

Devar Torah (Sermon) for First Day of Rosh Hashanah 2004
9/16/04

- Sing final line from אבינו מלכנו (*avinu malkenu*).

"Our Father, our King, be gracious to us and answer us, though we have no merit. Deal with us with צדקה (*tsedaka*) and with חסד (*chesed*) and save us." What is צדקה? What is חסד, and why do we ask God to treat us with both?

Let's think about these words a little bit. Often, people think *tsedakah* as meaning "Charity." But, the root of the word צדקה (*tsedakah*) is צדק (*tsedek*), which means not charity, but justice. As the Torah states, for instance "צִדְקַתְּךָ תִּרְדּוֹף" (*tsedek, tsedek tirdof*) *justice, justice shall you seek.*" (Deut 16:20).

Let's go a step further. What is justice? According to Plato, justice is defined as "treating like cases alike." An idea of fairness. The idea is that people should be treated equally. And in fact, this notion of justice is reflected in our Torah. We are told, for instance, "מִשְׁפַּט אֶחָד יִהְיֶה לְכֹל אֶחָד מִבְּנֵי יִשְׂרָאֵל כִּי יִהְיֶה אִתְּךָ הַגֵּר כִּי יִהְיֶה אִתְּךָ הַגֵּר כִּי יִהְיֶה אִתְּךָ הַגֵּר" *you shall have one law the stranger shall be treated as a natural born citizen.*" (Lev. 24:22) Similarly, in Deut 1:17 the judges are charged: "לֹא תִכְיֹרוּ פְּנִים בַּמִּשְׁפָּט בְּקִטְוֹן" *do not recognize people in justice, treat the insignificant person equally to the person of stature.*" As Rashi, the famous Bible commentator says, this verse tells us that the judge is not even permitted to play favorites in favor of the poor person. The judge may think that though the rich person's argument is better, the Judge can give the advantage to the poor person. But no, *tsedek, tsedek tirdof* - justice is too important to allow the judge such discretion.

So now I understand what צדק, *justice* is. I also understand why we ask God on these days of awe "עֲשֵׂה עִמָּנוּ צְדָקָה" *deal with us with justice.*" What would the world be if God plays favorites. No, we want God to treat us fairly and equally. How could we ask for less?

But do we ask for less? We ask God עֲשֵׂה עִמָּנוּ צְדָקָה וְחֶסֶד (*aseh imanu tsedaka vachessed*) - *do justice and chesed*. The word *chesed* means mercy. When we say עֲשֵׂה עִמָּנוּ צְדָקָה וְחֶסֶד, it sounds as if we are asking God to temper justice with mercy? As the old saying goes, "beware of what you wish for. It may come true." Yes, asking for mercy may seem expedient. But is it really what we want? Do we want God to start playing favorites? How would the world operate if God did not treat people as they deserve?

Perhaps some hint to how to solve this problem can be found in two of the famous cases in American Justice - two cases that represent our society's struggle with the notion of equality and justice. In Plessy v. Ferguson (1896) the United States Supreme Court interpreted the equal protection clause of the 14th as accepting "separate but equal" as an option. As long as the facilities were "equal," it was OK to separate races. Just this year, we celebrated the fiftieth anniversary of the case that reversed Plessy v. Ferguson and introduced school desegregation. In Brown vs. Board of Education, the Court said that "separate but equal," was a logical impossibility. Separate can never be equal. Brown realized that each distinct unit is different.

Now, let's go back to balancing *tsedek*, and *chesed*. If *tsedek* is the idea of treating like cases alike, perhaps *chesed* "mercy" is the realization of Brown that just as no two distinct units - no two individuals can ever be the same. No two individuals have had the same experiences in life, the same education, the same family, the same friends.

And so, when we ask God to treat us with Justice, saying "please treat us Equally God," we also say "hold on God. . . . have mercy God. Realize that each one of us is an individual.

Each one of us is to some extent a product of our experiences. Please, Don't treat me as just one name in a faceless crowd."

And now, I understand צדקה וחסד *tsedakah vachessed*. Because more than any human, God is capable of treating like cases alike. God is capable of treating people equally and fairly without sway of emotion. But also, more than any human being, God is capable of understanding each individual and their history. God does not need to judge each individual based on an isolated act. Instead, God can look at who we are and where we've come from before God judges our worthiness. And so we ask God. "*Deal with us with justice and mercy*" - treat us with fairness and equality, but treat us as individuals.

