

SERMON FOR FIRST DAY ROSH HASHANAH 5776

I know I often say that math isn't my strong suit, but I was really good at Geometry. My proofs were long, and beautifully detailed. Nevertheless, I never received an "A" on them. When I asked my teacher, Professor Lawn, why this was so, he pointed out that I would often use 15 steps to prove something, when only five or six steps would have been sufficient. But, I protested, anyone could do that. I, on the other hand, had constructed a unique way of proving something. Didn't he give points for creativity?

Evidently not.

However, Dr. Lawn was impressed with my complex logical thinking. He attributed this, he told me on more than one occasion, to my Talmudic training.

I chose not to break the news to him that, in fact, I had never studied a single page of Talmud. Since then, I have tried to make up for that lack in my early education.

The truth is, I love studying Talmud. I love the way the rabbis argue; their free-wheeling discussions that often seem to be about an arcane legal point, but are actually about deep philosophical or moral matters.

Dr. Lawn was partly correct. There's lots of logical brain training to be gleaned from the Talmud. But there's also plenty of creativity. I love it when the rabbis tell stories, the wilder the better. Tomorrow, we'll look at a story from the Talmud about a High Priest who gets spooked by God one Yom Kippur.

But this morning, I want to share with you a rabbinic legal puzzle. Listen to the case and try to figure out the correct answer.

A thief steals a large wooden beam, and then uses it to help build a magnificent palace. When the owner of the stolen beam finds out, she demands restitution from the thief and takes him to court. Now, here's the question: Should the judge order that the entire structure be dismantled in order to return the actual beam to its rightful owner? Or...should the judge simply order the thief to pay the owner the monetary value of the beam, thus leaving the palace intact?

This question isn't as simple as it sounds. At issue are two important competing values. First is the value of *tzedeq*, pure justice. This is, of course, one of the underpinnings of Judaism: *Tzedek, tzedek tirdof*, the Torah admonishes us in the Book of Deuteronomy, "Justice, justice shall you pursue, that you may live." (16:20).

And strict justice demands exactitude. A beam was stolen. The thief had no right to use it in his building project. Ergo, that beam must be returned. And it's just too bad for the thief if extracting the beam entails taking

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apart the whole palace. Why should the court worry about that? Furthermore, if the judge is lenient with the thief, that might encourage other thieves in the future to do the same thing.

Ah, but remember I mentioned there was another competing value to consider here?

It turns out that the rabbis of the Mishnah, who considered this case two millennia ago, came to a different conclusion. They pointed out that requiring the thief to tear down the entire building would put obstacles in the way of people wanting to repent, *mipnei takkanat hashavim*. In other words, if the thief ever wanted to change his ways and do *teshuvah*, the severity of the punishment might deter him from ever trying to make things right. And so, he'd continue to hide his past transgressions and deny responsibility.

So that's the other value: *teshuvah* - the notion of return and repentance. Making room for the possibility of change means imposing a lesser - less absolutely just - penalty for the crime. The discussion of this case continues in the Talmud [Gittin 55a], and there are, not surprisingly, two opinions, each credited to a different school of thought.

The followers of Shammai hold firm on the side of strict justice. They teach that the thief is obliged to demolish the entire palace and restore the beam to its owner.

The followers of Hillel, agreeing with the opinion recorded in the Mishnah, hold that the owner can only claim the monetary value of the beam - and that the building may remain intact.

The argument continues in our own day, in our own lives. We want what is rightfully ours, and will accept no substitutes. My original lemon tree. My original beam. My way or the highway. Nothing less will suffice. And it doesn't matter if stuff - buildings, communities, relationships - gets destroyed in the process. Because what's most important is that we are in the right.

Perhaps riffing on this Talmudic argument, the late great poet laureate of Israel, Yehuda Amichai, wrote the following poem, entitled: *Hamakom Bo Anu Tzodkim*, "The Place Where We Are Right."

From the place where we are right
flowers will never grow
in the spring.

The place where we are right
is hard and trampled
like a yard.

But doubts and loves
dig up the world
like a mole, a plough.

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And a whisper will be heard in the place
where the ruined
house once stood.

I'll read it again:

From the place where we are right
flowers will never grow
in the spring.

The place where we are right
is hard and trampled
like a yard.

But doubts and loves
dig up the world
like a mole, a plough.
And a whisper will be heard in the place
where the ruined
house once stood.

This past summer in Israel, I studied this poem with two wonderful teachers: Rachel Korazim and Melilah Hellner-Eshed.

Rachel Korazim taught us about Amichai's precise use of language. When he describes how *s'fekot v'ahavot* – "doubts and loves" - will dig up the hard and trampled ground. Amichai employs the term "*tahuah*," which doesn't mean digging up in a destructive way, but rather, burrowing into the earth in order to aerate it, so that the soil becomes soft and crumbly, able to receive the seeds and the rain. So that it might be possible for something to grow.

