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**Sermon for Rosh Hashanah Morning 5780: The Honest and The Good**

Three years ago, just after the 2016 election, a group of local rabbis gathered to discuss our concerns over the growing divide in American society and to share ideas for how we might respond to coming challenges. This was before Charlottesville and before Pittsburgh, but we had already serious concerns about resurgent antisemitism. Rabbis are certainly prone to exaggeration so remember the context of those days: the promise of a Muslim travel ban, angry crowds incited by the suggestion that political opponents could be arrested, and Brown Shirts having a dinner reception with “siege heil” salutes at the Maggiano’s right here in Friendship Heights (remember that?). In that context, one of the rabbis explained why he felt we needed to gather as moral leaders and community representatives. He wanted us to consider and clarify where we would draw the red lines. The Torah commands, “You shall not stand idly by,”<sup>1</sup> so under what circumstances would we be willing to risk our jobs, or face arrest, or worse?

*That* is a Rosh Hashanah question and *that* is what I challenge all of us to consider as we enter the New Year. The Days of Awe call upon us to do *teshuva*, to confess, to apologize, and fix past wrongs. Maimonides says we’ll know *teshuva* is complete when we encounter in the future a situation where we failed before and respond better; when we live up to our ethical and moral values. All of that depends on knowing: what are those values. We are instructed during these holidays to do *cheshbon hanefesh*, the best definition of which comes from the Twelve Steps: We make a searching and fearless moral inventory of ourselves.

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<sup>1</sup> Lev. 19:16

We also read in our prayer book pages of confessional liturgy that include many things we did not ourselves do. We read it to remind ourselves what actions specifically we consider to be wrong. It is like a code of conduct to be reviewed out loud together. It's one of the most important parts of our High Holy Day traditions and these days it is more important than ever. If, like me, you are easily bored or distracted sitting in the pews during services, I urge you to dig for a little more focus and purpose this year or take the time in your own way to revisit the moral and ethical principles we share in Judaism. By the end of Yom Kippur can you state in 280 characters or less: where are your red lines?

Trying to live a more ethical and value-driven life requires a healthy dose of pastoral and self-care. You have to be able to forgive yourself or at least live with yourself while you are working to become better. I was with an old friend a few years ago at a party and I asked about work. Chalk it up to my Talmudic inclinations, but I usually find something interesting in legal cases including the kind of corporate work that was the core of her practice. She dodged around a little and with a surprisingly deflated tone told me that her work wasn't worth discussing. "Do you know what I do?" She asked. "I help people who are accused and usually guilty of various types of fraud to avoid or reduce their penalties." She reminded me that she had started in law enforcement and used to swear she'd never switch to this side of things but, you know how it goes, school tuitions and the high cost of living led her here. "Maybe someday..." she said, as I steered us to a different subject. I didn't push but I am pretty sure she herself is not involved in criminal activity and whatever moral qualms she had, I know her well enough to say she is not a bad person. The self-critique was about professional misgivings maybe mid-life crisis kind of questions like, "How did I become this person?" Others have come to me with far more significant moral failings, including the kind of stuff that appears in that confessional prayer. Mostly, if they've come to me, they're trying to find their way back to being a better person.

Nobody gets a free pass in Judaism. We are not forgiven just because we felt sad about ourselves. But, we can't gain forgiveness and be better if we don't allow

ourselves enough self-respect and self-love in the face of personal shortcomings to keep moving ahead. This is hard stuff. I don't have your absolution but I see you.

Trying to live a more ethical and value-driven life also requires us to face and navigate some complicated territory. Hypocrisy or at least inconsistency lurks around every corner of this maze. I've done a lot of work with nuns in the past few years and become a big fan of these Catholic mitzvah heroes. I've worked with [Sister Norma Pimentel](#), Director of Catholic Charities of the Rio Grande Valley for years. She's brought me into desperate migrant shelters to pray with and help feed unaccompanied children and showed me how she built a center and a system for helping hundreds of migrants a day with food, clothing, medical attention, love and support. Her work is increasingly recognized as a model and inspiration for our times.

