

Justice, Justice Shall You Pursue, In Order that You May Live
(I Kings 3:16-28; Deuteronomy 16:18-20)

As the rancor in our nation's Capitol has reached new heights and our faith in those sent to govern has reached new lows, our country desperately needs the wisdom of Solomon. A young ruler, aware of how daunting a task it is to lead a people, Solomon asks God not for long life nor riches, but rather for a discerning mind with which to govern justly.

And soon, his discernment is tested—the mothers of two newborns, one alive, one dead come before him—two women, each claiming to be the mother of the surviving baby. What to do? In a terrible moment, King Solomon asks for a sword to cut the baby in two. But what he actually seeks is not what he asks for. The mere threat of tearing her baby in two calls forth the true mother's willingness to forfeit her child, rather than to allow him to come to harm. King Solomon's command elicits not only truth, but also compassion.

For far too long we've watched our nation paralyzed, our government shut down, and now teetering on the brink of even greater financial and constitutional catastrophe by the inability or refusal to prevent tearing the baby in two.

What might our future hold if our elected leaders sought the ability to govern justly? What might our future hold if, instead of pitting one view of reality against another, if instead of feeling the triumph of vindication or the despair of victimhood, this gulf borne of differing views of the value and size of government, of right and wrong could be lessened? What might our future hold if were possible to restore our trust in one another and repair wounds inflicted by ideology, ignorance and fear?

Sometimes it is possible. An Iowa congregation, far away from here, shows what justice paired with mercy can look like. One cold March morning, the members of Temple B'nai Jeshurun, the oldest congregation in Des Moines awoke to find their synagogue desecrated with neo-Nazi graffiti and swastikas. Clergy and parishioners of every faith stood with their Jewish neighbors in expressing anguish and outrage. The police worked overtime to investigate and

charged an 18-year-old male and his 17-year-old girlfriend with the felony hate crime.

Justice could have been quickly dispatched. But the prejudice and the fear, the distance and division would remain unaltered. Then came an invitation from the prosecutors. Would the congregants be willing to meet with the perpetrators to describe the impact of the damage they had wrought and to participate in determining a proper penalty? Their first reaction was an emphatic “no.” They were too hurt, too angry, too frightened. But they wrestled with the offer. Some congregants feared that such a meeting might minimize the enormity of their crime and could result in a simple slap on the wrist. Others saw the wisdom of such a meeting—the potential to give voice to their experience, to convey the harm they felt, to restore some strength to their damaged and frightened community. The people of B’nai Jeshurun ultimately decided yes.

The two delinquents faced the rabbi, three temple leaders, an Israeli military officer and two Holocaust survivors who had been so traumatized by the desecration that they had gone into hiding. Tears, fears and anger filled the room. The suffering the vandals had inflicted was palpable—the survivors recounted old memories of childhood nights in the camps, revealing the fortitude it took to make a new life and raise a family, amidst scars and nightmares.

The perpetrators were haunted by their past, too. The 18-year-old boy, who looked twelve, had been taunted throughout childhood about a hearing impairment and speech deficit. He’d been physically and emotionally abused until he ran away from home, and found refuge and strength with the Aryan Nation and its ideology of hate. The attack on the synagogue, an attempt to prove his masculinity and loyalty, was his first “public action.” His aimless, insecure girlfriend had gone along for “something to do,” hoping to please him.

As they told their stories, reflecting on the harm in their history, the rift between people from distinctly different backgrounds ever so slightly started to narrow. Some congregants, arms crossed, remained ready to “throw the book” at the vandals. But some saw them as lost, abused and frightened children, who would surely become hardcore neo-Nazis in jail. One of the Holocaust survivors asked the young man what he wanted from the temple members. He asked for forgiveness.

At that point, Rabbi Steven Fink, who previously had been silent, reflected upon traditional teachings of forgiveness and atonement. Forgiveness isn't something you get just by asking, he said. It isn't as simple as painting over offensive graffiti. He described the process of repentance, involving confession and remorse, restitution and a determination to do things differently. He explained that forgiveness is possible, but it is not free. It can be earned by repenting, by behaving in a way that shows change has taken place and that change will endure.

