

BALANCING JUSTICE AND MERCY

Reflections on Forgiveness in Judaism

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ABSTRACT

The concept of forgiveness is analyzed as a moral gesture toward the offender designed to help restore that individual's moral standing. Jewish sources on the conditions under which forgiveness is obligatory are explored and two contrasting positions are presented: one in which the obligation to forgive is conditional on the repentance of the offender and another in which people are required to forgive unconditionally. These two positions are shown to represent different ways of framing the offending behavior that rest, in turn, on different ways of balancing the need for justice and for mercy respectively. In the final analysis, Judaism's two contrasting attitudes toward forgiveness are rooted in different theological assumptions and different ways of construing the very goals of the moral life. The author points out the merits and shortcomings of both positions and concludes with the suggestion that the two complement each other in important ways.

KEY WORDS: *forgiveness, justice, mercy, Jewish theology, social order*

Faithfulness and truth meet; justice and well-being kiss.

– Psalm 85:11

1. Conceptualizing Forgiveness

Forgiveness may be among the most complex and contested topics in moral philosophy and theology. For one thing the very definition of forgiveness is a matter of dispute. Some treat it in a quasi-legal manner as a matter of forgoing retribution, or waiving one's right to press charges against the offender (Murphy 2003, 15). Others define forgiveness in terms of the inner emotional or psychological state of the one who offers it, as a letting go of resentment toward one's offender (Grovier 2002). Still others analyze it as a verbal gesture, an example of what John Austin called "performative speech" (Haber 1991). The purpose of forgiveness is similarly contested. It may be designed to effect reconciliation with the offender on a personal level, or to welcome that person back into society. But others see forgiveness primarily as a way of healing the offended

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party's own pain, and so imagine that one could forgive the offender without ever telling that person about it.¹ This last position is reflected in much contemporary self-help literature and captures an increasingly popular view according to which forgiveness is a gift to the one who forgives, essentially an act of self-care (Luskin 2002; Borris-Dunchunstang 2007; and Friedman 2009).

Forgiveness is further complicated by the enormous range of circumstances in which it arises, from the most trivial of missteps (I forgive my friend for not inviting me to his birthday party) to the most heinous of crimes (as when one forgives one's rapist or the murderer of one's child). It arises not only in the context of interpersonal relationships, but in relationships between groups and in the sphere of international politics. Forgiveness varies considerably in situations where the offending and offended parties know one another, or even more, when they have a longstanding, intimate relationship, as distinct from situations in which the offender has no prior relationship to the one he hurt. Finally, any cogent understanding of forgiveness must encompass those situations in which one forgives someone who has died, or someone who is entirely anonymous, as well as the special case of self-forgiveness.

Even this brief overview suffices to illustrate the many ways in which the notion of forgiveness confounds our efforts to pin it down in any conceptually neat way. I suspect that many of the disputes about forgiveness in the ever-growing literature on the subject can be traced to the fact that the authors are talking about quite different things, but using the same terminology to describe them.² It follows that anyone who dares to step into this conceptual quagmire at a minimum owes his reader some working definition of forgiveness.

First, it seems clear to me that forgiveness as a moral gesture is *other-regarding*. Whatever its ultimate purpose—and it is my view that forgiving can be done for a number of quite different reasons—it only counts as a moral act of forgiveness if it is meant to benefit the offender in some way.³ If I “forgive” my abusive father only because I want to placate him and ensure that I receive my share of his estate, I am acting

¹ Kolnai 1973, 95 argues that the reconciliation entailed in acts of forgiveness must be mutual, that is, accepted by the offender. But I can see no reason for restricting forgiveness in this way. Certainly we all know of instances in which someone forgives a person who is anonymous (the driver who treated one rudely) or someone who is dead or otherwise unreachable.

² For an extensive bibliography on forgiveness, see Enright and North 1998, 165–86.

³ This need not preclude the case of forgiving the dead. We often do things on behalf of those who are deceased, as when we fulfill a promise that they made, but were not able to fulfill in their lifetimes. Similarly, we sometimes do things that can honor those who have died, as when we grant posthumous awards, or bring things to light that clear the deceased's wrongfully besmirched reputation.

out of self-interest, not to relieve him of guilt or to demonstrate that my love is stronger than his misdeed, or out of any (re)consideration of his moral standing at all (Couenhoven 2010). Similarly, the idea that forgiveness is primarily a gift to oneself confuses the purpose of forgiveness with its secondary effects. There is no doubt that in many cases there are often powerful emotional benefits for one who forgives. But if forgiveness is to have any moral meaning, it must be done primarily as a response *to* and for the benefit *of* the offender. The person who “forgives” another in order to feel better is akin to the person who gives a large gift to charity, not because she cares at all about the charity, but simply to avoid the burden of a major tax liability. So we should be clear at the outset that some acts that appear to be forgiveness in the moral sense are really nothing of the sort. And it is only forgiveness as a moral gesture that interests me here.

Second, forgiveness encompasses both *emotional* and *behavioral* elements. One who claims to forgive and even renews a relationship with his offender, but who inwardly continues to persevere over the offense, to nurse resentments and ill will, has not genuinely forgiven the offender. Conversely, one who has emotionally let go of those hard feelings, but who refuses to treat the offender as a person whose moral standing has been at least partially, if not wholly, restored, has undergone a change of heart, but not really accepted the offender as forgiven. So at least ideally forgiveness will manifest itself both as a change of attitude and a change in behavior toward one’s offender.⁴

Third, I think forgiveness admits of gradations; it is not an all-or-nothing proposition. For this reason it is a mistake to tie forgiveness too closely to reconciliation. At one end of the spectrum it is certainly the case that forgiveness can yield a new and deeper relationship between two people who have been estranged, as when a marriage is made stronger after one partner comes to forgive the other for an act of betrayal. But there are less dramatic cases in which forgiveness merely brings a broken relationship back to neutral ground, as it were. Here there is no deep reconciliation, only a cessation of hostility and a commitment to treat the other respectfully, despite past transgressions. Forgiveness, then, does not require that the two parties involved arrive at any particular harmonious

⁴ I recognize that this claim is controversial and that some will want to count as forgiveness some gestures that are either entirely emotional or (perhaps less often) entirely behavioral. But there are good reasons for maintaining a model of forgiveness that encompasses both elements, at least as the paradigm case. After all, moral transgressions affect the injured party emotionally (and often physically) and also change the social (and often legal) standing of the offender. If forgiveness is meant to mitigate the effects of the transgression, then, we should expect that it will do so by addressing both the emotional state of the injured party and the social standing of the offender. In proposing this model of forgiveness I nonetheless recognize that there is a wide range of moral gestures with strong “family resemblances” to this paradigm and that these, too, are worthy of consideration.

end-state, only that they move beyond the state of moral disequilibrium that characterizes a relationship broken by harmful or disrespectful acts.

