

Sweetening the Judgment

Neilah 5787

Broward Central Synagogue - Rabbi Uriel Romano

At Neilah, time suddenly feels different. All day we have prayed, confessed, remembered, promised, asked for forgiveness. But now the sun is beginning to disappear, and the language of the Machzor becomes urgent: *P'tach lanu sha'ar b'et ne'ilat sha'ar, ki fanah yom*—"Open for us a gate at the time when the gate is closing, for the day is slipping away." We have arrived at the final moments of Yom Kippur, the moment when tradition imagines the judgment reaching its conclusion. Soon we will no longer say *Kotveinu*—write us—but *Chotmeinu*—seal us. The record is closing.

And perhaps precisely now we should notice something remarkable. Jewish tradition does not call this day *Yom HaEmet*, the Day of Truth. It calls these days *Yemei HaDin*, the Days of Judgment. Tonight, at Neilah, we stand not simply before the God of Truth, but before the *Dayan*, the Judge. And that distinction may be one of the reasons we are able to stand here at all.

Truth Before Creation

Before the first human being draws a breath, Jewish tradition places humanity on trial. For two and a half years, Beit Hillel and Beit Shammai argued not about a ritual or a law, but about existence itself: would it have been better had human beings never been created? They counted the votes and concluded that it would have been easier for humanity not to have been created at all. The Talmud preserves the verdict, and then adds that now that humanity has been created, we must examine our deeds and try to repair them (Eruvin 13b).

A Midrash (Bereshit Rabbah 8:5) imagines an even earlier debate taking place in heaven. **Chesed**, Lovingkindness, favored creation because human beings will perform acts of kindness. **Tzedek**, Righteousness, agreed because they are capable of justice. **Emet**, Truth, objected because human beings will be filled with lies; **Shalom**, Peace, because they will be filled with conflict. Two votes in favor, two against. Humanity was tied before its first breath. What did God do? God took Emet and cast it down to the earth. The angels protested: Why cast aside Your own seal? After all, *Chotamo shel HaKadosh Baruch Hu emet*—the seal of the Holy One is Truth (Shabbat 55a). And then comes the verse from Psalms: *Emet me'eret titzmach*—"Truth will spring from the earth" (Psalms 85:12). God does not prove Truth wrong. Truth's accusation against humanity is painfully accurate. But God does not destroy Truth either. God changes its location. **In heaven, Truth is a seal: perfect, absolute, unbroken. On earth, Truth must become a seed. It must enter the soil of human existence and grow there.**

That is the distinction I want us to consider during these final moments of Neilah. **Din is not the rejection of Emet. Judgment must begin with truth. But Din is what happens when truth descends into human life—when facts pass through context, intention, responsibility, proportion, mercy, time, and the possibility of teshuvah.** Emet tells us what happened. Din must decide what what happened means.

Even the Hebrew language hints at the distinction. We normally encounter *Emet* in the singular. Truth presents itself as one: this happened or it did not; this statement is true or it is false. But *Din* easily becomes *Dinim*—judgments, rulings, cases. Two judges can confront the same reality and still weigh it differently. Two cases can involve the same law and require different applications. Not because truth is irrelevant, but because judgment has to encounter a particular human being in a particular circumstance.

Emet is the seal of God. Din is the work of the Judge.

A Judge, Not a Scale

We love truth, and rightly so. We teach our children to tell it and demand it from leaders, institutions, friends, and family. Without truth there can be no trust, and without trust no relationship or society can endure. But once we possess the facts, the moral work is not finished. It has only begun.

Did I say those words? Did I break that promise? Did I betray that confidence? At that level, truth does not negotiate. Yet the moment we ask what those facts reveal about a person, what responsibility follows, what consequences are deserved, what repair is possible, and whether tomorrow must be determined entirely by yesterday, we have moved from Emet to Din.

