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## Open the Gates: A Reflection on Justice

“If several residents are living in homes that share a courtyard, the group may force each inhabitant to contribute to the cost of building a gatehouse and gate for the courtyard.”

So instructs the Talmudic tractate, Bava Batra. With its focus on a person’s rights and responsibilities concerning property ownership, this section of the Talmud sort of reads like a condo association manual.

“Is this to say that making a gatehouse is beneficial?” continue the Rabbis. It certainly seems so. But then they introduce a brief story about Elijah the prophet who would wander the world, often dressed as a beggar:

“Wasn’t there that pious man,” they remember, “With whom Elijah was accustomed to speak? And that man, he built a gatehouse, and afterwards Elijah would no longer speak to him.”

Many hundreds of years later, Rashi explains why: This man gates off the poor, who are shouting for help, and he cannot hear their voices.

That gate, which might have increased security or raised the property value, blocked out the voices of the poor. The people inside became too comfortable. They could no longer hear the cries of the most vulnerable.

Gates establish a barrier between who is in and who is out. This physical demarcation can have a real influence on us. When this pious man erected a gate, it changed him, it allowed him to become callous to the problems that plagued his world.

Sometimes it is our fear that leads us to build a gate. We hold assumptions about people who do not look like us, who do not act like us. We wish to keep them out so that we can create homogenous spaces.

Creating neighborhoods built on exclusivity is popular in the United States. Ten million Americans, mostly white, live in gated communities. Many express a fear of crime as the reason, though the fear is rarely proportionate to the actual threat of crime.

In 2012, when George Zimmerman shot and killed Trayvon Martin in his gated community, the police believed that Zimmerman was the one who belonged inside the gates; he was a white man defending himself against Martin, a black teenager. It was inconceivable that Martin, too, belonged, that he was worthy of inclusion.

The killing of Trayvon Martin wasn't just good old American racism. It was also a story about privatization. As Rich Benjamin, author of *Whitopia: An Improbable Journey to the Heart of White America*, writes, "The rise of 'secure,' gated communities, private cops, private roads, private parks, private schools, private playgrounds — private, private, private — exacerbates biased treatment against the young, the colored and the presumably poor." (*New York Times*, ["The Gated Community Mentality,"](#) March 29, 2012)

Elijah, dressed in rags, might not have felt so welcome in a gated community.

Sometimes we erect gates to force the people we deem undesirable to dwell outside of civil society. Virtually abandoning the idea of rehabilitation, the state of Louisiana has the highest incarceration rate in the world; one in 55 adults is imprisoned. Louisiana's Angola prison is the largest maximum security prison in our nation. If you visit its gift shop you can buy a mug or a sweatshirt that reads, "Angola: A Gated Community."

Named after the country from which many slaves brought to Louisiana came, three-quarters of the inmates are black. Under a system that many consider modern-day slavery, prisoners can be forced to work for as little as two cents an hour doing grueling manual labor.

Gated communities can create homogenous spaces by keeping some people out, and they can create restricted spaces which make mobility difficult or impossible. My experience in a gated community in the West Bank was a little bit of both.

It was Chanukkah, and I traveled to an Israeli settlement, Efrat, with a few Israeli friends. Guards stood at the gates holding machine guns. It was unnerving to celebrate the holiday in a community of Jews who had segregated themselves from the majority Palestinian population. In this beautiful space, with grassy lawns and a swimming pool, the cries of the most vulnerable were nowhere to be heard.

Ariel Handel, director of the Lexicon for Political Theory project at Tel Aviv University, argues that the settlements, connected by hundreds of kilometers of roads built for Israeli Jews who can bypass Palestinian villages and cities, form a "single, contiguous gated community" enclosing Palestinian villages within them. They restrict Palestinian movement with the assistance of military checkpoints, making it extremely difficult for Palestinians to travel to other villages or access their farmland. He writes, "This is a kind of 'gating from within', which isolates the privileged minority while cordoning off and pushing away all the rest."

(*Transactions of the Institute of British Geographers* 39, 504-517, ["Gated/Gating Community: The Settlement Complex in the West Bank,"](#) 2014)

Gates often reproduce inequality. As climate change, political instability, and war create havoc across the world, our world's resources, along with public space, are becoming increasingly privatized. In Rio, the rich travel from one heavily armed gated community to the next by helicopter, avoiding the streets entirely. In a violent world, we build higher gates, we insert more iron bars, we lock them with heavier chains.

What is it with our fascination with gates? Why do we isolate ourselves or isolate others? I think Elijah was partly correct, that they allow us to create divisions and barriers so that we need not encounter people who don't look or act like we do. But they also offer the hope of protection from bloodshed.

When I went on a delegation to San Salvador a year ago, I encountered gate after gate after gate. Everywhere, gates. Gated communities, gated residences, gated streets. There were certainly gates designed to create exclusive spaces, to block out the voices of the poor.

