

Yom Kippur 5774/2013—Rabbi Edward Elkin

“Who are We to Judge?”

One of the most unusual of the early Hasidic rebbes was Levi Yitzchak of Berditchev. He was unusual in the sense that he sought neither to spread his own doctrine nor to surround himself with disciples, followers, and admirers. He founded neither school nor dynasty. Berditchever Hasidism originated and disappeared with him. Perhaps for this reason, he was held in near universal esteem by the other great leaders of the Hasidic movement. He was above rivalries and refused to become embroiled in the many quarrels that divided the movement. He was known as *Der Baremdiker*, the Merciful One, because of his determination to defend the weak, and fight on behalf of the disadvantaged. He felt an overwhelming love for the entire people of Israel, and was ever ready to act as their defense attorney in both the divine and human realms.

A story is told about Levi Yitzhak that once, on the eve of Rosh Hashanah, he was heading to synagogue when a sudden downpour forced him and his personal assistant to seek shelter under the awning of a tavern. The assistant peered through the window and saw a group of Jews feasting, drinking, and reveling. Growing impatient, he urged Levi Yitzchak to see for himself how the Jews inside were misbehaving when they should have been in synagogue praying to God for forgiveness. Instead of looking, Levi Yitzchak rebuked his assistant for finding fault with the children of Israel. Surely, he asserted, they must be reciting blessings over their food and drink! So, instead of passing judgment on them, Levi Yitzchak proceeded to bless them. The assistant then peered into the tavern once more and overheard two Jews talking to one another about thefts they had committed. He told this to the Rebbe, yet once more Levi Yitzhak refused to judge them and instead concluded that, indeed, they must be holy Jews—since they were confessing their sins to one another before the High Holy Days.

For me, this Levi Yitzhak story yields two contradictory reactions this Yom Kippur. First, admiration. What an extraordinary religious personality it takes to be so loving and so generous to one’s fellow human beings. What a wonderful standard for us all to aspire to, not to judge others but rather to look for and find positive attributes in them, attributes that can be blessed. Surely the world can use more blessing and less judgment. On second thought, however, I have to ask—what kind of world would this be if we all indeed lived according to the approach of Levi Yitzhak? What kind of Jewish world would we have, if our Jews spent the High Holy Days in the tavern instead of the synagogue and received only blessing for it? What

kind of society would we have if thieves were simply given credit for their assumed confessions, instead of being rebuked or brought to justice for their crimes?

I thought of Levi Yitzhak when I heard of the comments made by another religious leader this past year. I'm thinking of Pope Francis's comments about gay priests, uttered on a flight from Rio de Janeiro to Rome. The pope said: "If someone is gay, and he searches for the Lord, and has good will, who am I to judge?" Like many others, I found this statement to be a bombshell, and it hit the news immediately as a signal that perhaps this new pope would take the church in a very different direction from its historic position on homosexuality.

As someone who has long promoted a stance of equality for gays and lesbians in our own community, I thought, wow—what a hopeful sign of progress in a world where many religious communities, including segments of our own and certainly including the pope's, seem to be stuck in a mindset of circle-the-wagons conservatism. What a wonderful sign of openness to change, openness to a part of humanity that has been marginalized and oppressed for many centuries.

But for all that I felt sympathetic to the new direction about gays and lesbians in the church that the pope may have been signalling with his comment, there was something about the way he phrased his response that just didn't sit right with me, and I wanted to explore that discomfort with you this Yom Kippur. I'm not focusing today on the specific issue of gay priests—that's for the Catholic community to work through (which I'm sure they're quite capable of doing without rabbinic input), nor even on the issue of GLBT rights in general, as important as that issue is in our world today. Rather, I'm drawn to the way the pope phrased his comment, which sounded almost Levi Yitzchakian in nature. "Who am I to judge?" the pope asked. Today, Yom Kippur, is our Day of Judgment. Today, according to Jewish tradition, our fate is sealed for the coming year, a judgment which is based on our deeds. So this is a day for us to think about how God judges us, but it's also a day for us to think about the way in which we judge others, and ourselves. Who indeed are we to judge?

Now, it is a principle of Jewish thought that we are called upon to imitate God: just as God is compassionate, so are we supposed to be compassionate. Just as God is loving and good, so are we meant to be in this world. And I maintain that just as God judges, so too are we, called upon to judge.

I don't know what the pope's intent was in asking the question "Who am I to judge?", and he may not have meant what I heard. But his remark pushed a button for me because I believe strongly that the road to the more tolerant and peaceful world that I profoundly hope for, does not lie in an abdication of the right or the responsibility to make judgments, but rather in the ongoing challenge of making wise and compassionate judgments when faced with all kinds of competing values and considerations. If you're a religious leader, or any person who takes religion seriously for that matter, you are obligated, when faced with the need to make a judgment, to take into account your faith's religious scriptures, the way these scriptures have been interpreted and practiced over the centuries, and the impact that any proposed course of action would have on the totality of the community you are leading. You also have to take into account the teachings and insights of your own generation. You have to consult with a lot of people whose opinion you trust. You have to pray a lot to God to grant you guidance. And at the end of the day you have to look in the mirror, and make your judgment, and live by it.

