way to understand our role – that when we **show up**, bear witness, God is manifest.

So what does it mean to witness another's suffering? Is that alone an act of protest? How might the act of bearing witness constitute an ethical or religious act?

It seems to me, that there are primarily two postures of being in the world: A person can be a spectator to events – having a certain emotional distance, without becoming a participant in the story unfolding. That witness does not necessarily have any conviction to respond to the suffering.

There are also those who chose to participate; who want to take action in response to their anxiety and upset, who need to respond, and do so however it is manifest. They have an investment in what is happening, an awareness *and* intention that leads them to communicate to those who are suffering that *they are not alone*.

My friend and colleague Rabbi David Hoffman, the Vice Chancellor of JTS taught me an important Talmudic understanding of this role which has helped me think about three areas of difficulty in the last year: immigration, the #metoo movement, and the resurgence of anti-Semitism.

According to the rabbis, there are two models of witnesses. The first is *edei birur* – witnesses of clarification. These witnesses focus on the past, in that they were unintended spectators to certain events, but their presence doesn't *make reality*.

In contrast, *edei kiyyum*—*witnesses of establishment* gather with intention. They focus on the present and the future, *an act of their seeing brings things into the world*, like witnesses for a ketubah—marriage contract brings the couple into marriage.

Transforming ourselves into *edei kiyyum* is what Isaiah meant—in order for God to be God, we must answer the call to be witnesses who seek to establish a new reality.

I felt this call strongly this summer when I was invited to travel to the Mexican border with Jewish Family Service, *T'ruah*, and HIAS, to understand the situation around the immigration

³ Isaiah 43:9

policy and family separation at the border, which, has left far too many children still detained away from their parents.

As a result of Operation Streamline, a federal strategy of mass hearings and mass imprisonment where dozens of immigrants go into a courtroom, shackled at their hands and ankles, and rather than giving them individualized hearings, the Department of Justice puts them through a mass procedure all at once, finding them all guilty and sentencing them for having crossed the border without permission, after which they are usually deported by ICE.

The delegation of some 25 rabbis and cantors visited two migrant shelters in Tijuana, one for men and one for women and children. At the shelters, the majority of the residents had been recently deported but had lived in the U.S. for upwards of 15 years, some over 40 years. They had been forced to leave behind their children, their homes, their jobs.

Though many of them were originally from towns thousands of miles away, they wanted to stay in Tijuana: they wanted to be as close as they possibly could be to their children, to the lives they'd been torn away from. It was heartbreaking.

I came away from the visit knowing I had witnessed something, feeling incredulous that immigration had been criminalized, and I didn't know what to do.

In San Diego there are some 2200 detainees; not hardened criminals, but immigrants who are applying for due process to live here, but they have no resources, no representation, no real way out.

CDH member Joanna Brooks started an important local effort called *Otay Allies* an on-line platform that provides citizens with confidentiality training, letter writing guidelines, and a means for sending letters via email and with identity protections for both detainee and ally; they have established a collective PayPal account that has allowed people to deposit \$30 phone support in the accounts of about 100 detainees. When a single phone call costs \$1/minute, and language barriers abound, \$30 multiplied by 10 or more can be the difference between further detention and a court appearance towards release.

The accounts are harrowing: in one, a Honduran man was being tortured by a local gang and narrowly escaped. Bloodied, he ran to the police station and sought relief and was laughed at by officers on duty. Still bloodied and injured, he then ran to the nearest bus station and boarded a bus for Mexico, where he connected with an asylum-seeking refugee caravan that travelled here together. He is in prison now, here. He knows no one. He has no family here. He has no assistance, no counsel, no money to call family and friends

Joanna and other CDH members have shifted from *edei birur*—witnessing the challenges of immigration from afar, to *edei kiyyum*—bearing witness in order to change the reality on the ground and help people here and now.

But Yom Kippur is a collective and communal response to individual actions that have brought about devastating consequences for immigrants. It is when we must take responsibility for our actions—or inactions—and work to do better, so that we can be *edei kiyyum*—witnesses that create a different reality in alignment with the highest American values. Tomorrow during the afternoon break, anyone who wishes to participate in this action will have an opportunity to do so.

Atem Edai - You are My witnesses

It may seem like the reckoning born from the tsunami of #metoo happened overnight, but it has actually been simmering for decades, if not centuries. Women have had it with bosses and coworkers who not only cross boundaries, but don't even know the boundaries exist.

According TIME Magazine's "Person of the Year 2017: The Silence Breakers," "The phrase #metoo was first used more than a decade ago by social activist Tarana Burke as part of her work building solidarity among young survivors of harassment and assault. A friend of the actor Alyssa Milano sent her a screenshot of the phrase, and Milano, almost on a whim, tweeted it out on Oct. 15. "If you've been sexually harassed or assaulted write 'me too' as a reply to this tweet," she wrote, and then went to sleep. She woke up the next day to find that more than 30,000 people had used #MeToo.⁴

#MeToo stories are real, and they have been told by women in nearly every field and walks of life. Those who have spoken out, shared their stories, and risked everything have **stepped out** as a response to anxiety, incredulity, and the tyranny of misogyny.

