

**Clean Hands and a Pure Heart:
Reactions to the Recent Revelations
Concerning the Stories of our Torah Scrolls
Parashat Terumah; February 19, 2010**

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One of the difficult decisions our Confirmation team faces every year as we prepare for our Tenth Grade class trip to New York City, -- which departed, miraculously, out of the snow bound streets of Washington this past weekend -- is whether to continue to bring our young people to Crown Heights. There, every year of my tenure so far, we have engaged with the Chasidic Discovery Center, a brief -- and heavily debriefed -- immersion into the world of the ultra-Orthodox.

The decision is difficult because I have mixed feelings about supporting Chabad Lubavitch in any way -- the terms, by the way, are interchangeable: Chabad is an acronym for their initial philosophy and Lubavitch is a geographic distinction related to their European origin, but Chabad and Lubavitch are the exact same group. Their core ideology is chauvinistic and problematic; their warm welcome for all Jews is enticing and exciting and a dangerous snare to wounded souls and liberal Jews at uncertain or vulnerable moments in their lives. I wonder every year about the funds we pay for the experience. Adding to the problem is their messianic fervor -- incredible as it may sound to us many of the Chabad really do believe that their departed Rebbi, Menachem Schneerson, is the messiah and will return. And every year we visit

there is more and more evidence of how deeply this rebbe-worship – and I mean the term literally – is seeping into that community, leading, even, to changes in ritual and practice. I find this whole aspect of the Lubavitcher world deeply disturbing even as it is historically fascinating; in my own opinion there is a direct analogy here to the earliest days of Christianity, in which claims are being made about a departed leader which I am not sure the leader himself ever could or would have made.

And every year, no matter how challenged, upset or even angry our students get, they almost always assert that it was one of the highlights of the trip. It features exposure to a very different way of thinking about Judaism, God and spiritual causality than we teach here (and it gives us an opportunity to point up the contrast); it is a jarring experience for the boys to enter the Chabad central synagogue on Eastern Parkway, into a teeming, cacophonous and chaotic surge of prayer circles in which solitary humming and communal connection seem indistinguishable from one another; it is a novel experience for most almost all of them to be “helped” to put on *t’fillin*; it is even more jarring for our girls to be separated and “watch” all this from upstairs; it is eye-opening for both groups – still segregated – to be shown a mikvah, hear about its uses – and for the girls to meet a married young female guide, sometimes in her early 20’s with four or five children already, who happily discusses the virtues of arranged marriage and the fact that she never went on a date. Because we went in February this year the matzah factory was open, and

the production of *shmorah* matza – carefully watched at every stage from harvest to final production – is quite a scene: a hand appearing out of a wooden slot to pour water into flour, the quick mixing of the items, long rows of women rolling it out shouting “matzah” when it is ready, the long poles placing and then unrolling the sheets into a wood-burning oven.

But for me, this year, and for us, this night, given the events and revelations in our community in recent days, what held my attention more than usual was our annual visit... to the scribe.

There, we usually discuss how *t'fillin* and *m'zuzot* are made, and what is inside them. This year, though, I was more interested in questions about Torah scrolls. How are they written, how are they distributed, what makes them kosher? Who checks, and how? And above all, who watches the watchers?

I learned something new this year: that a few years ago a computer program was developed, an aide to scribes, which can scan an entire Torah, and rapidly, electronically, check its condition; which words need to be touched up, what is in need of repair. Almost as interesting to me as the content was the comment our guide made along with it. “Do you know who developed the software?” he asked me on the side. “Satmar!” he exclaimed in wonder, sounding astonished at the grudging admiration in his own voice, naming a rival and almost point-opposite Chasidic group, as deeply insular and shut-off from the world as the Chabad are outward-looking and nearly evangelical in their openness.

A reminder, if ever one was needed in this fractious Jewish world of ours, that the Torah remains a rallying cry and a unifying symbol for all Jews, of all streams – a spiritual symbol which pulls at our heart even in the presence of very real intellectual disagreements over its development and origin and interpretation.

