

JUSTICE V. FORGIVENESS

All of you above a certain age will remember the TV show, *The Adventures of Superman*, the one in black and white with George Reeves, not Christopher Reeves. It had a wonderful opening sequence, in which we're told that Superman fights for "truth, justice and the American way." All three are proclaimed in a way which suggests that everyone obviously knows exactly what they mean. Everyone probably does know what they mean. But I'm fairly certain that if we all talked about it, we would soon discover that what they mean to me might not be what they mean to you.

"The American way" may be the most difficult to agree on, and it feels like it is getting harder every day. However, I think even the Founding Fathers disagreed on exactly what they thought the American way should be. It is certainly open for discussion.

But the others, truth and justice? Aren't they pretty clear? When we say to our kids, "tell the truth," we want them to tell us what really happened, and not make anything up. Pretty straightforward. But when we have multiple witnesses to an event, say a crime, their stories often differ. If they each tell you what they truly believe they saw, even if the different versions of events contradict one another, are they all telling the truth? Objectively, there is only one set of facts that are correct; the others are wrong. But are they lies? We would probably say that each person is telling the truth as they see it. So even truth can be tricky to define.

The same is true of "justice." In Hebrew, "*tzedek*." A *tzaddik* is a just or righteous person. *Tzedakah*, which we usually render as "charity," is really "the just thing to do." It grows out of the idea that creating a just society is one in which we all take care of one another. Not because it's nice, not because it makes

us feel good, but because sharing your blessings with others who are not as blessed is simply the just thing to do. If you believe in justice, you give *tzedakah*.

In fact, one of the most well-known phrases from the Torah is “*tzedek, tzedek tirdof* - Justice, justice you shall pursue.” The doubling of the word justice is often interpreted as intensifying the idea: Justice you shall really pursue. We are justifiably proud of this idea. We taught the world that, unlike the pagan gods, Adonai is not capricious. God is just. But, how do we define “justice”?

There are commentators who say that the doubling of the word in that phrase - *tzedek, tzedek*– implies precise justice, strict justice. There are others who say that the first *tzedek* refers to the noun, justice, and the second *tzedek* refers to the way we are to pursue it – justly, fairly. And many say “mercifully.”

Think about the moment when God told Abraham that all of Sodom was to be destroyed for the wickedness of the inhabitants, Abraham asked, “What if there are fifty righteous men? Would you destroy the good with the evil? Shall not the Judge of the earth do justly?” God agrees, and Abraham proceeds to bargain down to 10 people. If there are 10 righteous men in Sodom, God will spare the city and its inhabitants. Think about what this means. In order to prevent the death of a few innocent men, God is willing to forgo punishing all the others. That is not pure justice. We could call it practical justice. Our commentators call it mercy. One *midrash* imagines Abraham saying to God in that moment at Sodom, “if you will judge the world on the basis of strict judgement, you might as well destroy it now, because none of us would pass the test.”

On the High Holydays we come to Temple not seeking justice. We come seeking compassion, mercy, forgiveness. We come expecting forgiveness. Think about the words we read at this season to describe God: *Adonai, Adonai, El Rachum v'chanun. Erech apayim v'rav chesed v'emet*. “Adonai, Adonai, God gracious and compassionate, patient, abounding in kindness, faithfulness, assuring

love for a thousand generations, forgiving iniquity, transgression and sin, and granting pardon.” One of the main themes of the High Holydays is that we will be given the great gift of God’s forgiveness.

And yet. It may very well be that God will forgive iniquity and grant pardon. But what about us? If we’re honest, forgiving others is something that is pretty hard to do, and that, at least at first, we often don’t really want to do.

Somebody bad mouthed me - and on account of him, I didn’t get that job and now I am supposed to forgive him for what he did to me?

Someone undercut me, and got the sale that I was counting on - and so I lost the commission and you want me to forgive him?