Soon, remembering their own attempts to seek forgiveness, other congregants joined in. They began to suggest how the vandals might make the congregation whole and address the remorse the teens were just beginning to express. Together, the representatives of Temple B'nai Jeshurun and those who had desecrated it forged a potential path toward mutual understanding and repair.

Both of them would perform one hundred hours of community service at the synagogue, supervised by the custodian, and an additional hundred hours studying about Judaism with the rabbi. They would complete their high school equivalency requirement, get job training and psychological assessments. The man would remove the Nazi tattoos on his arms. The congregants would help him find a hearing specialist. If they completed these obligations within six months, Rabbi Fink would recommend that the felony charges be dropped.

The couple worked hard to build trust and fulfill their promises. They gained confidence from physical work with the synagogue custodian and study with the rabbi. They repudiated their former views as they came to know the congregants. They passed their high school equivalency exams and found work. They invited the rabbi and custodian to their wedding. Reflecting their own journey toward wholeness, the congregation carefully selected a wedding gift for the couple. Years later, when Rabbi Fink spoke to police and restorative justice practitioners about coming to know these two young people, he could barely hold back his tears.

In a congregation in Iowa, understanding replaced stereotypes, injury was acknowledged and addressed, and affection overcame alienation. The community was able to heal from their hurt and two misguided teens earned not just forgiveness, but also a sense of dignity and inclusion. This is what justice balanced by mercy can look like.

The Jewish medieval French commentator, Rashi once said, "A courthouse must be close to a place of worship" to insure that justice is truly done. You

see, justice is not only about crime and punishment; it is also about our prayers and visions, about community, dignity and wholeness. What is our vision for the community we want to live in? Is it one where we write off those who have done wrong? One where we assume that those different than us, are poised to diminish us or do us harm? Or is it one where those who have done wrong are responsible for their actions but are not defined by them, like Lot's wife, frozen forever as a pillar of salt? One where a wrongdoer might come face to face with those who were hurt by those wrongs and each might come to see the humanity in the other?

Jewish tradition grapples with both human impulses—the one of strict justice and the one of justice tempered by compassion. The great Talmudic scholar, Rabbi Meir and his wife, Beruriah embody this tension.

“There were some thugs or ruffians who were in Rabbi Meir's neighborhood. They would annoy him greatly.” (Talmud Brachot 10a)

The root of the word for annoy, *metza'aru* is slippery. It can mean anything from “diminish” to “disregard” or from “shame” to “curse”. We don't know whether the behavior of the thugs was as minimal as disturbing him when he was trying to study or as serious as threatening life and limb. But in Rabbi Meir's eyes, whatever they did was the sum total of who they were.

We know this to be true because the text continues, “Rabbi Meir prayed for them, that they should die.”

Rabbi Meir shows no patience or mercy or understanding. Like the Iowa congregants ready to throw the book at the vandals, in this instance, his is a world of black and white, good and evil, crime and punishment.

At this point, Rabbi Meir's wife Beruriah, who presumably overheard his prayer, steps in and challenges him with the Talmudic equivalent of, “What were you thinking??” And Meir, authoritative in his wisdom and righteous in his position, appeals to King David, (Psalms 104:35), “I am merely following the explicit precedent of King David, who articulated this very prayer—“Let sinners cease out of the earth and the wicked be no more.”

But Beruriah is a scholar in her own right. She disputes her husband's textual understanding, and perhaps more importantly, she rejects his view of justice.

She argues for a more dynamic view of human nature. “Is it written ‘sinners’? No, rather, what is written is ‘sins’. Here’s how to read the end of the verse, ‘and the wicked be no more’. Since sins will cease, the people will be evil no more.

“Rather,” Beruriah argues, “pray for them to return in repentance and they will be evil no more.”

Beruriah lives in the same neighborhood as these thugs, yet she sees them differently than her husband. Presumably, she knows as well as Rabbi Meir what annoying actions—whether slight or serious—they were guilty of. So their dispute is not about how bad was their behavior. Rather, it is about how they each view crime and punishment, community and humanity, past and future.

