McMichael Lecture
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A Jewish Perspective on Forgiveness

PREFACE: Jonah 3:3b-10

Nineveh was an enormously large city—a three days' walk across. Jonah started out and made his way into the city the distance of one day's walk and proclaimed, "Forty days more, and Nineveh shall be overturned!"

The people of Nineveh believed [what the prophet said]. They proclaimed a fast, and great and small alike put on sackcloth. When the news reached the king of Nineveh, he arose from his throne, took off his robe, put on sackcloth, and sat in ashes. And he had the word cried throughout Nineveh: "By decree of the king and his nobles: No man or beast…shall taste of anything! They shall not graze and they shall not drink water! They shall be covered with sackcloth—man and beast alike—and shall cry mightily to God. Let everyone turn back from his evil ways and from the injustice of which he is guilty. Who knows but that God may turn and relent?..."

God saw what they did, how they were turning back from their evil ways. And God renounced the punishment He had planned to bring upon them, and did not carry it out.

INTRODUCTION

In the book of Jonah, the people of Nineveh repent of their evil ways, "turning" back from the injustices to which they were accustomed. They manifest their repentance through fasting, weeping, and wearing sackcloth. God, however, does not look at their outward actions, their symbolic physical presentation of atonement, but rather at the change in their behavior.

"God saw what they did, how they were turning back from their evil ways. And God renounced the punishment He had planned." A change in behavior preceded divine pardon. Repentance came before forgiveness. And, in Judaism, that divine model provides the paradigm for mortal practice.

It seems that the more awful things happen in our world, the more people, in their search for comfort, speak of the need to forgive. We need to get over things, move on, put the past behind us. Forgiveness is an essential part of this "getting on" with things. Let go of the anger, focus on dispensing mercy rather than seeking justice, display magnanimity so that others can learn from our generous behavior.

From a Jewish perspective, contemporary culture places an unacceptable pressure on all of us to act—and feel—too quickly. We are expected to grieve quickly, to heal quickly, to get over things quickly. For the moment, though, we'll keep to the topic of forgiveness. I think, as a culture, we're doing it too often, too easily. It isn't that Judaism lacks a concept of forgiveness—far from it! It's just that the way people seem to go about it nowadays would often be deemed, by Jewish tradition, unwise.

I've occasionally heard it said by Jews and non-Jews that "forgiveness" isn't a particularly Jewish concept. I don't know what that means, since Judaism has plenty to say on the subject. But I think I do know what lies behind such statements. I think "forgiveness" is a word that has acquired such Christian overtones that a lot of Jews have become uncomfortable talking about it as a serious theological concept. It falls into the same class of words as "sin" and "Bible" and more often than not "God." In my experience, the Jewish discomfort with such words comes not from a disavowal of the concept but a distinction of meaning. When Jews use

such theologically, culturally charged words, they often mean something very different from what their dialogue partners are talking about. The meaning is so different, in fact, that the two sides may not actually be talking about the same thing. The common word is misleading, not a sign of common ground. So Jews have, more often than not, simply ceded the word to the other side and resorted to a different vocabulary. In the case of forgiveness, Jews have tended to focus more on atonement. But more on that in a few moments.

WHAT JUDAISM DOES NOT TEACH[1]

Before going further into the Jewish understanding of the act of forgiveness, I feel I should be clear on what Judaism does *not* teach. Here I am contrasting Jewish teachings with some of the teachings of various Christian traditions.

Judaism does not recognize the *confession* of personal sins to a religious figure—clergy or lay--as part of the process of sin, repentance, and forgiveness. Sins are confessed privately, in prayer; communally, within the liturgy; and interpersonally, to the wronged party.

Nor does Judaism recognize "*penance*"—acts separate from interpersonal or spiritual atonement—as a necessary part of the process of remission of sin. Ritualized or punitive penance was practiced during the middle ages by some communities, notably the "*Chassidei Ashkenaz*" of medieval Germany, but this practice was never formalized or mainstreamed. It was a form of piety with which the rest of Judaism was distinctly uncomfortable. Instead, Jewish

[1] For the organization of this section and the following, I am greatly indebted to David Blumenthal's article, "Repentance and Forgiveness" from *CrossCurrents*; the full text of his article is available online at: www.crosscurrents.org/blumenthal.htm. His schema, a synthesis of centuries of Jewish law and custom, is clear and articulate, with a special focus on the potentials for reconciliation between Jews and Catholics.

For a broad sampling of general Jewish teachings on the subjects of atonement and forgiveness in primary sources, scholarly and homiletical, see S.Y. Agnon's *Days of Awe* (Schocken: NY, 1995).

law focuses on acts of restitution, an attempt to set the wrong right. If no action can effect this, no "penance" is possible.

Furthermore, no authority, rabbinic or other otherwise, can provide *absolution of sins*. Judaism recognizes no designated figure who can dispense forgiveness on behalf of others. Nor is there any ritual which can cleanse a person of offense. Rather, sins between persons require the asking and granting of forgiveness by the parties involved. The same is true of human sins against the divine. Sins between people and God require acts of repentance by people and the granting of forgiveness by God.

