

Kol Nidrei 5778

Cheap Speech

In 1995, the Yale Law Journal published a long article by Professor Eugene Volokh of UCLA titled, *Cheap Speech and What It Will Do*. Volokh considered the then-new phenomena of music and video streaming services such as Spotify, Netflix and Amazon and handheld book technology such as Kindle. He also pointed to a decline in the older forms of how we get our information - newspapers, publishers, bookstores. He alleged that together these phenomena would mean that we would have the power to custom-design what we read, see and hear without intermediaries. In other words, we as individuals would have supreme control over both the material we take in and the material that we put out.

And most of what Volokh anticipated has come to pass. Today we consume our information often without knowing or really registering that what we see in the margins of our computer is being offered to us based on our prior choices, thus reinforcing rather than challenging our ideas; and we can 'put out there' anything - really, *anything* - that we would like to say, regardless of its truth or its integrity, for a huge, nameless, faceless audience to consume in its turn.

Volokh was overall optimistic about the prospects of cheap speech. But many commentators since see it at the very least as a double-edged sword; and the sharp edge of that sword could be dangerous enough to threaten even the foundations of democracy.

What is true in the macrocosm is true also in the microcosm. As the speech around us is cheapened, as the discourse around us becomes a toxic mixture of lies, half-lies and truth in quantities too huge for us adequately to sort through, it is inevitable that our own speech will become cheapened too.

But the next 24 hours or so offer us an opportunity truly to focus on our speech.

We recite five Al Chets - double-acrostic alphabetical listings of sins - on Yom Kippur. If you look at that list of 44 wrong things we do and count up how many are done with parts of our body, you come up with 22. Of those, 17 are led by the mouth; 16 specifically have to do with using - or misusing - speech; or, we might say, by cheapening it.

Even the solemnity of tonight begins with reference to a speech act - the undoing of our vows and promises - which are, of course, acts of speech that are intended to bind our future behavior.

And speech continues to permeate Yom Kippur.

In tomorrow's Musaf service we re-enact an ancient ritual through speech.

In tomorrow afternoon's haftarah, we see how Jonah, in just five words, brings a whole city to repent.

And at the Ne'ilah service tomorrow night we will once more appeal for our words to reflect our intentions for the year that is coming.

On Rosh Hashanah, I spoke about Shofar as the original breath of Creation being made manifest. In another interpretation, found in the Targum, one of our earliest translations of the Torah, what animates the primal human being is a *ruach memalelah* - a *speaking* spirit.

Our words are God's exhalations.

Or rather, they can be. But we have freewill, and we do not always choose to manifest our words in that way.

Most of us also have a sense of how our tradition feels about misuse of the great gift of speech. Many of us have at least a passing familiarity with the terminology *lashon ha-ra*, which means both 'evil tongue' and 'evil speech.' We misuse it slightly - while it means to speak badly about another person (regardless of whether what we say is true); we tend also to use it to cover slander (*hotza-at shem ra*) and gossip (*rechilut*).

We come from a tradition that takes *lashon ha-ra* seriously, and not purely as a moral obligation. Under Jewish law, heads of damage in a personal injury lawsuit (pain and suffering, medical expenses, loss of earnings) include *boshet*, a claim by the plaintiff for being humiliated by another's words.

Over the course of the past year the Wednesday Sisterhood class has been studying Rabbi Joseph Telushkin's book *Words That Hurt, Words That Heal* - an accessible and contemporary treatment of *lashon hara*. That means that already within this community we now have an expertise we didn't previously have - a group of people who are seriously considering the effects of what they say and how they say it. And this is a truly commendable initiative. Because trying to address cheap speech is hard moral and spiritual work.

Why is it so hard to clean up the way we speak? I found an article that included answers by the psychologists Lorraine van Tuyl and Paul Coleman. It turns out that *lashon hara* does have benefits for us, if we can call them that. It feeds our own sense of self-importance at the expense of the other person. It allays our anxiety by projecting our own demons on to others. It's a form of social bonding - "did you hear about...?" is actually quite a common way to begin or deepen a conversation. And it entralls our audience.

And all of those make up a pretty irresistible combination.

But the truth is that when we give way to *lashon ha-ra* it says a great deal more about us than the person we are discussing. We can learn pretty much everything we need to know about a person by the way they talk about others, and it has consequences for them as well as their subject.

Our tradition has always understood this truth. Rambam - Maimonides - teaches, based on prior tradition, that *lashon ha-ra* kills three people: the speaker, the listener and the subject.

Perhaps a lesser known teaching, but just as powerful, is that *lashon hara* is equivalent to the three sins which a person must allow themselves to be killed rather than perform (idolatry, sexual impropriety, murder) - BT *Arachin* 15b. There seems to be a lack of proportion here - how can something so trivial be equivalent to the 'three big ones'? There's one answer in the Yiddish work from 1581 called *Orchos Tzaddikim* - 'the ways of the righteous' -

Ten times or more a day we humiliate and shame people...and even a light transgression, if repeated many times, is rendered heavy. For even though a single hair is extremely soft and weak, when several such are woven together, they make a strong rope...in addition, it is difficult for slanderers to repent because they have become habituated to their sin and have taught their tongues to speak evil...and we do not recognize the severity of the sin we have committed.

So, paradoxically, the little things turn out to matter most of all. And perhaps that is the reason for all of those repetitions in the AI Chet.

I think, though, that using this Yom Kippur to consider our speech opens up other possibilities for the year that is coming. If it is the case - as it is - that we live in a world where cheap speech is rife and appears to be getting cheaper by the minute, and if it is the case - as it is - that our tradition has always understood the perils of cheap speech and repeatedly offers us its wisdom in addressing it, then it must also be the case that a Jewish community can provide respite and refuge from the cheapness of everyday speech.

Consider that for a moment. What would it be like if we could be certain that when we enter this building to be together, we are entering a zone that, so far as it's possible, is free of *lashon ha-ra*?

This idea is already being put into practice. I have seen a written covenant called a *brit lashon ha-tov* which originally came out of B'nai Jeshurun in New York and has been adapted and taken up by other communities. I will be studying that *brit* with the Board soon and it may be that in the community envisioning exercise we conduct in January we, too, decide that a commitment to being a safe zone will be one of our basic principles. I do hope so.

But in the meantime, we have tonight and we have tomorrow. Kol Nidrei - the act of speech that has negated our previous acts of speech - has given us a blank canvas.

Can we stay off cheap speech at least for tonight and tomorrow?

Can we steer invitations to *lashon hara* to other subjects - "I'd rather not talk about other people's personal lives..."

Can we instead remind ourselves how precious it is to be together as a community?

Can we remind ourselves that our words are G's exhalations?

We can try. We should. Because it's rather a beautiful thing that the words of our lips today and tomorrow might be able to influence the words of our lips in the year that is coming.

So may it be.

Gmar hatimah tovah.