With these considerations in mind, then, I will define forgiveness as *a moral gesture offered by the offended party to the offending party as a way of restoring that person's moral standing (whether in the context of their relationship or in some larger, social context), which entails adjusting one's feelings about and behavior toward that person in ways that minimize (and sometimes entirely negate) the ongoing effects of the person's past offense.*⁵ The question at hand is how classical Jewish sources view acts of forgiveness so defined.⁶ In what follows I will argue that there are two primary strands within this tradition that understand the obligation to forgive quite differently. I will then suggest that these differences can be traced to two alternative conceptions of the meaning of forgiveness and its place in the religious life. That is, whether forgiveness is obligatory and, if so, why turns out to depend on different understandings of the way in which this moral gesture is embedded in a web of beliefs about God's love, the extent of our responsibilities for the behavior of others, and the purpose of our moral behavior in general.

2. Conditional Forgiveness

Many Jewish discussions of our topic regard forgiveness as the required response to an offender who has taken appropriate steps to acknowledge his wrongdoing and repair the damage. The source most often cited in support of this view is M. Baba Kamma 8:7⁷:

Even though a person gives [monetary compensation] to one [whom he has shamed], he is not forgiven until he asks [explicitly for forgiveness] from him [whom he has shamed]. . . .

And whence do we derive the principle that he who is called upon to forgive should not be hard-hearted?

It is written [Genesis 20:17], "Then Abraham interceded with God, and God healed Abimelech."

⁵ In what follows I will restrict my comments to cases of interpersonal forgiveness, though I think that many of the principles I evoke here could be applied to other spheres of human activity.

⁶ I will deal here only with cases of interpersonal forgiveness between individuals who have had direct contact with one another. Forgiveness between groups and/or nations for historic injustices raises additional complexities insofar as such cases involve a more symbolic dimension and frequently have their meaning in larger systems of political behavior.

⁷ Unless otherwise noted, all translations from classical rabbinic literature and Jewish lawcodes are my own. This article uses standard abbreviations: "M." for the Mishnah, "B." for the Babylonian Talmud, "T." for the Tosefta, and "MT" for Moses Maimonides's *Mishneh Torah* (c. 1180).

This early rabbinic ruling underscores a number of important points.⁸ First, the purpose of forgiveness is essentially restorative. Just as one restores a situation of material equity through the payment of damages, one must likewise restore the state of moral equilibrium that has been disturbed by the offense in question. Such a reconciliation can be accomplished only by seeking forgiveness directly from the individual harmed.

Second, the rabbis generally assume that the primary responsibility for repairing a “moral gap” lies with the person who created it. In the proper course of things, that is, seeking forgiveness precedes granting it. The interrelationship of these two duties—seeking forgiveness and granting it—is expressed with characteristic clarity and precision by Maimonides:

Even if one only injured the other in words [and not in deeds], he must pacify him and approach him until he forgives him.

If his fellow does not wish to forgive him, the other person brings a line of three of his friends who [in turn] approach the offended person and request from him [that he grant forgiveness].

If he is not accepting of them, he brings a second [cadre of friends] and then a third. If he still does not wish [to grant forgiveness], one leaves him and goes his own way, and the person who would not forgive is himself the sinner. (MT Laws of Repentance, 2:9)

⁸ Daniel Statman takes issue with the following interpretation of this mishnah, arguing that it is not about acquiring forgiveness from the one wronged at all, but rather from God and that the point of the passage is that Abimelech is in need of Abraham’s prayer to God on his behalf. Statman goes on to reject the view that this source and others cited support the view that Judaism insists on the repentance of the transgressor as a condition of the duty to forgive him. However, classical and modern commentaries to the Mishnah read it as I have, and the structure of the passage seems to require that there is a symmetry between the first clause, in which the offender is required to ask for forgiveness (presumably from the offended party) and the second clause, in which the offended party is told not to withhold forgiveness. Moreover, a number of other passages, both from Maimonides and from Karo, repeatedly emphasize that “if the offender repents and pleads for forgiveness, he should be forgiven.” If the repentance of the offender were not a precondition for this duty to forgive, why would these authorities state the rule in this way, rather than simply state that offended persons must always unilaterally forgive those who offend them? Statman also critiques a position that he mistakenly attributes to me based on his reading of Newman 1987. In that article I argued that, by insisting that forgiveness is obligatory only in cases where the offender has repented, Judaism avoids the problem that forgiveness can be tantamount to condoning the offense. Contra Statman, however, neither in that article nor here do I endorse the view that forgiveness is paradoxical in that if the offender repents, it is superfluous, and if the offender does not repent, it is unwarranted (see Kolnai 1973 for an articulation of this position). Plainly, even in cases where the offender repents, the injured party may have legitimate reasons for continued feelings of resentment, anger, and even the desire for retribution where the offense was extremely serious or irreversible. So forgiveness is not superfluous. I do, however, now agree with the conclusion of Statman’s article that Judaism (at least sometimes) affirms the value of unconditional forgiveness, which is a change from the position I defended in my earlier article. See Statman 2012.

Maimonides emphasizes what the Mishnah passage only implied, that the offender bears primary responsibility for initiating the process of forgiveness. On the other hand, the offended individual has a corresponding duty to forgive anyone who sincerely requests it and the failure to do so constitutes an offense no less than the action of the initial offender.

This formulation of the duty to forgive has a long history in Jewish legal sources and finds expression again in the famous sixteenth-century law code of Joseph Karo, the *Shulḥan Arukh*.

