



## *Din and Rachamim*<sup>1</sup>

Rabbi Yoel H. Kahn

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### *Shanah tovah.*

I would like to introduce you to someone. If you don't know him personally, he will no doubt remind you of someone you do know. For the sake of this story, I will call him Marcus. A vigorous, active entrepreneur, Marcus has been an important leader and an innovator in his field. He is happily married and enjoyed a fulfilling life as a father, husband, business person and volunteer in the community. But over several years, his capacity to fulfill all those roles and to live his life as he would like has been increasingly shaped by the vagaries of recurring bouts with a life threatening illness. On a good day last week, between one round of chemo treatments and the next, he came to see me. Marcus told me about his recent and very serious conversations with God. "Listen, God," Marcus said. "According to our rabbi, on Rosh Hashanah God comes around and asks each one of us: 'Aiyekha? Where are you?' Well, God, I would like to know: Where exactly have you been lately? What did I ever do to you? I thought you cared about me! Oh, I am angry with You, God. I have tried my best and You are really letting me down! How could You do this to my family?"

As I look out at our congregation—and even more so, note who is not here this evening—I see a lot of illness. People we know and care for – good, worthy people, with many years ahead of them—wrestling debilitating and often life threatening illness; too many leave us too soon. Some of you here tonight, along with others who are too embittered to even walk in the doors of this sanctuary, have lost all faith because they felt abandoned by God or that their most fervent prayers have gone unanswered.

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<sup>1</sup> This sermon is rooted in the teaching of my colleague and friend, Rabbi Nancy Flam. She first presented this "theology of illness" at a Jewish Healing Conference; at my invitation, she gave it as a High Holiday sermon at Congregation Sha'ar Zahav of San Francisco in the late 1980s. A version was published in *Sh'ma* 24:475 (May 27, 1994) and, more recently, as "The Angels Proclaim It, But Can We? 'The Whole Earth Is Full of God's Presence'" in the *CCAR Journal: A Reform Jewish Quarterly* (Spring 2009). I am deeply indebted to her for teaching me what has become my own Torah and for her generous permission to freely quote at length from her article. For a full understanding of how these teachings have informed Rabbi Flam's own practice and thought, please see the *CCAR Journal* article. She is, in her rabbinate and her person, an exemplar of the quality of *rachamim* imagined in this sermon.

One such person is a fellow named Elisha. Strolling along one day, Elisha came upon a father instructing his child to climb a tree and, following the Torah's prescription, shoo the mother bird away before taking the eggs. In the Torah, the reward for these two commandments, honoring your parents and not causing anguish to the mother bird is a long life. Elisha said to himself: "This child will surely have a long life!" No sooner had he said this, and the child fell from the tree and died. Elisha, his faith shaken to the core of his being, declared: "*Ein dayan v'ain din*—there is no judge and there is no justice!" and left Judaism, never to return.<sup>2</sup>

The story of Rabbi Elisha ben Abuya, recorded in the Talmud two thousand years ago, resonates across the centuries. The child had done nothing wrong; if we are keeping track, he was engaged at the moment he died in the fulfillment of not one but two important mitzvot. The suggestion that he was somehow deserving of punishment or that the fate that befell him was just is beyond imagination. We recoil at the idea that what something bad happens to an individual, somehow the person "deserved" this fate. Even more offensive to us was the suggestion after 9/11 or the Holocaust—events that were the result of human actors and human actions—that the victims were somehow being punished for the collective sins of the United States or the Jewish people. In 1973, when I was in high school, I lived in Northern Israel for a year. During the school year, there was a terrorist attack on a neighboring high school in the town of Ma'alot and 26 students were massacred. The country was outraged after a rabbi announced that he had inspected the *mezuzot* in the school and found that they were not truly kosher, for, if they had been, this rabbi claimed, the attack would not have succeeded. Such causal explanations for tragedy and violence, which absolve God only by blaming the victim, are repulsive. The God I believe in is neither cruel nor mechanical. No, I really do not believe that "everything happens for a reason." Sometimes, things just happen. The Loma Prieta earthquake was not punishment for San Francisco's toleration of homosexuality, Hurricane Katrina was not a consequence of New Orleans' loose morals and I don't believe for a moment that anyone is ever ill because God wants us to have cancer.

Marcus came to me and asked: what is God's purpose in sending me this illness? Is there something I have done wrong which caused this? There is a part of us which would like to find such a direct link between who we are as people and what happens to our bodies; if that were the case, Marcus could then do the proper *teshuvah*, examining his past and resolving through a commitment to now behave better and thereby reversing the course of the disease. A secular version of this same idea was popularized in recent years by teachers such as Louise Haye and others who continually insisted that, ultimately, we are responsible for our own illness and healing and if we could only learn to love ourselves enough, our terrible afflictions would be lifted. But, as the liturgy of the High Holidays teaches, there are forces and factors which effect our lives which are beyond our control—sometimes *ain banu ma'asim*, we have exhausted our resources and capacity and need *tzedakah* and *rachamim*.