For example, take a person who violated the sabbath, or commuted a capital crime. A court on earth can only apply the prescribed punishment. Take for instance the federal system, which has very specific sentencing guidelines, because we suspect that too much discretion on the part of a judge may lead to unfair treatment. For God, on the other hand, God can fairly and equitably treat every person on a case by case basis.

Now, a *derasha* (sermon) that speaks only of God would be incomplete. Because learning about Torah and learning about God is a hollow experience unless we can take some part of that lesson and apply it to our lives and behavior.

The Talmud teaches that when the verse in Deuteronomy says אַחֲרַי ד' אֵיְהִיכֶם תִּלְכוּ, *follow the Lord your God*" (Deut 13:5), it means to say that we have an obligation to look at God's behavior and to try to emulate it. In Latin this is called *imitatio dei* - imitation God. So, now that we understand God as a God of *tsedek*, justice - of treating people equally - but also as a God of *chesed* - of understanding each person as an individual, how can we apply that behavior to our lives?

I'd like to suggest that there are ways that we can apply the idea of the balance between *tsedek* and *chesed* in ways that affect both how we treat ourselves and how we treat others. I'll leave the subject of how we treat ourselves to tomorrow's *derashah* (sermon). Today, I would like to focus on how we treat others.

How often does it happen that someone does something to us and we say "How could that person have done that. I would never have done that. I could never have - But wait a minute. This isn't me. Now, in a certain sense our first reaction is logical. How else could we set expectations for others? We only really know ourselves. We only can really guess what we would have done in any given situation. But is it fair for us to judge others by our own standards. Yes, this person may have done something that given our life's experiences we would never have done. But what about their life's experiences.

As the sage Hillel teaches (Avot 2:4) ואל תדין את חברך עד שתגיע למקומו - *don't judge your fellow until you have stood in his shoes*. Can we ever really stand in someone else's shoes? Can we know if that person is reacting based on something that happened the day before that was on the person's mind (which one of us has never acted because something else was on our mind!). Can we know for sure whether the person was reacting because of something that we didn't know about? Perhaps there was something that happened 30 years ago that was triggered at that moment. Can we ever have the same social and cultural experiences as the other person so that we can know what to expect of them?

If we expect God to judge us with a sense of understanding our different experiences, should we not consider the possibility that we might have reacted the same way as the other person, had we been truly standing in their shoes? As we ask God for forgiveness, should we not

learn to forgive others - learn to judge their actions not solely by our own standards, but instead based on an understanding that we may not fully understand what led them to act the way they did. Viewing things from their perspective, it is far easier to understand . . . far easier to forgive.

This notion of tempering *tsedek* with *chesed* also can be useful when we consider our acts of charity. I remember one day some time ago after work being confronted by a poor person, who, arms outstretched said "can you give me money so I can buy a cup of coffee." So I thought to myself. "Where's the justice in that?" I went to work today. And because I went to work, I have the money to buy a cup of coffee. There I went. Treating like cases alike. Or so I thought. "Why should this person get a cup of coffee for free, when I had to work to earn my cup of coffee." Well, I thought I was treating like cases alike. But how alike were our cases? What was this person's family background? How was he brought up? Did he have an opportunity for an education? Was he the victim of a mental disorder? Looking at things in his perspective, it is easier to understand why I should help.

In fact, if you consider that that person likely had a bad shake in life - be it because of mental illness or poor opportunity, helping such a person is not merely an act of charity. Instead, it is an act of *tsedakah* - an act of justice. This person is not a case like mine. We started out on such uneven footing that any act of charity only attempts to make the situation a bit more even. We are injecting a little bit of *chesed* into an otherwise harsh world of justice.

אבינו מלכנו עשה עמנו צדקה וחסד (*avinu malkenu aseh imanu tsedakah vachessed*), our Father our King deal with us with justice and with mercy. Treat us fairly, but with an understanding that we are all individuals. As we do *teshuvah* in an attempt to better ourselves - teach us to treat others with *tsedakah* and *chesed* - to deal with people fairly, but to accept them for who they are. To love them, to care for them, and to forgive them. Finally, teach us this year to do more acts of *tsedakah* - to help others who are less fortunate with a sense that doing so will reflect your divine inspiration of *tsedakah* and *chesed* - of justice and mercy. Amen.