



Re: Enron—Where Is Our Heart, Our Spirit & Our Soul?

Enron. It enters our consciousness from obscurity, hardly recognizable. Before long we find its sound familiar. Then in quick succession, hearing it in the background soundtrack of our lives, it produces mild interest, incredulity, and finally revulsion.

Seemingly from nowhere comes this tale of criminality and corruption, greed run amok, and tens of thousands robbed, financially *raped*, and discarded like refuse—their trust and hope shattered beyond repair.

What does it mean for the rest of us that Enron’s executives “managed” to enrich themselves by more than a billion dollars at the expense of so many people?

Let’s digress momentarily to put that billion-dollar number in perspective, since it exceeds by a wide margin the experience all of us have with money.

Just how much is \$1 billion? Since most of us can imagine living the rest of our lives in comfort on \$1 *million*, let’s compare them. A

million is to a billion as 11 *days* is to 33 *years*. A million is to a billion as a *seven-inch* stack of thousand-dollar bills is to a stack the height of the *Washington Monument*.

The point is that Enron’s executives are not simply crooks but that they represent the epitome of thievery—they robbed on an historic scale.



And yet what they did is entirely explicable. We always have among us individuals who do evil for one reason or another. For many of them the scope and scale of their evildoing represents little more than the opportunities they encounter to aggrandize themselves with possessions, position, prestige, and power.

The question is not why the Enron executives did evil, but why so many of the rest of us remained ignorant or passive in the face of that evil, especially those of us who are charged to protect the public interest and the interests of stockholders and employees.

As Paul Krugman wrote recently in the *New York Times* (1/18/02), “. . . Capitalism as we know it depends on a set of institutions . . . that limit the potential for insider abuse. . . . The Enron affair shows that these institutions have been corrupted.”

Hopefully, the wheels of criminal and administrative justice will turn inexorably until the guilty are punished—this time.

But what about next time? Who’s to watch the watchers in the future? If Mr. Krugman is right and the corruption goes far beyond Enron—myriad financial scandals are undoubtedly simmering—who, ultimately, is responsible to prevent them?

Continued on page 3.

Mark Your Calendar: February 1 & 15—Shabbat Evening Services & Dinners

Kehillat Kharakim will offer Friday evening egalitarian services and Shabbat dinners on February 1 and 15 at the home of Rabbi Moshe and Khulda.

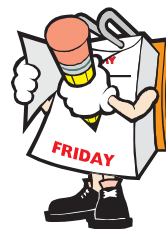
Services begin at 6:00 p.m. and include English and Hebrew prayers and singing.

After services there is a blessing of the children and a

sit-down dinner.

Dinner is followed by a readers’ theatre Torah-drama, and zemirot (table songs).

Everyone who



comes is invited to bring a contribution to the tisch (table) in the form of a short story, a song, or a brief reading that’s related to Shabbat generally or the Torah parsha (portion) for the week.

Call Rabbi Moshe & Khulda at (323) 934-2925 for more information, location, and to hold a place.

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Otzar—Treasure

“Joseph is yet alive and he is ruler over all the land of Egypt. And his [Jacob’s] heart fainted for he did not believe them.” (Genesis 48:26)

It was difficult for Jacob to believe that Joseph was alive and still righteous even though he was the ruler of Egypt. For righteousness and power do not usually go hand in hand.

—Rabbi Menahem Mendel of Kotzk

Torah Shmooze: Sowing Judicial Truth & Justice

- *Keep far from a false thing [davar, in a criminal matter], and do not kill the innocent and the righteous, for I will not justify the wicked.* (Exodus 23:7)
- *You shall not commit a perversion of [civil] justice. . . .* (Vayikra 19:15)

“Hebrew *davar* [דבר] here . . . means a cause or case for judicial investigation.” (N.M. Sarna)

“Once a hasid asked Rebbe Dov Behr, ‘It says in the Psalms that “truth will grow out of the earth” (Psalms 85). If truth springs up so easily, why is there so little of it in the world?’ The Rebbe replied, ‘Yes, truth does spring up from the ground. But not of itself. It must first be sown. And the way to sow truth is to bury falsehood in the ground. Then, to be sure, truth will grow all over.’” (Hassidic Tale)

The tradition teaches that the study of Torah is the foundation for truth and justice: “Should a man be from the side of Gabriel, his attributes will all partake chiefly of the quality of justice: he will stand up coura-

geously against the wicked; he will prevail over his own evil inclinations, will abhor sin and cleave unto all things righteous, and he will become a judge by profession; but again, all this will only come to pass if he study the Torah with diligence and attain proficiency; should he neglect this, he will be as strong in iniquity as otherwise in holiness; he will rejoice in the tribulations of the righteous; he will be hard in his condemnations, bold in evildoing, with no fear of sin; he will have a red face, and will be of the type of Esau—a blood-shedder.” (Zohar, Shemot, Raya Mehemna 42a)

What is the “quality of justice”?

