

May 25, 2001
Parashat Bamidbar,
Shabbat before Shavuot 5761

Rabbi Lisa Edwards - BCC, LA

Those of you who know where I've been all week aren't eligible to answer the following question. Others of you, guess where I was all week if I tell you that I spent hours on end listening, reading, reflecting, discussing matters of great importance -- maybe even life and death importance -- with other intelligent, well-spoken, well-intentioned, earnest people who politely but firmly disagree with one another, and sometimes change their minds, and sometimes hold fast to their position, but always maintain respect for each other. Where might you guess I spent the week? Anybody?

I might have guessed studying with BCCers, or at a rabbis conference, maybe even at a BCC board meeting! I might have guessed that I went to a pre- Shavuot study session much like the Shavuot study and celebration we'll have here all night this coming Sunday (yes, that's a pitch).

Well I did have the privilege this week of learning each evening with many of you, but how I spent my days this week was on jury duty in the criminal court downtown LA.

I was paneled for two juries before I was chosen for a third, and in each judge's courtroom I learned more about criminal law -- mostly I learned that I didn't know much about criminal law. I also got to have lunch with Robin Berkovitz and Allison Diamant several times. Robin is public defender down there at the criminal courts and Allison -- with a dr's schedule even less conducive than my own to jury duty -- was also in the jury pool.

In the courtroom there is a lot of formality and respect paid to everyone, including the jury. When the jury comes in the room the attorneys and the defendant stand up and look at us. So too when the judge enters. We were told that no one is allowed no one is allowed to walk in the space in front of the judge's bench unless the judge gives them permission, and the judge seldom gives such permission, even though it's often the shortest route to get where you want to go in the courtroom. During a break I asked the bailiff why you can't walk in that area. "Sacred space," he replied, without hesitation or cynicism (well, maybe a touch of cynicism).

It made me think of how we treat the Torah when we talk it from the ark. V'zot ha Torah we sing when we hold up the Torah scroll for all to see the words written upon it, v'zot ha torah This is the Torah asher sahm Mosheh lifnei b'nei yisrael that Moses set before the people Israel; al pi Adonai, b'yad Mosheh the Torah given by God, through the hand of Moses. [from the Torah service/ also Deuteronomy 4:44, Numbers 9:23] If a stranger were to look at us when we actually have a Torah service, see us take the Torah scrolls from the ark and carry them around the room, all of us standing, most of us singing our hearts out (old familiar songs whose meanings we probably don't know), were to watch us as the Torah is carried in front of us, watch us reaching out with tallit or with prayerbook or with our hand to touch the sacred scroll and then press to our lips whatever we touched it

with, that stranger might surmise that we love our Torah, might even surmise that we love our Torah because of what is in it. And yet most of us, though invited, won't come here or anywhere else, to listen to or to study what is in it. Most Jews in the world today won't come for one night of study a year as we're invited to do on Shavuot, and certainly won't come on a weekly basis to study what is in our Torah scroll. In fact, most of us haven't ever read what's in that thing we kiss, let alone studied what's in there. This isn't a reprimand, by the way, (you're always welcome, whenever the fancy strikes you, to come and study a little Torah, no questions asked). My description here isn't a reprimand, it's just, as I've been learning in trial all week, "a presentation of facts" by someone who is, I think, "a credible witness," i.e., me. But it's a little odd, isn't it, the presentation of fact I'm making? Why do we feel so embracing of the physical scroll of the Torah, when we mostly refrain from looking into one?

The 19th century Chasidic master known as the Sefat Emet, the "language of truth," in speaking about the book of Torah we begin tonight, the one called bamidbar – "in the wilderness," the wilderness in which God gave the Torah to the Israelites, and to the world – the giving of which we celebrate on the holiday of Shavuot, coming this Sunday night at synagogue near you...The Sefat Emet wrote that "The Torah that lies before us is the garb of Torah. It is by means of study that we arouse the force that lies within it." [The Language of Truth: the Torah Commentary of the Sefat Emet, Be-midbar 2, p.221]

Sometimes, I guess because I spend so much time in my sheltered world of mostly queer people and/or mostly Jewish people, and very little time really in the jury pool that is Los Angeles, where every race and culture and color, every economic and education class, where every sort of difference come together and attempt to live side by side, and do, amazingly well in what is often a tense and other times a dreadfully boring setting...sometimes, I forget that Torah and God live also outside of us here at BCC, that God and Torah live also outside of our small, protected circle. I forget that even in a place where we are forbidden to try to consciously bring God into the setting like a courtroom – separation of church and state and all (Mr. Bush, did you hear that?) -- even when we deliberately separate the two, God is there and so is Torah, so is Jewish law in the way that 12 total strangers sit around a table and try their hardest to come to consensus about a situation. It is so talmudic, I thought all this week: we listen, we reflect, we discuss, we disagree, we never disrespect one another in the disagreeing, we ask questions, we give answers but often there is more than one quite feasible answer or explanation offered.

When we entered deliberation we were instructed NOT to take a poll or a vote right away to see what verdict we might give at this point. A verdict arrived at by each individual juror working and thinking alone is not how it's done. I'm not sure I ever realized this before, even though I've watched Henry Fonda in "Twelve Angry Men" (one judge told us not to think about that movie while we were on the jury). How it's done is how it's done in Jewish law too (with a couple of notable exceptions which I'll talk about some other time).

