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Kol Nidre 2018/5779

Beth Emet The Free Synagogue

Judgment or Impunity

Rabbi Harold Kushner tells a story about a man who ascends to heaven at the end of life and finds himself standing in front of two doors. One is marked, "judgment," the other "impunity." He must choose one of the doors. He turns toward Judgment and realizes he risks punishment if he goes through that door. Everything he did in his life or failed to do will be up for scrutiny. So, he turns toward Impunity. If he enters this door, all of his moral choices and acts of courage will be wiped away. Impunity means that nothing in his life mattered. Judgment or Impunity? He chooses judgment.[1]

I would submit to you that this is why we are here today—we believe that what we do matters, and we will risk being judged because we want our life to mean something. Judgment means reckoning honestly with who we are, which can be painful, but we do it because we know that reckoning with ourselves gives our life purpose and meaning.

Many times over the next 20 some hours, we will recite the *vidui: Ashamnu*. *Bagadnu*. *Gazalnu.*—we have sinned, we have betrayed, we have stolen…. Individually, let's hope that none of us has committed all the sins from aleph to tav, from a to z in this litany of our sins. Rather, we recite them in the first-person plural, recognizing that we are not alone in having made mistakes. The first-person plural also teaches us that we are culpable for others' sins. This is a somewhat tendentious idea: that theft, say, committed by your neighbor, or dishonest behavior by your friend is somehow your fault, *our* collective fault.

We come to Yom Kippur on a mission to confront our personal guilt, but also to consider our collective responsibility for things that have gone wrong.

There's a rather arcane ritual in the Book of Deuteronomy that illustrates this idea of collective responsibility. The ritual is known as the *eglah arufah*—the broken-necked heifer—and was to be conducted if a murder victim was found in the outskirts of a community. The ritual and the reason for it are described like this:

"If, in the land that the Eternal your God is assigning you to possess, someone slain is found lying in the open, the identity of the slayer not being known, your elders and magistrate shall go out and measure the distances from the corpse to the nearby towns. The elders of the town nearest to the corpse shall then take a heifer that has never been worked, that has never pulled a yoke; and the elders of the town shall bring the heifer down to an overflowing ravine, which is not tilled or sown. There, in the ravine, they shall break the heifer's neck. The priests, sons of Levi, shall come forward; for the Eternal your God has chosen them for divine service and to

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[1] Ed Feinstein, *Sh'ma Now*, v. 49 No. 739, September 2018

pronounce blessing in the name of the Eternal, and every lawsuit and case of assault is subject to their ruling. Then all the elders of the town nearest to the corpse shall wash their hands, over the heifer whose neck was broken in the ravine. And they shall make this declaration: "Our hands did not shed this blood, nor did our eyes see it done. Absolve, Eternal One, Your people Israel whom You redeemed, and do not let guilt for the blood of the innocent remain among Your people Israel." And they will be absolved (*Nikaper*, from the same root as Yom Kippur) of the bloodguilt."[2]

What can we learn from this extraordinary ritual? The Talmud points out that the elders of the town were not guilty of the murder, but it blames the inhabitants of the city for not taking care of the victim sufficiently when she was in their town. For example, did they supply her with an escort when she left so that she would be safe as she departed?

While the Talmud[3] finds fault with the community for not taking care of the victim, Malbim, who was a 19th century Romanian commentator, suggests that the elders of the community were responsible for the murder because they did not provide enough food to the murderer who was thus impelled to commit the crime. Needless to say, there are a host of other conceivable circumstances that might have led up to the incident. However, what's notable is that Jewish tradition seems to establish, on the basis of the *eglah arufah,* that crime does not happen in a vacuum but rather as the result of a community shirking its responsibilities to either the victim or to the perpetrator.

In 1983, the example of the *eglah arufah* was cited by an Israeli government commission assessing responsibility for massacre in the Sabra and Shatila refugee camps during Israel's invasion of Lebanon. In 1982, members of the Lebanese Phalangist militia that was allied with Israel had entered the refugee camps while the Israeli army was encamped outside and murdered thousands of Palestinian civilians living there. Although the Israelis did not participate in the slaughter, it took place under their watch, and, thus, this Israeli government commission held Israel's military responsible, invoking the biblical example of the *eglah arufah* in its report.

Some people commit murder, some steal, some commit sexual harassment or assault. Today, we ask what role we have played (or failed to play) that contributed to these transgressions.

At times, we are tempted to point fingers at government officials who fail to show concern for those in need or who set a bad example by their own behavior. But today we look inward instead and ask how we as individuals and as a community are responsible for society's ills, and what we need to do differently. When we see poverty, racism, sexism, or the mistreatment of non-citizens, the Torah tells us it is not enough to assign blame. We need to ask where WE have failed and think about what WE need to do differently. Yom Kippur is a day for introspection, not finger pointing.