Consider: “How do we know that if one emerges from the court guilty [and is given the death sentence] and one [of the judges] says, ‘I have a way to prove his innocence,’ we must bring him back [to the court and retry him]? Because the Torah states: ‘and do not kill a truly innocent person.’ Although he was not declared innocent—for he was not vindicated by the court—he is nevertheless free from the death penalty, because you have reason to acquit him. And how do we know that if one emerges from the court innocent and one [of the judges] says, ‘I have a way to prove his guilt,’ we do not bring him back to the court [to retry him]? Because the Torah



states: ‘and do not kill . . . one who is declared innocent.’ And this one is innocent because he was vindicated by the court.— [From Mechilta Sanhedrin 33b] It is not incumbent upon you to return him [to court] for I will not vindicate him in My law. If he emerges innocent from your hand [i.e., from the courts], I have many agents to put him to death—with the death penalty he deserves—[From Mechilta Sanhedrin 33b] (Rashi)

“The word נקי, innocent, refers to a wicked person which the court was unable to convict. Subsequently, evidence turns up on the basis of which this person could be convicted on a second trial. The Torah prohibits a retrial. The Torah assures us that if a guilty person escapes human justice, not to be upset as he will not escape divine justice, i.e. . . . ‘I, God, will see to it that the wicked will not wind up being considered as righteous.’” (Rabbeinu Bachya)

“The final clause, which affirms that God brings the guilty to account, suggests that the legal topic here is the fear that excessive concern on the part of judges that a criminal not go unpunished might lead to a miscarriage of justice and the wrongful execution of an innocent person. Rabbinic exegesis utilized this admonition to outlaw double jeopardy by taking ‘innocent and in the right’ to mean that a defendant who has already been judged is not to be given a second trial for the same offense.” (N.M. Sarna)

“‘Keep far’ implies not only the negative avoidance of actual falsehood, but also meticulous care in refraining from anything which might conceivably savor of untruth, even thought it was not obviously dishonest.” (N. Leibowitz)

“‘Keep far away from a false matter . . . from every word or thing which can cause falsehood, as our Sages say . . . Be careful of your words, lest by them (your words) they will be led (lit., learn) to lie (Avot 1:9).’” (Sforno)

“Keep far from ugly dealings and that which savors of them, or even remotely resembles them.” (Chullin 44b)

“. . . The Sforno feels that the Torah is not addressing itself to an outright perjurer or liar. There is no need for the Torah to prohibit lying, which is self-understood. Rather this is a prohibition of [a judge] causing or prompting a witness to lie through an injudicious word. That accounts for the phraseology of this verse. It does not say, ‘Do not lie,’ but, ‘Keep far away from a false matter.’” (N. Scherman)

“This [commandment to “do no injustice in judgment”] means not to declare the

guilty innocent or the innocent guilty. Included in this prohibition is the rule not to delay the verdict. After it has become evident to the judge where justice lies, if he dwells at length on clear matters in order to cause one of the litigants distress, this is in the general category of injustice.” (Chafetz Chayim)

“The principal that [in civil legal matters] peace is more important than telling the whole truth is inferred by our Sages from other examples that occur in Scriptures.” (N. Leibowitz)

“. . . Because of the serious nature of a [civil] trial, they [our Sages] greatly praised a person who can achieve a compromise between the parties to the controversy; to him the verse applies, *render truth and a judgment of peace* (Zechariah 8:16), because this is a judgment of peace. So is it stated of David: *and David rendered judgment and righteousness to all his people* (II Samuel 8:15); what is judgment with which there is righteousness?—you must say: a compromise settlement.” (Sefer haHinnuch)

- *In the administration of justice, when do you think it might be permissible for a judge to sacrifice truth, by omission or commission, for the sake of keeping the peace?*
- *Should the Torah’s admonitions regarding the administration of justice apply to formal but non-judicial bodies, such as boards of directors, which are responsible for the dispensing administrative justice?*
- *Should the procedural rules of administrative justice be biased to the requirements of civil or criminal jurisprudence—that is, should shalom bayit or absolute truth be the benchmark?*
- *What do you make of the Torah’s assurance that God “will see to it that the wicked will not wind up being considered as righteous”?*

When It Comes to Fighting Evil. . . .

