

BEING MERCIFUL TO THE CRUEL
Yizkor 8th Day Pesach
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The use of physical violence seems very much to be affected by matters of style and trends. When I was a kid it was not unusual to receive a "*potch in tuchis*" – a spanking as an acceptable form of discipline. Spare the rod and spoil the child was very much the spirit of the day. Very few parents today would consider that an acceptable philosophy.

When I was in school some teacher still had paddles and administered a form of corporal punishment called swatting. Certain violations – for which your rabbi was known to transgress at times – sometimes merited being called to the front of the class, bending over the teacher's desk and receiving a good swift swat to the butt. Can you imagine a teacher doing that today? They would be charged with physical abuse and criminal charges.

Once upon a time the Bobbies in London did not carry guns. A nightstick was all the protection they needed. Such is not the case today. We live in a world that is both more and less violent than it once was.

There is a lot of confusion in our society about force and the use of physical force by those in a position of authority. There was Ferguson, and the recent shooting of a black man who was stopped because of a broken taillight on his car but shot in the back when he ran from police. The case of Eric Garner who was killed on Staten Island when police put him in a choke hold – also a black man. Many of us would like to believe our police officers do not use force without due cause or excessively but many others have assumptions that are different than ours and they do suspect the police and authorities of unwarranted force and believe it is something that happens regularly and constantly. Such a belief is not a good state of affairs.

Similarly, there is a debate that is currently going on regarding the use of force in international affairs. Our president seems to believe we have been too quick to resort to force in places like Afghanistan and Iraq even in Yemen and Somalia and even in his dealings with Iran – his foreign policy seems to be based on a fervent belief that diplomacy and talk is better than fighting and force - or in the immortal words of Winston Churchill – "jaw-jaw is better than war-war!"

But what is lost in all of these conversations is that the issues are far too complex to reduce them to yes or no, right or wrong, good or bad. While I believe that the police in general are responsible and rational, I also am not so naïve as to believe that excesses are not possible. That is why our police are not above the law and subject to review by the judiciary.

And when it comes to war and diplomacy, Churchill would have been the first to acknowledge that there is a time for talk and a time for war. These are indeed weighty questions and I

confess I do not have simple answers for them other than to make an appeal that we not overly simplify them.

I am suspect of those who see such complicated issues in black and white. If the law was always clear and simple we would not need judges and the Talmud would have been only a few pages long. Instead our legal system is enormously complex because the judgments it requires are incredibly subtle and complex and the Talmud – well the Talmud is thousands of pages long not including the countless volumes of *teshuvot* that have followed it over the ages and down to our own day.

We are a people of compassion. Ours is a tradition that requires us to spill out some wine at our Seder tables because we are not allowed to rejoice over the downfall of our enemies. But, while we are required not to celebrate – drowned in the sea they were – ours is not a pacifist tradition by any means. The image of the children of Israel walking through the sea on dry land with the water raging on either side is indeed illustrative – it is a narrow path we strive to walk and the dangers lurk *mi'mina usmismola* -- to the right and to the left.

Allow me to present one point of view which appears in our tradition and which comes out of yesterday's *Torah portion* – that is always read on Passover – I present it for your consideration. There is so much that needs to be said about this very complex subject but for today, I will limit myself to just this.

The *Midrash* tells us that when the Israelites came to the Sea of Reeds with the Egyptian army in hot pursuit after them, God had them there and then decided to drown the Egyptians in the sea. Thereupon the guardian angel of Egypt, whose name is Uza came before the Holy One to plead for mercy on behalf the Egyptians. So did the angels of the other nations of the world. At that point Michael, the guardian angel of Israel came before God and urged Him to drown the Egyptians. God inquired of Michael why He should act so harshly, whereupon Michael sent the angel Gabriel before the Holy One. Gabriel held in his hand an Egyptian brick with the corpse of a Hebrew infant entombed inside. Seeing that awful gruesome site, the Holy One immediately decided that the pursuing Egyptian troops must be drowned and so they were. This is a fascinating *midrash* and it deserves much more attention and study than I can afford it from the bema this morning. I urge you to plumb its further implications at your Shabbat tables. But if I understand it correctly, God at first does not understand Michael. Why is he so vengeful? Why does he demand the punishment of the Egyptians? God and all the other angels start with the assumption – and I would argue it is the base assumption upon which all of Judaism is based – that people are deserving of compassion. God's assumption is that the Egyptians, like all people are deserving of compassion. So what changes His mind? The angel Michael brings evidence that the Egyptians are not like all other people. The angel brings evidence that even God cannot ignore to challenge His fundamental assumption – the sight of the brick with a corpse of a Jewish infant entombed inside of it, lays bare the reality of an evil that is not deserving of compassion. And this really brings us to the core of this debate. Is there such a thing as an evil that is not deserving of compassion?