And what of Amichai's "*s'fekot v'ahavot* – "doubts and loves"? According to Melilah Hellner-Eshed, these are the correctives to *tzedek*, to pure, unadulterated justice. Amichai recognized what the Sages taught: that *tzedek* alone has the potential to destroy the world. Other qualities – mercy, compassion, generosity and love – are needed to balance it.

Hellner-Eshed noted that one of the characteristics of adolescents is a highly idealized way of viewing justice. There is only right or wrong, black or white.

In the Talmudic debate, Shammai refuses to settle for reparations. He sides with the one who has been wronged; he recognizes that what is embittering her soul can be satisfied by nothing less than exactly what she has lost. I get that. Haven't we all felt that way at some point?

Yet, that way of looking at things is problematic.

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Hellner–Eshed quoted the slogan of one of the most successful safe driving campaigns in Israeli history: “*Bakvish, al tihyeh tzodek, tihyeh hacham!* – On the road, don’t be *tzodek* - right, rather be *hacham* – wise!”

The goal is not to be right; the goal is to be wise. My friends, this is a great slogan, but it’s not a simple task, is it? Because it is, after all, so important to pursue *tzodek* – justice – and to fight for it. Perhaps the most important demand made upon us as Jews is the commandment: “You shall not remain indifferent. You shall not be a bystander.” (I’ll be saying more about that on Kol Nidrei night.)

Neither the students of Hillel, nor the poet Amichai, were suggesting that we shouldn’t stand up for what is right. But they *were* urging us to be aware of the possible consequences – and casualties – of pursuing what we believe is right, no matter what.

The polarized society in which we live does not encourage us to look for nuance, to consider different perspectives, to view others with empathy. There is only us or them; red or blue; pro or con; you are either with us or against us.

Jewish tradition flies in the face of this. In the Talmud, disagreements between the students of Hillel and Shammai are usually resolved in favor of the School of Hillel. Nevertheless, the opinions of the School of Shammai are preserved, studied and honored. Because their arguments were not a matter of right versus wrong; they were arguments based on important, but competing, values. And who knows, say the rabbis, there may come a time in the future when circumstances change, and the minority opinion turns out to be preferable.

Competing values. These form the basis of almost all of the moral challenges facing us – as Jews, as Americans, as individuals. But when we are *so sure* we are right, when we believe we are the only ones with a claim to justice, then we fail to recognize this. We begin to demonize those with whom we disagree.

“*Tzedek, tzedek tirdof* - Justice, justice you shall pursue.” Why, ask the commentators, is the word “justice” repeated? To teach us that we must pursue justice in just ways. And, I would add, with a sense of humility. The fact is, we don’t know everything. Only God does. The fact is, there are always competing values. The fact is, we might be wrong.

In driving and in life, we should strive to be not simply right, but wise. That’s why we are bidden to study Torah our whole lives. In the hopes that we might, someday, achieve a heart of wisdom.

Here at BTS, we are all about learning and growing. We are deeply committed to lifelong, joyful Jewish learning for all. I invite you to take a look at our many offerings for this fall semester, including our lively Shabbat morning Torah discussions. Tomorrow, following the Torah reading, we will study together as part of our annual Rosh Hashanah Community Text Study. Our theme will be: “A Prayer Always Needs Two.” I hope you will join us for some interactive wrestling with Torah.

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Ten days from now, on Yom Kippur afternoon, we will once again read the story of Jonah, the prophet who was successful, but foolish. You all know the story.

God sends Jonah to prophesy to the evil people of Nineveh and to warn them that, if they do not change their ways, God will utterly destroy them. Jonah, after trying to flee and spending some alone time in the belly of a giant fish, is vomited out on the shores of Nineveh. There, he finally undertakes his mission, warns the people, and - lo and behold - they repent!

And yet, Jonah is distraught. He's angry that God has decided to forgive the people and cancel their well-deserved punishment. Strictly speaking, Jonah is right. The people committed crimes and God should have destroyed them as promised. But there is a competing value in this story. It is the value of mercy. It is the power of repentance. Poor Jonah doesn't get it. He learns nothing. He is right, but not wise.

My friends, let's not make the same mistake. Even as we ask God on these *Yamim Nora'im* - these Days of Awe - to temper justice with mercy, let us do the same for one another, and for ourselves.

Let us follow in the path of Beit Hillel and not rush to dismantle an entire palace in our efforts to prove ourselves right. Let us pray that our efforts toward justice are always guided by humility and wisdom.

In the words of the Psalmist:

Hesed ve'emet nifgashu; tzedek v'shalom nashaku

May mercy and truth meet; may righteousness and peace embrace. [Psalm 85:10]

Amen.

- that is, reparations

A rabbi asked his students how to recognize the moment when night ends and day begins: "Is it when, from a great distance, you can tell a dog from a sheep?" one student asked. "No," said the rabbi. "Is it when, from a great distance, you can tell a date palm from a fig tree?" another student asked. "No," said the rabbi. "Then when is it?" the students asked. "It is when you look into the face of any human creature and see your brother or your sister there. Until then, night is still with us."