

Should we be just or should we be merciful?

My address this morning asks if we should be just or if we should be merciful. Put simply, is justice more important than mercy, or is mercy more important than justice? At first glance, this seems a very philosophical topic. It is also, however, a spiritual – and practical – question. It is one all of us face in our daily lives.

We need justice. It secures a safe and equitable life for us all. Rules, laws, judicial systems, and fair governance ensure a peaceful and secure society, and a benevolent order in which we may thrive. Justice is a virtue.

Yet at times, justice can appear overly virtuous. The law can be cruel, flawed, obsolete, unjust, and can ‘get it wrong’ sometimes. And equally importantly, people humankind can be flawed, make grave personal mistakes, be innocent of supposed transgressions, break good laws, and ‘get it wrong’ at times. This simply seems to be the way of things. In these circumstances, a counterbalancing force to justice is required, one that offers forgiveness and clemency. This countervailing force is the virtue of mercy.

Thus, there is an argument that our long-term survival depends on both justice and mercy. Yet getting a balance right between them is difficult, in our home and personal lives, and at societal and political level. Justice is prudent, reasonable, and necessary. Mercy, on the other hand, is arbitrary, emotive, and contingent. Justice and mercy seem opposite, conflicting, even contradictory. If we need both, which should we strive for more?

The inspiration for this address came from Joe Humphreys’ *Unthinkable* philosophy column in *The Irish Times*. In a recent piece on June 27th, he discussed this very topic drawing on a book published some months ago, entitled *On Mercy*, by Malcolm Bull. Bull is a professor of art and the history of ideas at the University of Oxford, and his book argues that justice and mercy are out of kilter in today’s world.

Before we look at Malcolm Bull’s argument in more detail, let us consider what a Unitarian perspective on this question might be. Reason is a foundational principle of Unitarian belief. As the great Ernest Savell Hicks (Minister of this Church for 52 years) put it, Unitarians like ‘to throttle reason almost to its last gasp’. Religious freedom and liberal theologies of the kind that enabled Unitarianism to develop, arose in the Age of Reason – The Enlightenment – in the late 17th and early 18th centuries.

This era was characterised by a distinctive intellectual inquiry that emphasised the claims of individual conscience, a disintermediated relationship with God, and a sceptical view of monarchical and state power, and one that often encouraged and tolerated dissent from current orthodoxy. In this new world of rational progress, the stern intellect of justice would triumph over the emotional arbitrariness of mere mercy. There would be limited, if any, need for the virtue of mercy. Indeed, the dissenting tradition of this church goes back to Oliver Cromwell, a soldier and parliamentarian, not much given to mercy.

So in the dilemma between justice and mercy, should we, as reasonable Unitarians, choose justice? But lo behold the panel of beatitudes in front of us. In the very centre is the beatitude: 'Blessed are the merciful, for they will be shown mercy', which is, among other meanings, an encouragement to forgive those who have been unkind to us. The quality of mercy, the encouragement to be merciful, and the human plea for mercy – Lord have mercy on us – feature extensively in the Bible.

The beatitude right beside it speaks to the importance of justice: 'Blessed are they who hunger and thirst for righteousness, for they shall be satisfied.' Many texts and passages in the Bible exhort the importance of justice whether divine, social or individual, and dwell on the evils of wrongdoing, making judgement, and possible retribution.

If we consider, for a moment, that in the times of the Bible, the lot of most ordinary people was harsh and short-lived. Jewish faith involved many laws and rules, and transgression was quickly punished. Roman law was sophisticated but its administration, particularly towards a subject people, was summary and cruel to our modern eyes. A thief would be crucified, not sent to a rehabilitational facility. Thus, a sovereign ruler might gain more respect from his people by an act of mercy towards a miscreant, than in the efficient exercise of justice. Indeed, the power of monarchs was often legitimated by their acts of clemency, their mercy demonstrating their divine nature. In a harsh and unfair world, God at least, and maybe some kings, would be merciful.

Thus, while the Bible stresses the importance of both justice and mercy, it can be argued that the respect and affection we now hold for the Bible lies more in its call for mercy, forgiveness and clemency, rather in its exhortations for justice, righteousness and judgement.

One intriguing, and my favourite, parable from the New Testament, The Parable of the Prodigal Son, sets mercy at odds with justice. In this story, the father joyfully, and generously with a 'fatted calf', forgivingly receives back his younger prodigal son who has journeyed wastefully and squandered his

inheritance. Not surprisingly, the older brother who has stayed at home and laboured dutifully on the farm, feels hard done by, complaining that ‘he had slaved all these years’ for little reward. And while the father seeks to reassure him that this is not the case, the younger brother does indeed feel a deep sense of injustice. There are many interpretations of the meaning of the Parable of the Prodigal Son, but this intrinsic play between justice and mercy must, in part, explain its abiding popularity.

