

**Mindful Speech**  
**Yom Kippur**  
**Sha'ar Zahav**  
**5779**

“How long will you be drunk like this!? Eli yells at Hannah. He is the high priest in the time of our prophetic reading that we read last week on Rosh Hashanah, and Hannah, like many of our Torah heroines, is unable to get pregnant.

She had stopped eating.

She had become depressed.

She has finally decided to take matters into her own hands, and goes to the Temple to pray to G!d for a child, weeping in prayer. She captures the agony so many have faced over the centuries who want children and can't have them. Eli, the high Priest, looks on. He watches as her mouth moves yet he cannot hear her words. He makes a snap judgment and he yells at her, “How long will you be drunk like this? Put away your wine!” Hannah is taken aback, and explains herself-she is of sorrowful spirit, and is merely pouring her soul out to Gd.

The rabbis of our ancient writings extol Hannah's prayer, lifting her up as *the* model of how we should communicate with G!d in prayer. The way we still pray in our tradition centuries later imitates Hannah. We should concentrate deeply, we should move our lips, but we should not be heard in a loud voice. And they throw in that we shouldn't be drunk either.<sup>1</sup> The rabbis of old also -perhaps surprisingly- lift up Eli's behavior. He is held up as a model of rebuke. In Hebrew, this manner of rebuking, or we might say today, calling someone out, becomes an important ethical category called *tochecha*. He witnesses something that appears unseemly in the Temple over which he has authority, and he calls

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<sup>1</sup> Jer.y.Ber.4:1,9:1

it out. Ok, so he happened to be wrong. But our Jewish teachings hold that not only do we have permission to judge others and call them out in rebuke. We have a **mandate** to do so. Eli wasn't perfect, and neither are we.

Our paradigm of *tochecha*, rebuke, stems from a verse in Leviticus (19:17), "Do not hate your brother in your heart, you shall surely rebuke your neighbor, and incur no sin because of this person." We are *commanded* to rebuke our neighbor when it is deemed necessary. Why? So we don't end up carrying around guilt that we didn't speak up. And because if we are cowardly and keep quiet and the perpetrator harms someone else, the blame will be on our heads. The great Jewish ethicist Maimonides wrote, "Whoever is in a position to prevent wrongdoing and does not do so is responsible for the iniquity of all the wrongdoers whom that person might have restrained."

Judaism teaches us that we are ethically *bound* to criticize, challenge and judge. It is written into the seams of our tradition, from the time Abraham rebukes -not a person- but G!D!- for threatening to destroy Sodom and Gemorrah without due process. We have been judging, rebuking, and challenging ever since. (No wonder we're rarely happy with anything!)

Today is Yom Kippur, the day of judgment. And our world needs a bit of healthy judgment, no? Our leaders need to be called out, a voice of morality needs to be heard, the ideal of truth needs to be defended, and people behaving unethically need to be chastised. Over the past year-and just this week- the #metoo movement has demonstrated the power of calling out injustice when the existing systems of judgment are failing us. Just as Maimonides taught us, in an effort to warn others about predatory behavior and empower the disenfranchised, women have used rebuke as a corrective for

a system that has failed to do its job. Philosopher Ronald De Sousa writes, “I wish to argue ...for a defense of gossip as free speech extended to the private sphere...” If we cannot call out injustice, we are trapped in an isolated system that protects rather than exposes.

Judaism celebrates *tochecha*! Great. Now here are the rules. Number 1...

(what, you didn't think there would be RULES? This is a Jewish concept we're talking about!)

- Number 1: In order to rebuke someone, you first have to make sure the person is ready to hear it:

The rabbis teach that just as it is a mitzvah to offer words of *tochecha* when our words are likely to be heard, it is a mitzvah to stay silent when our words will not be heard.<sup>2</sup> So if they aren't ready for it, it usually doesn't go well!

