

How do you temper justice with mercy?

The holiday of Pessah – Passover – is upon us. It is time to reflect on its meaning. This year I would like to focus on one aspect that is somewhat mysterious: The proper blend of justice and mercy in our lives.

When I was growing up in Egypt, our seders included most Sephardic traditions. One of them was the way my parents presented the ten plagues. There was no dipping of fingers in wine: We were much too refined for that! My mother would walk up to my father with a large empty bowl and a glass of water. My father would recite the plagues one by one, and for each plague he would pour a bit of wine in the bowl from a special large wineglass, and my mother would pour a bit of the water. It was all done under the table - nobody was supposed to look at the "plagues" for fear of being "contaminated"! Then my mother, without looking directly at the bowl, and with the rest of us looking in another direction, would go to the bathroom and flush the "plagues" down the toilet! I remember fear traveling down my spine...

The wine, associated with the man, was said to represent justice. The water, associated with the woman, was said to represent mercy. Justice tempered with mercy is how God operates in the Jewish tradition. How much of each to put in the bowl was left up to my parents.

Let's explore this from the beginning. In the Torah, we are told the world was created with the attribute of justice. Indeed, it begins with:

Bereshit bara Elokim...

In the beginning, God created... [Gen. 1:1]
and the name of God used here, *Elokim*, is associated with God's attribute of justice, that is: order, laws, cold equations.

Later in the Torah, God's other main name, the Tetragrammaton, is introduced, representing the attribute of mercy. It is read as HaShem.

The Midrash says:

In creating the world God combined the two attributes of justice and mercy: "Thus said the Holy One, blessed be His name! 'If I create the world with the attribute of mercy, sin will be plentiful; and if I create it with the attribute of justice, how can the world exist? Therefore I will create it with both attributes, mercy and justice, and thus may it endure.'" [Gen. R. 12:15]

On Yom Kippur, we say:

Avinu malkenu 'aseh 'imanu tzedakah va-chesed.

Our Father, our King, deal with us with justice and with mercy.

It sounds good and makes sense, but what does it mean? How *do* you temper justice with mercy? How much of each do you allow? How do you rule in a court of law? To what extent do you apply the law? Extenuating circumstances may encourage you to reduce the sentence, but by how much, and is that all?

The problem is that justice is defined in great detail in the Torah and commentaries, but not mercy. Mercy is poorly defined, and so is not a direct commandment. One must use compassion and judgment to apply mercy, but there is no guidance on "how much is enough". The Mishna says clearly:

The practice of lovingkindness [*gemiluth Hasadim*] is one of the things for which no definite quantity is prescribed. [Peah 1:1]

There are some answers in our tradition. The prophet Micah said:

It has been told you, O man, what is good and what the Lord requires of you. Only to act justly [*'asot mishpat*], to love mercy [*ahavat chesed*] and to walk humbly with your God [*latzneah lechet 'im elokecha*]?' [Micah 6:8]

Note that the word *lechet*, to walk, comes from the same root as *halacha*, or Jewish law. So: Justice, mercy, and *halacha*, in that order. Justice and mercy come before *halacha*.

Along those lines, the Talmud says: [Sukkah 49b]

Rabbi Eleazar said, What is the implication of

It has been told you, O man, what is good and what the Lord requires of you. Only to act justly [*'asot mishpat*], to love mercy [*ahavat chesed*] and to walk humbly with your God [*latzneah lechet 'im elokecha*]?' [Micah 6:8]

'To do justly' means [to act in accordance with] justice. 'To love mercy' refers to acts of *Gemiluth Hasadim* (lovingkindness)... *Gemiluth Hasadim* (lovingkindness) is greater than charity, for it is said [in the Book of Hosea],

Sow to yourselves according to your charity, but reap according to your mercy. [Hosea 10:12]

Mercy means *Gemiluth Hasadim* (lovingkindness). If a man sows, it is doubtful whether he will eat [the harvest] or not, but when a man reaps, he will certainly eat... The reward of charity depends entirely on the extent of the lovingkindness in it...

Our Rabbis taught, *Gemiluth Hasadim* (lovingkindness) is greater than charity in three respects:

- Charity can be done only with one's money, but *Gemiluth Hasadim* (lovingkindness) can be done with one's person and one's money.
- Charity can be given only to the poor, *Gemiluth Hasadim* (lovingkindness) both to the rich and the poor.
- Charity can be given to the living only, *Gemiluth Hasadim* (lovingkindness) can be done both to the living and to the dead.

So there you have it. You have plenty of leeway in deciding how much "justice" and how much "lovingkindness" to apply in any given situation. Use it wisely. The guidance cannot be more specific than that.

Chag kasher v'sameach. Have a kosher and happy holiday.