

JUSTICE AND MERCY: ROSH HASHANA AM 5773

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A man, desperate for food, steals a loaf of bread. He is imprisoned for 19 years – five years for the crime, and the rest, for trying to escape. When he is finally released, he can't find a decent job because of the black mark on his record. He decides to break parole, and change his identity in order to make something of his life. He becomes a wealthy factory owner and mayor of his town. All would be well except for the fact that he is a hunted man. The police chief of his town was the warden of the prison where he served hard labor. This police chief is committed to finding the former criminal and bringing him to justice. He is relentless in his pursuit, totally convinced that he is morally in the right. Mercy plays no role in his vision of the world.

By now, no doubt, you will have recognized the plot for Victor Hugo's novel, "Les Misérables," which was very successfully staged as a musical called "Les Miz." Our own Daniel Cruz and his classmates at Martin Luther King High put on a wonderful performance this past year. Jean Valjean is the hunted man, Javert, the hunter. Javert believes in absolute order and justice. He affirms, "Mine is the way of the Lord, and those who follow the path of the righteous shall have their reward.../Stars in your multitudes...Filling the darkness/With order and light. You are the sentinels,/Silent and sure, Keeping watch in the night.../And if you all...You fall in flame! And so it has been, and so it is written,/On the doorways to paradise, That those who falter/And those who fall/Must pay the price."

Javert never falters in this belief. Except, that he is confronted with the reality that all is not black and white. Jean Valjean is not the unredeemable criminal

Javert thinks he is, almost wishes him to be. Javert catches a man whom he believes to be Jean Valjean. Valjean's ordeal could end if this stranger is punished in Valjean's place. But Valjean, despite all he has accomplished and stands to lose, steps forward to reveal his identity, letting the man go free. Valjean flees and years later, joins the French revolution behind the barricades. Police chief Javert is taken prisoner and Valjean is in a position to kill him. Instead, he sets him free. Javert is unable to make sense of this act of mercy. It shatters his sense of order and justice. "And must I now begin to doubt, Who never doubted all these years?" he asks. "My heart is stone, and still it trembles/The world I have known is lost in shadow...I am reaching but I fall/And the stars are black and cold As I stare into the void/Of a world that cannot hold," he continues -- then leaps to his death.

I have always found this story to be extraordinarily powerful. Like Javert, most of us want unambiguous and certain justice, we want the lines between good and bad to be very clear. We, like Javert, want the Truth, with a capital T, to prevail, we want God to mete out our just desserts. The book of Job is a 42-chapter plea for God's justice. And isn't that what the High Holy Days are about? The High Holy Days are a time when judgment reaches its peak. Our liturgy tells us that Rosh Hashana is God's Day of Judgment. We imagine God sitting on a throne, taking all our deeds into account. The Unetaneh Tokef describes God as Judge and Arbiter, reigning in truth, mustering and numbering us like a shepherd, decreeing our destiny – who shall live and who shall die.

But don't we need mercy as well. Our forefather Abraham has to even remind God that the world cannot function on justice alone, that justice must also be

tempered by mercy. When God announces to Abraham that the cities of Sodom and Gomorrah will be destroyed, Abraham argues with God: But what if there are 50 innocent people there? God will relent if there are 50. Then Abraham bargains: What if there are 40? God will relent for 40. What if there are 30, 20, 10? God will relent up to 10. The midrash, rabbinic commentary, expands on this conversation, with Abraham asking: “Will not the judge of all the earth do justly? If you want to have a world, there can be no justice, and if justice is what you want, there can be no world. You are holding the rope at both ends. You want a world and you want justice. If you don't give in a bit, the world can never stand.”¹ Abraham is asking God to balance justice with mercy.

But how do we arouse God's mercy? I believe it actually begins with our having mercy on ourselves, by forgiving ourselves and by recognizing the godliness within us. The prayers tell us that, to avert God's severe judgment, to temper God's decree, we are supposed to engage in *teshuvah* – usually translated as repentance. In reality the word means “return.” So what is the difference between repentance and return? Rabbi Jonathan Sacks, the Chief Rabbi of Great Britain, explains that the word in Hebrew for “repentance” is actually not *teshuvah* but *charatah*. “Not only are these two terms not synonymous,” he says. “They are actually opposites. *Charatah* implies remorse or a feeling of guilt about the past and an intention to behave in a completely new way in the future. The person decides to become ‘a new man.’ But *teshuvah* means ‘returning’ to the old, to one's original nature. Underlying the concept of *teshuvah* is the fact that the Jew is, in essence, good. Desires or temptations may deflect him temporarily

¹Translation from Jacob Neusner, *Theological Commentary to the Midrash: Genesis Rabbah*, Lanham, Maryland: University Press of America, 2001.

from being himself, being true to his essence. But the bad that he does is not part of, nor does it affect, his real nature. *Teshuvah* is a return to the self. While repentance involves dismissing the past and starting anew, *teshuvah* means going back to one's roots in G-d and exposing them as one's true character."²

Rabbi Avi Weiss of Riverdale, New York, expands on this point. He says that *teshuvah* means return to one's godliness, finding that place within oneself that is good, that is noble, that is open to God and to blessing. And our tradition tells us that it is never too late. As Rabbi Weiss puts it: "It is never too late to grow, to love, to grieve."³

Take our Torah reading for Rosh Hashana. Traditionally, on the first day, we read the story of Hagar. You may remember that Sarah, Abraham's wife, is barren. So she tells Abraham to sleep with her maidservant Hagar, an Egyptian slave woman. Hagar's child is meant to become Sarah's. Back in 1,800 BCE, they already had surrogate motherhood. Unfortunately, things don't go exactly as planned. Abraham does indeed sleep with Hagar, and Hagar has a son, Ishmael. But Sarah becomes very jealous of Hagar and mistreats her. Sarah and Abraham finally have a son of their own, Isaac. Sarah feels threatened by both Hagar and Ishmael, so she orders Abraham to exile them. He obeys, leaving them in the desert with no provisions. They almost die but are saved at the last minute by an angel of God.