The power of #MeToo, is that it has taken something that women have long kept quiet about and virally shattered the silence of isolation. When I was a student at the University of Wisconsin, I worked at the Campus Women's Center leading workshops on date rape in sororities and community spaces. I was only 19 years old, but after nearly every workshop someone came to tell me something they had never told anyone – they were assaulted at a party, on a date, but no – they weren't going to make a big deal about it. This silence is as old as the Torah itself, and there is much work to be done in confronting a climate of serial sexual predation that predates us all.

We need only to examine the repeated motif of Abraham and Isaac and their insistence that their wives pretend to be their sisters, "so that all will go well with them."

Each of these scenes occurs directly after God has made some pledge of prosperity to the patriarch, which only serves to underscore the power dynamics between men and their wives

⁴ <http://time.com/time-person-of-the-year-2017-silence-breakers/>

in the Torah, and the larger point that sexual assault isn't ever really about sex, it's about power.

We need only to remember the one and only story of Dina, who after she goes out to see the women in the fields, she is assaulted by Shechem, whereupon her 12 brothers avenge her rape, and Jacob her father is more upset about his reputation than his daughter's trauma.⁵

The ease of the presumption and perpetuation of behavior, in the face of the silence of Sarah, Rebecca, and Dina masquerades as consent. Consent refers to a practice of seeking a person's permission before proceeding with a particular behavior or course of action. We might all agree that a person has the right to choose what she or he experiences or doesn't, but in the context of sexual harassment and assault, as we have heard over and over again in the accounts against every accused perpetrator from Harvey Weinstein to Les Moonves to Judge Kavanaugh, women often find themselves stunned into silence by the behavior of a man they know, admire, report to, work for, or respect.

There is an uncomfortable tension here because many men don't seem to take the need for consent seriously, and women who are victimized by this behavior often question whether they had a right to say no.

And then there are the witnesses, most of whom might be considered *edei birur*. They laugh at the sexist joke, they change the subject or pretend they didn't hear the comments. They talk about the accused as a friend, a master teacher/journalist/actor/rabbi, who has *so many admirable traits*. When this happens, the focus shifts away from the victim and all that she has suffered, and instead focus on the perpetrator and "how his life has been ruined."

The #metoo movement is a real-life example of how, when victims and witnesses become *edei kiyyum*, the perpetrators resign their positions, are removed from boards and leadership, and decent, thoughtful men and women see the belittling, undermining, harassing, assaulting, and abusing women for the outrageous behavior that it is.

But Yom Kippur is a collective and communal response to individual actions that have brought about deep and lasting hurt. It is when we must take responsibility for our actions—or inactions—and promise to do better, so that we can be *edei kiyyum*—witnesses that establish a more equitable reality where women are not objectified and instrumentalized.

Danya Ruttenberg, Shira Berkovits, S. Bear Bergman, and Guila Benchimol wrote a *viddui*—a confessional for Yom Kippur that articulates the ways in which being spectators without an investment in this issue hasn't protected any of us:

We **Abused** our power,
we didn't **Believe** survivors,

⁵ Genesis 34:

we were **Complicit**,
we **Demeaned**.
we **Echoed** the majority,
we **Focused** on our own self-interest over safety,
we **Gave** abusers opportunities to further harm,
we **Humiliated** survivors,
we **Ignored** our impact,
we **Justified** inappropriate behavior.
We **Kept** abusers in power,
we **Laughed** at jokes that supported rape culture,
we **Marginalized** narratives that weren't easy to digest,
we **Normalized** problematic behavior,
we **Ostracized** victims,
we **Participated** in the erasure of survivors' voices.
We **Questioned** survivors' motivations,
we **Reinforced** harmful myths,
we **Silenced** voices trying to come forward,
we **Trivialized**.
we didn't **Use** safe protocols,
we **Violated** boundaries,
we **Waited** too long to take action,
we **eXonerated** perpetrators who didn't repent,
we **Yielded** to our basest impulses,
we **Zealously** defended perpetrators of harm.⁶

On all these things—forgive us, pardon us, grant us atonement.

Atem Edei – You Are My Witnesses

I have never spoken about anti-Semitism in a High Holy Day sermon. I don't think I have ever spoken about it in any sermon. I have never been an alarmist about it, I was born in 1968 after all and have never experienced it myself. I have never felt that it warranted a real conversation in America in the 21st century, until now.

While anti-Semitism is considered the world's oldest hatred, it has never posed the same degree of existential threat in America as it has in Europe. And yet, just last week, Rabbi Jonathan Sacks speaking before the House of Lords in London said the following: "Antisemitism, or any hate, becomes dangerous when three things happen. First: when it moves from the fringes of politics to a mainstream party and its leadership. Second: when the party sees that its popularity with the general public is not harmed thereby. And three: when those who stand up and protest are vilified and abused for doing so."⁷

⁶ <https://forward.com/life/faith/409841/the-atonement-prayers-we-should-all-say-in-the-metoo-era/>

⁷ <https://www.youtube.com/watch?v=kq2G9i11liY>

While Rabbi Sacks was speaking of those three factors existing in Britain now, I have come to feel that we could say the same in America.