Which brings us, of course, to the questions on many of our minds, the recent revelations concerning the sale and distribution of Torah scrolls by a local rabbi and scribe, as reported in the *Washington Post Magazine* at the end of last month.

First, some background. As some but not all of you are aware, over a decade ago our congregation sought to honor its then Senior Rabbi, Bruce E. Kahn, on the occasion of his 18th year in service to the congregation. A significant campaign was launched, with the goal of commissioning a brand new Torah scroll.

This campaign was successful; as a reflection of the name of the congregation the campaign, as Rabbi Kahn told me quite recently, was called “Torat Shalom” well before we had any idea that the end result would be not one but three new scrolls to reside in our ark.

There are no questions, as I indicated in my recent email to the congregation, about the provenance, the origin, of Torat Shalom. It is a new scroll, and Rabbi Youlus was engaged by the scribe in Jerusalem

only as an agent, to handle local arrangements and the dedication of the scroll.

Along with Torat Shalom, however, our congregation was blessed – truly – to be able to obtain two other high-quality scrolls. We named them “Torat Emet” and “Torat Din,” after the words for “truth” and “judgement,” and the “names” of our scrolls are written on the royal red mantles the scrolls wear during most of the year.

Along with those scrolls, as you probably know, came powerful stories. It is not the scrolls but the stories which are now in question.

Last June I was contacted by Martha Wexler, a free-lance writer, who asked to meet me in person. When we sat downstairs, she began asking uncomfortable and disturbing questions. She and a co-writer were after details: the stories about many of the scrolls distributed through the Save-A-Torah foundation were so out-of-this world, so fantastic... At some point the stories stretched credulity. It seemed like lightning struck, like miracles happened for the same man again and again and again.

They expected to write another piece about this wonderful work. So they dug at the details a little bit. And could verify... absolutely... none of them. Not one name, not one story, not one tale of origin bore up to scrutiny and further investigation.

Full disclosure at this point: I know her co-writer. I went to high school with him, here, around the corner, at Northwood. Jeff Lunden is a playwright and reporter, living in New York now.

And I mention this because I have already heard both of these writers attacked, in personal ways, for writing this story, for daring to print it, for pursuing the truth.

So I want to share with you that I know the anguish they went through, and the toll this has taken on them. They wondered about not pursuing the story, they agonized over the impact. They struggled with this whole notion of “the greater truth,” the power of myth, the impact of the story being more moving and more important than actual details and disturbing little things like fact and truth and history. And, in my opinion, they did exactly the right thing.

Immediately upon realizing what she was asking about, I directed the reporter to Rabbi Kahn. She met with both of us, and was surprised that the stories we had about our scrolls included not only towns of origins, but names of merchants and priests and other figures. Although our scrolls and their stories did not ultimately appear in the printed piece, I will tell you that Martha and Jeff pursued every detail in the stories we were given about Torat Din and Torat Emet.

And, consistent with their other work, they could find not one figure, not one family, not one confirmed detail. They had on the ground researchers, they had email and phone contact; nothing.

Let me state, as I implied in the letter, as clearly as I can, that what we are looking at here is an argument from silence, because absence of proof is not proof of absence. We do not know with certainty that these stories are not true. But neither can we any longer assert with confidence, conviction and integrity that they are true.

Nor will I state that these details do not matter. I do not believe that, and, again, as I said in the letter, in an era in which there are those who deny the whole history of the Holocaust all together, we must be *meduyak*, we must be punctilious, exacting, scrupulous in any of the stories we tell about that time and place.

What I would like to do tonight, though, is outline some of the Jewish values which I believe are at play here, and share with you some of the steps we will take.

Standing above almost all else in this case is a tension between two commandments: *tzedek, tzedek tirdof* – “justice, justice you shall pursue,” and *sh’mirat halashon*, “the guarding of one’s tongue” Our rabbis teach that the repetition of the word justice – one of the explanations, anyway – is that we must pursue the truth, whether it is comfortable or painful. How to do this while being mindful and guarding against either *r’chilut*, gossip, or *lashon hara*, slander or speaking ill of someone... is quite a challenge. What I can say is that a man’s reputation and livelihood hang in the balance here; I want to

acknowledge our own sadness, disappointment and anger, to give voice to that, a space, and a place... and I want to balance that against not saying too much, too soon.