Many people in fact do immense and powerful work of *teshuvah* through and following illness, transforming themselves in the process; but this work of spiritual healing usually does not make the tumor go away.

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<sup>2</sup> Talmud, Hullin 142a.

Nor, honestly, do I believe that illness or suffering has been sent “to teach us a lesson we need to learn.” Rabbi Harold Kushner wrote many years ago about the devastating loss of his son from a degenerative disease. He was asked again and again: Didn’t living through this experience make you a more compassionate person? Perhaps, he replied, but I would rather be less compassionate and have my child alive. We may learn from the experience of living with illness—but this cannot be the purpose or cause of such anguish, loss and pain. There is no divine plan for anyone to be ill. I just can’t imagine that God is spending all day calculating who deserves to be rewarded with the correct lottery numbers and who punished with a low t-cell count.

When the child fell from the tree, Rabbi Elisha ben Abuya declared: *Ain din v’ain dayan*. There is neither justice nor judge in the world. Now this child’s untimely death was not a case of moral justice gone wrong, but there was a violation of the rules: the child had fallen from a branch which could not support her weight. She was subject at this moment not to a moral law, but to the laws of physics and the rules of gravity. There was a *din* – a ruling, a system in effect at the moment; not the *din*—the rule—of the court room, but the *din*—the strict rule—of the natural world we are a part of.

Usually, *Din* in Hebrew means a “legal ruling” or “a judgment;” a court is called a *Beit Din*. *Din* also can have the force of a legal sentence or decree. This is how we customarily understand it in the liturgy for these Days of Awe and surely what Rabbi Elisha was thinking: there is no fairness, no justice in the *din*, in the decree that the child should die at this moment. But “*din*” has another meaning; it can also mean the setting of limits, the essential truths of things. The 16<sup>th</sup> century Kabbalist Moses Cordovero speaks of *din* as the requirement that everything remain within its proper boundaries. This understanding of *din* is morally neutral; it is best understood as the opposite of alchemy.

The Rabbinic tradition teaches that during this season we are most fully aware and attuned to two aspects of God: *Midat ha-din* and *midat ha-rachamim*, the character or quality of *din*, judgment, and that of *rachamim*, compassion. Usually we read this language in moral terms. But there is another way to understand *midat ha-din*—the divine quality of limits, of finitude. The truth of creation—the essence of our scientific world view—is our faith that certain things are indeed essential, unchangeable and enduring. I do not refer to our personalities or our inner lives—at the core of the High Holidays is our faith in the human capacity to change—but I am thinking about the periodic table of the elements. The fundamental truth claims of science are based on this understanding of “*din*” – that we live in a universe of rules whose particulars we can learn, trust and explore.

So I can fly on an airplane five miles up in the air because I can trust in the *din*—the rules and order, the structure and predictability—of airflow, gravity and physics. And if I drive my car down Highway 1 and go over the cliff, the consequences I experience are not a punishment or the fulfillment of God’s decree that my time is up—rather, it is because the very same rules of gravity and physics are in force. All that we build and do in the world is the possible because of our trust in and knowledge of such *din*.

We do not get become ill because we were bad; or because we did not pray adequately; or because we did not have a positive enough attitude. But there may be a weak chemical bond

somewhere, such that a particular receptor molecule here, on the surface of a very mundane cell wall—bonded with some other molecule when it came along—molecules bond, you understand, in a non-judgmental, morally-neutral way; and this molecule, in turn, just following the rules of chemistry and bio-physics, followed the path of its *din*—without any moral agency but with consequences...and ultimately in our sickness. Why was just this receptor cell susceptible at this moment in time to an encounter with this particular molecule? And why did this particular arrangement protons and electrons come along just now? We don't know... How is that when I breathe, millions of molecules of oxygen are taken from the air, and bond with the surface of our lungs, and are drawn into our blood, becoming part of us? Both such processes are happening in our bodies by the thousands every moment. Is one of these planned and deliberate?

Perhaps several million years ago, a DNA mutation occurred which has been passed down ever since and hasn't done a whole lot for the genome or humankind one way or another until this other molecule happened along. . . Why do assume that everything that happens to us is necessarily about us?

Our bodies consist of cells and organs and systems, miraculously assembled out of the elements of the earth, and all are subject to the laws of nature; the world of *din* is a world of limits and mortality. Death is not in itself a punishment; it is rather the working out of the *din* of our bodies, whose cells and systems each work according to their capacity--but that capacity is limited.

Mortality is the necessary price we pay in exchange for living in an ordered world, a world with predictability and structure, a world in which science and medicine are possible—a world of *din*. Life and death are part of the unfolding of creation.