One who harms his neighbor, even if he compensates him according to the five things [for damage, for pain, for healing, for loss of time and for shame; see M. Baba Kamma 8:1] he is not forgiven until he requests it [from the one he harmed] and he forgives him. And it is forbidden for the injured one to be hard-hearted about forgiving, for this is not the way of Jews. Rather, *once the injurer requests from him and pleads with him once or twice, and it is obvious that he has repented of his sin and regrets his evil ways, he should forgive him*. And everyone who hurries to forgive is to be praised, and the spirit of the sages is pleased with him. (Hoshen Mishpat 422, emphasis added)

It is interesting that Karo makes explicit the expectation that forgiving quickly is praiseworthy, and I will return below to the question of why these virtues of generosity and compassion are so highly valued. But it is worth noting here that the tendency to forgive is cast as something that “the sages are pleased with,” a classic rabbinic phrase used to indicate something that is morally praiseworthy, but not legally required.⁹

What I am calling here the legalistic perspective on forgiveness will strike many familiar with the literature of this subject as unduly restrictive insofar as it portrays the duty to forgive as conditional. Why would we not have a duty to forgive unilaterally? The problem with unconditional forgiveness seems to lie with the notion that it threatens to undermine the moral condemnation of the offender. This emerges again in Maimonides’s formulation of the law in Leviticus 19:17 that we are required to rebuke others for their misdeeds.

And thus it is said, “You shall surely rebuke your neighbor” (Leviticus 19:17). If the offender repents and pleads for forgiveness, he should be forgiven. The forgiver should not be obdurate, as it is said, “And Abraham prayed unto God (for Abimelech).” (Genesis 20:17)

If one observes that a person committed a sin or walks in a way that is not good, it is a duty to bring the erring man back to the right path and point out to him that he is wronging himself by his evil courses. . . . And so one is bound to continue the admonitions until the sinner assaults the admonisher

⁹ See my discussion of this and other similar terms in Newman 1998, 46–49.

and says to him “I refuse to listen.” Whoever is in a position to prevent wrongdoing and does not do so is responsible for the iniquity of all the wrongdoers whom he might have restrained. (MT Laws of Ethical Conduct, 6:6–7)¹⁰

Forgiveness granted unconditionally would threaten to undermine or ignore the culpability of the offender. Indeed, it is not difficult to imagine an offender who might come to rely on the assurance of forgiveness and take this as license to continue transgressing.¹¹ So it is only the offender’s repentance that entitles him to forgiveness, for the person has then distanced himself from the harm he caused, disowned it, as it were, and so has a claim on those he harmed to consider him in a new light. Indeed, in some sources the rabbis press this point further, proposing that prior to repentance one even has an obligation to hate the sinner. As Maimonides puts it, “The sages decreed that if one all alone sees another committing a crime and warns him against it and he does not desist, one is obligated to hate him until he repents and leaves his evil ways” (MT Laws of Homicide and Preservation of Life, 13:14).¹²

This legalistic perspective gives paramount importance to the concerns of justice and to the idea that each member of the community is responsible for the behavior of all others. In this context, unconditional forgiveness is potentially dangerous, for it opens the door to letting the wrongdoer “off the hook,” and so has possibly far-reaching ramifications for the social order. Only when we take responsibility to ensure that transgressors are brought back in line—first by rebuking them and then by withholding our forgiveness until they reform their ways—can we make this society a place in which respect for legal and moral norms is reinforced. And so forgiveness cannot be a duty in cases where the offender has not first acknowledged his offense and taken steps to rectify it. In short, forgiveness on this view takes its place within a system of legal and moral accountability; offering it to those who have not earned it would encourage transgressors, undermine social norms, and abrogate our duty to chastise those who violate the law.

3. Unconditional Forgiveness

In light of the foregoing discussion it may come as a surprise that there is a starkly different view in many classical Jewish sources, according to

¹⁰ Translation taken from Maimonides 1972, 61.

¹¹ Other passages in rabbinic literature consider just this possibility in connection with the view that the Day of Atonement automatically absolves all sinners of their sins when it states that for “one who sins and says, ‘The Day of Atonement will atone,’ the Day of Atonement does not atone” (M. Avot 8:9).

¹² Translation taken from Maimonides 1972, 168–69. See also B. Pesahim 113b; *The Fathers According to Rabbi Nathan* 16.

which one is required to forgive even those who have *not* repented. The duty to offer such “unearned” forgiveness is articulated in the following early rabbinic source: “He who injures his fellow, *even though the one who did the injury did not seek [forgiveness], from the injured party*—the injured party nonetheless has to seek mercy for him, since it says, “Then Abraham prayed to God, and God healed Abimelech’ (Gen. 20:17)” (T. Baba Kamma 9:29, emphasis added). The contrast with the preceding could hardly be more stark, especially given that the very same proof-text is offered in support of the view that unconditional forgiveness is a duty, and that the text derives from the same period as the Mishnah text cited above. Indeed, the Talmud records that Mar Zutra, each evening before retiring to bed, made a practice of forgiving all who harmed him, a practice that is reflected in many traditional prayerbooks to this day (B. Megillah 28a). In one formulation of this prayer, the offer of forgiveness is especially expansive: “I hereby forgive and absolve anyone who has angered or provoked me or sinned against me, physically or financially or by failing to give me due respect, or in any other matter relating to me, involuntarily or willingly, inadvertently or deliberately, whether in word or deed: let no one incur punishment because of me” (Sacks 2009, 294). The absence of any mention of repentance on the part of those being forgiven underscores that this act of forgiveness is offered freely as an expression of goodwill. It is also worth noting that the idea is not merely to relinquish feelings of resentment, but also to ask that God be merciful in not punishing the offender. This further highlights the fact that we are dealing here with a theory of forgiveness that places it beyond the concerns of the judicial system that figured so prominently in the texts considered above. For while this text does not explicitly link unconditional forgiveness to forgoing human punishment, it is hard to imagine that the author of this prayer would beseech God to forgo punishment of the offender, but then insist on exacting it in an earthly court.

