

Rabbi Michael Safra

It was a classic case of justice vs. mercy. Or, depending on how you look at it, a series of silly encounters that had to make you wonder how they made the national news. But I learned a new term this week: Recliner Rage. It's the term at least one reporter<sup>1</sup> used to describe a new "trend" of arguing over the right to recline on overcrowded airplanes, to the point that three flights during a nine day period were forced to land so that unruly and incensed passengers could be let off. Never mind that there are far more worrisome things in our world or that during that nine day period that included these three episodes there were approximately 783,000 domestic flights. The question "to lean or not to lean" trended on social media as people debated who was right and who was wrong. And I want to ask a different question: Why does one person always have to be "right" – as if being right excuses such ridiculous behavior?

The Talmud<sup>2</sup> tells a story of laborers in the employ of Rabbah bar Bar Hanan in the third century who carelessly toppled an expensive barrel of wine while on the job. Rabbah, assuming he deserved compensation for his loss, seized the workers cloaks. The workers took Rabbah to court. (An interesting side note: the judge, Rav, happened to be Rabbah's cousin.) Rav ordered that Rabbah return the cloaks, citing a verse from Proverbs: "Follow the ways of the good." But the laborers were not finished. They wanted their daily wages as well; they were poor and needed the money. Rav ordered Rabbah to pay, citing the second half of the same verse, "And keep to the paths of the just."<sup>3</sup>

It is interesting that Rav cited a verse from Proverbs and not the Torah. The truth is that from the vantage point of strict justice, on the matter of who was "right", Rabbah deserved to keep the cloaks as a pledge and to withhold wages as compensation for his loss that was caused by their negligence. But Rav instructed his cousin to go beyond the letter of the law, to go beyond strict justice. He didn't have to be "right"; he had to be compassionate and merciful.

You don't always have to be right.

It's a compelling idea in these weeks leading up to Rosh Hashanah, which our tradition calls Yom HaDin, Judgment Day. This is a time of self-reflection and coming to terms with our guilt. But our primary appeal is towards God's mercy. We want God to love us because of who we are, not who God or even we wish we could become.

A close reading of Genesis indicates that there are actually two Creation stories. In chapter one, God – called Elohim – creates the world in six days. God lives beyond the world; He speaks, "Let there be light", and the world just comes into being. In chapter two, the process begins again; but this time God is referred to as YHVH/Adonai, and He is very physical. He literally forms Adam out of the earth; He breathes into his nostrils. God is in the world, not beyond.

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<sup>1</sup> <http://www.politico.com/story/2014/09/airplanes-seats-reclining-flight-rerouted-110514.html>

<sup>2</sup> Bava Metzia 83a

<sup>3</sup> Proverbs 2:20.

Now, on a remarkably consistent basis, the Rabbis assign the name Elohim to God's attribute of justice, and the name YHVH/Adonai to the attribute of mercy. Elohim lives beyond the world and judges with clear, consistent expectations. YHVH/Adonai is immanent; He knows your individual circumstances and judges by the benefit of the doubt. These aren't two separate Gods. We have two Creation stories, say the rabbis, because God created two worlds. The first was built entirely on the principle of Justice – what's right is right. But God realized that world was not tenable. Justice has to be tempered by Mercy. You don't always have to be right.

And as it is for God, so it is for us.

Parashat Ki Tetze, which we just read, presents a series of commandments – actually more than 10% of the *mitzvot* in the entire Torah are found in this one portion. And within these laws, the primacy of mercy and compassion is a recurring principal.

There is the *mitzvah* of *shiloah ha-ken*: If you come across a bird's nest and you want to take the eggs for yourself, we are told to send away the mother bird first. The purpose, according to Rabbi Levi Yitzchak of Berdichev, is to arouse our attributes of mercy and compassion. He quotes the Talmud, "Whoever is merciful upon creatures will receive the mercies of Heaven."

Another commandment: When you extend a loan – in ancient societies the borrower was nearly always poor – you are not allowed to take his millstone as a pledge. The borrower had an obligation to repay the loan, but the millstone was a critical tool; it was used to make bread, which is critical for sustenance. It's the same reason the gas company can't just shut off your heat if you don't pay your bill. By right, it makes perfect sense to cut off a service when one fails to pay, but we know that there are often other circumstances involved.

And when a person went to collect a different pledge, he was not permitted to enter the house. He had to wait outside because even a poor debtor was entitled to privacy. If the lender took clothing, if it was clothing that would be worn at night, he could hold it during the day but had to return it at night; if it was clothing to be worn during the day, he could hold it at night but had to return it in the morning. By the standards of "justice" or "right", of course the lender would keep the pledge; what better incentive could he give to make sure the loan was repaid? But our world is not governed exclusively by justice. The anonymous book of commandments known as *Sefer HaHinukh* teaches that the purpose of these commandments is to remind us of the primacy of *חסד*/kindness and *רחמים*/mercy. Real life circumstances are always more important than being "right" in the eyes of the law.

In Latin, the term is *imitation dei*, imitating God. Just as God is loving and compassionate, just as God is willing to forget our misdeeds and take us back on Rosh Hashanah in love, so must we be loving and compassionate, always wishing to restore a relationship even if it means relinquishing the right to be "right" – or, I suppose, the right to have been wronged.

This is the season to examine personal relationships – disputes with family members, misunderstandings with friends, bad communication with people who are supposed to provide one service or another. It is always difficult to hear the stories. "Oh, Jim? I haven't spoken to him in years. Let me tell you what he did to me ... and did he ever call to apologize? Not a chance!" "Or Betsy? She needs

something? But she didn't pay her bill last month." "Oh, that synagogue? You would not believe what that lady said to me when I called. It was so rude!"

We've all been there. We were wronged. It wasn't fair. Undoubtedly we have been accused of being on the other end as the offending party as well. We have an obligation to seek out those we have wronged, to ask forgiveness, make amends, promise to change. But it is a two-way process. We also have a responsibility to reach out, to lovingly receive calls from those who have wronged us, to forgive, to accept, to be merciful, to let go of our personal pride. Too often, reconciliation doesn't take place because both sides believe they are right. We wait for the other to go first and admit they were wrong. But the Torah calls us to task, just as we might question the individuals fighting over the recline button: Why do we have to be "right"?

"One who waives his right to retribution," says the Talmudic sage Rav, "is requited of all his sins."<sup>4</sup> As Rabbi Joseph Telushkin explains, "If you are unforgiving to those who have offended you, then you forfeit the right to ask God to treat you with mercy. ... Conversely, if you are compassionate, that entitles you to a greater portion of God's compassion."<sup>5</sup>

In these weeks leading to the new year, let us strive to follow God's example of compassion and mercy. May we have the courage to relinquish our innate need to be right, to reconcile, to forgive, to begin again with a commitment to love all people in a way that brings blessing to our lives, our community, and our world. Shabbat shalom.

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<sup>4</sup> Megillah 28a.

<sup>5</sup> Joseph Telushkin, *The Book of Jewish Values*, p. 270.