Someone humiliated me at a meeting, called my proposal stupid and made me look like an idiot and now I am supposed to forgive him for what he did to me?

Let’s be honest: Doesn’t it seem as though God is asking the impossible of us when it commands us to forgive each other at this season of the year? We hear stories of people forgiving even heinous crimes and we are amazed. We think to ourselves “I could never do that. That requires the personality of a saint, and I am no saint.” Truth be told, it is very difficult to forgive. And not just that, it’s difficult to even want to forgive people when they have hurt us.

In **The Secret Life of Bees**, Sue Monk Kidd wrote, “People in general would rather die than forgive. It’s that hard. If God said in plain language, ‘I’m giving you a choice, forgive or die,’ a lot of people would go ahead and order their coffin.”

It may be an overstatement; but not by much!

So why is it so difficult? Why is it so hard for us to forgive each other, and to ask for forgiveness from each other, as we are supposed to do? What holds us back?

I think that the main reason circles back to the idea of “justice.” There is something inside all of us that wants justice to be done. We want the offender to pay for what he’s done. That makes perfect sense – up to a point. A problem arises when justice turns into vengeance, or when we allow the principle to overwhelm common sense.

The story is told of a rich man in Springfield, Illinois, who insisted that a certain poor man owed him \$2.50. When the claim was denied, the rich man decided to sue him. He contacted a young lawyer named Lincoln, who at first hesitated to take the case. On second thought he agreed -- if he’d be paid a fee of \$10 cash in advance. The client readily produced the money, whereupon Lincoln went to the poor man and offered him \$5 if he would immediately settle the alleged debt. So Lincoln received \$5 for himself, the poor man got \$2.50, the rich man got \$2.50 back and the claim was satisfied. The rich man paid three times the original debt, just to see justice served. An apocryphal example of cutting off one’s nose to spite one’s face. Here’s a completely different one: And it is not a political statement – it is an illustration!

There are millions of undocumented immigrants in this country. That they came here illegally there is no doubt. That this is unfair to those who immigrated legally might be true; though it’s not entirely clear what the damage is; the ones who came legally are generally in much better situations. Still, it isn’t fair. The question is, would justice be served by deporting all of those people, and making them get in line all over again? Strict justice would say yes. These people broke the law, and there must be consequences. We should not reward their behavior. It feels good to make everyone play by the same rules.

Now what if we add to the discussion the fact that the cost to US taxpayers to round up and deport these people would be in the hundreds of millions, besides whatever cost there would be to the economy from losing all of those workers,

many of whom are also taxpayers? Does that change the equation? For some, it would not. For others, there is a point at which the principle of strict justice is overridden by the desire to not cut off our collective noses.

Sometimes justice needs to be served. And sometimes our own needs have to be served. Sometimes they are one and the same. And sometimes they are not.

Our tradition says that on Rosh Hashanah, which is also called Yom ha-Din - the day of judgement - God is, appropriately, sitting on the throne of Judgement. And then, during the days leading up to Yom Kippur, God moves from the throne of Judgement to the throne of Mercy. Why? Because if God were to punish us according to strict justice, none of us would pass the test. As Abraham said, by the standard of strict justice, none of us would ever qualify to be forgiven.

We so badly want others to be punished. And we so badly want ourselves to be forgiven. And we can't have it both ways. So which is it to be? Are we willing to temper justice with mercy and forgive others in order to be forgiven ourselves? Or are we willing to be judged strictly as long as the other folks are as well?

The choice is not nearly so cut and dried. One of the problems with American discourse – the current American way - is that subjects are presented as either/or, as though there can be no nuanced positions between the two extremes. Add to this the fact that most of us don't really know much about the “what's” and “why's” of forgiveness. Just like truth and justice, forgiveness seems like it should be fairly straightforward, but it's really pretty complicated. So much so that you can actually get a degree in it. So, in the interest of helping make Yom Kippur more meaningful, here's a short primer on forgiveness [From Bruce Bode]:

1. Contrary to the old adage, forgiving does not necessarily mean forgetting. For small injuries, perhaps it should. But time does not erase memory of serious injury, nor should it. That memory can be protective. It is possible to forgive a

serious offense, but you still need to keep your guard up to prevent it from happening again.