“It is the way of wicked men that if someone comes and attempts to stop their evil, they question his right and authority to do so and cry out: ‘Who appointed you a judge and authority over us?’ But when it comes to fighting evil, each and every one of us has the right, and indeed the duty, to help all he can, for ‘in a place where there are no men, try thou to be a man.’”

—Avnei Ezel

Re: Enron—Our Heart, Spirit & Soul?

Who is able to respond on behalf of the public interest to prevent more billion-dollar rip-offs?

The question prompts us to ask, What's our relationship to the people we elect and to the people they appoint? Does our responsibility as citizens end after we drop the ballot in the box?

This month in the Torah portion Tet-zaveh, we learn how the kohanim, the priests in ancient Israel, were to be ordained into service. It's important to understand that they were the leaders of the people—the bearers and teachers of Torah—who at best modeled the requirements for national survival and success.

So how were they ordained? The Hebrew reads, "you will fill their hands" (u-mi-lei-ta et ya-dam—ומלאת את-ידם). The Sforno, one of the great commentators of the medieval period, tells us that "to fill their hands" means that in elevating them to leadership, those who install them have a special responsibility: "We must perfect them in a way that they will be complete and worthy to serve. . . ."

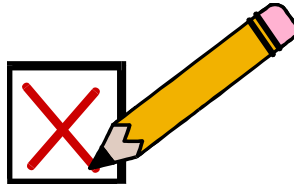
But did Am Yisrael (the Jewish people) install its leaders? Wasn't that the job of Moses?

In the Torah portion Yitro, which we also read this month, Moses appoints nearly 80,000 leaders—every seventh or eighth man in Israel was a leader—based on

Yitro's proposal. (Exodus 18:21) The Midrash says that *Moses asked the people* "to propose capable and pious" candidates for him to appoint "as judges and leaders." (*Legends of the Jews*) He told the people: "If a man were to present himself to me as a candidate . . . I alone should not be able to decide . . . ; but you know them, and hence it is advisable for you to propose them."

In other words, we are all responsible to ensure that the leaders we elect to act in our name are "complete and worthy."

But their worthiness is not established once and for all time when we elect them; it requires a day-to-day struggle on their part—encouraged and aided by our support and willingness to hold them accountable. Yet sad to say, too many of us have failed in our responsibility as citizens and Jews, waylaid by the comforting and mistaken assumption that the leaders we elect, once elected, become exclusively responsible for the public interest. But as Henry David Thoreau said, "Voting for the right is doing nothing for it. It is only expressing . . . feebly your desire that it should prevail."



What is required, then, to compel those who manage government and commerce to serve the public interest?

We must be willing to fill the hands of our leaders by supporting them and holding them accountable. We must no longer abandon the public square. We must relinquish our roles as absentee citizens and letters-to-the-editor critics of the corruption that we see all around us.

The choices we face bring to mind a terribly unsettling vision that came to Moshe many years ago:

Our souls interred as we listen to the lies,
disbelieving what's before our eyes.

Where spirit should guide and reign,
see the smug seek empty gain.
Where life and love should draw their breath,
feel a chill of coming death.

Where corruption wafts a stench,
see lawyers' greed touch every bench.
Where sickly poor die alone,
see corporate commerce thrive and grow.

Who will stop pursuing poisons we consume.
Who will cease feeding entrepreneurs of crime.
Who will close warehouses filled with human waste.
Who will drain cesspools breeding dread disease.

Hear the mouths sincere with endless empty schemes,
stifling the voices that whisper inner dreams.
Where is your heart, your spirit, and your soul,
the part that reaches out and says, no more!

The Talmud teaches, "Who can protest and does not, is an accomplice to the act." (Shabbat 55a)

For Young People: Flying Like Eagles

The Hebrew name for the eagle is *neshar* (נשר)—kind of. While the eagle is referred to as *neshar*, the name also includes other birds, like the vulture and the kite. The specific Hebrew name for the eagle is *ayit* (עיט), which means "bird of prey." But the root of the word means "screaming" or "scolding."

What are the particular things that we like about eagles? They're beautiful and they take special care of their young.



The fifth commandment says that we are to honor our parents, so that we may live long lives. We always think of this commandment in terms of people. But mutual caring may also lead to long life in the animal kingdom. The eagle is affectionate and caring toward its young; they, in turn, are respectful and obedient toward their parents; so they live long lives.

Why do you imagine that honoring our parents might cause us to live longer?

