

The Scandal of 2017

I know that many people will disagree, perhaps vehemently, with this article. But I present my thoughts solely to open a dialogue.

Weinstein, Conyers, Franken and Moore are not the names of an illustrious New York law firm. These are some of the more infamous individuals who have allegedly engaged in inappropriate sexual activities. To be sure, they are merely the tip of the iceberg. The allegations against numerous politicians and Hollywood moguls have been accumulating at a rapid rate. As I am writing this article I just heard the news that NBC has fired longtime 'Today' host Matt Lauer following allegations of workplace misconduct.

As an observant Jew I am told to ignore my base instincts, emotions, and personal sentiments and construct an opinion that is congruent to my religious beliefs. While I firmly believe that one is innocent until proven guilty, I also understand that often, when there is smoke there is fire.

Jewish law is in sync with American law and states that the burden of proof is on the one who declares, not the one who denies, and therefore one is innocent until proven guilty. As much as I adhere to this rule, I am also cognizant that it is not a determination of one's innocence. But we can't consider someone to be guilty until it has been proven. In a similar vein, Jewish law posits giving the benefit of the doubt, although that doesn't equate with the alleged being exonerated or guiltless. It is important to me to address these allegations within the constraints of living life as a practicing orthodox Jew.

Let's begin by examining those who have admitted wrongdoing and have apologized for their misdeeds. Is it possible to excuse their abhorrent behavior? By examining the relationship between Isaac and his sons we may gain some insight into our dilemma. When our Patriarch Isaac is about to depart this world, he indicates his intention to bestow a blessing upon his oldest son, Eisav. One of the commentaries explains that although Isaac was cognizant of his son's reputation for being wild and wicked, he nonetheless decided to bless him. He believed that a person cannot be held accountable for behaviors that are pre-ordained. Since Eisav's character was already predetermined in utero and his actions were not the result of free will, Isaac believed that his son's errant path was not of his choosing.

If we are mandated to give everyone the benefit of the doubt, then perhaps we must look at these individuals and their misdeeds through a different lens. If we can accept the premise used by Isaac to bless Eisav, perhaps other individuals are also born with a predisposition for negative behavior. Perhaps these acts may not have been done out of their own volition but represent a character flaw in their DNA. Once again, I am not excusing their actions, I am just trying to value the teaching of our religion that expects us to give everyone ALL benefits of doubt. Even when it is not in sync with what you feel in your gut.

While most people consider their acts depraved, perhaps in their minds they believe they did nothing wrong. Each case that has been in the news lately varies, so it is hard to generalize. However, in some of these cases, perhaps the man believed he was being sociable or joking and that his actions were misconstrued. Or perhaps he truly believed that the intimacy took place between consenting adults and therefore they did nothing wrong. Even if it turns out they were wrong, in their minds could they possibly have been correct?

At this point I want to interject another important component to this article. I, as an observant Jew, face a lifelong internal conflict. There is a daily struggle between my physical self and my soul. My heart tells me don't write about topics that are sensitive and my brain tells me that I should never make excuses for the inexcusable. Yet, my soul differs and reminds me of my religious obligations to do what is right regardless of society's disapproval and condemnation. The words I write emanate from my soul, while simultaneously my heart and brain disagree. The change of the name Yaakov (Jacob) to his new name Yisrael (Israel) highlights this unique difference. The angel say your name will no longer only be Yaakov; a name attributed to physicality of his existence. Your new name will be Yisrael which is attributed to his spiritual existence.

It is easy to cast aspersions and taint a person's reputation, it is far more difficult to remove them. There is a famous story of a person that made spurious and derogatory claims against their rabbi. The rumors were spread far and wide and the reputation of the rabbi was destroyed. After a few months had passed, the person realized that he made a mistake and the allegations against the rabbi were false. He decided to go and ask the rabbi for forgiveness. The rabbi understood the person was genuinely remorseful and told the person he would forgive only if he did exactly what the rabbi asked. He was told to get a goose down pillow and climb the mountain just outside town. When he stood at the mountain's peak he was to cut open the pillow and allow the feathers to disperse and then return to the rabbi. He was excited to find an easy penance so he hurriedly did the task at hand and returned to the rabbi with smiles on his face. He asked the rabbi, is all forgiven? The rabbi smiled back and said: as soon as you pick up all the feathers and place them back into the pillow.

Following the Torah's guidance may make the alleged perpetrators happy, but what about the victims? How does the Torah show compassion and understanding for them? They are faultless, but their lives are often ruined, and their reputation tarnished beyond repair. Even those naïve girls that may have consented, can they be held accountable for being subservient to a president, CEO, or Hollywood producer?

I wish I had a better answer, but I do know that our social system since the time of creation has been dominated by males. It is a world guided by males who introduced a system of governance that is male centric. The rules that were instituted may have not been intentionally skewed in favor of males, but the reality is that is exactly what happened. The classic example is a prayer found in our daily prayer book. Men recite a blessing that Thank God we were not gentiles, slaves, or females. Of course, the intention of the rabbis who made this blessing was not to be derogative. They merely wanted to say how lucky men are that they have more commandments to fulfill than anyone else. However, their lack of sensitivity towards women is indicative of an overall lack of empathy, caring, and understanding. They may have not meant any harm, but they surely caused much harm.

I believe, in a congruence between my heart, mind, and soul, that much of these prayers should be omitted. Even if they were written innocently, the bottom line is they denigrate women and there should be zero tolerance for degrading and disparaging anyone. I believe that this is not a Jewish problem only, but one that has left an indelible stain on our society. Men often justify their behavior by copying what their fathers and grandfathers did. After the debacle in an orthodox shul in Washington DC where the rabbi was found guilty of filming the mikvah, I finally had enough. It

was then that I decided to start our prayers on page 48 instead of page 18. I no longer was comfortable having the prayer opened on the page which casts women as second class or somehow less than men.

But having men lead the charge in remedying the situation against women seems illogical. We must empower women to stand tall and refuse to become victimized. In this week's Torah portion, Ya'akov (Jacob) is about to meet his brother who he has not seen in over twenty years. The Midrash tells us that Yaakov brought his entire family except for his daughter Dinah. He decided to hide her as he was fearful, lest his brother fall in love with her and choose her as a wife. But strangely, Yaakov is condemned and said to be the ultimate cause of his daughter Dinah being raped by Shechem.

What the Midrash may be highlighting is that Yaakov's motivation in hiding his daughter was to protect her from the need to confront her adversaries. He is perpetuating a path that leads to his daughter's victimization and oppression. As one of our patriarchs he was indeed a great leader, but perhaps he failed as a father. Her formative years should have taught her to be a proud woman who has sufficient conviction to know right from wrong. Instead of fearing his brother he should have better protected his daughter and prepared her for life. But when she leaves her father's house she is ill equipped to deal with the guile of those targeting her innocence. Hence, the blame for her shame and humiliation is apportioned, not only to Shechem, the accused, but also to her father.

Please feel free to disagree; I often do as well.

Shabbat Shalom,

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