I of course understand the impulse behind the question "Who am I to judge?" When we use that phrase, we are reflecting our awareness that we all have flaws, and we therefore properly hesitate to judge someone else's behaviour. To be sure, our flaws and imperfections are real, and we must acknowledge them, on this day more than any other. Being "judgmental", with that word's connotations of self-righteousness and finger wagging, is a negative and all too common human attribute, as Rabbi Levi Yitzhak would certainly agree, one that religious people have sadly not been immune to, they've actually made it something of a specialty. A pastor I know reported that a parishioner of his once explained why he didn't come to church regularly—the guy said, "well I don't go to church because it's full of a bunch of judgmental, hypocritical people, no offense."

OK, point taken. It is offensive to be judgmental; to stand above people as if you have all the answers and they need to be just like you or else there's something wrong with them. That stance is not what I'm arguing for this Yom Kippur. What I am arguing for, is to be aware of all our flaws and imperfections, to be aware of our weakness and narrow-mindedness and selfishness which inevitably cloud our judgment, to be aware of the many psychological, historical, and socio-economic factors which inevitably lend subjectivity to our judgments, to be aware of our propensity for self-righteousness—and with all that awareness very present, to render the best judgments that we possibly can.

The modern world, with its tendency to relativism, may tempt us to abdicate this responsibility to make judgments about the actions of others. That's

what I hear when I hear the question “Who am I to judge?” I believe Yom Kippur has an answer to that question. Who are we? We are beings created in the image of God, with minds and hearts and souls. We are covenantal partners of the Master of the Universe, and that puts us in the awesome and frightening position of having to render judgment. This means we have to decide what really matters to us, what kind of people we’re going to be, what we will accept and what we must condemn. We have to take a stand, and be strong enough to accept God’s judgments and the judgments of our fellows, on the stands we take. Which doesn’t mean we can never change our stands or our judgments. *Has ve-halila*—I hope we’ll always be attentive to hearing God’s voice in ways that might move us or challenge us or change us. But at any given moment, our best judgments are called for.

I think homosexuals should have the same right to be rabbis as heterosexuals, and have the same right to compete without harassment in the Olympics as heterosexuals, not because I don’t have a right to judge them, but rather because I have used my God-given mind and heart and come to the understanding that gays and lesbians should be treated equally in every way. I know I’m limited, and I know other people, using their minds and hearts, come to very different conclusions—but I can only know what I know and act on that basis. I hope that others will come to the same conclusion in regard to gays, in regard to Jews, and in regard to many other historically disadvantaged populations in our society. But the goal is not always to move in the direction of more acceptance. Sometimes the judgment goes the other way. There are actions which were once quite tolerated in our culture, which are now held up for special shame and opprobrium. I think for example of those who commit sexual harassment, or university students who call out crude chants about rape, or pedophiles, or wife-beaters, or drunk drivers, or schoolyard bullies. In these areas, once indulged or thought of as quirks or peccadillos at worst, society’s judgment has become harsher with time. In fact, whether we admit it or not, or like it or not, we judge the behaviour of others all the time, and in so doing we reflect our own values and what we stand for. We simply can’t avoid making judgments, and in this period of the Jewish calendar, let’s be honest about that, and let’s look back on our year and assess where we’ve judged well and where we’ve judged poorly—perhaps too harshly, perhaps too leniently; perhaps not lovingly enough, perhaps too lovingly in the sense that our love made us afraid to express our values clearly. We also pray on these holidays that our judgments in the coming year will be wise and compassionate, and made with honesty and integrity.

The issue of judging is not only a personal one; it’s also a collective one. We who live in democracies elect our leaders, knowing that they will face many difficult quandaries that require judgment calls. Examples abound: Climate

change caused by human beings may be on the way to making the world uninhabitable for future generations; what steps should we take, what sacrifices should we make now, to prevent that disastrous outcome? Thousands of people around the world want to settle in our wonderful country for all kinds of reasons; how can we be as generous and welcoming as we aspire to be, without opening the gates beyond our capacity to absorb them? And looking at what's going on next door in Quebec, how do we as a religious minority help safeguard the right of individual religious expression for all, in an environment in which that right is being threatened in the name of "state neutrality"?