The eagle played a very important part in our Exodus as slaves from Egypt. The Torah tells us that after we were liberated, God said: "You have seen what I did to the Egyptians, and how I carried you on eagles' wings." (Exodus 19:4) According to one of our great rabbis, the eagle is a symbol of mercy. (Rabbi Judah) So we are taught: "As the eagle watches lovingly over its own young, but is cruel towards others [who would harm them], so does God show loving-kindness to Israel and severe judgment to the heathen nations" that ignore God's will. (Zohar, Shemot 2:80b)

Haman, the evil chief minister to King Ahasuerus in the story of Esther and Purim, wanted to destroy all the children of Israel. In the order he issued to wipe out the Jews, he referred to them as "the great eagle Israel." (*Legends of the Jews*) Why do you think he might have compared Israel to a "great eagle"? Incidentally, what ever happened to Haman?

It's time for the eagle quiz! 1. What's the largest wingspan of an eagle? 2. How much do the largest eagles weigh? 3. How much weight can the eagle carry? 4. How long can eagles live? 5. Will eagles attack people?

There's an old saying about the eagle: "If the eagle goes walking, he will be stepped on like any worm." (S. Ben Zion) Maybe what that means is that if an eagle behaves in ways that God didn't intend—say, walking around town instead of soaring in the skies—it will be shamed, treated like a worm, as if it were not a great bird.

And likewise, if we behave in ways that God didn't intend—for instance, being unkind to people, telling lies, or stealing—we too will be shamed in front of our family and friends, and we will feel guilty and embarrassed for not being the best we can be.

Answers to the quiz: 1. About eight feet. 2. About 20 pounds. 3. About twice their body weight. 4. Usually 20 to 30 years, but up to 50 years in captivity. 5. Probably only when cornered to defend their young and their nests.

OPENINGS

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630 Hauser Blvd., #205
Los Angeles, CA 90036
(323) 934-2925/934-2913 (fax)

Rabbi Team

Rabbi Moshe ben Asher
Khulda bat Sarah

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על קהלת חרקים—ABOUT KEHILLAT KHARAKIM

- Kehillat Kharakim—a community of *openings*—meets twice-monthly for Shabbat services.
 - Kehillat Kharakim Friday-evening services regularly include a devar Torah (“sermon”) in the form of a readers’ theatre Torah-drama.
 - Kehillat Kharakim’s formation is being sponsored by Gather the People (GTP), a nonprofit organization founded by a Sponsor Committee of rabbis from virtually all the major branches and movements of Judaism.
 - Kehillat Kharakim’s rabbinic leadership is provided by Rabbi Moshe ben Asher and Khulda bat Sarah, formerly the “Rabbi Team” for Congregation Beth Israel of Chico, California.
 - The Kehillat Kharakim vision is to create a community of *openings*, or “kharakim,” through which family members of all ages can draw upon Judaism and congregational life to increase meaning and fulfillment in their own lives.
- The goal is a community that, regardless of where one begins or ends in Jewish knowledge or commitment, encourages greater exploration, acquisition, and expression of Judaism—and regardless of where one fits religiously, treats each person with kindness and respect.
 - The Kehillat Kharakim vision is that, apart from our capacity as individuals, we also have a role as a *kehilla*, a *community*. Following the example of Nehemiah, who gathered the people to rebuild the wall and gates of Jerusalem, we assume that we too can reduce the pressures and realize the hopes that will uplift our families. By doing mitzvot *collectively*, we can bring about change for the good in our day to day lives.
 - Kehillat Kharakim is independent, not affiliated with any of the movements or branches of Judaism.
 - Kehillat Kharakim has the following kashrut policy: all food must be dairy or parve, unless special arrangements have been made, and must be prepared according to kosher guidelines; packaged goods must be certified as kosher; fresh baked goods must be purchased from kosher bakeries; and home-baked goods must contain only vegetable shortening. Non-kosher food shall not be served.

Kehillat Kharakim is a project of
Gather the People
A Nonprofit Education & Training Resource
for Congregational Community Development
<http://www.gatherthepeople.org>

PASTORAL COUNSELING AVAILABLE

Rabbi Moshe offers pastoral counseling without charge to any Kehillat Kharakim individual, couple, or family. Pastoral counseling addresses religious and spiritual as well as psychological and emotional needs. Moshe has a Ph.D. in Social Work, was a staff member of the Adirondack Samaritan Counseling Center of Glens Falls, NY, and was trained at the Gestalt Therapy Institute of Los Angeles. Call (323) 934-2925 for more information or an appointment.

TAX DEDUCTIBLE CONTRIBUTIONS TO SUPPORT KEHILLAT KHARAKIM SHOULD BE MADE TO “GATHER THE PEOPLE”

KEHILLAT KHARAKIM
630 Hauser Blvd., #205
Los Angeles, CA 90036