This emphasis on compassion, though it seems to appear predominantly in non-legal sources within the tradition, is reflected as well in certain legal texts. In Exodus 23:4–5 we find that “if you meet your enemy’s ox or his ass going astray, you shall surely bring it back to him again. If you see the ass of him that hates you lying under its burden, and would forbear to unload it, you shall surely unload it with him.” The implication of this rule is that we are not to let feelings of animosity stand in the way of assisting those in need, and while this does not precisely command one to forgive the enemy, it surely commands one to treat the enemy with the same consideration due to non-enemies.¹³ Subsequent rabbinic commentary on this

¹³ The biblical injunction not to take vengeance or bear a grudge against one’s neighbor (Leviticus 19:18) similarly does not directly require forgiveness, but it does preclude the retributive attitude that underlies the refusal to forgive.

biblical rule makes explicit the moral purpose of the rule: “[If one has the choice of helping] his friend to load up his ass, or his enemy to unload his ass, his religious duty is to unload the ass with his enemy [Ex. 23:4], so as to break his heart [that is, to break his instinctive desire to ill-treat his enemy]” (T. Baba Metsi’a 2:26).¹⁴ Cultivating compassion for those who (presumably) have wronged us, then, is a positive commandment, as well as a traditional, pietistic practice. It is consonant with the view that we are required to forgive others, irrespective of their posture toward us, without first rebuking them or insisting on their repentance. If practiced on a regular basis, such unconditional forgiveness would reinforce a generosity of spirit even—perhaps especially—toward those who have not repented or sought forgiveness.

How shall we understand this very different attitude toward forgiveness in Judaism? What might be the grounds for such a practice of unconditional forgiveness?

I believe that there are two separate sets of considerations that find expression in this responsibility to forgive unconditionally. The first is the principle of *imitatio Dei*, coupled with the view that God’s nature is essentially forgiving. These ideas are found throughout biblical and rabbinic literature,¹⁵ so a few characteristic examples will suffice to illustrate the point. The prophetic literature is full of passages depicting God as endlessly merciful. Micah 7:18–19 is typical:

Who is a God like You,
 Forgiving iniquity
 And passing over transgression;
 Who has not maintained His wrath forever
 Against the remnant of His own people,
 Because He loves graciousness!
 He will take us back in love;
 He will cover up our iniquities,
 You will hurl all our sins
 Into the depths of the sea.

Similarly, the High Holiday liturgy includes the following passage: “God, Sovereign who sits on a throne of mercy, acting with unbounded grace,

¹⁴ See also Sifre Deuteronomy 222 and 225, and B. Baba Metsi’a 32b. Maimonides explains the purpose of the rule as “to curb one’s evil inclination”; see MT Laws of Murder and Preservation of Life, 13:13.

¹⁵ To be sure, Jewish sources about God’s nature are not so consistent, as I will discuss below. But it is striking that in each instance where the rabbis reflect on the value of following God’s example, they consistently point to God’s infinitely compassionate, loving nature. They famously even pervert the meaning of Exodus 34:6–7, which comes to have a central place in the traditional liturgy on holidays and especially on Rosh Hashanah and Yom Kippur, by dropping those clauses of the verse that reference God’s retribution against those who violate God’s law.

forgiving the sins of Your people, one by one, as each comes before You, generously forgiving sinners and pardoning transgressors, acting charitably with every living thing: do not repay them for their misdeeds” (Rabbinical Assembly 2010, 261). And when the rabbis elaborate on the meaning of Deuteronomy 28:9, “you shall walk in God’s ways,” they comment:

This means, as the ways of Heaven are to be gracious, graciously bestowing gifts not only upon those who know Him but also upon those who do not know Him, so you are to bestow gifts upon one another. And, as the ways of Heaven are to be long-suffering, long-suffering with the wicked and then accepting them in repentance, so you are to be long-suffering [with the wicked] for their good and not impatient to impose punishment upon them. For, as the ways of Heaven are abundant in lovingkindness, ever leaning to lovingkindness, so are you ever to lean toward doing lovingkindness to others rather than lean toward doing them harm. (Tanna Debe Eliyyahu 135; Braude and Kapstein 1981, 333)

To be forgiving, then, is nothing less than to reflect and extend God’s own forgiving nature in our relationships with others. In a sense, the underlying logic is that if God can be counted upon to be this loving toward those who transgress, by what right can we hold transgressors to a higher standard? The rabbis implicitly acknowledge this connection, when they suggest that if we extend forgiveness to others, God will reward us by doing likewise (B. Megillah 28a). In a very clever reading of the verse from Micah cited above, the rabbis argue: “Raba said, ‘Anyone who passes over the traits [of those who injure him]—his own transgressions will be passed over. As it is written (Micah 7:18): ‘forgiving iniquity and passing over transgression.’ For whom does [God] forgive iniquity? For the one who passes over transgressions [committed against him]” (B. Rosh Hashanah 17a). By imitating God’s forgiveness, we also evoke it.

The implications of this theology are far-reaching. The world was established by a loving God who accepts and forgives human imperfections. When we channel this divine quality, we not only draw closer to God, we become agents of God’s compassion and love in the world. In one of the emotional climaxes of the High Holiday liturgy, the congregation sings: “*Avinu malkeinu* [Our Father, our King], have mercy on us, answer us, for our deeds are insufficient; deal with us charitably and lovingly, and redeem us” (Rabbinical Assembly 2010, 94). From this perspective, we are all morally flawed, all in need of divine forgiveness, all the undeserving beneficiaries of God’s compassion. As a result, we have no moral choice but to extend this same compassion to those who harm us; to do otherwise would demonstrate a stunning lack of gratitude, as well as monumental hypocrisy.

A second basis for this obligation to forgive unconditionally may be found in the tradition’s emphasis on personal humility. In the view of

many it is a virtue to cultivate humility, which includes minimizing one's achievements, reflecting regularly on one's mortality, and being especially scrupulous about one's own behavior, lest one inadvertently become arrogant or complacent about one's moral worthiness. In the words of one classical source: "If you have done your fellow a slight wrong, let it be a serious matter in your eyes; but if you have done your fellow much good, let it be a trifle in your eyes. And if your fellow has done you a slight favor, let it be a great thing in your eyes; if your fellow has done you a great evil, let it be a little thing in your eyes" (The Fathers According to Rabbi Nathan, 41:11; see also *Derekh Eretz Zutta* 1:3). The implication of this is that one should "judge everyone favorably [lit. 'on the side of their merits']" (M. Avot 1:6). Cultivating such an attitude toward oneself and others would lead inevitably to an inclination toward forgiveness. To withhold forgiveness is to continue to assert one's moral superiority over the offender. It is to say, in effect, "as the injured party, I have a moral claim against you, and I will exercise that claim against you until you convince me that you have disavowed your immoral behavior." While this may be morally justifiable—after all, the offender *does* owe a kind of moral debt to the one he harmed, and the latter is entitled to "collect"—this attitude is not consonant with the sort of humility that the rabbis often encourage.