Rabbi Abraham Joshua Heschel, one of the great theologians and moral activists of the 20th century wrote: "There is immense silent agony in the world, and the task of man is to be a voice

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[2] Deuteronomy 21:1-8
[3] Sotah 46b

for the plundered poor, to prevent the desecration of the soul and the violation of our dream of honesty." Heschel continues: "The more deeply immersed I became in the thinking of the prophets, the more powerfully it became clear to me what the lives of the Prophets sought to convey: that morally speaking, there is no limit to the concern one must feel for the suffering of human beings, that indifference to evil is worse than evil itself, that in a free society, some are guilty, but all are responsible."

Over the past year, I've become involved in the New Poor People's Campaign, a national effort to eradicate poverty, led by Rev. William Barber and Rev. Liz Theoharis. Rev. Barber, the former head of the NAACP in North Carolina, has sought to revive the Poor People's Campaign that Dr. Martin Luther King Jr. had begun in 1968, shortly before his assassination. When King was assassinated 50 years ago, he was beginning to mobilize people to go to Washington D.C. to demand that we lift people, regardless of race, out of poverty. Dr. King believed that fighting racism was not enough, that we needed to confront what he called the Evil Triplets in the United States: racism, poverty, and militarism.

Last year, Rev. Barber and Rev. Liz Theoharis revived Dr. King's Poor People's Campaign and have been galvanizing organizations in about 30 states to pick up where Dr. King left off. In May there were weekly protests in Springfield, Ill., and other state capitals across the country, and in June, I joined a national Poor People's Campaign demonstration in Washington, D.C. We can be proud that the Reform Movement's Religious Action Center, known as the RAC, is involved in this campaign and that Rabbi Jonah Pesner who directs the RAC often speaks publicly with Rev. Barber and Rev. Theoharis.

What I find powerful about the New Poor People's Campaign is that it seeks to unite people from diverse backgrounds to confront issues of poverty, racism, militarism and environmental devastation. Instead of siloing people and issues, the New Poor People's Campaign sees the connections among these "Evil Quadruplets," as Dr. King might have dubbed them, and their impact across divides of race and socioeconomic status. As Rev. Barber stated: "Our opponents, their strategy is always one of division. They want us to think we live in silos, not communities, not the Beloved Community, not as human beings.… No longer will we be divided. We're all connected, all tied together. We care about the common good, the good of the whole. We are determined to love our neighbor and to promote the general welfare."[4] Some are guilty, all are responsible.

Last week, the *New York Times* magazine ran an essay titled "Americans Want to Believe that Jobs are the Solution to Poverty. They're Not."[5] The piece highlighted the plight of Vanessa Sullivan, a working mother of three in East Trenton, NJ. Despite an admirable work ethic and her dedication as a parent, Vanessa doesn't earn enough money in her job as a home health care provider to provide a stable home and put food on the table for her kids. Some nights the family of four spends with Vanessa's parents, some nights in their 2004 station wagon, and, when

[4] Rev. William Barber, *Forward Together: A Moral Message for the Nation,* 2014.
[5] Matthew Desmond, *New York Times,* September 11, 2018, https://www.nytimes.com/2018/09/11/magazine/americans-jobs-poverty-homeless.html

they're desperate for a quiet night in a comfortable bed, at the Red Roof Inn. Vanessa buys more expensive, and less healthy, prepared foods because she doesn't have a stove to cook on.

We hear a lot about job growth in this country and the implication is often that the fall in unemployment will lift everyone out of poverty. Yet many of the jobs that have been created don't pay a living wage. And women like Vanessa Sullivan must work less than full time because they have no one to care for their children.

When we read upbeat headlines about the jobs picture in America, we need to bear in mind the less publicized news about legions of home health care workers like Vanessa Sullivan, along with employees at iconic companies such as Walmart and Amazon and Disneyland who are homeless and cannot afford healthcare.

And what of our attitudes toward the poor? Let's be honest, how many of us in listening to me describe Vanessa Sullivan's circumstances wondered why she didn't pick up a second job? Or avoid getting pregnant and then abandoned by the father of her children?

Let's face it, we were raised to believe that the poor are undisciplined or lack good values or just lazy. Think about the messages delivered in our children's books, like *Mike Mulligan and His Steam Shovel*: "if you work hard, if you're industrious, you'll succeed."

I'd like to challenge us this evening to resist the temptation to seek explanations in the behavior of the poor, and instead to take responsibility as a community for the underlying issues that keep people in poverty.