Finally, Judaism does not recognize reconciliation—defined as the whole-hearted yielding of all inner negative feelings—as a necessary part of the process of sin and repentance. Judaism is aware of reconciliation and certainly many Jews understand the emotional significance of such a complete healing. However, Judaism is a religion of realism and moderation; in many instances, reconciliation is an impossible demand, a burden rather than a gift. As such, in Jewish teachings, "lesser" forms of forgiveness are deemed fully adequate and sufficient for letting life get on.

REPENTANCE

A wit once quipped that in Christianity, people sin because they are sinners, while in Judaism people are sinners because they sin. It's quotable, but it's an over-generalization. Nevertheless, in Judaism, repentance and forgiveness are organically intertwined; the latter depends on the former. In Christianity, my *sense* is that the two are more easily separated from each other. That being said, let us now examine the basic Jewish teachings on repentance.

Repentance—in Hebrew, "*teshuva*,"—literally connotes a turning back from one's erroneous ways.[2] A moving away from the false path back to the straight one. In general, the process of turning back has five components, conveniently summarized by David Blumenthal: recognition of one's sins as sins; feelings of remorse; desisting from the offensive behavior; restitution where possible; and confession.

Recognition of one's sins is an act of intelligence and conscience. It involves the ability to empathize—to realize the harm of one's actions—as well as self-judge. Recognizing one's sins means knowing that stealing from someone is *wrong*, as well as a *crime*. It is the process of realizing that transgressions have a *moral* cost as well as a potential *legal* punishment.

Remorse is a feeling. We feel regret for the pain or harm we have caused others, and suffer from disappointment in ourselves for our failure to maintain our own moral standards.

Desisting from sin not intellectual, nor is it emotional. It is an *action*. It is a concrete change in behavior, and not merely an assertion of one's best intentions. It means, fundamentally, avoiding situations where one is tempted to repeat the offense, and making a firm commitment not to stray in the same way again.[3]

Restitution is the *act* of making good, as best one can, any damage that has been done. A thief must return stolen property. A gossip must attempt to restore a damaged reputation.[4]

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[2] The Jewish vocabulary of atonement and forgiveness--including "*teshuva*" and "selicha" and "*kappara*"-- are not actually found in the Hebrew Bible, although the word "turn" occurs with the *connotation* of repentance in a number of places (see, for instance, Jer. 3:14, Mal. 3:24 and Lam. 5:23) and the words "salah" and "kapper" likewise occur in the Bible but most often refer to divine, not human, activity. The most common Biblical idiom for forgiveness is "*nosei' avon*," literally "forebear the sin." See Jacobs, p. 247.

[3] This important teaching was phrased my commandingly by Maimonides in his "Laws of Repentance" 1-2. See the summary of Maimonides' position in Louis Jacobs, "Sin and Repentance," in *A Jewish Theology* (Behrmann: NJ, 1973), pp. 242-259.

[4] The subject of gossip is particularly important. Repairing a reputation is much more difficult than repaying a financial debt. Rabbinic tradition compares destroying someone's reputation with murdering them. Murder, likewise, is a very difficult crime for which to atone.

Finally comes *confession*. This may be in the context of the liturgy, particularly if the sin is against God, but more likely it will be personal, as the process of atonement transitions naturally to the process of forgiveness. Only after repentance has been enacted should the penitent approach the party he has wronged in search of forgiveness.

Each of the five steps of Jewish repentance serves a necessary function, physical, spiritual, or intellectual. When all of the above steps are taken, the offender has obtained full repentance, "*teshuvah gemurah*." At times, however, a person only fulfills some of the requirements of complete atonement. In that situation, Jewish tradition is quite clear that recognition of sin, feelings of remorse, restitution, and confession if they are done *without desisting from the transgressive behavior* do not constitute atonement. Besides the actual change in lifestyle, everything else is just "*hirhurei teshuva*," the preliminaries of repentance. *Actual* desisting is what *actually* counts. Thus, if a person stops gambling because his bookie has threatened to beat him if he incurs another debt, the gambler is considered a penitent as long as they refrain from gambling.[5] If a person is told that she will be sent to jail if she is caught stealing again, and as a result of fear does not steal again, she is considered a penitent.[6] Any repetition of the offensive behavior, however, and the status of penitent is lost. Judaism, of course, recognizes higher and lower motivations. Refraining from a sin because the behavior is wrong is better than refraining from sin out of fear of punishment; we could also discuss which motivation creates a more lasting change in behavior. But the desisting is, in the end, what counts the most. Jewish law is all too familiar with the well-intentioned, highly motivated,

[5] This example is adapted from Blumenthal, as are several others; I would note, however, that Judaism is not in completely agreement as to whether gambling is a "sin." See the Renaissance period Rabbi Leon of Modena's presentation of the debate, translated from his "Turn Aside from Evil" in Jacob R. Marcus' The Jew in the Medieval World (HUC Press: Cincinnati, 1990), pp. 418-21.

