

No Judgment: Parashat Shoftim

Confession time this morning: I'm one of those odd souls who sort of loves jury duty! Over the twenty-some years that I've been eligible to serve, I've been called up a 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 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 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 patriotism so poignantly captured in the promotional film. Whatever it is, when the 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 New York's hottest new restaurant – to show I'm not *that* kind of a rabbi. I don't see my job as admonishing or making another feel guilty; I believe that teaching, championing, and modeling 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 today’s Torah portion, *Parashat Shoftim*.

Shoftim v’shotrim titen l’cha b’chol sharecha – we read in our *parasha* 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 neither rich nor 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 recent events surrounding our own United States Supreme Court, each and every 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 fair and objective system of meting out law and order.

Most of us would agree that having judges around to settle disputes and regulate civil 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 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 is something strange about the opening verse of our Torah portion this morning, noting that the voice of the *pasuk* 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 its individual nature 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 Har HaMoriah 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 self-discovery. So too, here, I would suggest that the words *titen l’cha* remind us that appointing judges is not just a matter for the public square. The way that each of us invites – or doesn’t invite – personal criticism and judgment 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 the hook 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 one's words and deeds. There are times that we can be so very hard on others, while exonerating ourselves immediately 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." Maintaining fairness and honesty in judgment is not only something that the community can outsource through the appointment of elected officials. Maintaining fairness and honesty in judgment is also something that we must hold ourselves personally accountable for as well.

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 *chesbon nefesh* – the introspection and self-evaluation that is at the heart of this sacred season. Many of you have heard me say before that *teshuvah*, the radical return that is at the core of the holidays, is not only about turning back *from* – bad behavior, bad habits, bad relationships, bad decisions but more importantly about turning back *towards* – towards our best selves, towards the people we most wish to be in this world, towards good, 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 internal work 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 expect: “[God] has compassion for all creation on the Day of Judgment and purifies the faithful with justice; [God] knows our thoughts on the Day of Judgment and overcomes anger with justice...[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” (Traditional *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 and others 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 White Plains for over three years and, to my great disappointment, Westchester 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!

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