In this way, unconditional forgiveness is grounded in a different way of construing the relationship between the offended and the offender. Rather than highlighting the moral distance between them, the tradition encourages people to practice a kind of humility that continually prompts us to minimize that moral gap, or even to close it entirely.¹⁶ Whatever the offense committed against us, we are essentially no better, no more moral, than those who committed it. From this perspective, we do well to forgive others, whether they have "earned" it or not. For the question here is not whether the offender deserves our forgiveness, but whether we deserve to see ourselves as more worthy than they. Forgiveness is nothing less than the expression of an attitude that we are all more or less equally flawed, hence we had best refrain from exerting our moral superiority over others.

4. Reframing Forgiveness

How are we to make sense of these starkly contrasting views of forgiveness in Judaism? It is important here that we avoid the path of least resistance, which is always to portray our religious traditions as

¹⁶ Roberts 1995 captures one aspect of this attitude, which he terms "forgivingness," when he notes that it is essentially a disinclination on the part of the injured party to remain in a state of alienation from the offender, either this particular offender or all offenders in general (294).

more homogeneous than they actually are and, in the process, to explain away those elements that are not to one's liking. If one surveys the literature of Jewish views of forgiveness, it seems that this tendency is much in evidence. Most authorities will contend that the legal view presented above is dominant and often contrast this view with the supposedly dominant Christian view, according to which we are obligated to forgive everyone all the time, and as quickly as possible. So, even as sophisticated a thinker as Elliot Dorff, for whom I have the highest regard, writes, "if the offender never admits wrongdoing, then even if he or she has served a prison term, the very first step in return has not been achieved and no forgiveness can legitimately be demanded of the victims." Then, after acknowledging that Judaism values compassion and mercy as well as justice, he concludes,

although gross offenses should probably not be forgiven without sincere attempts to engage in the process of return, one might be prone to forgive more minor offenses without such a process, both as a pragmatic way of getting on with one's life and possibly of restoring a friendship and also as an expression of the religious demand that we imitate God. Such free forgiveness, though, becomes harder to justify as the offense grows larger. . . . Then God's righteousness seems to be the divine attribute that we should emulate. (Dorff 2003, 222–24)

While Dorff tries valiantly to accommodate both of the views noted above, he clearly sees one as dominant and can, at best, find room for the idea of unconditional forgiveness only when the offenses involved are relatively minor.¹⁷

But suppose that, instead of arbitrarily asserting the dominance of one view over the other, we give each its due. The question we then face is: what sets of assumptions within the tradition make it possible for two such different views of forgiveness to emerge? One way to make sense of these divergent views would be to explain them in terms of alternative moral theories. We might posit, then, that the legal view accords with a social ethic concerned primarily with the maintenance of social order. Accordingly, it makes the duty to forgive dependent on the prior transformation of the offender. By contrast, the view that forgiveness should be

¹⁷ So, too, Telushkin 2006 in which he acknowledges that Judaism expects people to be forgiving, but summarizes the tradition's view that "Generally, forgiveness should be dependent on the offending party's repentance" (1:196). Another version of the same position is articulated by Schimmel 2002 where he writes in reference to Jewish views of forgiveness, "We have to imitate God, and God, for the most part, punishes unrepentant sinners and forgives repentant ones. . . . Some of the differences between rabbinic Judaism and Christianity are ones of emphasis rather than of the absolute presence or absence of a particular concept or value. Repentance and justice *are* values in Christianity, just as forgiveness *is* a value in rabbinic Judaism. But the former are emphasized more in rabbinic Judaism and the latter in certain Christian denominations" (69).

unconditional could be associated with a virtue ethic that is concerned primarily with the cultivation of personal humility and godliness. The moral gesture of forgiveness, then, might be viewed in terms of the moral character of the one who forgives. We might be tempted to conclude, then, that forgiveness is either a matter of (circumscribed) legal duty or of (unconditional) personal virtue.

But such a sharp distinction does not do justice to our sources. After all, even some of the legal sources recognize and praise the virtue of forgiving quickly and one of the legal sources requires unconditional forgiveness. Conversely, those who expound the virtue of unconditional forgiveness certainly also believe that it is a duty to rebuke transgressors, as the Torah commands. So our sources do not permit us to posit a dichotomy between a social ethic that emphasizes justice and hence conditional forgiveness and a virtue ethic that emphasizes mercy and hence unconditional forgiveness. If we wish to understand the roots of these two contrasting perspectives on forgiveness, we will do well to examine more carefully just what the moral gesture of forgiveness entails. That is, we will need to explore what understanding of forgiveness—its purpose and meaning—underlies these two contrasting views, and how each of them represents an authentically Jewish view.

To answer that question, we do well to refer to the work of Robert Enright and Joanna North. As North describes it, the essence of forgiveness entails a “reframing” of the offender “whereby the wrongdoer can be regarded as someone over and above the wrong he has committed, a means of ‘separating’ the wrongdoer from the wrong he has done. This is the most crucial stage in the whole process of forgiveness” (North 1998, 24).¹⁸ North goes on to explain that this process of reframing enables the victim to see the wrongdoer as a whole person and to contextualize the wrongful deed as something that occurred in particular circumstances, for particular reasons. The wrongdoer cannot, then, be reduced to this particular hurtful action.¹⁹

This analysis of forgiveness has the dual virtue of both providing some conceptual clarity about the nature of forgiveness and capturing what

¹⁸ Of course, this view parallels the teaching frequently attributed to Jesus, but not actually articulated in any single biblical verse, that we should “hate the sin, but love the sinner.”