[6] See Blumenthal and Jacobs for further discussions of motivations and examples.

eloquent-speaking repeat offender. *Without a transformation of behavior, without a change of character, there has been no repentance in the eyes of Judaism.*

FORGIVENESS

In the same way that repentance has many aspects and steps, Judaism distinguishes several different kinds of forgiveness. In my personal experience growing up in a predominantly Protestant society, repentance and forgiveness often seem divorced from each. In particular, I have repeatedly heard people urged to "forgive" someone who has hurt them despite a lack of repentance by the offender. In Judaism, however, these two concepts are intimately bound. I can choose to ignore an offense; I can let go of a pain or anger that I deem simply not worth hanging on to any longer; but in Judaism, at least, that is different from *forgiving* the offender.

In understanding the Jewish concept of forgiveness, it is easiest to start by regarding the commitment of an *offense* as an act which creates a kind of *debt*. Biblical language, which speaks of forebearance, anticipates this analogy.[7] According to civil law, the creditor—or, in our analogy, the party which has been wronged, the one who is “owed” something, even if just an apology—can demand “payment,” forgo the “debt,” waive the obligation, or relinquish his claim. The more serious the outstanding debt, the more urgent it is that the debtor pay it off, and the less likely that the creditor will simply overlook any delinquency. No one else can pay off your debt in this system, nor is there a “bookie” who can collect on behalf of others.

In rabbinic Jewish thought, only the offending party can pay off his or her debt—that is, set the wrong right; furthermore, only the offended party can forgive the debt of sin. This means,

[7] One of the divine attributes in Exod. 34:7 is “forgiving iniquity.” It is very possible, however, that this term relates to the latter part of the verse, wherein the sins of the parents are visited on the children. In the Bible, the debt of sin is clearly inheritable. Ezekiel 18 contains an inner-Biblical rebuttal of this model, however. In Rabbinic law, there is a distinction between ancestral and personal guilt, although both exist.

in short, that if I offend another person, it is my responsibility to do whatever it takes to set matters aright; conversely, if someone has offended me, it is my responsibility to allow the offender to repent—that is, to correct the wrong done and cease such offensive behavior in the future. If I sin against God, but repent sincerely, God can (and, in Jewish theology, will) forgive me; that is the essence of Yom Kippur, the Jewish Day of Atonement. But if I sin against my fellow, it is not God's place to forgive me. For sins between people Yom Kippur does not atone.[8] I must repent, appease the one I have wronged, and earn his forgiveness. Both parties--offender and offended--are under a moral obligation.

The most fundamental kind of forgiveness in Jewish tradition is called "*mechilah*," which is simply a forgoing of the offender's indebtedness. If the wrong-doer has sincerely atoned in action as well as word and is earnest in his or her repentance—which may mean seeking forgiveness several times, even in the presence of witnesses--the offended person should offer *mechilah*. This is not an emotional reconciliation or an embracing of the offender; it is simply reaching an understanding that the offender no longer owes me anything for what he or she did. The debt has been paid off, not erased from the records. *Trust* may yet have to be re-earned.

But note the key here: the offended person is not obligated to offer *mechilah*, a remission of the moral debt, if the offender is *insincere* in his or her repentance and has not taken *concrete steps* to correct the offense. Blumenthal offers a graphic example: A woman who has been abused by her husband is not obligated to forgive him. However, if he has desisted from all abusive activity, permanently; reformed his character through introspection, remorse, restitution, and confession; and finally sought her forgiveness several times in sincerity, the woman would be morally bound to offer some sort of *mechilah*, a forgiving of the moral debt. She would not have to like him, however, or love him, or be in his physical presence ever again. The problem

[8] For this language, see Mishnah *Yoma* 8:9, a fundamental and early statement of the path to atonement.

with this example, of course, is determining whether the abuser's character is truly reformed; certain offenses can be particularly persistent and difficult to change. This reality may be enough to suggest that certain forms of abuse may not be "atonable." But Jewish tradition does recognize that while granting forgiveness to someone who has grievously hurt us may be extremely difficult, after a point, the refusal to forgive the sincere, truly reformed penitent becomes a kind of sin of its own.[9]

The second level of forgiveness is called *selicha*, which is closer to what many in this room probably mean by the term "forgiveness." It can only come after *mechilah* has been earned. It is an act of the heart, the feeling of empathy for the troubledness and remorse of the other. It, still, is not an embracing of the offender, but rather signifies a reaching of the understanding that the offender is human. As Blumenthal states: "It is closer to an act of mercy than an act of grace." We are never morally or halakhically obligated to reach this stage of forgiveness, though it may be good for our own selves to do so.

The final stage of forgiveness is *kapparah*, familiar to many in this room from the name of the Jewish Day of Atonement, Yom Kippur. *Kapparah* is a kind of purification, a total wiping away of all offense. It describes a complete, existential cleansing. As such, *kappara* can only be granted by God. No rabbi, friend, or sage can bequeath this. Even the offended party cannot wipe away the sin. *Kapparah* is not something we can grant; it is only something we can receive.

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[9] See Jacobs for a discussion of different traditions about when forgiveness must be granted, and the means for seeking forgiveness in such situations, such as the use of witnesses, and even at graveside.