That is why the name of this day matters. God is imagined not merely as the One who possesses all truth, but as *Dayan*, the Judge. The books are opened, our deeds remembered, the sentence written and now, at Neilah, sealed. Our liturgy repeatedly returns to the language of the courtroom: *HaMelech HaMishpat, Le-El Orech Din, Hinei Yom HaDin*. Thank God this is Yom HaDin and not Yom HaEmet. Thank God we stand before a Judge and not merely before a transcript, a camera, a database, or a scale.

There is something else remarkable in the Hebrew itself. *Elohim* is one of our names for God, but in the Torah the very same word can designate human judges. The linguistic connection is striking. To encounter Elohim is, in one sense, to encounter the Judge. And to judge another human being is to assume an almost divine responsibility. A judge cannot simply know what happened. A judge must know what to do with what happened.

Judaism places us before a Dayan. A judge cannot deny the facts; without truth, judgment becomes arbitrary. But a judge does not stop with the facts. A judge asks about intention, circumstance, damage, responsibility, remorse, repair, and what future is still possible. Truth asks, “What happened?” Din asks the harder question: “Given what happened, who is standing before me, what is now owed, and what can this person still become?”

When God Studies Torah and When God Judges

There is a remarkable passage in Avodah Zarah 4b that pushes this distinction much further. The Talmud imagines God's day divided into periods. According to one version, **during the first three hours God studies Torah, and during the next three God judges the world.** The discussion arises in the context of prayer on Rosh Hashanah, and the Gemara makes an almost shocking claim: **for an individual, the more dangerous moment to pray is not necessarily when God is sitting in judgment. The dangerous moment may be when God is studying Torah.**

Why? The Gemara answers that Torah is explicitly associated with *Emet*–Truth. **When God is engaged with Torah as pure truth,** the Talmud says, there is no *lifnim mishurat ha-din*, no movement beyond the strict line. But when God sits in Din, in judgment, there is room for *lifnim mishurat ha-din*. There is room for mercy, context, generosity, and something beyond the strict result demanded by the facts.

It is an extraordinary reversal. **We might imagine that if God is judging us, we should be terrified, and if God is studying Torah, we should feel safe. The Talmud almost says the opposite. Absolute truth is more dangerous. Judgment offers hope.** Because Emet knows exactly what I did. Din sees me.

Emet knows the sentence I spoke. Din knows the twenty years of relationship surrounding that sentence. Emet knows that I failed. Din asks whether I tried, whether I regret, whether I repaired, whether this failure defines me. Emet knows the fact. Din knows the human being. The Talmud is not diminishing Torah, and certainly not diminishing truth. It is teaching something about judgment. **The goal of Din is not to falsify Emet but to make truth inhabitable in a world populated by imperfect human beings.**

When Torah Meets a Human Life

Christine Hayes gives us a scholarly language for this rabbinic instinct. In *What's Divine about Divine Law?* and in her work on legal truth, she shows that the rabbis did not imagine divine law simply as an immutable truth floating above history. **Torah is divine, but its earthly life unfolds through interpretation, argument, authorized decision, and judicial process. Legal truth comes to expression through the disciplined work of judgment.**

Perhaps that is why Judaism did not leave us only codes. **We have the Mishneh Torah and the Shulchan Aruch, which establish rules and protect us from whim. But beside them stand thousands upon thousands of volumes of *She'elot u-Teshuvot*, responsa.** A code asks, "What is the law?" A responsum begins with a person: a widow in this town, a merchant in these circumstances, this family facing this particular problem. What should be done here, now?

Responsa do not abandon the law. They reveal what happens when law encounters life. The code gives us the line; the responsum gives us the terrain. Human beings do not live in footnotes. We live in circumstances.

And here we encounter one of the most important concepts in rabbinic Judaism: *lifnim mishurat ha-din*—to go beyond the strict line of the law. The Talmud makes the astonishing claim that Jerusalem was destroyed because people insisted on establishing their decisions strictly according to Torah law and did not act *lifnim mishurat ha-din* (Bava Metzia 30b). The problem was not that they ignored Torah. The problem was that knowing the law became the end of the process instead of the beginning of judgment.