¹⁹ Hampton 1988 expresses this view of forgiveness with particular clarity. “Forgiveness is thus the decision to see a wrongdoer in a new, more favorable light. Nor is this decision in any way a condonation of wrong. The forgiver never gives us her opposition to the wrongdoer’s action, nor does she even give up her opposition to the wrongdoer’s bad character traits. Instead, she revises her judgment of the person himself—where that person is understood to be something other than or more than the character traits of which she does not approve. And she reaches the *honest* decision that this person does not merit her moral hatred, because he is still decent despite his action” (84–85).

many dozens of subjects in psychological studies of forgiveness say about their own experiences of forgiving (Enright, Freedman, and Rique 1998). But this notion of “reframing” the offender also opens the door to a more extended analysis of the process and purpose of this sort of moral gesture. In fact, I think the contrasting Jewish perspectives on forgiveness noted above enable us to see that this act of reframing is more complex and variable than we might at first imagine. Accordingly, I now want to extend North’s analysis by suggesting that Jewish views of forgiveness need to be interpreted in terms of *the ways in which* and *the reasons for which* the offender’s past misdeeds are “reframed.”

One kind of reframing focuses very narrowly on the particular misdeed of a particular individual offender. This act demands a response, and the sort of response that seems warranted might just depend on whether we think it is typical or atypical of this individual, whether it is characteristic or an aberration. The only way we can know this is if we focus on this individual’s life, and especially on whether the offender takes action to disavow the harmful behavior and replace it with positive behaviors. That is, our assessment of the misdeed depends on whether the offender seems willing to redress the wrong and, as the tradition says, “return in repentance.” Framed in this way, our forgiveness of any particular misdeed will depend on how it fits within a larger narrative of the offender’s life, especially how his or her life unfolds after the transgression in question. So it is that some Jewish authorities insist that there is no (required) forgiveness without prior repentance.

But we might reframe the hurtful deed in a somewhat broader context, that is, in the context of the offender’s life in society. Here the focus shifts from the life story of the offender to the place of the offender in relation to others who have not been party to this particular offense. This is where the concern for rebuking transgressors and hating the sinner comes in. For if we attend to the potential harm that might be caused to other innocent people in the future if this offender’s behavior is not redressed, then we will see this deed very differently. Our response will be conditioned by a concern to protect society and reinforce its norms. Now the proper response to this offender will be considered not as a matter of restoring a relationship between these two individuals in isolation, but rather as a matter of restoring a network of social relationships, present and future, that has been frayed by this offense. Framed in this way, our forgiveness will depend on the way in which we assess the ramifications of this offense for the community at large.

We may widen our framing of the offense still more, by focusing not on this offense alone, but on all offenses by all of us, not only here and now, but in general. Now this particular offender’s action will be viewed as emblematic of the human propensity to hurtful behavior overall. Our concern is no longer with the particulars of this offender’s life or even

the potential that he or she will offend against others in the future. Rather, we choose to see the misdeed as just one instance among countless others that all of us have done or will do, precisely because all of us are flawed creatures. And insofar as we look past the details of this transgression, we will respond to the offender as one flawed person to another and, in Jesus' words, "let the one who has not sinned cast the first stone" (John 8:7). This way of reframing the offender's behavior is grounded in the attitude of humility I discussed above, for now I see this offense as part and parcel of human fallibility broadly construed. Framed in this way, our forgiveness will depend on the extent to which we affirm the common human failings that offender and offended alike are subject to.

Finally, we might widen our focus yet more to encompass our relationship with God. Insofar as we hold certain beliefs about God's goodness and justice, as well as a desire to do God's will or strive to emulate God's qualities, we will see ourselves and the offender in an entirely different light. Our responses to everyone—not only offenders and certainly not only the particular individual who offended against us on this occasion—will be conditioned by a vision of the world as we imagine God would want it. In this situation the goal of imitating God will motivate us to make ourselves conduits for God's action in the world, which almost certainly will entail emphasizing some ideals for our conduct that may be more aspirational than pragmatic. Framed in this way, our forgiveness will depend on placing our interaction with this particular offender in the context of our relationship with God and our desire to reshape the world in God's image.

Each of these four "reframings" focuses us on different aspects of the same situation by placing it in ever-broader contexts. It is much like a lens that can be adjusted from telephoto to wide-angle, and so can take in the same scene by focusing on everything from a single petal of a single flower up to the entire landscape of which this flower is but the tiniest part. No one of these shots is "truer" than any other; all capture accurately what the shutter lets in. And the same is true, I think, for the ways in which we frame any offender's behavior. We think about the problem of forgiveness differently depending on the way we frame the situation in which it arises.

But to note this broad range of possibilities within Jewish tradition is not, of course, to suggest that the choice among them is arbitrary or inconsequential. Quite the contrary. How we choose to frame the offender's behavior is of the utmost consequence, and not only because it will determine in large part our immediate response—whether we demand that the moral debt be "repaid" or whether we "pass over the transgression." For as we have seen, the choice to forgive or not is correlated with our attitudes to justice and mercy. In the final analysis, I think, it turns

on the question of how we think about the very nature and purpose of the moral life. It is to these questions that I wish to turn now in the final section of this paper.

5. Justice and Mercy: Reconsidering the Place of Forgiveness in Judaism

Let me return for a moment to the definition of forgiveness I offered at the outset of this discussion. I suggested that forgiveness is a moral gesture offered by the offended party to the offending party as a way of restoring that person's moral standing, which entails adjusting one's feelings about and behavior toward that person in ways that minimize (and sometimes entirely negate) the ongoing effects of the person's past offense. We have now seen that Judaism endorses two fundamentally different ways of thinking about when forgiveness is called for, and that behind these alternative views lie a host of other beliefs and values about the offender, the social order, our susceptibility to moral mistakes, and our relationship to God, among others. Depending on how we frame the offender's behavior, one or more of these considerations will come into play. Judaism can accommodate more than one way of understanding forgiveness because it makes room for more than one way of framing our response to the offender's behavior.