Much of what I have just asserted is similar to what is stated in the *Dictionary of Pastoral Care and Counseling* by Rodney Hunter,[10] a Presbyterian who teaches Pastoral Theology at Emory University:

> FORGIVENESS: The act of rendering null and void the penalty owed by a wrongdoer to an offended party… An essential element of forgiveness is the wrongdoer's awareness of having offended and owing a penalty. At the same time, the offended party grants forgiveness unconditionally. In this sense the act transcends the retributive nature of punishment for a crime. Forgiveness always has a social context. It is a transaction between God and humanity, or between two or more persons… Forgiveness is not the equivalent of reconciliation, however; it is the mean by which barriers to reconciliation are removed."

An Episcopalian commentator on this definition states, with approval: "According to this definition, there must be the element of penitence on the part of the wrongdoer. Thus, when sincere repentance is offered, we, as Christians, are expected to offer forgiveness in return." Penitence, you will notice, precedes the seeking of forgiveness.

I can also draw another parallel from the Christian faith tradition. Hong Ballenger of Baton Rouge, Louisiana, was murdered, and the DC snipers, Mohammed and Malvo, have been charged in her case. When Greta van Sustren on FOX news asked Hong's husband, James, whether he is opposed to the death penalty for his wife's killers, he replied:

> Yes, ma'am. I'll tell you, because, if they kill them, the death penalty, that's done. It's over with. If they live in prison, they're going to have to think about what they've done. That gives them a chance to be talked to by chaplains and other people that

[10] Abingdon Press: Nashville, 1990; p. 438.

> visit the prison, ministries, and stuff like that, and maybe they'll have a chance to repent of what they did and have a chance to go to heaven.
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> Like Jesus taught us, we have to forgive everybody for what they do. So I forgive them for what they did. I hate the crime they did, but I have to stand firm on what my belief is, and killing them is not going to do anything. But, if they're in prison where they've got a chance to learn about Jesus, maybe accept him as their lord and savior, maybe they might have a chance to go to heaven anyway.[11]

For Mr. Ballenger, his forgiveness is separate from the offenders' repentance, but repentance is still central. He means something different by repentance than I do, but he still sees some sort of remorseful personal transformation as necessary. He does not simply say, "I forgive them." He said, "I forgive them, but I expect something of them, too."

Looking at these quotations, it seems likely to me that we here tonight can at least understand each other without my views being regarded as nothing but a critique of your own. If I have one point tonight it is that we must respect the fact that each of us understands these things differently; even among Jews, each of us must judge what "sincere repentance" is. Nevertheless, the Jewish-Christian vocabulary is not as estranged as it might often seem. It is simply that Judaism finds the only proof of repentance in actions. The spirit may be willing or weak, but the flesh must be strong. Otherwise all our words of atonement are just *vanity*, emptiness and *vanity*.

A CONTEMPORARY CRITIQUE

[11] Transcript from www.fox.com; the interview was given on Friday, November 1, 2002.

What is central here is that *mechilah*--the simple forgiving of another's moral debt, which is the necessary first stage of the whole forgiveness process--can only be granted if it is deserved, if it is earned. There is no easy forgiveness in Judaism. That is why, as a Jew, I find so much of what goes on in the modern, media-driven world incomprehensible.[12] What does it mean when the parents of some of the children murdered in Littleton, Colorado, say that they “forgive" Harris and Cleybold, when the shooters expressed no remorse for what they had done? I hope that such assertions of forgiveness help them feel better and help them heal in some way, for God knows they deserve whatever comfort they can find. But I’m not sure if forgiveness is the word I would use, and clearly a number of parents of victims feel even more strongly opposed to any language of forgiveness. Another case: as Jew I do not understand how the Pope can pray that God show mercy and forgiveness to the September 11th terrorists, who coldly plotted and mercilessly carried out the slaughter of thousands of human beings. We have no evidence that they felt anything but pride in what they were doing. I would prefer to think that the divine pedagogue would find a way to coach penitence out of the terrorists before any talk of forgiveness began. To a Jew, these examples seem awfully close to Dietrich Bonhoeffer’s “cheap grace.”[13] There is tremendous social pressure, it seems to me, to grant cheap forgiveness. It feels like there is a rush to forgive those who have hurt us—those who have sinned grievously against us—in order to serve some inner need of our own, some hunger for a forgiveness we, ourselves, yearn for. Those who are unwilling to forgive the unrepentant are not the heroes of

[12] My feelings are often echoed, powerfully, in the editorials of (Jewish) newspaper writers, such as Jeff Jacoby, whose September 15, 2002, article for *The Boston Globe* responded forcefully to the Pope’s request that God forgive the hijackers. It is stunning to me how often a tragedy is followed by almost immediate assertions of forgiveness, either by the injured party or a third party. All one has to do is search the newspaper records and television transcripts shortly after a tragic event such as a school shooting to find both immediate forgiveness and, more often than not, an immediate reaction against such forgiveness.

[13] Jacoby explicitly calls such acts “cheap grace.” I, however, distinguish between forgiveness and grace, even in this situation.

the human-interest news stories; the articles I have read in the newspapers, magazines, and on the web uniformly laud the positive powers of forgiveness. I can only speculate that there is some sort of deep guilt within our corporate society that compels so many of our peers to grant instance clemency, despite the fact that doing so verges on a theological sin of its own.