The Jewish tradition teaches that when we hear that a person we love has died, we should declare “*Baruch ha-dayan ha-emet*—blessed is the true judge,” or “the source of the true *din*.” On a simple level, this expression implies moral judgment, of course, where God knows in God's wisdom who should die when and for what good reasons or purpose. I have long avoided saying this blessing and it has not been my practice to ask mourners to recite it—until now I have always choked on saying the words.

My colleague Rabbi Nancy Flam, whose teachings I am presenting this evening, offers a different understanding of this blessing. “*Dayan ha-emet*” refers not to God as the judge who has decreed that the individual should die at this moment; it should be understood instead on the larger scale: *dayan ha-emet*, we must accept finitude and mortality as essential aspects of creation and life, and the source and grounding of the natural laws which cannot be contravened we call God. To say the blessing *Dayan ha-emet* affirms that *din* and God's truth are expressed when there is illness or death: not moral law, but natural law, the God-given truth of limits and finitude. Blessed is *Adonai* our God, Ruler of the universe, whose world is grounded in the physical laws of creation.”

*Midat ha-din*, the quality of limits, the fact of finitude, the reality of mortality as a necessary aspect of life; this is one aspect of God's truth which we acknowledge and honor during this season. But *midat ha-din* is matched—and perhaps overcome—by *midat ha-*

*rachamim*, the quality of compassion. It is the capacity for compassion and love which enables us to live in the world of *din*.

In the classic teachings of the rabbinic tradition, *rachamim* is envisioned as the force that mitigates the severity of *din*; in cases where *midat hadin* would exact strict punishment, *midat harachimim* comes to commute the sentence, to soften the decree. But we also can interpret this teaching in a neutral way: *rachamim* makes it possible for us to live within the reality of *din*. According to a midrash, God initially created the world with the quality of *din* alone. In fact, this was attempted seventy times without success! Only when God created the world with both the quality of *din* and with the quality of *rachamim* was the world able to endure. These two principles had to work together in the formation and daily re-creation of the world.

Is this not indeed how the world works? Our human acts of mercy, compassion, and empathy make it possible for us to endure, to suffer the sometimes excruciatingly painful limits and losses that darken our lives.

The overwhelming tendency of the Jewish spiritual tradition, Rabbi Flam observes, is to add to the dimension of *rachamim* in the world. Although God's nature may include both "*din*" and "*rachamim*" as essential qualities, whenever Judaism speaks about God's way or invites us to imitate God's way, it always focuses on the dimensions of *rachamim*. Thus, in a famous text from the Talmud, the rabbis explain what it means "to follow in God's ways":

"Rabbi Chama the son of Rabbi Chanina said: What does it mean, 'After the Eternal your God you shall walk' (Deuteronomy 13:5)? Can a person indeed walk after the Divine Presence? Does it not say, 'For the Eternal your God is a consuming fire' (Deuteronomy 4:24)? Rather, walk after [i.e. emulate] God's qualities. Just as God clothes the naked ... visits the sick ... comforts the mourners ... and buries the dead ... so should you."<sup>3</sup>

At the center of the High Holiday liturgy is the *Unataneh tokef* poem. "Let us declare the awesome power of this day!" *Unataneh tokef* speaks of the reality of *din* – that so much is beyond our control, that we do not know what the future holds, that terrible things can happen to those we love. And at the end of this terrible litany, we declare "*U'teshuva, u'tefilah u'tzedakah – ma'avirin et ro-eh ha-gezarah* – Repentance, prayer and charity" – awareness and attention, reflection and righteous action – these can transform the intensity of the decree. The quality of *rachamim* can and does affect the subjective experience of the objective reality.

Anyone who has been seriously ill can affirm that acts of *rachamim* can affect our experience of *din*. We may not be able to make disease disappear, but we can profoundly affect how we cope with illness, thereby, if you will, "softening the decree." We read in Tractate *Nedarim* of the Talmud a series of stories about illness and friendship. A beloved visitor, we learn, has the effect of lessening the impact of an illness, according to Rabbi Akiba, by a measurable amount: the visitor takes away one sixtieth of the sorrow. Well, that's great!, say the sages, let's go ahead and invite sixty visitors and then the person will be healed! No, answers Rabbi Akiba, it doesn't work that way; we do not overturn the reality of *din*, even if we aspire to

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<sup>3</sup> Talmud, Sota 14a.

do so; its the quality of the experience, the *tza'ar*, the pain and sorrow, these are what we can effect. In a now classic study conducted more than twenty years ago, Dr. David Spiegel of Stanford University found in a study of women with breast cancer that women who provided emotional support and care for one another lived significantly longer than those who did not receive such care.<sup>4</sup> While the progression of the disease could not ultimately be stopped, the realm of *din*, of limits and finitude, was reached and transformed.