- Number 2: you have to do it respectfully:

Maimonides wrote that we “should administer the rebuke in private, speak to the offender gently and tenderly, and point out that the rebuke is offered for the wrongdoer's own good...” So we must ask ourselves, am I doing this in the most respectful way possible? Or am I using intimidation or power improperly in my rebuke? Is **public** rebuke necessary in this particular case to protect others? A note: I would add that I don't think our ancestors would have thought that “in private” meant we should rebuke in an email ;)

- Next, your motives have to be pure:

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<sup>2</sup> Babylonian Talmud, Yevamot 65

“...Rabbi Yonatan said: ‘Whoever reproves their neighbor **without any ulterior motives**’ finds favor with God.<sup>3</sup> The phrase, “without ulterior motives,” in Hebrew is “*L’shem shamayim*”-literally for the sake of heaven. When we call someone out on something, we must do it for the sake of heaven. It means that we must rebuke with the *very best* of intentions.

- And before you get ready to let it rip, Judaism also teaches that you have to examine yourself in the process as well. We learn in *The Ethics of our Ancestors, Pirkei Avot*, “Do not judge your neighbor until you have stood in their place.”<sup>4</sup> The founder of Hasidism, the Baal Shem Tov, expands on this. He taught that “if you see another person doing something ugly, meditate on the presence of that same ugliness in ourselves. And know that it is one of God’s mercies that God brought this sight before your eyes in order to remind you of that fault in **you**, so as to bring **you** back in repentance...”<sup>5</sup>

OK-I think we have all the rules. NOW we are ready. Rebuke at will! Okay, maybe not so fast.

We are indeed living at a time when injustices need to be challenged, creating for many of us a constant feeling, as I spoke about on RH, of being surrounded by *tohu v’vohu*, chaos and void. But out of that chaos, we seem to be taking license to rebuke each other *all* the time— regardless of where we sit on particular issues. We have taken seriously our responsibility to do

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<sup>3</sup> Talmud Bavli, Masechet Tamid 28a. “One that rebukes another finds favor with Me.”

<sup>4</sup> *Pirkei Avot* (Chapter 2, Mishnah 5)

<sup>5</sup> Seder ha-Dorot ha-Chadash, p. 59, the Baal Shem Tov, As paraphrased from “Jewish Spiritual Practices” by Yitzchak Buxbaum, p. 305, found in “Teaching Jewish Values”. Thanks to the Hartman Institute for these compiled teachings on *tochecha*. See also Viktor Frankl’s, *Man’s Search for Meaning*: “No man should judge unless he asks himself in absolute honesty whether in a similar situation he might not have done the same.”

*tikkun olam*, to repair the world, and call out injustice. But we know it hasn't all been good, healthy *tochecha*.

- Out of our anger and confusion, do we sometimes jump to conclusions as Eli did with Hannah?
- Have we used *tochecha* as catharsis to get our anger off our chests rather than finding other ways to release our frustrations?
- Have we set rebuke, at times, as our default position?
- Our tradition implores us, through these rules and ethical guidelines, to ask: When we do rebuke, are we doing it as **carefully** and **ethically** as we could?
- And even if we can live up to the ideal of rebuking with great intention, we might want to acknowledge that living in our current culture of *tochecha* is affecting our psyches, our interpersonal lives and relationships.

The laws of *tochecha* stem from a larger set of Jewish teachings that ask us to practice “mindful speech,” called in Hebrew the laws of *lashon hara*, literally “evil tongue.” It is an intricate system designed to force us to pay attention to our intent- every time we open our mouths. This is hard, spiritual work. We might ask how we can possibly maintain mindful speech and ethics when civil discourse and trust of others’ judgment has crumbled around us. We are living at a time of unprecedented dishonesty and sanctioned ill-judgment.

Two weeks ago, President Obama spoke these words-now well known- in memory of John McCain, asking us to honor the senator’s legacy by rising above what I’d call political *lashon hara*. He said,

“So much of our politics, our public life, our public discourse, can seem small and mean and petty, trafficking in bombast and insult,

in phony controversies and manufactured outrage. It's a politics that pretends to be brave and tough, but in fact is born of fear."<sup>6</sup>

Often, rebuking without deep *kavanah*, or intention, results in no **one** or no-**thing** being strengthened by our having done so. It boosts us up for a moment, perhaps helps us find our allies. Our society desperately needs guidelines for navigating our complex universe with intention.

When is judgment and slander necessary, brave and tough, and when is it born of fear? At what point does rebuke become part of our culture of communication?