We have glorified forgiveness while neglecting—or so it seems to me—the central role of repentance. Mercy will always be more popular than justice, at least in the abstract. It seems like the higher calling, the more difficult demand. And more: we all want mercy, and forgiveness can be mercy articulated. Repentance, however, is justice enacted on the self by the self. To me, the two must go together. Judaism doesn't understand a world where mercy can exist without justice; forgiveness without repentance is incoherent. The rabbis told a parable on this subject:

> A parable of a king who had cups made of delicate glass. The king said: If I pour hot water into them, they will expand, shatter, and burst; If I pour cold water into them, they will contract, shatter, and burst. What did he do? He mixed hot and cold water, and poured it into them, and so they remained unbroken. Likewise, the Holy One, blessed be He, said: If I create the world with the attribute of mercy alone, its sins will be too many; if with justice alone, how could the world be expected to endure? Therefore I will create [a world] with both justice and mercy, and may it endure![14]

Mercy without justice is no mercy at all. By forgiving before atonement has been made, before repentance has been even attempted, injustice is done to the victim, to society, and even to the offender who can only find redemption by facing the consequences of his actions.

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[14] Genesis Rabbah 1:15

Dennis Prager, a popular Jewish writer, sums up the Jewish attitude towards these spasms of *de rigeur* forgiveness:

> It advertises the amoral notion that no matter how much you hurt other people, even unto murder, millions of your follow citizens will immediately forgive you—and you don't even have to say you're sorry.[15]

By asserting that forgiveness can only be extended after harmful actions have ceased, restitution made, and apologies extended is both ethically elegant and psychologically smart. Compassion cannot be forced, but the remission of debt can be earned.

But the present situation is more complex than even this. Watching as an outsider, commenting on actions that exceed my comprehension, I can still attempt to understand, at least, what motivates others to grant instant forgiveness. I cannot judge their choice, even while I ponder exactly why it is that my own response would be different. I can approach the situation like a cultural anthropologist, or a disinterested, empathic observer. I watch others exercise their personal right to forgive. But so great is the pressure to grant forgiveness that the lines of personal responsibility are now often blurred.

Repentance and forgiveness are, as I have said, a matter between the offender and the offended. And I have mentioned that in Judaism, no one can repent on behalf of another, nor can absolution be granted on my behalf if I am the injured party. Repentance is the right and responsibility of the guilty; as Blumenthal notes, *no one can be denied the possibility of working towards atonement*. The Gates of Repentance are always open, as the prayerbook says. But forgiveness is the right and responsibility of the injured; it can and must follow after true repentance has been done. As potentially damaging as is the removal of responsibility from the

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[15] Cited by Jeff Jacoby.

offender, even more psychologically damaging is the freedom others now feel to forgive on behalf of others.[16]

The day after Michael Carneal killed three of his fellow high school classmates in West Paducah, Kentucky, a sign went up in front of the school saying, “We forgive you, Mike." I don't know what that sign means. I don't know who was able to write such a sign, to make such a statement. I am not speaking here of a fourteen-year-old’s understanding of his crime, of his legal or moral guilt, or that of his parents or family or the school bullies. My incomprehension of the statement comes from my understanding of the word “forgiveness.” Who empowered the writer or writers of that sign to forgive on behalf of others, as implied by their generous use of "We"? Beyond cheap forgiveness, we now have *coerced* forgiveness. Forgiveness asserted on behalf of others, with or without their consent. Beyond being made to feel petty, small, or deficient for having a higher standard of forgiveness, for wanting to see justice precede mercy, the right to be in control of the granting of forgiveness has, itself, been usurped. This happened after school shootings; this happened in the wake of 9-11; and it is happening in the wake of the sniper shootings. The only thing this coerced forgiveness causes is more deeply buried hurt and anger. There can be no one standard of forgiveness for all. And no one should be able to forgive another on my behalf. If I have been wronged, the offender should approach me, not a television camera. And “no comment” uttered by a lawyer is certainly not atonement. My forgiveness may yet be earned, but I would not give it up so easily.

Jewish forgiveness has been particularly sought, even coerced, in the post-Holocaust world. I speak this to you one day after the Jewish world observed the anniversary of Kristallnacht, November 9, 1938, when a wave of pogroms, organized by the Nazis, swept across

[16] This section, on coerced forgiveness, comes out of many discussions with my colleague and friend, Deborah Green, of the University of Chicago. See her article for the April 11th “Sightings” called “The Greater Good? For

