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Justice and Mercy | Augustana College

**A homily presented on October 21, 2003 at Ascension Chapel,
Augustana College**

Steven C. Bahls, President of Augustana College

Today's scripture means a great deal to me. It's from the prophet Micah, chapter six verse eight. "And what does the Lord require of you? To act justly and to love mercy and to walk humbly with your God." I remember first thinking about it when I was in high school in Des Moines, Iowa. I had a church school teacher who was a lawyer. He said this scripture had been a guiding influence for him in his personal and professional life.

I've spend many years thinking about the scripture, particularly the relationship between justice and mercy. Justice is rendered when people receive their due, according to the law, be it God's law or man's law. An act of justice is typically an act of the law, and might be an act of vengeance and force. Mercy, on the other hand, means exercising forbearance. An act of mercy is an act of grace and compassion.

The relationship between justice and mercy is one of the toughest legal and public policy questions our country faces. When is it just to execute a murderer, and what role should mercy play? Should all those convicted of drug offenses serve stiff, mandatory sentences as part of the war on drugs? What is the role of parole, pardons and clemency for those who have committed serious crimes? Should we punish juveniles and those with mental illnesses in the same way we punish adults who are of sound mind? Should we extend a degree of mercy to those held at Guantanamo Bay, by giving them the same constitutional rights as U.S. citizens? Or suppose I have been hurt by the negligent acts of another, and I believe I could obtain a large court judgment. Should I file a lawsuit? Or should I turn the other cheek?

Over the years, several images have been helpful to me in understanding the relationship between justice and mercy. One image is the depictions of the Greek goddess Themis. Popular culture calls Themis "Lady Justice." She often stands atop rural court houses. My friend, Professor Josiah Blackmore from Capital University, did some research into how Themis has been depicted over the years. Today Themis is depicted as a young, athletic woman, blindfolded, holding a sword in one hand and the scales of justice in the other. The blindfold means that she dispenses justice impartially; the sword means she enforces it. She is often seen stepping on the head of a serpent. This is a woman to be taken seriously. One is reminded of the saying that those who live by the sword, die by the sword. It is not a picture of kindness and mercy.

The oldest depictions of Themis, however, were quite different. Themis was an older and wiser woman who did not have a blindfold or a sword. She was seated and holding out a cup of libation. The older depictions made it clear that she invited those with disputes to work with her to resolve them in a cooperative way. This image of Themis reminds us that justice at its best is designed to restore relationships. I rather like the older image. Without the blindfold, she can better temper justice with mercy - because she can see the impact of justice on

humanity.

Another image that has been thought-provoking to me is Pieter Bruegel's drawing, *Justice*, done in 1560. Though this is an old drawing, the newer style of Themis is found in this drawing - blindfold, sword and all. Themis is standing on a perch, proud and mighty - but oblivious to her surroundings. She doesn't see the human suffering and misery around her, much of which is caused in the name of justice. She is indifferent to those around her, and those around her are indifferent to justice. Had Themis been looking out from under her blindfold, would she have been so smug? Is justice that is blind to the consequences of its rigid rules true justice? Might she have agreed that dispensing both justice and mercy would make for a happier picture?

A final image that has been a powerful one to me is the Lake County Courthouse in Paynesville, Ohio. This is an old-style courthouse, built of limestone with impressive peaked roofs. It is the only courthouse that I know of that has large limestone statues of Cain and Abel flanking its front steps. Why would a courthouse display Cain and Abel? Because, of course, Cain's trial was the first murder trial. Do you remember the result in that trial? Cain was convicted of murdering his brother, so justice was served. Do you remember the sentence? Cain was expelled from paradise and sentenced to "be a restless wanderer on the earth." Gen. 4:12. Do you remember what Cain said? He said to God, "My punishment is more than I can bear whoever finds me will kill me." Gen. 4:13-14. God responded by putting a mark on Cain so that no one could kill him. What was the result of the first murder trial of all time? God combined justice with mercy.

Shakespeare was correct in *The Merchant of Venice IV*, 1, when he observed that

"The quality of mercy is not strained,
It dropped as the gentle rain from heaven
Upon the plain beneath
And earthly power doth then show like God's
When mercy seasons justice."

How have I interpreted Micah's call to do justice and love mercy? For me, the first question to be asked while balancing justice and mercy is, what is just? Once we determine what is just, we need to consider seasoning justice with mercy. When asking whether to grant mercy, we should remind ourselves that, but for the grace of God, we could be the one in the seat of the person to be judged.

In my own life, I have spoken out against the death penalty because of my understanding of the interplay between justice and mercy. Justice requires a severe penalty for one who commits murder. But mercy, I believe, dictates that it not be the death penalty. I have been active in advocating for the justice system to refrain from warehousing those with mental illnesses in our county jail. Instead, governments should look for ways to help those with mental illnesses be productive citizens. Justice requires all people to face consequences for their misdeeds, but mercy allows for the consequences to be tailored to the situation.

I have advocated for the rights of children who are victims of abuse and neglect. Our justice system is good at the justice aspects of punishing parents who abuse and neglect children, but not so good at mercy - getting

those children into permanent, adoptive homes. I also believe strongly that people of faith should not automatically turn to courts to resolve disputes. Litigation may achieve some degree of justice, but it is often merciless in destroying relationships. I tend to agree with the Apostle Paul when he writes that "the very fact that you have lawsuits among you means you have been completely defeated already." 1 Cor. 6:7.

It is not lawyers and judges alone who should be concerned about tempering justice with mercy. Everyone should think about these issues. When you are wronged - do you act to seek justice for yourself or do you view the wrong as an opportunity to forgive and strengthen community? I believe that mercy can strengthen justice when it restores relationships and fosters the responsibilities associated with positive relationships. Walking humbly with our God does, indeed, help us find the correct balance between justice and mercy in a way that glorifies God.



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