

## “For the Sake of Heaven”

by Rabbi Michael Z. Cahana

Yom Kippur 5776

I have preached and written and railed about gun violence for many years now – something I feel passionately about. But until this summer, I had never actually held a handgun. I did so. Twice. The second time was when I held the gun that was used to assassinate Israeli Prime Minister Yitzhak Rabin, a killing which changed the course of Israeli history and moved us farther away from peace. My hands shook holding that gun. But that’s a story I’ll tell another time.

The first time I held a gun was earlier in the summer, when I went through a greatly abbreviated version of Police officer training. In two evenings we went through weapons training and live scenario based simulations – that is, I was put into role playing situations which could and did involve life and death. I learned two things about myself from this simulation. One is that I am a pretty good shot. My trainers were impressed and offered that I might consider a change of career. I politely declined. The other far more significant thing I learned is how far I am able to go to protect myself and others. Yes, in that simulation – I was able to kill. I know it is in line with Jewish law on the right of self-protection.

ניתן להצילו בנפשו - *it is lawful to save oneself at the cost of his (the attacker’s) life*<sup>1</sup>, the Talmud teaches. But I also saw that, in that moment, it was not an intellectual decision. I did not hesitate, but did what I had to do to protect myself. It was only a simulation, but in that moment it felt real, and I suspect I would do it again. I don’t know if I am proud of these revelations. But there they are.

I share these quite personal experiences, not because these events changed my views. I remain steadfastly opposed to the ubiquity of firearms in our country, the easy access we give to those who want tools of destruction for whatever purpose they desire. I mourn the increasing militarization of our weapons of choice and how these very rifles and handguns come easily into the hands of criminals, the mentally ill and children – without sufficient consequence to those who provide them. I call out a culture, unique in the Western world, which fetishizes guns and promotes their accessibility over public safety. All this and more I will continue to speak out against and work towards change.

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<sup>1</sup> Talmud Bavli *Yoma* 85a. The right to use deadly force for self-preservation is well established in Jewish law. Based on Ex. 22:1 “If a thief is found breaking in, and he is struck so that he dies, there shall no blood be shed for him” (i.e. it is not a capital offence.) To this Rashi comments “Here the Torah has taught: if someone comes to kill you, rise up and kill him.” The Talmud establishes limits based on the biblical verse that follows “If the sun has risen upon him, there shall be blood shed for him” (*ibid.* 2): “But [this is the meaning]: ‘If it is as clear to thee as the sun that his intentions are not peaceable, slay him; if not, do not slay him.’” (T.B. *Sandehrin* 72a)

But today, I do so with a window into the culture surrounding guns. And I understand a bit more. I experience that you can disagree profoundly on a subject and still have some understanding of the other side. I experience that you can disagree on policy without denigrating your opponent, no matter how passionately you feel. This I knew intellectually. But sometimes holding the object of your derision in your hand helps humanize the other side.

And we can all use a little humanity in our discourse. No less passion than we feel; but a lot more respect.

This year has been a time of highly vocal and vociferous disagreement. I have found myself in the middle of some of it. As some may know, I recently answered the call of our fellow congregant City Councilman Dan Saltzman, to serve on a public commission. The nation has been roiled this year by terrible accounts of police shootings of unarmed Black men. #BlackLivesMatter has moved from a slogan to a movement. The topic has become even more complicated as cases of police officers being targeted for wearing a uniform have also received national attention. Violence builds on violence and even peaceful protests have seen their share.

This breakdown of trust between some police forces and the public is not new to us in Portland. A series of high-profile shootings here over the past several years has contributed to a breakdown of trust. In Portland these police shootings have appeared to be less race-related than involving excessive force used against the mentally ill. That, at least, is the accusation which caused the Department of Justice to sue the City of Portland, insisting on changes in Police Department policies and training. These kinds of lawsuits are happening all over the country and they are encouraging a reevaluation of Use of Force policies in Police Forces. A very good thing.

Here in Portland, of course, we have to do things differently. And that may also be to the good. The settlement agreement between the DOJ and the City of Portland, overseen by Federal Judge, and former CBI president, Michael Simon, has a unique provision: the establishment of a publicly constituted "Community Oversight and Advisory Board" or COAB as those in the know are calling it. This is the commission, the only one of its kind in the country, which I have been assigned to by our city leaders. Just to complete the circle, a member of our Temple Board of Trustees, Dr. Sharon Meieran also serves with me on this oversight board. CBI is well represented in the process.