Germany, symbolically and literally shattering the German-Jewish world. For the last fifty years, Jews have been seeking various kinds of justice for what was lost—*what was taken from them*—during the Holocaust. They have sought the return of works of art and jewels, the payment of insurance policies and the return of bank accounts, and acknowledgments of guilt from the offending parties. They have sought remorse, restitution, and evidence of changed character. Justice, justice have they pursued. But governments, insurance companies, and individuals who profited from the pilfering of the Jews have too often been at the forefront of urging the victims and their heirs to simply "forgive" these decades' old offenses. We should just be mature about things and get over it. The legal barricades, endless philosophical debates, and the sea of proof demanded of the Holocaust survivors makes it seem as if the ploy is one of *delay until the survivors are dead*. One University of Chicago professor has spoken and written widely on the need for people who have suffered to exercise "knowing forgetting." We should consciously choose to forget harms done to us, her argument goes. Let bygones be bygones, the mantra seems to be. Again, as a Jew I find this offensive. The Jewish mantra is: never forget! Let not the twelve million deaths be for nothing. If we forget, it is even more likely to happen again. If nothing else, let the victims forgive on their own terms. It is not our place to criticize them. To me, this pressure to forgive and forget can only come from those who want forgiveness for wrongs they feel vaguely—and perhaps incorrectly—responsible for. Or even worse it bespeaks a smugness of supposed moral superiority which presumes to know what is better for others—who has atoned enough, when forgiveness should be granted--when they have not walked a step in that person's shoes. The power to coerce forgiveness, to thoughtlessly demand mercy, belongs to the majority. Cries for justice, demands for repentance, are the minority voice. It would be better, in my mind, for everyone to work together for justice rather

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Whom?", archived on the University of Chicago website at: http://divinity.uchicago.edu/sightings/archive_2002.

than focus on coercing artificial, reluctant words of forgiveness from those who have already suffered enough. The poison here is not in the refusal to forgive. The poison is in the injustice that has gone on for decades. Justice is the best, maybe only, antidote to the poison of injustice.

Tonight I am talking about repentance and forgiveness, which operate in the moral and ethical realms, and not *punishment* as meted out by the civil authorities. But because the word operates in both worlds, I want to take a few moments to clarify what I mean by *justice*. Often I have heard it assumed that Jewish justice means an eye for an eye, a tooth for a tooth, a life for a life. This is the law as stated in the books of Exodus and Deuteronomy, so it must be what Jews believe. This assumption rests on the faulty premise that Jews are governed by the laws of the Torah. Such is not the case; Jews are governed by the laws of the Torah *as interpreted by the Rabbis*. The Rabbis themselves noted that there is no proof that the "lex talionis," the law of an eye for an eye, was ever understood literally even in the biblical period. Rabbinic law, certainly, understands the assertion “an eye for an eye” to refer to monetary compensation. While Jewish law recognizes capital punishment, the rules for actually implementing it are so baroque that the rabbis themselves wonder whether it was ever actually implemented. The modern state of Israel has banned the death-penalty after executing only one person in its history: Adolph Eichmann, the Nazi war criminal. The subject of Eichmann’s execution still raises serious questions among the Israeli populace; the correctness of this action is itself doubted. For all the terror the Israeli people have endured over their history, their judicial system has never handed down a death-sentence aside from Eichmann. U.S. law is far more extreme in its notion of justice than Jewish law. The Rabbis asserted that “A Sanhedrin—a rabbinical court--that issues a sentence of

execution once in seven years is a murderous tribunal." Others said once in seventy years. They would not comprehend what goes on in the state of Texas.[17]

No, by "justice" I do not mean an eye for an eye. That is retribution, not restitution. Repentance and forgiveness are distinct from revenge, which is often what is really sought by the death penalty, as the recent clemency hearings in Illinois have demonstrated.[18] Repentance is not the same as punishment, though punishment may coincide with the atonement process. The Jewish high holiday prayer book asserts: "It is not the death of the wicked that God desires, but that they should change their ways." Justice in the religious sphere is the end product of *repentance*. In the civic realm, it may entail punishment, as well, but that is not my issue. Repentance heals the wounds of transgression as much as anything can. It prevents the harm from being repeated; it leads to improved character and increased sensitivity. It balances the scales. Once the scales are balanced, mercy can and should enter into the equation. Then forgiveness can be granted, and complete healing *for all parties* can <u>*begin*</u>.

MODERN APPLICATIONS

Forgiveness is a lively topic now for many reasons, on many levels. Interpersonally, we go through our lives formally or informally following procedures of repentance and forgiveness. I bump into someone on the bus, and immediately say, "I'm so sorry!" The bumped person responds with "No problem." And for the rest of the day, at least, I try to avoid clumsily offending again. Accepting responsibility, correcting our behavior, and forgiving others is part

[17] I would note how quickly the American populace has been to seek the death penalty of Mohammed and Malvo. If one considers the contant threat of violence under which Israeli civilians live every day, it is even more remarkable that they do not have the death penalty, even for convicted terrorists. Israel, however, may resort to extra-legal methods of dealing with terrorism such as assassination, much as the United States has in the last year and a half. This is a morally complex issue, but not one directly connected to forgiveness *at this time*.

of our regular routine, as we strive to become better human beings. More and more, however, forgiveness has been talked about in corporate terms. Different groups of people are demanding apologies, offering forgiveness, and seeking atonement from each other. Much of this work has been extraordinarily well-intentioned, and I hold out much hope for the future results of such efforts when they are sincerely undertaken.

And yet, I also think we again face a sort of language barrier, or even a theological barrier, in some of these discussions. In recent years, for instance, the Catholic Church and major Jewish groups have engaged in earnest dialogue about their entwined past and future. Theoretically, Jews are under a moral and ethical responsibility to hold open the possibility of *mechilah*, of forgoing the heavy indebtedness of the Catholic Church and Catholic community to the Jewish people for centuries of persecution, injurious teachings, murder, and indifference. But in practical terms there are problems. The first belongs to the Church: How does a corporate body atone for centuries of offense against another corporate entity? And then the Jews must ask: How can we judge sincerity of repentance? When will enough be enough? Similar hard questions confront the Jewish community in its dealings with Germany and Poland, even Spain, each case having its own distinctive nuances. Repentance is particularly hard when so many of the victims are dead.