2. So what is forgiveness if not forgetting? It is an internal process, often a long process, which takes place in your heart and mind with regard to someone you feel has injured or wronged you. It is not a switch you can throw and say “You’re forgiven.” Well, you may be able to say it, but it’s likely that at first you don’t really mean it – even if you want to. Forgiving a serious wrong is a process – again, usually a slow one - of gradually releasing your hatred and bitterness toward that person. If it works, you may eventually even begin to wish that person well. I have seen that happen repeatedly in cases of bitter divorce which eventually turn amicable.

And divorce is a perfect example of one of the most important reasons you should consider forgiveness; it allows you to go on with your life. It’s a way - perhaps the only way - of not being held captive by the past, of not being a perpetual victim. By forgiving you take control of your life again.

3. Forgiveness doesn’t mean you have to let that person back into your life. There is an important difference between forgiveness, which is that internal process of releasing hate, and reconciliation, which has to do with the impact of that internal process on others. Forgiveness opens the possibility of a reconciliation with another person, but it does not necessarily lead to it. You may not want it to. If you do, in order for reconciliation to take place, trust has to be built up again, and trust is something that must be earned. And that too takes time. So forgiveness does not mean reconciliation, but it can provide a safe place for trust to be earned.

4. Forgiving requires us to let go of feelings of resentment, feelings which we may have come to cherish. Some of us have nursed a grudge for so long that it has come to feel like a part of the family. The word resentment comes from the French, “*resentir*,” meaning “to have those same feelings over again.” Resentment

traps you in the past by making you continually re-experience the injury. You don't need to forget what happened, but you do need to let go of the emotions which make you still feel as though it happened yesterday.

5. Forgiveness and justice are not opposed to one another. In fact, they support each other, and both are needed for either to truly work. Justice has to do with holding people responsible for their actions, with protecting the injured parties, with making amends, to the extent it is possible, to the injured parties. And forgiveness does not erase any of the demands of justice. In fact, without justice the principle of forgiveness is undermined. Without justice, the victims are at the mercy of the perpetrators.

But the reverse is also true, namely, that forgiveness is needed to make justice work. Forgiveness makes justice possible. Without the capacity to let go of our hatred and bitterness no amount of recompense will do. Without the capacity to forgive, we seek vengeance, not justice. The case is never closed. If we cannot forgive, we end up seeking merely to get back at people, to make them suffer. That is not justice.

So in the end, what is it that enables us to forgive ourselves and others? Very simply, the knowledge of our own need for forgiveness. We have all done bad things. And it's not only that we all make mistakes and errors of judgment, and that our good intentions go wrong. The capacity to forgive comes with the understanding that any of us could, and likely have on occasion intentionally done things of which we are not proud. Perhaps not often, but they have surely happened. And yet, we can all also say that the vast majority of the things we have done wrong in our lives have not been done out of malice, or hatred, or a desire to be hurt someone. We want others to know that about us. We expect others to know that about us, and, based on that knowledge, to judge us mercifully, to offer us forgiveness. So how can we not do the same for them? How can we look at

other people and assume the worst about their intentions, when at the very same time we want them to assume the best of us?

A short *kavanah*, a poem by Rabbi Michael Gold:

In this world the line that separates justice from mercy is clear and unmistakable.

Justice is strict and demanding; Mercy is soft and pliable.

Justice is a sign of strength; Mercy is often seen as weakness.

In the world of faith, justice and mercy are different.

God sits on the throne of Justice and of Mercy.

Both are attributes of God.

Both are virtues we strive to emulate

Ken yehi ratzon.