The purpose of COAB is to help build trust between a sometimes slow to change police force and an often skeptical public. And while the settlement agreement is directly focused on interactions between the police and the mentally ill, serving on this commission has been a revelation to me in how wide the gulf is for so many in our community. As part of our responsibility, we hear testimony from the public at every meeting. I repeatedly hear stories of pain and fear, parents crying over the loss of their young adult children to police shootings without any closure as to why. African-American and Latino youth who intentionally cross the street to avoid a police officer and would never dream of calling the police

if they were in trouble. Highly professional and elegant women who add extra time to their travels on the assumption they will again be stopped by the police for “driving while Black.” Deaf and transgendered people who have terrible stories of interactions with the police. I have heard those stories and my heart weeps. And I have also stood in a simulated street, with a gun strapped to my waist and known myself to be a target. I have heard the terrible ways police officers are referred to by some, assumptions made about their motives or inability to care. I have ridden along with actual police officers doing their work in our downtown blocks and seen the compassionate and professional way they have dealt with the homeless and mentally ill in our community. I have recalled the highly responsive ways we at Temple and the Jewish community have benefited from police protection and sensitivity to our vulnerable position. I recognize that there are multiple stories and perspectives. I do believe the burden of proof is on those with power – government and the courts have an important role in moderating and limiting the authority of officers of the law. Unchecked, the power to abuse that authority should be frightening to us all. And yet, having literally stood in their shoes, I also understand and appreciate the delicate role, even the vulnerability, of those who wear the badge.

What saddens me is not the disagreement – it is the terrible language used to describe the other. The inability to see the humanity in those with whom you disagree.

We Jews are no strangers to passionate disagreement. Our texts are filled with argument. The Talmud is defined more by the alternate viewpoints of the rabbis than on the legal agreements. Reading the texts you can almost hear the angry trembling of the voice as positions are laid out and countered, often over generations. These are passionately held viewpoints of those who take their Jewish learning very, very seriously. The stakes couldn't be higher.

And yet, there is a powerful concept underlying the *manner* of Talmudic disagreements. Not the substance, but the underlying assumption which demands respect towards those with whom you disagree. In the Mishnah, *Pirke Avot* – the “Ethics of our Ancestors” this concept is introduced: *machloket l'shem shamayim*, a dispute for the sake of Heaven. That is, a disagreement with a common goal – a higher purpose, a human and therefore flawed approach to discovering the will of the perfect G-d. The Mishnah goes on to give an example of this concept: “What is a *machloket l'shem shamayim*? Such as was the disagreement between Hillel and Shammai.<sup>2</sup>”

Hillel and Shammai were two First Century individuals and schools of thought who differed mightily. Liberal and Conservative, Left and Right, Democrat and Republican – well, not exactly. But their disagreements shaped the way we understand Jewish teachings today. They argued fiercely, in one case for three years, until a voice from Heaven moderated and declared: *e'lu v' e'lu divrei Elohim Chayyim* “The utterances of both are the Word of the Living G-d.<sup>3</sup>” Although the Heavenly voice did

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<sup>2</sup> M. Avot 5:17

<sup>3</sup> Eruvin 13b

declare the law to follow one side (the more liberal version of Hillel, yea!), it gave respect to both sides. No one is evil, no one is stupid, no one's motives are less than pure.

It was not always that way. The Talmud also records a time when the disagreements between Hillel and Shammai were so profound that violence ensued. A sword was brought into the house of study and used to demand loyalty to one point of view. On that day, the Talmud reports, "it was as wretched for Israel as the day on which the [golden] calf was made."<sup>4</sup> According to some scholars, this is the real reason behind the observance of the Jewish fast day Tisha B'av – the saddest day on our Jewish calendar.<sup>5</sup> We weep and mourn when our disagreements are so profound we forget to recognize the human worth of those with whom we disagree.

Or, as some would put it, we forgot how to disagree without being disagreeable.

I grew up in a household of profound disagreement. Argumentation was our dinnertime sport. My father, of blessed memory, was a brilliant and passionate scholar and held his beliefs very strongly. He was rarely hesitant to share them. My brother is no less so and was an equal match on all fronts. Being five years younger than my brother and in no way a scholar of Jewish law at that time, I was reduced to mostly watching the intellectual ping-pong match between them. I knew the stakes were high, but it was a game I could not play. But I was able to understand one profound truth: neither my father nor my brother lost the respect of the other. Neither forgot that their argument was a *machloket l'shem shamayim*, a dispute for the sake of Heaven. Arguing while honoring. Not easy to do. They disagreed but they were not disagreeable.

As I have watched our civic discourse of late, I fear that this concept of disagreeing while respecting the other is disappearing. The political world has become so charged that "compromise" has become a dirty word. Presidential candidates score points and get headlines by saying the most outrageous and hurtful things, painting their opponents as unworthy of respect. This from individuals who are vying to be the leader of our nation, who are asking our trust to represent American values and interests to the world. We have a press that seems more interested in stoking the flames of conflict than in presenting and analyzing thoughtful positions. We have a public who seems more interested in the horseshoe of politics than in proposed solutions to the problems we face. A citizenry who demand purity of thought, which has more to do with advancing special interests than with getting things done. I have spoken with many elected leaders, from mayors to state congress persons, to national Representatives and Senators. All have called out this kind of partisan absolutism as one of our largest political problems.