Our classic Jewish sources speak of the power of *rachamim* to affect the realm of *din*. Rabbi Akiva visited a sick disciple: upon the cleaning of the sick man's room and tidying up, the man revived. A simple act of care and dignity transformed the patient's condition. A series of stories report on Rabbi Yohanan ben Zakkai's visits: after honest conversation and a show of care, Rabbi Yohanan would reach out his hand and the person would be cured, not just comforted. As if our very human love, compassion, and empathy, as well as our research and treatment, could move nature to overcome previously known limits. As if our love, our attention, our presence, our bestowal of dignity could heal both spiritually and physically. This is the messianic vision toward which we strive: to overcome the limits of *din* with the power of *rachamim*. I do not suggest that *din* ought to be or could be eliminated entirely. The same midrash that says that the world cannot be ruled by pure *din* also states that it would not stand if guided only by *rachamim*. But our yearning, our vision, is to move the world toward holding a greater share of *rachamim* than of *din*. Even God is imagined to exclaim "O that I might forever let my *rachamim* prevail over my *din*."<sup>5</sup>

There is much that we can do as a congregation to become a more caring, engaged community, expanding our commitment to *rachamim* as a core spiritual practice, and as an organizing principle for our engagement with one another and the world. I look forward to exploring how deepening this commitment might unfold in your life and in the life of our community, but that is not my goal tonight.

Nor is it my intention to criticize or disrupt the faith of anyone here. There are many of you, I know, who are calm, confident and trusting in your relationship with God, and who experience God's closeness in your life and have an on-going prayer dialogue with God. It has been my privilege sometimes to pray with you and your prayers sustain me. Your faith is a source of inspiration and your prayers are powerful. Yet many of you, I know, identify strongly with Elisha ben Abuya, as I do. I can honestly say that had I not come to this understanding of what *din* and *rachamim* could mean, I might have followed his path.

My simple goal is to clarify what it is that I can say to Marcus and to others who are wrestling with such questions. I can affirm that you did not become ill because you were a bad person nor are you sick because there is some lesson that you must understand and when you have "got it figured out," suddenly you will be better. I can state, as Job proclaims and God

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<sup>4</sup> Spiegel, D., Bloom, J.R., & Gottheil, E. "Effects of Psychosocial Treatment on Survival of Patients with Metastatic Breast Cancer." *Lancet*, 2(1989): 888-891. See: <http://stresshealthcenter.stanford.edu/> for more recent research and information.

<sup>5</sup> Talmud, Berakhot 7a.

affirms, that there are aspects of creation that we simply do not yet understand. If we have a proper understanding of scale – be it the scale of space, from the molecular or even sub-atomic to the cosmos, or the scale of time, in which we are a blink in the evolution of our species, let alone the earth – if we have this perspective, we can appreciate that not everything which happens to us is about us. When we are able to look from such a perspective, we perceive and honor *din*.

Yet God's quality of *din* is forever balanced with the quality of *rachamim*, compassion. It is *rachamim*, God's caring for us, which in turn we embody by how we live even as our bodies themselves are testament to the truth of *din*. And *rachamim*, unlike *din*, is not worked out on the cosmic scale or over eons – the scale of *rachamim* is the human scale, and it is in the close and intimate relationships of friendship, community and family that our capacity for *rachamim* is known. A midrash states that God's first gesture to humanity in the Torah is to provide clothes for Adam and Eve when they were naked, and the last action of God in the Torah is tending to Moses after his death; thus, the midrash teaches, Torah begins and ends with acts of *rachamim*—surely we are called upon to do the same.<sup>6</sup>

We do indeed live, in this and every moment, in a world which is founded on the principle of *din*. We experience it every moment; without the predictability of *din*, life would be impossible; and it is precisely this consistency, *olam ke-minhago noheg*, creation is ordered according to the rules of science, that sometimes is so painful that we beg for God to intervene—to bend the laws of nature.<sup>7</sup> But God's essence cannot be changed. And so we invoke the balancing dimension of the divine quality-*rachamim*. If, as a Kabbalistic midrash teaches, the entire Torah is really just the Name of God – then the name that we can read, the route to knowing and experiencing God fully, begins and ends with *rachamim*.<sup>8</sup>

It is by your presence with me in the hour in which I am called to recognize *dayan ha-emet*, that we affirm the Zohar's teaching: "*Layt atar panui mei-nayh* – There is no place and no moment where God is not."<sup>9</sup>

*Ken yehi ratzon. So may it be. Amen.*

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<sup>6</sup> Talmud, Sota 14a.

<sup>7</sup> See Maimonides, *Mishneh Torah*, Laws of Kings 12:1.

<sup>8</sup> Zohar III, 13b (Tishby, *Wisdom of the Zohar*, p. 1179).

<sup>9</sup> Zohar III, 225a.