Beruriah believed it was dangerous and wrongheaded for Rabbi Meir to pray for them to die. Let’s be clear. Neither they, nor we, believe that prayer is like a Rube Goldberg machine where you send a prayer to God in a bottle, God gets the message, pulls a lever, causing brutes and criminals to hit themselves on their foreheads and say, “I should repent.” Praying for them to repent will not cause their repentance. But what it may do is move the one who prays to change. For Rabbi Meir to pray for the thugs to repent is for him to consider that human nature is not immutable, that none of us need be defined by our worst behavior, that with restitution it may be possible to restore the wholeness of our neighborhood, and to welcome back those who have done wrong into our community.

Beruriah wins the argument. “Rabbi Meir prayed for them. They returned in repentance.” (Talmud Brachot 10a)

Many years ago I read a young adult novel called *Whirligig* by Paul Fleischman about a teenager new to town who desperately wants to be one of the cool kids. When the popular girl he likes publicly rebuffs him at a party, he gets drunk, gets in his car, drives and causes a fatal crash. He kills a vivacious, civic-minded Filipino girl about to go off to college. After having pled guilty to driving under the influence and to manslaughter—sobered up and remorseful—the young man writes a letter of apology to her family. It was returned to him mutilated with scissors, stabbed, defaced with cigarette burns. There would be no easy forgiveness. So he was surprised when the girl’s mother agreed to the judge’s offer to meet with him to discuss restitution. She

had a request. She explained that her daughter Lea cherished a whirligig her grandfather made, a wooden toy that spun in the wind with a face painted to look like hers. “You can’t bring back her body,” Lea’s mother said, “Then I thought about her spirit....This is my one request. That you make four whirligigs of a girl that looks like Lea. Put her name on them. Then set them up in Washington, California, Florida and Maine—the corners of the United States. Let people all over the country receive joy from her even though she’s gone. You make the smiles that she would have made. It’s the only thing you can do for me. That’s what I ask.”(41)

The novel depicts the young man’s journey to the four corners of our country to build the whirligigs, and in each place, the story of someone whose life was touched by the presence of a wooden sculpture with a girl’s face and name spinning in the wind, a kind of kinetic gravestone bringing others to life.

But more than the experience of traveling and building, is the journey the protagonist takes as a penitent. He moves from feeling he is an outcast, “no longer of their kind and never would be,” (36), to a dawning hope that he might not have to be in exile forever, that he could build for himself the foundation of a life of goodness. Thinking, “He couldn’t quite believe the world was his to enter,” he finds himself at a square dance in rural Maine and realizes that he is watching “a human whirligig, set in motion by music instead of wind.”(130) He is invited to dance, and joins the whirligig.

As he anticipates re-entering his life, he realizes how intertwined is his life with Lea’s.

“It struck him now that the crash wasn’t only something that he’d done to her. When they’d met, he was longing to be swallowed by the blackness. She’d set him in motion, motion that he was now transferring to others.”

We may not be planning trips to visit Maine, Washington and Florida, but we don’t have to travel to set our own spirits in motion. We don’t have to get on a plane or a bus to move toward righting the wrongs we have done. Right here, we can reweave the tears in our community. Right here on campus, we can welcome back those who have been in exile.

Led by the Office of Community Standards, we are embarking upon a new restorative justice effort at Stanford, one that will endeavor to hold accountable those who have caused harm to our community while enabling them to rebuild trust and to strengthen us all. Nearly two dozen of us participated in a three

day restorative justice facilitator training this summer to practice pursuing justice infused with compassion, justice that encourages redemption, justice that affirms the humanity of even those most estranged, and restores them and us to wholeness. As we begin this new effort on campus, as we pray for our leaders in the nation’s Capitol to find the discernment to govern wisely, let us be mindful of the words from Deuteronomy, (16:20). *Tzedek, tzedek tirdof, leman tehiyeh*, “Justice, justice shall you pursue, in order that you may live.” Justice, justice shall we pursue, in order that we may all thrive.

Sources relied upon:

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David Karp, *The Little Book of Restorative Justice for Colleges and Universities*

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Paul Fleishman, *Whirligig*

Special thanks to Koren Bakkegard, Duke Fisher and David Karp for their coordination and leadership of Stanford’s Restorative Justice Facilitation Training