Deborah Barer describes *lifnim mishurat ha-din* as a form of improvisational judgment. The normal script tells us what should happen, but occasionally a particular human situation demands that we look again. Improvisation does not mean whim. A musician can improvise only after learning the score. A judge can move responsibly beyond the strict line only after understanding the law. That is the point: mercy is not ignorance of the rule. It is disciplined responsiveness to the person standing before us. And perhaps that is what the rabbis mean by true Din. Not Emet diluted by kindness, but Emet completed by wisdom.

The Talmud takes the idea all the way into heaven. In Berakhot 7a, the rabbis ask an audacious question: Does God pray? They answer yes. And what does God pray for? *Yehi ratzon milfanai sheyichbeshu rachamai et ka'asi*—may My mercy overcome My anger. May My mercy prevail over My other attributes. May I conduct Myself with My children through *middat harachamim* and enter with them *lifnim mishurat ha-din*.

Think about that during Neilah. We spend this entire day praying that God will have mercy upon us, and the Talmud imagines God praying for exactly the same thing: that God's own Rachamim will overcome the severity of judgment. That does not cancel Din. It transforms it.

In later Jewish mystical language, there is an expression for this: *hamtakat ha-dinim*, the sweetening of judgments. The goal is not to erase Din. A judgment that ignores reality is not merciful; it is meaningless. The goal is to sweeten it—to allow Din to encounter Rachamim, to allow the hard truth of what happened to pass through the fuller knowledge of who the person is.

Perhaps this is what we are asking God to do with us tonight: *hamtakat ha-din*. Take the truth about us and sweeten the judgment—not by pretending the truth is different, but by seeing more than the isolated fact. See the whole person. See the struggle along with the failure, the remorse alongside the sin, the repair alongside the damage, the person I was alongside the person I am trying to become.

The Torah calls God *rav chesed ve-emet*—abundant in kindness and truth. The Talmud expresses the tension with the formulation: *batchilah emet, ulevasof rav chesed*—first truth, and ultimately abundant kindness (Rosh Hashanah 17b). The order matters. We

cannot begin with mercy if mercy requires us to lie. Judgment must begin with truth. But it cannot always end with truth alone. **Emet provides the evidence. Din renders the judgment. Rachamim can sweeten it.**

The Measure We Use

We do not come here on Yom Kippur asking God to deny the truth about us. Teshuvah begins with the opposite movement. *Ashamnu. Bagadnu. Gazalnu.* We stop hiding, stop editing, stop explaining everything away. We tell the truth. But telling the truth is the beginning of judgment, not its conclusion.

We ask God: know what I did, but know the whole person who did it. Know where I failed, but also where I struggled. Know the promise I broke, but also the promise I am trying to make again. Know who I was in that moment, but do not assume that person is the only person I can ever become. **Emet sees the act. Din reads the story.** A fact may be fixed; a human being is not. The worst thing I did may remain true forever without becoming the final truth about who I am.

And then comes the most uncomfortable demand of Yom Kippur. If this is the judgment we ask God to give us, it must become the judgment we offer to others. We are remarkably sophisticated judges when the defendant is ourselves. When I lose my temper, I was exhausted. When someone else does, they have a terrible character. When I forget to call, I was overwhelmed. When another person forgets, clearly I do not matter. When I make a mistake, I request a Responsa. When you make a mistake, I reach immediately for the Shulchan Aruch.

The Talmud tells a story set on the eve of Yom Kippur. A worker who had served an employer for three years asked for his wages so that he could return home and feed his family. The employer said he had no money. The worker asked for produce. None. Land. None. Animals. None. Household goods. None. The worker left in anguish, but he did not accuse him.