I never imagined in my lifetime, that it would be hard for some to say that Nazis are bad. That white supremacy has no place in America in 2018. That the dog whistles and bullhorns that have emerged from democratically elected leaders have gone *without response* is frightening.

Consider this: Russell Walker is a primary winner in North Carolina who claimed that “God is a white supremacist and Jews are satanic.”⁸ Steve West, a radio show host is now a primary winner for the Missouri House of Representatives, and claims that “Hitler was right, and Jewish cabals are harvesting baby parts for Planned Parenthood.”⁹ John Fitzgerald, is a congressional candidate in a San Francisco district claims that “Everything we’ve been told about the Holocaust is a lie.”¹⁰

These are real candidates who aspire to elected office. And even if the local leadership has tried to distance themselves from such bigoted remarks, extremism and intolerance are on the ballot. In America. In 2018.

One of the enduring facts of antisemitism is that those who profess it, don’t think of themselves as doing it. Again, in the words of Rabbi Sacks: “We don’t hate Jews, they said in the Middle Ages, just their religion. We don’t hate Jews, they said in the nineteenth century, just their race. We don’t hate Jews, they say now, just their nation-state.”¹¹ Antisemitism is the hardest of all hatreds to defeat because, like a virus, it mutates, but one thing stays the same. Jews, whether as a religion or a race or as the State of Israel, are made the scapegoat for problems for which *all sides are responsible*.

It’s scary because in 2018 we get it from the right and the left. We are the ultimate fuel that drives white supremacy on the right, and we are told by the left we can’t possibly claim antisemitism in America because of Israel’s policies towards Palestinians.

So what does it mean to bear witness to such hatred? What will it look like to be *edei kiyyum* in this regard. What is our responsibility as a Jewish community? Have we become so comfortable in America that the chants from Charlottesville last year of “Jews will not replace us” did not move us?

Another of Timothy Snyder’s lessons in *On Tyranny* is that “most of the power of authoritarianism is freely given.” So, we cannot be merely spectators. Especially in a time of all-out assault on truth, we have to speak openly and clearly about the threat. We need to hold our leaders accountable: this is not a moment for normalizing, justifying or hedging.

⁸ <https://www.newsweek.com/russell-walker-republican-candidate-racist-god-jews-north-carolina-house-999434>

⁹ <https://www.timesofisrael.com/missouri-republican-who-said-hitler-was-right-wins-state-house-primary/>

¹⁰ <https://www.nytimes.com/2018/07/06/us/politics/john-fitzgerald-holocaust-denial.html>

¹¹ Rabbi Jonathan Sacks

Jill Kargman, the creator, writer, producer and star of Bravo TV's *Odd Mom Out*, a funny, irreverent, and very Jewish show, found her son had been the victim of anti-Semitic comments at the exclusive St. Bernard's School in NYC. A kid had told her son: "I'm a fan of Hitler! God sent Hitler down to kill the Jews because they nailed Jesus to the cross!"¹²

It wasn't the first kind of comment her son had heard from this same kid, but Kargman wasn't sure how to handle it, and when she told the headmaster, the response was tepid at best. In an article in Tablet Magazine, Kargman shared that she went to a bookstore, bought a stack of books about the Holocaust, had them neatly wrapped with a gold ribbon and a card that read: "We thought this would prove valuable reading for your family," and left it for the offending boy's family.

Although the family never responded, and Kargman eventually pulled her son from the school, after she sent the books she reflected: "I felt better. Because I did something. Now is the time to speak up. We can't be afraid of "causing trouble."

Kargman **stood out**. She and we, ultimately, must live and act according to the Jewish values that demand that there is no place for hate, no place for anti-Semitism, and we transform the world from what it is into what it must be.

But Yom Kippur is a collective and communal response to individual actions that have brought about the rise in anti-Semitic incidents, and the emboldening of hatred in the streets and in the halls of power. It is when we must take responsibility for our actions—or inactions—and promise to do better, so that we can be *edei kiyyum*—witnesses that exercise our democratic right to vote our values and vision for America.

As *edei kiyyum* in 2018, we must advance the cause of dignity and democracy. We must be willing to mobilize for immigrants, and the reunification of families; we must be willing to challenge the demeaning treatment of women, lest silence be akin to consent; We must **stand out** and call out antisemitism in its many forms—not only on other side of the political spectrum, but with our allies and teachers, leaders and friends, and defend the right of Jewish self-determination, in America and in Israel.

Lo tuchal l'hitalem. You must not remain indifferent. *Atem Edai* – You are my witnesses

Gmar Hatima Tovah – may our bearing witness be an act of *teshuvah*.

¹² <https://www.tabletmag.com/scroll/267984/deep-cuts-jill-kargman>