If I am slow to react or respond I remind all of us that this is a tragedy but not an emergency; that the scrolls themselves are real, and here, and it is only the tales we told along with them that are in question. To some extent, as well, I believe that this is a story which is yet to play out, and I urge caution.

What other values are at play here? Jewish tradition deals extensively with business ethics, issues of reputation, restoration of property, and the realities of the commercial world. It speaks of topics such as *g'neivat da''at* (deception and undeserved goodwill), *v'hiytem niki'im* (the injunction to act with integrity), *sh'lichut* (agency), and the notion of the good-faith purchaser. The Talmud, in *Baba Metzia* and in *Baba Kamma* and in other places, and the *Shulchan Aruch*, the 16th century compilation of Jewish law, especially in the section called *Choshen Mishpat*, deal with business practices from every angle, including issues such as *mar'it ayin* (guarding against the appearance of impropriety), *chashash* (suspicious practices), and envision issues of valid acquisition, presumptive ownership – including, specifically, of Torah scrolls – and *takanah hashuk* (the needs of business life and the inability of every buyer to determine every detail of an object from every buyer.) Perhaps as -- or if – this story unfold further, we will have a

better sense of exactly which issues, which situation and which relevant precedents we are looking at.

Or we might not. In which case, there are actions we should take in any event.

Here are the four things we have done or will do.

First, we have, as of this afternoon, removed the stories of Torat Din and Torat Emet from our website.

Second, we should bring in a different scribe – vetted and trustworthy – to review all of our scrolls, to assess the four scrolls we believe to be kosher scrolls, and to verify that assessment. It is perhaps possible that we should hire two scribes to work independently, and give us separate opinions. I anticipate learning that the scrolls are kosher by technical standards of Jewish law, and that the question was only about the stories, but I believe we should check this anyway.

Third, we should contact the Reform movement Responsa committee, requesting a hypothetical *teshuvah*. Responsa literature is the latest phase in the development of Jewish law. Once the great law codes and commentaries have been written, new situations still arise, and communities and individuals write in to well-regarded rabbis for detailed investigation of certain questions. Our movement has such a process, with the interesting difference being that in the Orthodox world and, theoretically, in the Conservative one as well, one who asks a

question is governed by the answer, and in our tradition such responses are considered learned guidance. But this situation, looked at from a step removed, putting the hurt and emotion to the side for a moment... would make an interesting question. Given what we know at the time, are there any obligations that Jewish law, interpreted through the best minds of our movement, brings to bear on us.

Finally, *Talmud Torah* – our own study, personal and communal – is always an appropriate response. Either in the context of a visiting scribe or in a stand-alone setting, or both, I call for re-engagement with the issues raised here: both the practice and ancient sacred craft surrounding the Torah scroll, and the issues of Jewish business ethics. We will respond not only with action, but also with learning.

More than that, at this time, we cannot say. We will watch, and wait, and speak with one another as there are any further developments.

How fitting it is, however, that this Shabbat is *Parashat Terumah*. The portion speaks not only of the efforts of the Israelites to contribute, the coming together of a community which led to a Tabernacle, a Sanctuary, to a synagogue and scrolls and sacred space. It also addresses the task of managing the work, monitoring the funds, overseeing the entire process. Like *sh'mura matza* from the moment of the harvest, in this portion and in the weeks to come the question is raised: who watches the watchers?

How do we trust the ones who are supposed to be trustworthy? And how do we all, each of us, you and I... how do we act, and give, and live... with clean hands, and a pure heart, in all the work we do?

The Torah remains the single most sacred symbol of our people. We differ on its meaning but unite around its aura. Does Satmar tell Chabad? What Satmar software would a Chabad Chasid use? And what would even a secular Jew save first from a burning building, after all the people were out? The *kedusha*, the sanctity, the specialness remains, even if the *medresh*, the *mayseh*, even if the tale we tell changes over time.

Shabbat Shalom.