As a Reform rabbi and as Reform Jews, we are often faced with the duality of letter of the law versus the spirit of the law. The Torah commands us to m’kadesh et HaShabbat, to keep the Sabbath and make it holy. Some Jews interpret this to mean that they can not even rip toilet paper on Shabbat, as ripping would be engaging in work on the Sabbath. This would violate the letter of the law. Other Jews observe Shabbat, through watching a movie with family, or making pancakes on Shabbat morning. For them, these traditions follow the “spirit” of the law. Shabbat is holy through doing special things and through spending time with friends and family. Some could argue these practices are at odds with one another. While others could say these are just different interpretations of what it means to make Shabbat holy or separate from the rest of the work week.

When we interpret law too strictly we leave little room for interpretation. We also leave little room for mercy. Finding the balance between mercy, in Hebrew rachamim and justice, in Hebrew din is no small task.

How often do we wonder what is the right balance? Can a person who commits a crime change and if so do we show them mercy? When two nations are at war, at what point is it not about justice, but rather about who will learn to see the humanity in the other first? What happens when we need justice to trump mercy? Or when we need mercy to temper justice?

The tension between justice and mercy is evident in the book of Jonah. God tells Jonah to go to Nineveh and cry out against it; for their wickedness had become apparent to God. (Jonah 1:1-1:3) Jonah runs in the opposite direction, flees to Tarshish, hops a ship, and gets away from God. After a big storm, getting tossed into the sea, and being cast into the belly of a whale for three days, Jonah is finally willing to listen to God. He warns the people of Nineveh that God is angry with them. They repent and all is well. Except, Jonah is beside himself. “How could God go against his original decree?!,” I imagine Jonah thought to himself. “Those people were evil and so they repent and now you show them mercy?!” Jonah tells God, “This is why I hastened to flee to Tarshish. For I knew that You are a compassionate and gracious God, slow to anger, abounding in kindness, repenting of evil.” And then Jonah pleads, “Now, God, please take my life, for I would rather die than live.” (Jonah 4:3).

Jonah believes in strict justice against the merciful God. Punishment of sinners in accordance with their wickedness is demanded by strict justice and essential to deter transgressors, but if God, “the ultimate judge,” shows mercy then this has the potential to undermine the authority of the law and could ultimately make it permissible for evil to continue to exist.

Consider this same tension in the blockbuster and Broadway hit Les Miserables:
Les Mis is the story of Jean Valjean, a peasant condemned to 19 years of slavery in prison for the crime of stealing a loaf of bread to feed a starving nephew and the police officer Javert, forever committed to re-imprisoning Valjean.

The battle of these protagonists is set against the suffering of the French poor in the years after the defeat of Napoleon and the revolutionary sentiments stirring in Paris. On the eve of revolution, Valjean has the opportunity to kill Javert thus ending this life-long chase. Valjean would be free of this shadow. Javert would be dead. However, Valjean lets him go. He does not bargain and he does not attempt to dissuade Javert from his mission to put Valjean behind bars. Despite Javert’s warning that he will be back for him, Valjean lets him go free. Valjean’s mercy means nothing to Javert in this moment. Justice must prevail.

A few scenes later, during the revolutionary uprising, Javert and Valjean meet again. This time Javert has the opportunity to kill Valjean. Valjean is holding a dying Marius, his future son in-law, and begs Javert to give him an hour in order to get Marius the help he needs. Javert hesitates. He shouts, “I warned you I would not give in! I won’t be swayed!” Yet, he doesn’t shoot. Valjean pleads, “Another hour yet and then I’m yours. And all our debts are paid.” Javert then says, “The man of mercy comes again and talks of justice!” Javert draws his gun and points at Valjean, but he doesn’t shoot. Valjean just begins to walk away. Javert threatens again and then breaks down and tells Valjean to go. So disturbed, that he could not bring Valjean to justice, and instead he showed him mercy, Javert kills himself.