But it is worth highlighting that both views of forgiveness have at least this much in common: both constitute responses to the transgression, both involve "restoring the moral standing of the offender." From the perspective of those who view the obligation to forgive as conditional, the offender must first engage in repentance as a condition of his or her rehabilitation. The primary work of restoring one's moral standing, then, lies with the offender; once he or she has repented, we restore their moral standing, saying in effect, "we relinquish our condemnation of you for your past behavior in consideration of your subsequent (repentant) behavior." By contrast, unconditional forgiveness meets the offender more than halfway. It represents an offer to restore the moral standing of the offender as a gift, whether as a show of solidarity ("we are all morally broken") or as an effort to emulate God's boundless love ("I will treat you compassionately just as God treats all of us compassionately"). By responding to the offender's moral failure with an excess of moral generosity, this act of forgiveness invites the offender into a different moral realm. It communicates a powerful message to the offender: "Your moral failings notwithstanding, we affirm your moral worth. We will negate the ongoing effects of your past behavior *for* you, thereby giving you a clean slate and a chance to begin anew." The key point is that both types of forgiveness transform offenders, the first by "holding their feet to the fire," so to speak, and the second by lifting them out of the moral

pit into which they have fallen when they cannot (or will not) climb out on their own power.²⁰

This way of thinking about unconditional forgiveness is powerfully captured in a famous teaching of the Hasidic rabbi, Nahman of Bratslav, who wrote, “Know that you must judge everyone with an eye to their merits. Even regarding those who are completely wicked, one must search and find some small way in which they are not wicked and with respect to this bit of goodness, judge them with an eye to their merits. In this way, one truly elevates their merit and thereby encourages them to repent” (*Likutei Moharan*, 282). The power of unconditional forgiveness is precisely that the recipient of this gift may come to see him or herself in a new light. Having been restored to their prior moral standing unilaterally, they may be motivated to do the work of turning their lives around, whether out of a sense of gratitude or simply because a way forward has been opened for them.²¹

This way of explaining the difference between the two Jewish views of forgiveness returns us to what I think is really at the root of this dispute, namely, the relationship between justice and mercy. On the view of forgiveness as conditional, justice is primary. Offenders must be made to pay their moral debts, both because the offended party is entitled to some “compensation,” and because the social order depends on condemning moral transgressions. On the view of forgiveness as unconditional, mercy is primary. Since our duty is always to channel God’s goodness and bring it more fully into the world, we have no choice but to reach out to the offender with compassion. The focus here is not on what the offender has *earned*, but rather on what all of us *need* in order to survive in a world where we inevitably both hurt others and are hurt by them.²²

²⁰ I recognize that this might not be the intention in every case where unconditional forgiveness is practiced, but I suggest that it is the effect of doing so, at least insofar as the offender is made aware that he or she has been forgiven.

²¹ Of course, it is possible that the one who is forgiven will not respond in this way at all, but rather act as though they have been given a “get out of jail free” card and continue in their immoral ways. This is precisely the risk inherent in unconditional forgiveness. Murphy and Hampton 1988 regards forgiveness offered as a way to induce the repentance of the offender as “arrogant” (30). But, if so, then so too is the teacher who provides undeserved words of encouragement to a struggling student who might be motivated to try harder as a result. Indeed, offering forgiveness as an act of generosity in this way is precisely to use one’s own behavior as a moral model for the offender, calling forth the angels of her better self. Nonetheless, Kolnai 1973 is certainly right that this is not a necessary dimension of forgiveness. “It is possible to ‘re-accept’ somebody—the essence of forgiveness—without exculpating him and without hoping for anything like a thoroughgoing repentance on his part” (104).

²² In just this sense, unconditional forgiveness is a moral “gift” given out of a generosity of spirit or a desire to prioritize encouraging the offender’s moral rehabilitation over collecting the moral compensation that one is owed. Seen in this light, we can appreciate the

Both of these elements—justice and mercy—have long been highly esteemed by Jewish thinkers, and so too resolving the tension between them has remained one of the great unresolved issues in Jewish theology and ethics. Those who come down on the side of justice have emphasized that justice is one of the cornerstones of civilized society and one of God’s most precious gifts to us. The rabbis wrote:

Rabban Simeon ben Gamaliel said: The world stands on three things—on truth, on justice and on peace, as it is said, “Execute truth, justice and peace within your gates” (Zechariah 8:16). These three are interlinked: When justice is done, truth is achieved, and peace is established (M. Avot 1:18), [as well as] The Holy One said to Israel: My children, as you live, I am exalted because of your intense concern for justice; “The Lord of hosts is exalted through justice.” (Is. 5:16). (Deuteronomy Rabbah 5:7)

Where securing justice is our primarily religious duty, a moral commitment rooted in our devotion to God, offering forgiveness will forever be conditional on offenders repaying their moral debts, for what system of justice can permit offenders to go free?

On the other hand, those who emphasize the pre-eminent value of mercy will note that this is identified as God’s most salient quality. This is articulated pointedly in another rabbinic teaching:

Rabbi Yohanan said in the name of Rabbi Yosi: “From where do we know that God prays? As it says ‘I will bring them to my holy mountain, and I will cause them to rejoice in the house of my prayer (Isaiah 56:7). It does not say ‘house of your prayer’ but rather ‘house of my prayer.’ [The Hebrew *beit tefilati*, is ambiguous and could be read as either “my house of prayer” or “the house of my prayer.”] From here we see that God prays.

What does He pray? Rabbi Zutra bar Tuvia said in the name of Rav: ‘May it be my will that my mercy conquer my anger, my mercy be revealed in my attributes, I treat my children with the attribute of compassion, and I go for them beyond the bounds of strict justice.’” (B. Berakhot 7a)

God knows that the world cannot long endure without compassion. Where mercy trumps strict justice, unconditional forgiveness must prevail.

mistake that some writers have made in suggesting that the person who fails to feel the (supposedly) natural resentment that comes with being harmed is lacking in “self-respect.” The same sort of analysis would lead one to the false conclusion that one who gives a gift to someone fails to feel the (similarly natural) attachment to one’s own possessions. But giving something away—whether one’s moral claim or one’s personal possessions—implies nothing other than putting concern for another above self-interest. For an example of this misguided analysis see Murphy and Hampton 1988, 16. While there are certainly cases, for example that of a battered wife who refuses to seek help or press charges against her abusive husband, where failure to respond retributively may indicate a lack of self-respect, plainly this is not the case in all instances where a victim fails to express resentment.