In our beloved Israel, how to share that very small land with the Palestinians without endangering Israel's security? How to express Israel's Jewish character while still affirming its democratic essence? How to share sacred spaces like the Kotel among Jews of radically different beliefs and practices? How to create a society in which the most vulnerable are cared for in accordance with ancient Jewish values? Today is the 40th anniversary of the outbreak of the Yom Kippur war, in which 2800 Israeli soldiers were killed and almost 9000 wounded—on this somber anniversary, we must consider and judge—what will best guarantee Israeli security in the future? Better tanks and airplanes? More Iron Dome anti-missile batteries? More Jewish settlements in occupied territory? Bombing Iranian nuclear facilities? Withdrawal from territories and the creation of an independent Palestinian state? A bi-national state from the river to the sea? So many judgment calls, difficult and painful because of the risks involved and all the competing values at stake. We who live here will not be as directly impacted by these fateful decisions as Israeli citizens, and we don't have a democratic right to participate in them through formal voting. But because of our many historic and familial connections, Israel is still our homeland and we care deeply—so many of us have opinions, sometimes strong ones, on all these questions, as we should. As Jews, we need to hear and consider various opinions about Israel and with humility, and as appropriate, make our judgments known, and figure out how we're going to relate to or judge others in our communities who may hold very different views than we do.

In our families and local communities, we have to make judgment calls all the time as well. When we think about the people who have hurt us in the last year, will we forgive them or won't we forgive them? Will we take the difficult step of asking others for forgiveness for our own misdeeds when that act puts us in such a vulnerable position, and how will we feel if they refuse? In our families, how do we do right by our parents, our children, our partners while still finding a place for our own needs? And how do we react when other family members come up with different responses than our own to these very personal questions? How do we do our part as members of the

Jewish community—finding time to learn, to participate, to contribute, to practice mitzvot in the midst of our busy lives, and how do we assess the actions of others whose level of Jewish involvement differs from our own? Living in community, living in society, we can't but observe the actions of others and draw conclusions, make judgments—as lovingly, we pray, as we possibly can.

Consideration of these judgment calls is our Yom Kippur work. It's what we're judged on each year. It's not that we have to have positions on every issue, or that it's always required in every situation to make our judgments known. Sometimes it's okay to reflect, consider, listen, have doubts. But at some point, we have to be ready to say *Hineni*, "Here I am, this is who I am, and this is what I stand for", and then accept the consequences of our judgments.

The most challenging issue facing the international community at this time is Syria. You've all read the op-eds and the blogs and the commentaries, and seen the interviews and the speeches. I don't know that I have more information than you do, nor am I any wiser on the subject of international relations. But this is a sermon about the need to make judgments, and this is the most important issue in the world right now, and it directly affects Israel, and so I feel a need to share with you my judgment—which is that the use of chemical weapons is indeed a red line where our responsibility to do something is clear, even if there is no guarantee that an attack would yield the hoped for result—namely, that Assad and others would be deterred from using such horrific weapons again. Assad's regime has brought about the deaths of 100,000 of their own people, and the creation of 2 million refugees. If there's a step that the West can take that might deter them from using the worst weapons in their arsenal against their own people, I judge that we have a responsibility to take that step, fully aware of the risks, and knowing that it won't stop this horrific, bloody civil war. Gas is a weapon we Jews have a particular sensitivity to, given what was done to us during the Shoah. If the chemical weapons can actually be brought under verifiable international supervision, then well and good. If not, my judgment is that sadly, military action would be an appropriate response, indeed a necessary response in the name of deterrence.

Thinking back to Levi Yitzchak, what would have happened if he had rebuked those thieves in the tavern? Maybe they would have beaten him up, or worse. There are consequences to expressing judgments and acting on them, sometimes grievous consequences. I acknowledge there should be an honoured place in this world for holy people like Levi Yitzchak der Baremdiker, people who refuse to judge the actions of others, but just reach out in love to them no matter what. And there are times when it is

appropriate for us to take that stance as well. But the world can't run according to that model; we *avkva* need to judge the actions of others and to act accordingly. Syria requires such a judgment call at this time.

In Pirkei Avot, Rabbi Yehoshua ben Perachya teaches *והוי דין את כל האדם לכף זכות*. This is usually translated as "judge people favourably" or "give people the benefit of the doubt." Note, this is not the approach of "Who am I to judge?" Indeed, Rabbi Yehoshua teaches, we are called upon to judge. Doing so, though is a heavy responsibility, and we have to do it right. We have to get as much context as we can, to see the whole person or situation to the best of our ability, and to be as generous and compassionate as we possibly can be. That generosity is not limitless, however. On Yom Kippur, we know that our deeds are being judged by God, and there are actions we have committed or omitted this last year that were wrong. The same goes for others.

I love the classic joke where, in the midst of the High Holy Days, the rabbi bows down low to the ground and proclaims how small he is before God, and the cantor bows down low to the ground and proclaims how small he is before God. And then an ordinary congregant does the same—and the rabbi turns to the cantor and says: "Look who thinks he's nothing!"

Folks, we're not nothing. We may be limited, but we're not nothing. Who are we to judge? We are creatures uniquely endowed by God with the ability to discern, to reflect, to transcend simple instinct, to decide when it is appropriate to keep quiet and when it is necessary to speak out, to find a balance between *din* (judgment) and *rahamim* (mercy), however difficult that may be. Amazingly, God gave us free will. May the judgments that we make, and that our religious and political leaders make, in this new year of 5774, be wise and courageous and compassionate, and may the Supreme Judge deem us worthy to be sealed for a good year.