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<sup>4</sup> Shabbat 17a

<sup>5</sup> Daniel Roth, "The Ninth of Adar: The Day Constructive Conflict Turned Destructive;" Pardes Center for Judaism and Conflict Resolution, Occasional Paper, Jerusalem, February 2013 - <http://pcjcr.pardes.org/wp-content/uploads/2013/02/JDCC-Occasional-Paper-2013.pdf>

And we have an increasing inability to respect the viewpoint of those with whom we disagree. I respect the passion. I fear the intolerance.

The Jewish community has not been immune to this kind of disagreeable disagreement. Over the past few months we have been deeply divided over the Iran nuclear deal known as the JCPA or Joint Comprehensive Plan of Action. We have been divided not only on policy, which is highly appropriate, but on personality. The stakes are high; terrorism, the reshaping of the Middle East, and the fear of nuclear weapons in the hands of those who truly wish us ill. But while we disagree we have found it acceptable to vilify and condemn those with whom we disagree. Accusations of “War Mongers” on one side, “naïve dupes” on the other and even the rise of classic anti-Semitic tropes including foreign loyalty have been raised. We have forgotten what it means to have a *machloket l’shem shamayim*, a dispute for the sake of Heaven, arguing passionately but respectfully. We have forgotten how to disagree without being disagreeable.

While I was in Israel this summer with a group of rabbis from all over the country, we could not help but debate the Iran deal together. I remember a time that one of my colleagues and I found ourselves on opposite sides, even as I was still formulating my views. I was not happy with the way our conversation went. Passion overwhelmed intellect and we ended our discussion abruptly. Over the following weeks, he and I solidified into our opposing views as evidenced by our Facebook posts. But a few weeks ago, he posted a plea in a private group which disturbed me. My colleague had signed on to one of the two opposing petitions of rabbis declaring their view on the Iran deal. He had done so quietly and privately and represented only himself. But it seems that many in his congregation were so upset with the choice he had made, that he found himself compelled to send a letter to the whole synagogue explaining his reasons. He was asking his fellow rabbis’ opinions on his text. While I disagree with him on the substance of his views, I also told him that he had nothing to apologize for – or even the need to defend his position. As a rabbi he has every right to teach and to passionately share his process and conclusions. As an individual he has every right to express his views even in a public forum without fear of repercussions. Such is the acrimony of our debate today that he feared for his rabbinic position – and felt compelled to defend himself. This was no *machloket l’shem shamayim*, a respectful awareness of a dispute for the sake of Heaven.

One of our political leaders told me the story of a colleague in the House of Representatives in some other state who was made to feel unwelcome in her own synagogue after she announced her vote. This is simply wrong, and thankfully has not been the case in our congregation. But the tensions remain.

The political vote is now over on the subject of the Iran Deal – at least as far as the single up or down vote which consumed our awareness for months. But we need healing from the acrimony. We need mending of our divisions. We need to respect that no one wants war, no one is blithe to the realities of

terrorism. We need to bring ourselves to passionately but respectfully disagree. To debate policy not personality. To disagree without being disagreeable.

These are not just national arguments. They extended into our own lives and the ways in which we have treated others in our passion.

Yom Kippur is a time of reflection and change. An opportunity to look back on the way we have been and modify the way we are going to be – to bring ourselves closer to our own ideal of ourselves. So I ask you to take a moment now, as we begin our day of reflection. Think about someone with whom you have disagreed. Someone you have avoided talking to. Is it family? Is it a friend? A former friend? Is it someone you used to respect until they took that stupid position? Think of not the substance of your disagreement – who was right and who was wrong. Think of the way in which you disagreed. Was it a *machloket l'shem shamayim*, a dispute for the sake of Heaven – a recognition of a higher goal? Or was it, as it is so often, that someone took to winning by destroying the other? Did you cease to respect the one with whom you differed? Did you disagree by being disagreeable?

What can you do to fix it? Will you commit to making that phone call you have been avoiding? Rebuilding that relationship? Strengthening your own dignity and repairing a piece of our broken world? Can you agree to hold on to your conviction while respecting someone on the other side?

When I held that gun in the firing range of the Portland Police training facility, I held an object of my disdain. But I also saw the ritual, the care, the respect the officers gave knowing it was a symbol of their authority. There is a place of continued debate on the role these weapons play in our nation – in the hands of police, in the hands of criminals, in the hands of ordinary people. We will disagree, and passionately so. But let us disagree without scorn. Let us debate without derision. Let us remember that in our highest selves we can and should disagree *l'shem shamayim* – for the sake of Heaven.