At the end of this summer, I led an interfaith group of Temple Sinai members and members of Holy Trinity Catholic Church in Georgetown to volunteer at her center on the border. One morning I was asked to drive an asylum seeker from Cameroon an hour east to a different shelter. She was five months pregnant, completely alone and did not know anyone in the US. She had been mistakenly sent to Sister Norma in McAllen but that's only a day center for migrants who are en route to family members who have agreed to house and support them. This woman needed a more permanent home with access to medical care, lawyers, food. One of our members, Elizabeth Hoffman, speaks French and was able to translate so we started to drive to a place called [La Posada Provincial](#) in San Benitas, Texas. On the way, we asked about her journey to the US and what had led her here pregnant and alone. She started to sob and handed a stack of photos from her bag to Elizabeth, pictures of her in a Cameroonian jail, shackled, beaten and bruised, evidence of her struggle. You can google and read about the instability and violence in her country. Family members had been killed and she had no choice if she wanted to live and her baby to live.

La Posada is a collection of tidy little houses around a circle with a few gazebos, and an office and gardens run by a few nuns who we found in the kitchen overseeing meal prep and clean up including one from rural Ireland in her mid-70s who now spends her days in rural Texas helping people like our passenger. It's places like this and

people like that nun and our friends from Holy Trinity that make me love the Catholic commitment to justice and helping the most desperate. We need more good partners like them in the world. Unless, of course, you are a stickler for the purity of the words like “good.”

Earlier in the summer, newspapers shared a report just released showing that the Catholic Church had spent over \$5 million on lobbying efforts in the state of Pennsylvania to prevent changes to state laws that would allow prosecution and damages against the church and its priests for past sexual abuse crimes. A 2018 grand jury report had found evidence that more than 300 priests in Pennsylvania had been credibly accused of sexually abusing more than 1,000 child victims. The grand jury described the church's methods as "a playbook for concealing the truth."<sup>2</sup>

The sister of my college roommate, her name is Liz, who went to school with us too, has led efforts to change those laws. She worked with Philly Magazine to publish a long piece about the sexual abuse she experienced at the hands of a childhood teacher, the ways the school district protected her abuser when she reported it at the time and convinced her family to drop it<sup>3</sup>. The statute of limitations for her case expired when she was sixteen so she's pushed legislation to open the window so abusers like her teacher could face justice. The law passed the House but stalled last year when two state senate leaders with close ties to the Church, working in cooperation with the Church, blocked it. I haven't seen Liz since her brother's wedding years ago but I just saw him and while he always loves to hear about the social justice work we're doing at the border, I'm more than a little sheepish to speak of the nuns and Catholic Charities after I've seen him and been reminded of the complicated partner we have in the church.

I would be remiss if I did not take at least a moment also to acknowledge that the Jewish world including the Reform Movement has seen its share of sexual abuse and clergy impropriety. The CCAR, our rabbinic body, has added for the first time in its history a Continuing Education Requirement for all rabbis that is focused for its first

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<sup>2</sup> <https://www.cbsnews.com/news/catholic-church-scandal-spent-10-million-lobbyists-fight-extension-statutes-of-limitations-child-sex-abuse-vicims/>

<sup>3</sup> <https://www.phillymag.com/news/2018/09/27/liz-goldman-bill-mckendry-lower-merion/>

years on mandating we all review the Rabbinic Code of Ethics and participate in further learning sessions and training about it.

The thing that got me started on this whole sermon was the case of a Justice Department lawyer from June. Video went viral of her oral argument before the Ninth Circuit Court of Appeals in which she suggested that in some circumstances the federal government may not be required to provide soap, toothbrushes or beds for detained migrant children as a component of safe and sanitary conditions. She became the target of blistering critique and even received death threats. That's a completely immoral response that she does not deserve. I will confess, however, that I initially had a strongly negative reaction to the whole story. Like many others, I wondered what kind of person could make that argument. She later posted a message on Facebook apologizing to friends and family that her words "struck a nerve" and she wished she could go back to clarify her position. She also emphasized that contrary to headlines describing her as "a Trump administration immigration lawyer," she was not a political appointee and not "an official of any administration."<sup>4</sup> She never said this directly, but I took from her apology that she did not personally embrace the policies she was pursuing at least not wholeheartedly. She was doing her job and trying to provide her client with the best legal advice and service.