On the whole, Judaism tends to err on the side of compassion. As you may know, it is virtually impossible to execute someone under Talmudic law. Only under the most exceptional conditions could somebody be executed by the Sanhedrin. That is one of the reasons that I personally oppose the death penalty. However there is also an awareness in Judaism as borne out by this *Midrash* that there are rules and there are exceptions to those rules and we ignore this fact at our peril. It is interesting that Israel capital punishment is only allowed in war times and for crimes of genocide – that is why the only person put to death there was Eichman. Does Tsarnaiv – the Boston bomber fit the bill? Does he merit the death penalty or is his crime worthy of such an exception? This is a fascinating debate.

But regardless of where exactly you come down on this issue, I believe the Rabbis enunciated a principle which I think is very important. They say: “He who is merciful the cruel will wind up being cruel to the merciful.”

I think that is a very important statement. It is one thing to be merciful to one who has transgressed with minimal impact upon other innocent people. Compassion should be our bias and while punishment and accountability are ALWAYS appropriate, the death penalty is unique and special. However mercy cannot and should not be extended to those who are evil. When the angel brought evidence of the depravity of the Egyptians – God, our compassionate God whose name is *Rachmana*, the Compassionate One – even God could not avert his eyes from such evil and rescinded his decision and drowned the Egyptians in the sea.

I am against capital punishment and there should be laws against it. My bias is also against the use of force as a means of resolving differences between nations and I support diplomacy as a first response to any and every disagreement. I do believe that “jaw-jaw is better than war-war!” But when the angel brings evidence before me that I cannot ignore, I also believe that there must be room for exceptions.

I think our President is wrong in his insistence that diplomacy will work with the leaders of Iran. As much as I am not a big fan of Prime Minister Netanyahu in general, I do believe his read of this situation is more accurate than our president's. In order to adopt the president's plan it requires a level of trust and honor that the leaders of Iran have not earned. I think he is making a mistake – one that may have tragic consequences. Nothing would make me happier than for our President to be right and me to be wrong on this issue, but for now – the angel has presented too much evidence that these leaders are not like you and me. They are evil and evil cannot be reasoned with – it can only be destroyed.

I do not think we should sign on to this deal with the Iranians, but if we do the only way I will be remotely comfortable with it is if the President states clear and unequivocal consequences should they violate the treaty – that the full force of the United States will come crashing down on them – not another round of talks and further jaw-jaw.

God believe in rules and He believed that all of His children where deserving of compassion and then the angel Michael brought evidence to the contrary. He held before the Holy One

blessed be He a brick with an infant entombed inside of it – and even God understood there was evil in the world that had to be destroyed.

The most troubling section of the entire Passover Haggadah is the paragraph we read when we open the door for Elijah – “*Sfoch Hamatcha al hagoyim ashe lo yedaucha... Pour out your wrath O’ Lord on the nations who do not know Thee...*” It is such a vengeful paragraph – it seems so, well so un-Jewish – so lacking in compassion that we have come to associate with our sacred tradition – it makes us uncomfortable. I remember once at the Seminary a student railing against this paragraph and declaring that he would not recite it, that he could not recite it, that he was taking it out of his haggadah. And Prof. Moshe Zucker, may his memory be a blessing, my teacher and one of the most learned and respected professors of Talmud on the Seminary faculty, stood up and chastised that student – “If you want to take *Shfoch Hamatcha* out of your haggadah take it out – but don’t you dare touch it in mine. I who suffered at the hands of the Nazis – may their memory be cursed – I know evil, I experienced evil; - and I want God to pour out his wrath on such evil!”

And so, we still read *Shfoch Hamatcha* at my seder. It makes me uncomfortable but I who know of a world in which babies are entombed in bricks, know that it has a place in our haggadah.

It is indeed a complicated issue I raise with you this Shabbat morning, especially that I raise it at Yizkor time. But I do so because Yizkor is a time to remember – and as many of us gather to remember loved ones who have passed from this earth, I also call on a different kind of Yizkor - -a different kind of memory – we will gather in this room this coming Thursday evening for Yom Hashoah – for our annual Holocaust Memorial and a Day of Remembrance. We will remember 6 million of our brothers and sisters who were murdered by an evil that could have and should have been confronted for earlier and before it could wreak havoc on the world. We are a compassionate people and we would like to behave compassionately towards others. Today we recited Hallel, the Psalms of praise and celebration, but we recited the abbreviated version today as we did on most of the days of Passover – our singing and rejoicing is cut short, it is muted because we recognize that our liberation came at the expense of others. It is precisely this sensitivity that I love about my tradition. But, the *midrash* reminds me that it is not *only* about compassion, and sometimes even God has to change His mind.

So at this Yizkor time, let us remember – let us remember the love and compassion of those who raised us and gave us life - men and women who were deserving of our love and our compassion – but let us also remember that not everyone in the world is so loving and there are people who are not deserving of our compassion. Let us learn how to balance mercy with justice and justice with mercy and may we hope for a day when the world will be emptied of violence so we may be spared having to make these difficult decisions.