So, here are our foreparents, the bearers of the covenant, and they clearly commit a terrible sin. And clearly God forgives them, so we must assume

² <http://theshtiebel.blogspot.com/2011/09/rosh-hashana-insights.html>.

³ Avi Weiss quotes from a talk at the Board of Rabbis of Southern California seminar August, 2012.

that they engaged in teshuvah. At least that's how the midrash imagines things. Our rabbis are disturbed enough by this behavior that they find a hint to their teshuvah in a name. Hagar and Ishmael are saved by a well, so the place is named Be'er-lahai-roi – meaning, “The well of God of my vision.” Many years later, Isaac meets his wife, Rebekah, in a place called – Be'er-lahai-roi – the well of God of my vision. Because of this, the rabbis infer that Isaac returned to Be'er-lahai-roi to bring Hagar back to Abraham so that he could marry her.⁴ The rabbis even imagine that Isaac repents for the sins of his parents. One midrash tells us: “And Isaac went out to meditate in the field. It is the way of one who repents to be bowed and humbled.”⁵

So how can we find what is noble and worthy of blessing within ourselves? The Sefat Emet, a Hassidic commentator, tells us that the purpose of the shofar is to “stir [that] inner voice found in the souls of the Jewish people.” Can we hear the shofar as a call to return to our best selves? Can we refrain from treating ourselves as Javert treats Jean Valjean? We are often relentless in our self-criticism, in regrets about the past, in fears about our future. Redemption can only begin when we forgive ourselves, when we recognize the beauty within. Too often, we focus on what we have done wrong and we cannot see beyond self-flagellation. As the first Chief Rabbi of Israel, Rav Kook, tells us: “A person does not conjure up the memory of a past sin or sins [without] feeling terribly depressed. He feels pervaded by sin; that the divine light does not shine on him; that there is nothing noble in him; that his heart is unfeeling...[T]eshuvah...at once sheds light on the darkened

⁴ Bereishit Rabbah 60:14, and Rashi on Bereishit 24:62, as per Rabbi Avi Weiss.

⁵ Midrash Menorat Ha'Maor 3:74, as per Avi Weiss.

zone...”⁶ “Even the mere thought of *teshuva* mends a great deal in oneself and in the world. It is inevitable that after every thought of *teshuva*, a person will be happier and more at peace with himself than he was before...”⁷

Rabbi Nachman of Bratslav has some really good advice on how to begin this process of return: “I know what happens when you start examining yourself. ‘No goodness at all!’ you find. ‘Just full of sin.’ Watch out for Old Man Gloom, my friend, the one who wants to push you down. This is one of his best tricks. You, too, must have done some good for someone sometime. Now go look for it! But you find it and discover that it is too full of holes. You know yourself too well to be fooled: ‘Even the good things I did,’ you say, ‘were all for the wrong reasons. Impure motives! Lousy deeds!’ Then keep digging! I tell you, keep digging, because somewhere inside that now tarnished mitzvah, somewhere in it there was indeed a little bit of good. That’s all you need to find: just the smallest bit: a dot of goodness. That should be enough to give you life, to bring you back to joy. “By seeking out that little bit even in yourself and judging yourself that way, showing yourself that *that* is who you are. You can change your whole life and bring yourself to *teshuvah*. It’s that first dot of goodness |that’s the hardest one to find (or the hardest one to *admit* you find!). The next ones will come a little easier, each one following another.

And you know what? These little dots of goodness in yourself – after a while you will find that you can *sing* them and they become your *niggun*, the *niggun* you

⁶ Rabbi Avraham Titzhak HaKohen Kook, *Orot HaTeshuva*, as per Avi Weiss.

⁷ Rav Kook, *Orot Ha-teshuva* 7:1, 7:6, from <http://www.vbm-torah.org/roshandyk/yk63ek.htm>

fashion by not letting yourself be pushed down, and by rescuing your own good spirit from all that darkness and depression.”⁸

This is a lesson that police chief Javert is unable to take in but one that the supposed criminal, Jean Valjean, exemplifies. He went to prison because he stole a loaf of bread. His 16 years there turned him into a hardened criminal. When he is finally released, a compassionate priest gives him food and shelter. Valjean repays the kindness by stealing his silver candlesticks. He is arrested but the priest tells the officer that he gave the candlesticks to Valjean as a gift. Not only does the priest give Valjean a second chance. He shines a light into the deepest recesses of Valjean’s being, showing him that he has a soul, a spark of the divine within himself. Discovering that inner goodness allows Jean Valjean to turn his life around, redeeming not only himself, but saving many others from a life of hardship.

If we can forgive ourselves, if we can find that dot of goodness within, we too can feel God’s loving presence illuminating the beautiful parts of our soul. Let us try and remember the words of our morning prayers, “My God, the soul You have given me is pure.”

Rabbi Nosson Sherman tells us: “Even an estranged Jew remains Jewish, so long as he returns “home.” The *shofar* is his homing signal. The cry from the Jewish heart that says, ‘I belong here,’ and the echoing cry from God’s heart that says, ‘Yes, the door is open.’ That is why there was an intense *shofar* sound when the Torah was given and that is why the *shofar* will sound again to herald the final

⁸ Rabbi Nachman of Bratslav, A Teaching on Teshuvah: Likkutei MoHaRa”N 282. Translation by Prof. Arthur Green.

redemption. It is the instrument that says that when no words are possible, no words are needed.”

Let us heed the call of the Shofar, calling us to return to our very best selves.