

No Judgment: Parashat Shoftim

I'm one of those odd souls who sort of love jury duty! Over the twenty-some years that I've been eligible to serve, I've actually been called up a surprising number of times – as an undergraduate in Philadelphia where I was dismissed because the very school that I attended was the one being sued, as a rabbinical student in New York where the introductory video about performing one's civic duty nearly brought me to tears, while working in Princeton where the system was so automated by that time that you didn't even have to show up at the court house but rather phone in each day to see if you had potentially been impaneled (much to my chagrin, I had not). Perhaps it's my "path not taken" career as a lawyer or all the procedurals I watch on TV, the strong sense of "fairness" that has dogged me since childhood or, trite as it sounds, that old sense of civic duty so poignantly captured in the promotional film. Whatever it is, when that official-looking summons card arrives in the mail I always get a little bit excited. And I'd really like to think it's about more than just the fact that there's something strangely alluring about standing in judgment of another human being.

"No judgment" I often say as a rabbi, one of those phrases that, by its very nature, can actually start to make a person wonder if they're being judged. I say "no judgment" because clergy people, so often, are associated with judginess – presumed to be espousers of the Word and zealous advocates for obedience to it (even, as we know all too well, we are vulnerable to the very same frailties and gross lapses in behavior as the rest of the population). I say "no judgment" – when someone sheepishly confesses to having flown back from their vacation on Shabbat or blushes while reporting the delicious *treif* dinner enjoyed at Chicago's hottest new restaurant – to show I'm not *that* kind of rabbi. I don't see my job as admonishing or making another feel guilty; I believe that teaching and championing and modeling and

discussing can go a whole lot further. I say “no judgment” because there are lots of different ways to be Jewish, and to live a good life, and to find meaning in this world, and I believe that we all have the ability to make decisions for ourselves. I say “no judgment” because, after all, none of us likes to feel judged. And yet, whether we like it or not, the season of judgment is upon us, and I’m not just talking about the High Holidays although we’ll get there in a few minutes. The issue of judgment is also one of the grand themes of our Torah portion this morning, *Parashat Shoftim*.

Shoftim v’shotrim titen l’cha b’chol sharecha – we read in our Torah portion this morning, “You shall appoint judges and officials for your tribes, in all the settlements that the Lord your God is giving you, and they shall govern the people with due justice” (Deuteronomy 16:18). One of the hallmarks of a good and orderly society is an impartial judiciary - one that can’t be bought or bribed, that favors not rich or poor, that does its best to bury personal prejudice and bias but rather arbitrates fairly. This emphasis on integrity and right is so important that the Torah, normally laconic and sparing of words, repeats it twice: “*Tzedek, tzedek tirdof* – justice, justice shall you pursue.” As we well know from the controversy and drama surrounding who should fill the vacancy on our own United States Supreme Court, a single justice has tremendous power to shape the society around him or her. With the Israelites poised on the banks of the Jordan, ready to soon enter the Promised Land and create community under autonomous rule, one of their first priorities must be to establish a strong judiciary.

Most of us would agree that having judges around to settle disputes and maintain order within society is a necessary and important thing, but beyond those times we might find ourselves in a courtroom judgment is generally something we seek to avoid. In fact, most of us here have at one time or another

been badly wounded by the judgments of others – what they said about us behind our back or to our face, what they conveyed in words or perhaps rather in body language, what they caused us suddenly to doubt or feel ashamed by or devalue or lose confidence in. Judgment can smart even when we know that it's unfair or untrue, and judgment can burn when we feel that it touches upon something real and raw and ultimately important. Most of us want skin thick enough to protect from the barbs and indignities of everyday life but skin porous enough to let in some feedback too, knowing that it is the only way we can ever learn and grow and ultimately become better versions of ourselves. “No judgment,” I say quickly so that feelings won't be hurt. But perhaps a little bit of constructive criticism from time to time isn't entirely a bad thing.