But here, both rich and poor live behind gates. This is what a city torn apart by violence looks like. Homicides and violent crime traumatize the population. I did feel safer that the modest hotel we stayed in had a gate with barbed wire coiled on top. What distinguishes rich from poor is not the gates, but who is protected by an armed guard and who is not.

The Hebrew Bible commands the Israelites not to post armed guards at their gates but rather judges and officials. (Deuteronomy 16:18) We read about King Jehoshaphat of Judea who leaves his palace and walks among the people. He stations judges to stand at the gates of every town. He instructs them to act with care, and he forbids them from ruling with injustice, showing favoritism, or taking bribes. (II Chronicles 19)

Historically, the gate of the town was the weakest part of its defense. Judges would sit at this very place of vulnerability, representing justice to all who wished to enter. When strangers would approach the gates, the judges considered their cases, and the presumption was that they would be treated fairly. As Rabbi Lawrence Hoffman writes, "gates are openings through which justice pours." (*New Jersey Jewish News*, "[Just Guardians at the Gate](#)," Aug 27, 2014)

What a far cry from our country, where Border Patrol agents guard our southern border. When migrants arrive at our gates, they are sent away, caged, or dumped into dangerous cities in Mexico. Many immigration judges accuse the Justice Department of using them to expedite deportations at the expense of due process. If only our country's gates were openings through which justice poured.

Gates mark a liminal space, the in-between place of transition. They signal to us that our travel is not always safe. In Hebrew, when someone begins a journey we say, "*Lech l'shalom*" – go in peace.

When my friend needed an abortion and traveled to a clinic, she was overwhelmed by the iron fences, the security, the protesters. She recalled the bulletproof glass, the metal detectors. The hateful people who tried to intimidate and shame her as she walked into the clinic. She knew of one doctor who wore disguises to work, kept an unlisted address, and bought a house with an attached garage so she could walk from her car to her home without fear of harassment – or worse.

In 2014 anti-abortion protesters targeted and threatened doctors and other staff members in more than half the abortion clinics in the United States. An additional twenty percent of clinics

employed staff who experienced severe violence – arson, bombings, chemical attacks, gunfire. Protesters picket staff in front of their homes and spread their photographs and personal information over the internet. The harassment, and the fear, has a deep impact on their lives.

No wonder some abortion providers carry guns. No wonder abortion clinics have become fortresses.

In its origins, the mezuzah was considered a sort of amulet which would protect the inhabitants of a home. If gates signaled vulnerability, the place where danger lurked, then this was the place to sanctify with God's words. The Torah instructs the Israelites to inscribe the commandment to love God on the doorposts of their houses and upon their gates (Deuteronomy 6:9).

In our time, we make our thresholds holy by hanging a mezuzah. We bring awareness to our comings and goings. We remember that when we go out into the world and we return to our homes, we are to live our lives with intention. Our actions matter. We must never stop hearing the voices of the poor.

On this Yom Kippur, we stand, metaphorically, at *sha'arei shamayim*, before the gates of heaven. We are at the threshold of a new year, unsure what these next months will bring. We stand at a fragile political moment, when we are unsure what will transpire in the public sphere. We may be deeply unsettled. We may feel real fear.

So much is beyond our control. But we are far more powerful than we believe ourselves to be. We can take actions that will push open the gates of justice. "*Pitchu li sha'arei tzedek*," we pray. "Open for me the gates of justice."

We can erect gates when they are necessary but refuse to use them to exclude, restrict, or punish.

We can reclaim public space, ask why some people have all the resources while others have so little.

We can sit at our gates and welcome the stranger.

We can listen carefully to the voices of the poor. We can pay attention, we can reach out and extend ourselves.

As the sun goes down later today, some of us will attend the last service of the day, Neilah. This is our last chance to pour out our hearts before the gates of heaven clang shut.

We recite, "*P'tach lanu sha'ar b'eyt n'ilat sha'ar ki fana yom*. Open the gates for us, at the time of the closing of the gates, for the day is passing away." Even as the gates begin to close, we insist that they be kept open.

This is our challenge, to remain in the tension between the closing and the opening of the gates. Even as we encounter gate after gate after gate, we must keep open our hearts.

How do we remain open hearted? Vulnerable? Loving? Engaged? Committed to the principles of justice?

The Talmud teaches that since the time that the second Temple was destroyed, the gates of prayer are locked. But the gates of tears always remain open. It is our tears, our heartfelt emotion, our sincerity, that must accompany our words and our actions.

We must keep our hearts open to suffering even as the gates are closing.

*"P'tach lanu sha'ar b'eyt n'ilat sha'ar ki fana yom.* Open the gates for us, at the time of the closing of the gates, for the day is passing away."

*Gmar chatimah tovah.*