To be sure, people do make bad decisions. All of us do. But what are the conditions under which we make poor decisions? I recently watched a TED talk by a Dutch history professor, Rutger Bregman, in which he challenged the notion that poverty can be explained as a product of laziness.[6] Bregman states provocatively that people aren't poor because they make bad decisions; they make bad decisions because they are poor. A lack of money, he says, creates tremendous strains that make it hard to make good decisions. Bregman challenged his audience to think about how they respond under stress—we don't always choose the best foods, make the choice to exercise, or make good decisions when we are stressed out.

And Bregman has research to back up his claim. He cites a study conducted in an agricultural area in India that showed that, after the harvest, when farmers had money, they're IQs, on average, were14 points higher than before the harvest when they were cash-poor. And a study from a small city in Canada conducted in the 70s showed that when everyone in town received a basic income that lifted them above the poverty line, crime decreased, people were healthier, domestic violence went down, people stayed in their jobs, and the overall quality of life improved.

This experiment has been replicated and the same conclusion found—if people have the money they need, they tend to make better decisions. Bregman's conclusion is that we'd save a lot of

[6]https://www.ted.com/talks/rutger_bregman_poverty_isn_t_a_lack_of_character_it_s_a_lack_of_cash?language=en

money and lives if we guaranteed a basic income for everyone. And there's substantial evidence that we have the resources to do so. If we provided a basic income, healthcare and criminal justice spending would decrease and our human capital and the well-being of people in our society would increase.

It won't surprise you to learn that not all economists agree with Bregman's conclusion that a guaranteed basic income is the way to solve poverty. But what many agree is that in the 21st century American economy in which a staggering percentage of the nation's wealth is in the hands of a tiny minority, a rising tide does not lift all boats. Some economists argue that jobs with a living wage are the answer to poverty in this country. Hence the campaigns for a federal $15 minimum wage and for penalties for companies whose employees must rely on public assistance to cover their basic needs.

I'm not an economist, and I'm not going to weigh in on this debate, but I do believe that these ideas should challenge us to think differently about poverty and how to eradicate it.

Changing our attitudes is the first step in changing the policy solutions we are open to as a community and as a society. This is why I'm involved in the New Poor People's Campaign. When we unite across lines of difference and stop blaming the victim, we create the conditions by which we can change our society. Don't get me wrong, our soup kitchen and housing people at Beth Emet on cold winter nights—these are vital contributions to our community. But we engage in these acts of tzedakah out of *rachamim*, out of compassion and a sense of obligation to our neighbors, while recognizing that these efforts treat the symptoms of the problem, not the underlying causes.

Yet it's difficult to discuss these issues in our society because we have created an individualistic culture that is overwhelmingly focused on personal responsibility.

I've spoken in the past about the human tendency to blame the struggles in our lives on our circumstances while crediting our achievements to our hard work and talent. It's the wind-at-our-backs phenomenon: when we are riding a bike and wind is coming from behind us, we don't notice that it's propelling us forward, but when it's coming at us, we suddenly take note of how hard it is to pedal forward. Similarly, I've noticed that we tend to judge our own community based on its best examples and other communities by their worst. We think that people in our community know how to behave and achieve in life while people in THEIR community are immoral, indolent, violent, delusional. You can fill in the other disparaging terms we use.

Many of us are privileged to have benefited from the tailwinds of education, positive life experiences, personal and professional networks, all of which have propelled us forward. Not without our setbacks, to be sure.

With advantages come responsibility. As with the elders of the town in the *eglah arufah* ritual, our responsibilities extend beyond our families and our closest networks. They should extend with an open heart and a lack of judgment to our community, our society, our global family.

On Yom Kippur we seek to take responsibility for our actions and for a society in which others might be incurring guilt for their circumstances. We do this by resisting our normal impulses and examining ourselves in a more honest light while viewing others through the lens of compassion and empathy. When we do this, we can acknowledge that all of us have had, at times, the wind blowing at us, making it harder to live our lives wisely and productively.

Tonight, we stand in front of two doors: “judgment,” and “impunity.” May we enter the door of judgment on this Yom Kippur, knowing that it’s a risk to ask God to judge us. We know we will be found wanting, but we do so because we believe that our actions matter. We do so because we believe we can change and grow. We do so because we know that our lives will be fuller and richer if we look at ourselves honestly. We do so because our world is in need of repair. And we do so together to support each other, hold each other accountable, and build a better world.

I’d like to conclude with a prayer by Saint Francis:

May God bless you with discomfort at easy answers, hard hearts, half-truths, and superficial relationships. May God bless you so that you may live from deep within your heart where God’s Spirit dwells. May God bless you with anger at injustice, oppression, and exploitation of people. May God bless you so that you may work for justice, freedom, and peace. May God bless you with tears to shed for those who suffer from pain rejection, starvation, and war. May God bless you so that you may reach out your hand to comfort them and turn their pain into joy.