The battle of these protagonists ended as the film ended, but the moral drama continues. Does justice require absolute adherence to the letter of the law and condemnation of those who break it? Or can justice also include meeting human needs and showing mercy and forgiveness to the other? Can a person who commits a transgression or a crime, change? Or will their moral failures always reassert themselves throughout their lives?

On Yom Kippur, we hope that our moral failures will be absolved. That in the year to come we will know how not to make the same mistakes again. That we will lead different lives. We ask God to temper God’s severe decree. That God will be a merciful God because strict justice is too narrow and leaves little room for the possibility of change.

Our sages imagined a God who literally, “sits on a thrown of glory.” According to one midrash, this throne existed even before the world was created. However, the Talmud suggests, that perhaps there are actually two thrones, the Throne of Strict Justice and the Throne of Mercy. And when Israel prays for forgiveness, it moves God to leave the first and sit in the second (Sanh. 38b).

The imagery of these two thrones is rich: how do we understand what it would look like for God to inhabit these two spaces? I imagine the throne of mercy is made up of all our prayers, the words we utter, the longings of our heart, and the intentions behind them.
This way God has a deeper understanding of who we are and knows what is behind the words we pray.

In Hebrew, the word for womb is *rechem*. Similar to the word for mercy, *rachamim*. Like a baby in a womb, mercy is when you hold a person as a part of you. When you are able to remove yourself from the constraints of justice and go beyond into the humanity of the other person. God’s throne of mercy contains our humanity.

When I picture a throne of justice I imagine a throne like the one described in Midrash Tahuma (4:12). God is draped in a supernal robe of purple inscribed with the names of the martyrs of our people inspiring God to be compassionate toward Israel for their sakes. The Throne is also inscribed with the image of the patriarch Jacob. Thus representing the bond between God and the people Israel. The image of Jacob inscribed on God’s throne of justice is an ironic one. As do we not know Jacob as a trickster and a thief? Yet, we also know Jacob as a wrestler and a dreamer. So who better to be on God’s throne of justice then the patriarch capable of the most change.

The image of Jacob on the throne of justice is comforting. For it reminds that justice should never be so strict that it can’t evolve.

Our two characters, who believe in strict justice, Jonah and Javert, fear that if the letter of the law is not followed then the world will be unstable and injustice will prevail.

Yet, those who show mercy understand that the real goal of justice is to stimulate repentance. And with repentance comes God’s graciousness.

Our High Holiday liturgy is characterized by the recitation of *Avinu Malkeinu*, in which we plead to our God, “Chaneinu v’Aneinu”—be gracious. Answer us. And then ki ein banu ma’asim. Literally translated—this means “for we have no deeds within us”, though our high holiday machzor translates it as “for we have little merit”. As we turn our hearts to God and ask for God’s mercy, I want to suggest a different understanding of “ki ein banu ma’asim” that helps me to understand what mercy is when we ask “chaneinu.” We come before God, and present ourselves as having no deeds.

Ma’asim—our deeds, is unqualified- we speak neither of our good deeds nor our bad ones. Ki Ein Banu Ma’asim: Our liturgy does not require us to step forward and present our resume, accounting for our good deeds, or our missteps. Rather our liturgy tells us that we are undeserving and unworthy, our prayers suggest that God’s mercy is given to us regardless of our deeds. Perhaps this is so we can learn how to show mercy to others. God is giving us mercy so that we know how it feels. So that we can take that feeling and use it in our dealings with others. We hope that God shifts from the throne of justice to the throne of mercy. We also hope that we too can make that shift from time to time. Let us not be so closed as Jonah or Javert, so that we can’t live if justice does not prevail. Let us be open to the possibility, to the “spirit” of the law, rather than the letter of the law. When we look back at our lives since last Yom Kippur, how often did we limit
ourselves and others by judging without mercy? How often did we sit in a throne of justice and did not acknowledge the possibility of change? As we move closer to the closing of the gates, take time to reflect on these questions. Take time to think about how mercy can balance justice for ourselves, and in our dealings with others. So that we may stand before God with open hearts and say, Avinu malkeinu, choneinu v’aneinu: God---be gracious, have mercy on us, answer us.