My teacher, Rabbi Cheryl Peretz, points out that there's something strange about the opening verse from our Torah portion this morning, noting that the voice of the *pasuk* (sentence) is singular rather than plural. We would generally expect, in setting up a judiciary system for a community, to invoke the collective – You all should appoint judges and officials. But the Hebrew rather reads *titen l'cha* – you should appoint, not only using the singular form of the verb but further emphasizing this fact with the word *l'cha*, you (singular), which is seemingly extraneous. Such constructs are found elsewhere in Torah as, for example, when God tells Abraham *lech l'cha* – to go forth first from his father's house and later to Mount Moriah where the Binding of Isaac will occur – or when God commands Moses *sh'lach l'cha* – to send out spies to scout out the land of Israel. In all of these occasions, the extra word “*l'cha*” emphasizes something personal about the journey at hand; it's not just a task to be completed but rather an extraordinary mission of discovery. So too, here, I would suggest that the words *titen l'cha* remind us that appointing judges is not just a matter of maintaining order within civil society. The way that we allow – or don't allow - others to judge ourselves is also a matter of intimate importance.

Judgment can go wrong in so many different ways! It can crush us unnecessarily but it also can let us off far too quick as the eighteenth century Hasidic commentator, Rav Yaakov Yosef, teaches from this week's Torah portion. Rav Yaakov Yosef was also struck by the unusual use of the singular "*l'cha*" in our *parasha* and he used it to explain that each individual should appoint a personal judge within him or herself, an inner voice of conscience evaluating his or hers words and deeds. There are times that we can be so very hard on others, while letting ourselves off the hook for the same kinds of actions or missteps; it can be so much easier to recognize the flaws in another than the same flaws within our own being. Writes Rav Yaakov Yosef: "First judge yourself, and, using the same yardstick, judge others. Do not be lenient with your faults while judging harshly the same faults in others; do not overlook sin in yourself while demanding perfection of others." Looking for fair and honest judges is not only something that the community, as a whole, must take into strong consideration. We must also look for fair and honest judges when it comes to evaluating ourselves.

How appropriate it is, then, that we read *Parashat Shoftim* during the month of Elul, the Hebrew month immediately preceding the High Holidays, when we begin turning our hearts and minds towards introspection and self-betterment. Many of you have heard me say before that *teshuvah*, the sacred return that is at the core of this season, is not only about turning back *from* – from bad behavior, bad habits, bad relationships, bad decisions but also about turning back *towards* – towards our best selves, towards the people we most wish to be in this world, towards good and towards God. If we begin the difficult work of reflection, apology, and repair only when Rosh Hashanah and Yom Kippur are immediately upon us, we have lost out on an important opportunity to lay the foundation for meaningful and lasting change. Rather, the time for such introspection begins now!

“No judgment” is perhaps a stance we should try to have towards others but it’s not necessarily the stance we want to have towards ourselves; in order to engage in true *teshuvah* it is often necessary to acknowledge some of our places of weakness, vulnerability, and error in order to try to do better in the year to come. And yet, this self judgment does not have to be harsh and critical – the cruel voice of haters in our ear - but rather should be issued with gentleness and compassion. One of the most famous *piyyutim* (liturgical poems) of the High Holiday season is *L’Eyl Orech Din* which speaks about God as the ultimate arbiter of justice, the Divine lawyer on high. And yet when we read the verses of this beautiful text, what we hear is far different from what we might imagine: “[God] responds to those who cry out on the Day of Judgment and demonstrates mercy in justice; [God] discerns mysteries on the Day of Judgment and holds close those who serve God with justice; [God] has compassion for the people Israel on the day of Judgment and guards those who love God with justice” (Tradition *L’eyl Orech Din*, translation by *Machzor Lev Shalem*). *Tzedek, tzedek tirdof* – an emphasis on integrity and right is never far from God’s mind during the High Holiday season. And yet, God evaluates us with love and tenderness, reminding us that we should judge ourselves in quite the same way.

And so it begins today! With just about three weeks until Rosh Hashanah, we might begin reflecting on our words and deeds from the year now drawing to a close, trying to measure ourselves with the same yardstick with which we measure others, trying to balance radical honesty with radical compassion. We appoint a personal judge within ourselves and attempt to listen without defensiveness but without excessive shame either, recognizing that we – as all humans – are both exceptionally good and exceptionally flawed at the very same time. We do our best to extend that same sense of empathy and concern to those around us as well, realizing that they, too, are trying to wipe the slate clean and begin again. We prepare to enter the new year feeling a sense of possibility and promise.

I've now lived in Chicago for over five years and, to my great disappointment, Cook County has not yet called me up for jury duty. But until that summons card arrives in the mail, I can place my energies where they truly belong – not on judging other but rather on better evaluating myself.

Shabbat Shalom!