These questions get to the heart of a subtle problem. The Jewish structure of repentance and forgiveness was never designed the deal with *corporate* offenses. Its focus is on individual guilt, not corporate responsibility. There is no Jewish body empowered to forgive on behalf of "the Jews"; any group that does so will only cause an outcry. It might even cause a devaluing of both endeavors.

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[18] For a fascinating Jewish perspective on revenge, and its positive potential, see Laura Blumenfeld's *Revenge* (Simon and Schuster: NY, 2002).

To me it seems like the problem is, in part, one of vocabulary. Repentance and forgiveness are not the appropriate terms for issues of collective or national atonement. Rather than talking of guilt, I feel we should talk of responsibility. Rather than granting forgiveness that is not ours to give, I think we could aim for a *consensus of forbearance*.[19] The current leaders of the Catholic Church do not necessarily bear *guilt* for the actions of their predecessors, but they do bear a *responsibility* to cease from continuing the errors of the past. The post-war generations of Germans are not *guilty* for the Holocaust, but they bear a responsibility for their past; it is their duty as history's heirs to not only speak against but to work against the poison of antisemitism which is spreading once again throughout Europe.

Closer to home, it is well and good when various national officials apologize for America's history of slavery, but more important than words is action. We must not be content with saying, "We're sorry." We must work to correct the effects of slavery still felt in our present day. What was done before our birth is not our *fault*, but the consequences of such events, still felt today, are our *responsibility*. We did not incur these debts; we inherited them. But payment must still be negotiated.

I can think of an even more immediate situation, as well, one which perhaps resonates with many in this room tonight: the struggle within the Catholic church as its hierarchy and members seek a solution to the scandal of sexual abuse by clergy. This is an intra-Catholic problem in which I have no standing, but I cannot help but notice that a familiar pattern is playing out. Those with the "power" take a stand in favor of what they would deem mercy and

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[19] "Consensus of forebearance"—a phrase which draws nicely on the Biblical idiom noted above—is a term coined by Blumenthal in his search for language which can be applied to efforts towards Jewish and Catholic reconciliation. I believe the concept can be broadened and applied to a number of situations in which the collective forgiveness of Jews has been sought. Other communities, particularly those with no mechanism for collective forgiveness, may find it useful as well.

forgiveness. Those who feel vulnerable and wronged use the language of justice and assert, essentially, that there can be no forgiveness before true penance has been done. On the one hand, maybe we wonder if mercy isn't the higher ground and the Catholic community must decide for itself their standards of penance, within the constraints of civil law. But the nature of the offenses and the way the offenses were handled for decades has created a tangible, and understandable, sense of outrage and pain. Many public Catholic voices have been raised, demanding that a variety of offenders must make atonement before forgiveness and reconciliation can be offered, before life as it was can go on. Victims' forgiveness, articulated or functional, cannot be coerced. As a Jew, I understand the need these voices express.

Finally, and most recently, I would like to note that Ali Abdullah Saleh, the president of Yemen, called upon the members of Al-Qaeda to cease and desist from their terrorist activities. In his Ramadan address of November 6th, he said: "Everyone from among our countrymen who have been entangled in membership of the al-Qaeda organization should repent and renounce all means of violence." His plea that these individuals renounce the path of acts of terror supplements what has been a military and cultural conflict with a compelling moral force. I don't know that anyone will listen to him; nor are Saleh's motivations obviously clear and necessarily laudable.[20] In any case, if Americans advocated such an approach, it would probably backfire. The West lacks moral credibility and authority in this situation. The call must come from within. It is President Saleh's language, his specific choice of words, that I appreciate. He understands that repentance must come before we can talk of other things. If violence is *not* renounced, we can have little hope for our future.

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[20] Saleh's statement was made shortly after American agents assassinated Al-Qaeda operatives in Yemen. This statment may have had the practical intent of attempting to stave off further U.S. action. That practical goal does not lessen the significance of his language, however, even if it may suggest a certain potential cynicism.

In looking at large-scale, complex events, whether in the past or ongoing in the present day, I would borrow from the language of repentance and emphasize the need for correct, and correcting, action. The wrongdoing, whatever it was, must stop and never be repeated. It is appropriate to feel remorse, to recognize the sins of the previous generations and to confess them, but words are never enough. We must work to make restitution insofar as this is possible, to the victims and their heirs. The heritage of wrong-doing must be recognized and corrected; institutionalized sins must be recognized and purged. Each involved community must decide for itself what counts as sufficient atonement, and if any collective forgiveness can be granted. It is not up to the offending party alone to decide when their atonement is enough, when they have earned forgiveness. Two parties were involved in the offense, and two must be involved in the repair.

