



High Holy Days 2019
Rabbi Jan Uhrbach

Kol Nidre
(Part A, Before Maariv)
Dover Meisharim -- Upright Speech

We are at the beginning of a day filled with words. Speech is one of the central themes of Yom Kippur, from Kol Nidre itself to the confession, which must be aloud, in words. It's not enough to think about what we've done wrong and want to change. We have to articulate it in words, as a way of truly taking ownership, and engaging the will. And not just the form but the content of the confession: more than 20% of the sins we confess to in the Ashamnu and the Al Chet relate to the content or tone of speech.

Judaism is obsessed with language . We understand speech, rightly, as a creative act. Language is how God created the world, and it's the stuff of which our consciousness -- and therefore our experience of the reality around us, and even that reality itself -- is made. Some commentators hold that when the Torah says human beings are created in God's image, it's talking about the gift of speech.

Sometimes I hear people say "I don't care what so-and-so says, I care what they do." Judaism says we have to care. "Sticks and stones may break my bones but names can never hurt me" is about as un-Jewish as it gets.

So it shouldn't surprise us that in the text we're studying this year -- in which 613 mitzvot are distilled down to 11, then 6, then 3, 2, 1, speech plays an outsized role. One way or another, more than 1/4 of them (highlighted in pink) relate to speech, focusing on the kind of selves and societies we create with our language.

For example, take a look at number nine in in David's list of 11 mitzvot (part B): "stand by an oath even to your hurt" (נִשְׁבַּע לְהִרְעוּ וְלֹא יִמָּר):). This is precisely what Kol Nidre itself is about: being true to our word, keeping our commitments even when circumstances have changed, such that fulfilling that commitment would cause us harm. I'm not going to say a lot about this one, but I do want to note a tension around it, because it reveals something about the nature of Judaism.

Part of the genius of our tradition generally -- and our approach to teshuvah and the High Holy Days specifically -- is that while Judaism is aspirational and demanding, it lives in the real world and embraces real humanity: the complexity of human ethics, the limits of human understanding, human frailty and human failure. Purity and absolutism is for angels; human morality is messy.

So the rabbinic tradition says: if you make a vow, you have to keep it. Words matter - they're commitments, actions. Be true to your word. Ideally.

But the problem with vows is that you're making a commitment now based on your prediction of a future which may be wrong. So it may turn out you're unable to keep that vow, or that the cost of doing so would be so great that it would be foolish, or even morally wrong. But it's not ok to just say, "Oh well, I vowed to make this donation but now it seems like a lot of money." "Oh

well, I vowed to volunteer or help but now it's inconvenient." What happened to being true to our word? No. The best thing is to avoid making vows and oaths to begin with. But if you do, we have procedures to annul vows.

That's what Kol Nidre is -- a legal formula that says whatever we may say this year, it's not technically a vow. So if it turns out that we're not capable of fulfilling it, we're not running afoul of a mitzvah like this one. In this way vows are taken seriously, but not to a foolish extent. We're aspirational, and realistic, practical and compassionate.

The fact that we're not an all-or-nothing religion is very important for our teshuvah. We're all what the rabbis called *beinonim* - middling-folk, neither totally righteous nor totally wicked. We get things right, we get things wrong. We all, sometimes, need a way out or a way back.

And one of the ways we most frequently get it wrong is with our words.

In the list of Isaiah's 6 mitzvot (part C, #2), there's a broad category relating to speech: דְּבַר מִישָׁרִים "speaking uprightly". What does it mean?

Dover is to speak, and *meisharim* means straight or upright, so it's tempting to read *dover meisharim* as "straight talk" -- i.e., I tell it like it is, say what's on my mind, too bad if you're hurt. Actually, it's the opposite. It means take great care with your words.

The Talmud says: "*Dover meisharim* is one who doesn't shame (or provoke, mock, tease) another in public..." More generally, it's been understood to prohibit all kinds of negative speech, *lashon hara*. I hope this is obvious to us: don't mislead or tell lies; don't speak hurtfully, destructively; don't gossip about people. Don't say things that are unkind, unhelpful, undignified.

Elsewhere in our text the prohibition on *lashon hara* is expressed in Psalm 15 as *v'herpa lo nasa al k'rovo* (וְחִרְפָּה לֹא יִנְשֵׂא עַל-קִרְבּוֹ) don't insult those close to you, relatives (we'll deal with this in one greater depth later this evening) and *lo ragal al l'shono* (לֹא-רָגַל עַל-לְשׁוֹנוֹ). *Ragal* is from the root that means foot (*regel*), *l'shono* is tongue. Sounds felicitously like "don't put your foot on your mouth," but it doesn't mean that. *Ragal* has come to mean slander, like peddlers of gossip -- don't go about spreading rumors, telling lies.

And don't encourage others to do so. There's a great little teaching from a 12th century work called *Sefer Hasidim*:¹

If you see people whispering in each other's ears, control your curiosity, and don't ask them what secrets they are telling because you would make liars out of them. If they wanted you to know, they would have told you. Since obviously they don't want to share their confidences with you, they will lie to you.