Listen to this description of Jewish law by Rabbi Brad Artson [in his d'var Torah on Bamidbar from UJ e-mail, Shabbat before Shavuot, 5761/2001]. I think it describes what's going on the jury room quite well. It also describes, though none of the judges use quite the same language, what the judges told us we ought to be doing. And even more closely, Rabbi Artson's words describe what I have been witnessing all this week from my vantage

point as #2 juror:

"Jewish law," wrote Rabbi Artson, "is where we can wrestle to achieve consensus. It is where we can celebrate diversity while also setting the limits necessary for our brit, our covenant, to continue into the future. As with the Torah, it is impossible to say where the human element in halakhah, in Jewish law, stops and where the divine begins. Rather, we can say that halakhah is the attempt of the Jewish people to make the light of God visible in the world. Just as light can only be seen when it bounces off of a physical object, so too holiness can only be shared and encountered when it is embodied within human structures."

You may be beginning to think, as I've been inclined to think all week, that I've gone a little loony during my jury service. Ask Robin, who sees the seedy underbelly of the "system" week in and week out in her difficult job as a public defender. Ask Allison Diamant, and me last week, and most of the other jurors who weren't yet picked for a jury and who could do little else than think about the work and unanswered phone calls and e-mails piling up at the office while we sat imprisoned in a crowded, noisy room filled with strangers. The system has its flaws, to be sure.

But I have to say I overcame my snottiness and arrogance in that jury room. I still don't know if we'll make the right decision in the case; or if we'll make any consensus decision at all, even though the court, we're told, hates it when there's a hung jury – it costs everybody. But even if that's the result, all three judges I learned with this week insisted, you should still stay with what you truly believe. Listen to your colleagues on the jury, weigh their words and arguments, try to reach consensus, but in the end you must follow your own mind and heart.

Was it coincidence do you think that in this week's edition of BCC Bytes, our congregation's weekly e-mail "magazine," our stalwart editor, Melanie Henderson, in one of her as always thought-full editorials, quoted this passage from the Jerusalem Talmud that some of us had studied with our teacher, Rabbi Lappe. The courtroom judges could just have quoted Talmud for us, instead of making up their own wording, for they clearly share their values with the Talmud:

The Jerusalem Talmud, Tractate Horayot 1:1, 45d, teaches: "You might think that if they said that right is left or that left is right you should listen to them. But no! The Torah teaches 'to go to the right and to the left' [in order] to teach you that you should go right if they said to you right, only if it is actually right; and left if they said to you left, only if it is actually left."

Some of the commentators on Torah consider the possible links between the English title of the Book of Torah we begin this week and the Hebrew title. The English title (not of Jewish origin by the way, though used by Jews) is the Book of Numbers, because the book begins with a census, an actual count head by head of every Israelite male above the age of 20, able to bear arms. Hence there are many numbers in this book of Torah. The Hebrew term, as I mentioned earlier, is Bamidbar – in the wilderness," because that is the first important word in the first verse of the book, but also because the book does tell part of the story of the Israelites during some of their 40 years in the wilderness.

One commentator, maybe it was me? I can't remember . . . noted that these two titles,

NUMBERS AND BAMIDBAR are significant because the two titles together drive home the point that the book is NOT ABOUT BEING ALONE IN THE WILDERNESS, IT'S ABOUT LARGE NUMBERS OF PEOPLE LIVING IN THE WILDERNESS TOGETHER.

Shavuot is on its way, is nearly here, as we'll notice in a most vivid way in a few minutes when we count the omer. This is the last Shabbat this year we'll be counting the omer; we've been counting each day since Passover, since our going out from slavery, until Shavuot, until God gave us the law...there at Mt. Sinai, the thunder and lightening and smoke on the mountain and loud blasts of the shofar and everything, including the Israelites, shaking and quaking. We count these days, say our teachers, with almost bated breath [as in "abated, suspended"], with eager anticipation for the gift that is soon to arrive. We've seen the miracles, the parting of the sea, the delivery of manna from heaven, among many others, but we've learned already that humans cannot live on miracles alone, not unless the miracle itself gives us the tools for survival on our own. and that is what the miracle we celebrate on Shavuot gives to us – the miracle of the giving of the Torah -- the miracle that gives us the tool for survival on our own, not just as individuals, but as a people.

Despite my sentimental view of jury duty at the moment, I'm no fool, I'd never choose a permanent job as a juror (one person in our jury is serving on his 17th case), I certainly wouldn't choose jury service over spending my days here learning and living with all of you. But here on the Shabbat before Shavuot, before we celebrate in such an intense way the gift of the Torah, before the holiday in which we more than any other, really delve into Torah instead of simply being enamored with its garb, I have come to see what I never saw before (my resistance to taking the chauvinist view that Judaism is supposed to be a light unto the nations has kept me from this I think), I see now why so many Jews are drawn to the profession of law – for the secular law of the land, the one that the Talmud tells us to follow even when it contradicts our own laws ("the law of the land is the law") really is deeply rooted in Jewish law and Jewish thought and Jewish ethics, it really is deeply rooted in the tools that Torah gave us, the Torah that is, that came about not automatically when God gave us Torah, but the Torah, the teaching, that happens when numbers of people actually open it, study what's in it, grapple with its ideas and with one another, and in so doing, arouse the force that lies within the text ["The Torah that lies before us is the garb of Torah. It is by means of study that we arouse the force that lies within it."] . . . when numbers of people, working and studying together, arouse the force that lies beneath the velvet cover.

May this Shavuot, zman matan torahteinu, "the time of the giving of Torah," lead each one of us to our time of truly receiving Torah.

Shabbat shalom, chag Shavuot sameach.