This unresolved theological tension between God's justice and mercy points to what I suspect is a still deeper unresolved tension in Jewish ethics. These alternative theologies of forgiveness reflect two opposing ways of understanding the purpose of our moral action, and this tension is nowhere clearer than in connection with forgiveness. For the question of forgiveness poses what is really the ultimate moral problem in that it requires us to consider what is the proper moral response to immoral behavior. One possibility is that the moral response is to "undo" the immoral behavior by reasserting the demands of conventional morality and requiring the offender to restore the world to the state it was in (as much as possible) prior to the offense. This is what we might call a "restorative" model of morality, one that sees each immoral deed as tilting the scales of the world and requiring a response that tilts them back in the opposite direction, until the world is once again in a state of moral equilibrium. On the other hand, the moral response might be to act so as to create a new moral situation, one in which the distance between the offender and the offended is overcome, in which we do not attempt to reassert the moral values on which society as we know it rests, but rather to create a new kind of society on an altogether different foundation. We might call this a "visionary" model of morality, insofar as it aims not only to transform a single offender, but to transform the world by creating a society that rests not on justice, but on mercy. Just as we treat the offender *as if* she were more deserving than she is, we act in the world *as if* it were already a place in which God's compassion flowed freely among us.²³

This, then, is finally what is at stake in the question of forgiveness: does immoral behavior require a moral response that is essentially *restorative*, that seeks to preserve society as it is, or does it require instead a moral response that is essentially *visionary* and *transformative*, that seeks to create a new basis for human relationships? Both views have their merits, as well as their risks. If we adopt a restorative morality, focused on the demands of justice, we risk creating a society in which people who are themselves in need of forgiveness are forever withholding it from others, or threatening to do so. In such a world we are forever keeping track of who is "up" and who is "down," who is justified and who is not. The demands of justice, after all, are endless, uncompromising and, so to speak, "unforgiving." But if we adopt a visionary morality, we risk creating a society in which people are no longer held accountable for their misdeeds. In such a world our reach may exceed our grasp, and instead of

²³ Schwarzschild 1999 forcefully articulated this visionary thrust in Jewish ethics, which he called "messianic." As he expressed it, "Messianism as an ethical operator simply declares that, since humanity is to strive to imitate God and thus to endeavor to become like Him, and since they are to undertake these efforts in this world, the ultimate goal of ethics is to establish what is then called 'the (Messianic) kingdom of God' on earth" (206).

attaining the lofty heights of unconditional compassion we may descend into a situation of moral chaos and unrestrained lawlessness. Neither outcome is particularly appealing, and the choice that Jewish thinkers have made at any given point in history may be a function of which risk they found most unsettling.

This analysis of Judaism's philosophy of forgiveness might well end here. For I think I have shown that there are two quite conflicting and equally compelling ways in which Jewish authorities over the centuries have addressed the question of when and why we have a moral duty to forgive others for their offenses against us. And I have argued that these divergent positions are grounded in still deeper unresolved theological and meta-ethical questions in Jewish tradition, namely, whether we emphasize the obligation to emulate God's justice or God's mercy, and whether we think of morality as essentially restorative or visionary. To homogenize these profound and longstanding disagreements within Jewish tradition is both to misrepresent the diversity of Jewish religious-moral thought and to understate the complexity of the question at hand. For if forgiveness is sometimes portrayed as the greatest of moral gestures, it is surely also one of the most problematic. I submit that the very ambivalence we find in the Jewish moral teachings presented here reflects the intractability of the problem of forgiveness.

But concluding our analysis here does not quite do justice to the subtlety of rabbinic thought on this subject. For, while the rabbis were often willing to let their debates remain unresolved, they were also eager to reconcile opposing views by embracing both poles of a dialectic.²⁴ Plainly, they were well aware that the problem of forgiveness exposed deep divisions within the tradition, too deep, perhaps, to pass over in silence. That impulse to find the middle ground between opposites finds expression in one final text that refers this debate back to the very foundations of the world. In commenting on Genesis 2:4—"The Lord God made earth and heaven"—the rabbis comment:

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 and] burst; if cold water, they will contract [and break]. What did he do? He mixed hot and cold water, and poured it into them, and so they remained unbroken. Likewise, the Holy One 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? So I will create it with both justice and mercy, and may it endure! (Genesis Rabbah 12:15)²⁵

²⁴ Most famously, in their claim that the (diametrically opposed) views of Hillel and Shammai were both "the words of the living God" (B. Eruvin 13b).

²⁵ Modern biblical scholars have long recognized that Genesis 2:4 links two separate creation narratives. The first, ending with 2:4a, uses "God" (Heb. *elohim*); the second, beginning with 2:4b, uses "The Lord" (Heb. *adonai*). Long before the advent of modern biblical criticism, Jewish tradition recognized that these two names for God were associated

Justice and mercy—both are necessary to sustain the world, but either alone threatens to destroy it. Both the restorative and the visionary responses to immoral behavior are necessary; neither alone is sufficient. So the conflict between the conditional and unconditional views of forgiveness cannot be resolved arbitrarily in favor of one position or the other. Indeed, the rabbis point might well be that each understanding of forgiveness has its place and taken together they hold one another in balance. For they recognized that the moral world we inhabit, like a delicate cup, is ever so fragile; indeed, God created it this way. And so we find ourselves in a world where both justice and mercy are needed in equal measure, and so where forgiveness paradoxically must be both conditional and unconditional.²⁶

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with the qualities of justice and mercy respectively. So this verse serves as a particularly apt prompt for the rabbis’ reflection on the necessity of both qualities. I am grateful to Jonathan Crane for calling my attention to this.

²⁶ The foregoing analysis of forgiveness in Judaism should be taken as a corrective to my earlier and less extensive analysis of sources on this question in Newman 1987. I am indebted to Jesse Couenhoven and all the other participants in the conference he organized at Villanova University on “Possibilities of Forgiveness,” Feb. 20–21, 2012, for their insights and their responses to an earlier version of this paper. I have also benefitted from the helpful comments of Jonathan Crane and Geoffrey Claussen and from extended discussion of these issues with my wife, Rabbi Amy Eilberg.

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