After Sukkot, the employer arrived with the wages and gifts. He asked the worker what he had thought when every request was refused. The worker explained that each time, he had imagined some possible circumstance that might explain what had happened. The employer told him that this was, in fact, what had occurred, and blessed him: **just as you judged me favorably, may God judge you favorably** (Shabbat 127b).

The worker never denied Emet. His wages had not been paid. That was true. What he refused to do was confuse the facts he possessed with the totality of the person he did not yet understand. He allowed time for context to enter. He moved from Emet to Din.

The Mishnah expresses the broader principle: ***Bemiddah she-adam moded, bah modedin lo—with the measure a person uses, that person is measured*** (Mishnah Sotah 1:7). Before judging another person this year, perhaps we should ask ourselves one simple question: Would I want God to use this measure on me tonight?

Would I want God to isolate my weakest hour from every circumstance and declare, “This is who you are”? Would I want every careless sentence preserved forever without the conversation that came before or the apology that came afterward? Would I want the person I was at my worst moment to become the definition of my entire life?

This does not mean ignoring harm or excusing every offense. Context may explain an action without absolving it. A wise judge may still demand accountability, restitution, boundaries, or consequences. **Rachamim without Emet becomes moral blindness. But Emet without judgment can become cruelty. Din holds accountability and humanity in the same hand.**

That is *hamtakat ha-din*: not making every judgment disappear, but refusing to allow judgment to become harder than truth requires and refusing to allow one truth to erase an entire human being.

At the Closing of the Gates

And now we return to Neilah. *P'tach lanu sha'ar b'et ne'ilat sha'ar*. Open the gate for us as the gate is closing. What exactly are we asking God to leave open?

Perhaps we are asking God to leave open the distance between Emet and the final verdict. Leave open the possibility that a fact is not yet a destiny. Leave open the possibility of teshuvah. **Leave open the possibility that the judgment can still be sweetened.** Leave open the possibility that Rachamim can enter before the seal is placed upon the year.

The Midrash with which we began never says that Emet was wrong about humanity. God casts Emet to the earth because a world governed only by absolute Truth could never be created. **Here, on earth, Truth must encounter time, memory and regret, circumstance and limitation, responsibility and repair, forgiveness and teshuvah.** Perhaps Din is the form that Emet must take when it enters those human realities.

And perhaps this should become our work in the year ahead as well. **May this not be a year in which we worship the isolated fact, the screenshot, the quotation removed from its story, or the single moment that reduces an entire person to one conclusion.** Facts matter. Emet matters. But possessing a fact does not make us omniscient, and possessing evidence does not make us wise. **Let this be a year in which we seek Din: patient enough to ask one more question, humble enough to know that we rarely see everything, courageous enough to name wrongdoing, and compassionate enough to leave room for change.**

Tonight, as the gate begins to close, we ask the Judge of all the earth: Do Din with us.

Do not ignore the truth, but do not stop there. Place our actions within our biographies, our failures within our struggles, our sins within teshuvah, our past within the future we can still write. **Let Your Rachamim overcome Your anger. Go with us *lifnim mishurat ha-din*. Sweeten the judgment.**

Do not read us only as entries in a code. Read us as living responsa. And as we ask God to judge us this way, may we learn to judge one another this way. May we not demand from others an impossible Emet that we ourselves could not survive. May we learn when a judgment requires firmness and when it requires mercy, when we must insist upon accountability and when we must leave a gate open.

Emet me'ereetz titzmach—Truth will spring from the earth. In heaven, Emet is a seal. On earth, it must become a seed. Here it must grow into Din: rooted in truth, shaped by wisdom, sweetened by Rachamim, and always leaving room for life.

May the Judge know the truth about us. May the Judge see the whole person standing before Him. May our Din be sweetened with Rachamim. And may we learn to offer one another the same sacred judgment.

P'tach lanu sha'ar b'et ne'ilat sha'ar, ki fanah yom.
Open the gate for us, even as the gate is closing.

Chatimah Tovah,
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