With regard to offenses against the Jews, when sincere, tangible steps towards atonement are taken, something parallel to *mechilah* (remission of moral debt) can, I think theoretically be granted. Not officially by any Jewish agency or body, but on a more diffuse, vague cultural level. Through the concrete actions, the very hard work and profound emotional honesty, of diverse parties, visible progress can be made; any other kind of progress is of little worth. Both groups must work through consensus building but must not necessarily expect a consensus anytime soon. Centuries of sin can never be undone, and only slowly repaired; working off the debt of history will take more than a few years or even decades. But each moment invested in sincere repentance heals the world.

Finally, I cannot avoid addressing the situation in the Middle East. I do so primarily because I was asked to, not because I have any special wisdom or insight into a situation which causes me much despair. I think to speak of forgiveness in the Middle East is, simply,

premature. Individually, among individual Israelis and Palestinians, the process of repentance and forgiveness certainly exists, and no doubt the cycle is taking place at this very moment in some fashion. Heartbreaking are the eulogies spoken by Jews at Palestinian funerals and Palestinians at Jewish funerals. Many individuals are not in need of forgiveness because they have not, themselves, sinned. But if the response to a terrorist attack is glorifying the bombers, justifying their deeds, and praising them as heroes or martyrs, how can we expect the victims to even consider forgiveness? If the rhetoric consists of comparing the Jews to the Nazis—an obscene comparison, for the Jews seek safety in their own land, not the annihilation of another people—how can we talk of more humane things? Repentance and forgiveness both require humility, a humbling of one's self. Forgiveness of the terrorists when they are so far from repentant serves no purpose. Official apologies are a political necessity, but they are ultimately only words. What do they really achieve as long as their actions have not changed, as long as the bombs continue to explode on busses, in cafes, and at discos? Words are only the preliminaries of *teshuva*, of atonement.

Furthermore, in the Middle East we face not only the problem of words versus action, and corporate responsibility, but also a lack of trust. And honestly I think that the lack of trust is completely justified. Without trust, there can be no confidence in repentance; with no repentance, forgiveness can't even be discussed. Arafat issues his apology, but we hear nothing of inquiries. The prisons have revolving doors. Each morning we wake up wondering if there has been another attack. Our lack of surprise when there is one indicates how far we have to go. We should be shocked, but we are numb. We are in no state to be thinking of forgiveness. God willing, someday we will be. But not yet. We have much more serious issues to address first, issues of life and death, and not "merely" pain and grief.

Often, lately, scholars and other intellectuals have been comparing Israel to South Africa. It is, in my opinion, a terrible analogy. The situation in South Africa was clear and simple; Israel is a land of many shades of gray. The state of Israel is not perfect, but it is not apartheid. Nor do people often acknowledge that terrorism is not what changed the situation in South Africa. In the context of tonight's talk, however, the most pertinent parallel from South Africa would be the Truth and Reconciliation Commission. I cannot guess how many years it may be before we will even be discussing whether or not Israel and the Palestinians should have such a body. But in my heart, I think that if there is such an institution in Israel, it will have a different name and a different purpose. Truth is important, and reconciliation an admirable goal, but if the above discussion teaches us anything it is that much work lies between the two. Truth does not automatically yield reconciliation; nothing does. But the ceasing of harmful acts, the acceptance of responsibility, the enacting of restitution and restoration, and the building of trust can yeild something like forgiveness, and that ought to be the ultimate goal. Humanity cannot survive with anything less; we can offer nothing more.

CONCLUSIONS

Forgiveness is a complicated idea, as complicated as people are. In Jewish eyes, it is part and parcel of repentance, as inextricably bound as are justice and mercy. The two are intimately connected to each other, different faces of a single process which makes stern demands on our minds, hearts, and bodies. Neither is easy, nor should they be. Perhaps what I described seems too stern or ungenerous, but it seems to me that denying people the chance to repent through the offering of instant forgiveness, and the denial of the right of forgiveness to the wronged, is much worse in the end. The process is too precious to be cheapened so.

The story of Jonah with which I opened is a story not about a great fish but about atonement. I do not believe that Jonah fled from God's command because he was a fool who thought he could hide from God. I think rather that he fled because he feared a cheapening of repentance. Nineveh was the seat of the nastiest empire of its day; Assyria flattened the Northern Kingdom of Israel and exiled its inhabitants. They gloried in bloodshed and violence. They decorated their palaces with depictions of humiliated victims and heads hanging in palm trees. In the fairytale of the book of Jonah, Nineveh, the bully of the ancient Near East was capable of repentance. When they changed their actions, they were spared. The unstated addendum to this story, however, is one which any Israelite in the audience would have known. Nineveh's repentance must only have been temporary because after not many years it fell to the Babylonians. God's mercy did not come at the expense of His justice. Therein lies part of the moral. Repentance must be true, and permanent, or forgiveness can be lost.

In the moral universe of Judaism, as in the physical realm, there is an order to things. Justice precedes mercy, repentance precedes forgiveness. Discipline, including self-discipline, is part of love. Steps cannot be skipped without consequence, nor can emotions be prematurely coerced. Repentance and forgiveness are too precious to be cheapened. In the world of our relations with each other, the ability to repent and the ability to forgive are two of the most important abilities we have. I would see neither denied or cut off short.

Thank you.