I have spoken about this with a lot of you including other government lawyers, military members, doctors, and private sector folks who sometimes work on things that have been assigned to them and they don't personally agree with or support. This case got my attention because, but for the viral video, this situation is just the kind of thing many people in this room have faced and will no doubt face in the coming year. This is very serious. It's about our livelihoods and families, about professional positions and careers that we've spent decades building.

The ethical imperative is not just for lawyers and not just for people connected to the government but given this example, it is worth noting that the American Bar

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<sup>4</sup> <https://www.washingtonpost.com/nation/2019/06/26/i-accept-it-doj-lawyer-defends-herself-over-viral-video-about-providing-migrants-with-soap-toothbrushes/>

Association Model Rules of Professional Conduct say, “A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.”<sup>5</sup> Those rules also say that you can draw a line. A lawyer can refuse or terminate representing a client if, “the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement.”<sup>6</sup>

That can be a highly subjective standard. So here we are back the original challenge: what are your values that help you determine where do you draw the line? As you consider that, I want to share one more Jewish principle. Jewish law includes an ethical concept called “*lifnim meshurat ha-din*” which means “going beyond the letter of the law.” This is based on a verse in Deuteronomy (6:18), “Do what is right and good (*hayashar v’ha-tov*) in Adonai’s sight, so that it may go well with you.” Commentary on that verse (by Ramban) says: it is impossible for the laws to guide you in every situation so you must be committed above all else to the general concept of goodness and right and know that you must go beyond the letter of the law.” It’s important enough that in some situations our Talmudic sages applied it as the standard of law itself. For example, when you find a lost object in circumstances where the owner would have no hope of finding it again, it is “finders keepers” and Jewish law says the object is yours and don’t even have to post flyers or search for the owner. But, if after time, the owner somehow finds you and can prove the object was theirs, you must return it. The letter of the law says it’s yours, but you must go beyond the letter, so you have to give it back. There’s even a rabbinic story that says the ancient temple in Jerusalem was destroyed not because of lawlessness but because people kept the letter of the law and stopped acting *lifnim meshurat hadin*.

It’s pretty bold to stake the preservation of society on that ethical principle but fast forward two thousand years.... The preamble to that ABA code of conduct ends

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<sup>5</sup> ABA, Rule 1.2b

<sup>6</sup> ABA, Rule 1.16b, 4

[https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/rule\\_1\\_16\\_declining\\_or\\_terminating\\_representation/](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_16_declining_or_terminating_representation/)

with an equally bold statement: “Lawyers play a vital role in the preservation of society.”<sup>7</sup> That’s rabbi-level chutzpah, though I agree with it. In fact, I wish it were part of everyone’s code of conduct.

Though we believed we had a vital role in the preservation of society, those Rabbis meetings fizzled, or, to be more fair, we actually stopped talking so much and started doing. We haven’t had a sustained and unified, all-hands-on-deck set of initiatives like those meetings envisioned. In partnerships and on our own or with our colleagues in our congregations, however, most of us have continued to see ourselves in that vital role. I want you, all of us, to see ourselves in that role.

These are unprecedented times. We need to spent these days in reflection and in serious values clarification. By the end of Yom Kippur, I challenge us all to have a concise understanding our where we will draw our red lines and how we will act when they are crossed. I urge us, at the same time, to have for ourselves some fraction of the *rachamim*, forgiving, loving self-care and forgiveness that God promises for those who seek *teshuva*. I implore us to hold fast to our commitment to live a more ethical and moral life even in the face of the world’s complexities and our own inconsistencies. Use Jewish values as a guide or a starting point. Ours is a tradition of law, too much *pilpul* and legalism sometimes, but we also believe that society’s survival requires us to go beyond the letter of the law. I am not a lawyer. I missed that important calling, but I’m taking some ABA ethics as my own, as our own: we have a vital role to play in the preservation of society and nothing is more important in fulfilling that role, than to know and to do, whatever the consequences, *hayashar v’hatov* – to do the honest and the good.

*L’shanah tovah*, may it be a good year for all of us.

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<sup>7</sup>Ibid., Preamble, 13

[https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/model\\_rules\\_of\\_professional\\_conduct\\_preamble\\_scope/](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_preamble_scope/)