I invite you to take a break from our political climate for a moment and shift to the interpersonal.

We are all guilty of jumping to conclusions before understanding an entire story, judging a person or group of people without having stood in their place. And we have all been on the receiving end of incorrect assumptions and stereotypes. It is part of human nature. We couldn't get through the day without making judgments, categorizing, filtering the large amount of information thrown at us. We are usually dead set that we are right. We assume we know everything we need to know to judge a situation. I do it with my kids, when I don't feel I have time to collect all the information I need. I come upon one of the daily arguments or trail of broken things followed by tears. When I breathe, stop and ask more questions about what happened, I am at my best. When I jump to assumptions, I am often incorrect, missing the essence of the situation. We are at our best when we slow down. "Hmm, tell me more about that." It takes a lot of work to stand in someone else's place.

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<sup>6</sup> The full eulogy: <https://www.pbs.org/newshour/nation/watch-barack-obamas-full-eulogy-for-john-mccain>

Think of an instance in which you could practice this. Where in your life do you tend to jump to decisions and assumptions? At work, home, with friends, at synagogue? With extended family? Think back to a time over the past month or year...when could you have benefited from slowing down?

Perhaps now even more than when our Jewish commentaries on *tochecha* were written, we are in constant danger of judgment-for-the-sake-of-judgment, rebuke that is harmful instead of transformative.

All we can do is start with us. **I am suggesting that we can we raise the level of expectation in our relationships and in our society around mindful speech.** Again, it doesn't mean refraining from calling out injustices wherever we see them. On the contrary. But it would mean asking ourselves and challenging others to investigate, "What is my kavannah? Is my intent for the sake of heaven? How am I inspiring a *tikkun*, a healing of our broken world, by saying what I'm about to say?" Will it redeem me or someone else? If rebuke is in order, how will I go about it? How would I receive this judgment and rebuke if I were on the receiving end?

At the High Holydays, we all feel judged. In fact, we kind of come here to BE judged. The Talmud<sup>7</sup> tells us that we can expect to be judged during the Days of Awe in direct relation to how we judge others.<sup>8</sup> Mussar teacher Alan Morinis writes, "...God takes a cue from our behavior and judges us in the same manner as we judge others."<sup>9</sup>

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<sup>7</sup> Babylonian Talmud, Shabbat 127b

<sup>8</sup> It reads, "Anyone who judges others with merit- will be judged with *merit* in Heaven."

<sup>9</sup> <https://mussarinstitute.org>

Back at the Temple in our holiday reading, Eli the high priest makes a snap judgment. He judges Hannah for appearing to have stumbled into his Temple drunk. She pleads with him to hear her story. What happens in that moment afterward? The text doesn't tell us. But I want to think that he looks deep within himself. He asks,

“What don't I yet know about this situation?

Wow-someone has come to the Temple. On her own, and a woman!

What might bring someone who isn't even required, to come pray here?

What was my intent in lambasting her?

Was it my need for control over this space?

Did I allow the preservation of strictures and rules to rise above the human being before me?

Did my need to be right overwhelm my humanity?”

In the text, he turns-he does *teshuvah*. He turns to her and corrects himself. “Go in peace,” he tells Hannah, “and G!d will grant your petition.” Hannah returns home to her husband and soon becomes pregnant with Samuel. When Samuel grows up, his life will be dedicated to Temple service, and he will stand next to the priest, Eli.

We all judge. We *must* judge. We are *commanded* to offer *tochecha* to bring on a better world. Our tradition calls on us to be more intentional about when and who we judge and rebuke. And



when we really do need to judge and call out injustice, we have tools that can lessen the harm we are doing to ourselves and others. We can aspire to a system of *tochecha* -of calling out injustice- that doesn't create a **new** injustice as we're doing it. As many of you are coming to know about me, social justice is a central Jewish practice for me. But I envision a manner of repairing our world in a way that doesn't damage our souls while we're at it. We are experiencing an extraordinary amount of injustice in our world right now. And we can fight it without diminishing ourselves. According to Jewish mysticism, the image we hold in our minds as we repair the world is not one of smashing injustice. To repair the brokenness, we compassionately lift up the shattered pieces of our world.