Now, wonderfully and I hope unsurprisingly, *doveir meisharim* is interpreted by some commentators not as a caution against *lashon hara*, negative speech, but as an affirmative obligation to speak positively.

1. Rabbi Yehudah HeHasid (perek 1062), Regensburg, Germany, born in Speyer c 1150-1217). A tosafist, and the most prominent of the *hasidei Ashkenaz*, an early medieval pietist movement that stressed strong and simple faith.

For example, the 19th century Torah commentator Malbim says (on Isaiah 33):

דבר מישרים בדעות ואמונות,

“Speak uprightly” with respect to your knowledge/opinions, and your beliefs

Do speak holy words, comforting, healing, constructive words. Share your wisdom, the inspiration of your faith. Sometimes it feels vulnerable to offer loving words -- to express gratitude, to reveal that we care, to offer admiration and compliments. Don't hold back; we need all the good language we can get.

Here again is the *Sefer Hasidim* (perek 39) I referred to earlier:

“A time for silence and a time for speaking” (Eccl. 3:7). “A time for silence” refers to times when others vilify and curse one, and say disgraceful things about one, and one should not reply. “A time to speak” refers to a time when Torah thoughts are being discussed; this is not a time to keep silent.

But most interesting is a midrash called *Yalkhut Shimoni*.² There, *dover meisharim* is said to mean “*halilah l'kha*.” What is that? It's a reference to Genesis 18, when Abraham argues with God about the destruction of Sodom and Gommorah. And Abraham utters that particular phrase as a challenge to God: “*halilah l'kha* -- God forbid! (or literally, it would be desecration for You) -- that You should act unjustly.” So *dover meisharim* may be referring to prayer. It most certainly means speaking out against injustice, offering rebuke, speaking truth to power. Even to God.

Remember in the book of Esther, when Mordecai says to Esther, “if you keep silent in this crisis, relief and deliverance will come to the Jews from another quarter, while you and your father's house will perish....” On that verse the midrash (*Esther Rabbah* 8:6) says:

כי אם החרש תחרישי (אסתר ד, יד), אם תשתקי עכשו שלא ללמד סיגוריא על אמתך, סוף;
לשתק לעתיד לבוא ואין לך פתחון פה, למה, שאת יכולה לעשות טובה בזמנך ולא עשית.

What is the meaning of “if you keep silent?” If you are silent now, and do not plead the cause of your people, you will be destined to be silent in the world to come, and you will have no excuse. Why? Because you had the opportunity to do good in your lifetime and you did not do it.

Dover meisharim: don't get involved in culture of shame and mockery, *and* don't stand silent. We need people saying good things -- inspiring and elevating us. And when there's injustice -- speak up -- even to argue with God!³

I won't belabor the way in which speech is problematic in our society today. We all know. I do want to highlight two ways in which we're changing for the better the way this mitvah is embodied now:

2. בראשית - פרק יח המשך רמז פב

3. A similar duality is expressed in two other mitzvot (Part C)

5 Stops their ears against listening to infamy, אוטם אזנו משמוע דמים

6 Shuts their eyes against looking at evil ועוצם עיניו מראות ברע

These are interpreted to mean don't consume negativity (watching or listening to evil, for pleasure), *and* “don't hear disparaging speech and stay silent.” Don't take it in, or, don't stand by silently - speak up!

The first is our increased sensitivity not just to kinds of speech, but to who is speaking -- whose voices are heard and whose aren't. Here's a practical technique. "There is a time for silence and a time for speaking." Stay silent in conversations where your voice/group naturally dominates; just listen. It's very easy to do this online; you can follow someone's posts, without responding. I'm not talking about reading opinions you disagree with; that's good too, but this is different. I mean, make an effort to listen to people who have been taught that their opinions don't matter, and their voices shouldn't be heard. When you do that, you encourage them to speak. And you'll learn a lot.

The second is sometimes dismissively called "political correctness," but is really about this, *dover meisharim*. And I want to distinguish what I would call fragility: the expectation that I should never be made uncomfortable by ideas, or that I can and should be protected from anything that might evoke pain. That's a problem, but that's different.

I have the privilege and blessing of working at JTS, with students in their 20s, a generation often maligned for fragility and political correctness. From what I see, most of it isn't fragility at all. It's a generation that is trying to be really careful to speak in a way that doesn't cause offense or embarrassment or exclusion. That isn't intentionally or inadvertently derogatory. And to that we should say halleluyah. And we should learn from them.

If you find yourself frustrated by it (and I admit, at times I do) -- or feeling that "all this political correctness has gone too far and I can't say anything now" -- just substitute "respect and concern for others' feelings" for "political correctness." Then the sentiment comes out something like this: "All this respect and concern for others' feelings has gone too far -- I have to watch everything I say!"

Um... YES! *Dover meisharim*.