But let us look at a story today in Ireland that also sets justice and mercy in sharp contrast. On August 2th last *The Irish Times* featured a headline, with an accompanying article and picture, entitled ‘Wife and daughter feel bereft as husband deported after spending 13 years in Ireland.’ It reported how an Armenian-born man, Vahram Harutyunyan, had missed his daughter’s fourth birthday party because they had been separated for almost a year. On August 15th the previous year, Vahram, who has lived in Ireland for almost 13 years, was deported, leaving his wife, Viktoria Gagkaeva, and their Irish-born daughter, Alina, behind. Vahram had gone on that day to Dublin from Galway for a regular appointment at the office of the Irish Naturalisation and Immigration Service. But shortly after arrival he was arrested, and within 24 hours was on a flight with four gardaí to Armenia, having been able to just leave a short voicemail goodbye to his wife and daughter.

His wife, Viktoria, is originally Russian, and spent eight years in direct provision here in Ireland since she was 14. She and her parents have permission to remain in Ireland and she works as a beautician in Galway. Vahram, her husband of almost five years, would appear to have left direct provision not long after his arrival to Ireland in 2006. He has been working full-time as a barber in Galway. But there had been a deportation order against him.

This is not an unusual immigration or asylum story. Vahram was working illegally in Ireland and there may have other issues. The judicial process and procedure of his deportation were executed correctly. There are many such summary deportations and they fully concur with the law of the land. Yet to many of us, the picture in the paper of his young wife and of his forlorn, face-looking-downwards beautiful birthday girl would call out for mercy to trump justice. Perhaps it will, in time.

Let us return to Malcolm Bull’s book *On Mercy*. He points out that since antiquity, mercy has been regarded as a virtue. It was perceived as a worthy countervailing impetus to mere justice. The Stoics in particular, Zeno, Seneca, Marcus Aurelius, and others, loved the idea of mercy. Here is the Flemish humanist and stoic, Justus Lipsius, speaking beautifully of mercy in 1589. He

identifies justice as the ‘sun of government’ and, in balance, mercy as ‘the moon of government’. He sees mercy as a goddess, and says of her:

‘This goddess is lenient and soft; she mitigates and moderates; she sets free the guilty, raises up the fallen, and comes to the rescue of those who ruin themselves. And I cannot describe her otherwise than as a virtue which, on the basis of judgement, leans away from punishment and revenge, towards mildness. Of all virtues, this is the one most proper to man, as it is the most humane.’

Six years later, the great Bard of Avon himself would have Portia say in the *Merchant of Venice*: ‘The quality of mercy is not strained. It droppeth as the gentle rain from heaven upon the place beneath. It is twice blessed: It blesseth him that gives and him that takes... And earthly power doth then show likest God’s, when mercy seasons justice.’ When mercy seasons justice...

So should we be just or should we be merciful? Malcom Bull argues, as I hinted earlier, that the Enlightenment essentially rejected mercy. A society operating on the confident principles of rational self-interest had no place for something so arbitrary and capricious as mercy. The Neapolitan jurist Gaetano Filangieri, writing in 1847, called mercy ‘an injustice committed against society... a manifest vice’. Mercy gradually disappeared from the lexicon of political theory and debate.

However, Bull contends, these idealised conceptions of justice have proved too limiting. Political realism demands recognition of the profound underpinning role of mercy in society. If we are vulnerable to harm from others, we are also in need of their mercy. By restoring the primacy of mercy over justice, he contends that we may constrain the powerful and release the agency of the powerless.

Malcolm Bull’s book is an important contribution to contemporary political thinking from an inventive and humane writer. It makes a persuasive case for returning this neglected virtue of mercy to the heart of political thought, and action, and to the ways we organise and govern society. In his book, Bull has also some interesting observations about artificial intelligence (AI) and mercy. If you think Cromwell was merciless, await the arrival of robots!

In Joe Humphreys’ column in *The Irish Times*, he interviews Malcolm Bull who offers some amplifying comments in a more journalistic style. It is worthwhile to quote a few.

On mercy: 'It is possible to live without justice, we do it all the time. But without mercy we are dead, because no one can possibly defend themselves successfully against every threat at all times. It is the fact that other people do not exercise their power to harm us to the full that allows us to survive from one day to the next. It provides us with the security needed to think about whether our social arrangements are just or not.'

On the limits of justice: 'As Aristotle was the first to recognise, it is actually quite difficult for justice to function successfully without recourse to a supplementary principle that softens the way its rules are applied. When that's the case, justice gradually reshapes itself to fit the contours of mercy in any case. That's one reason why penal codes generally become less harsh over time.'

On the challenge of balance: 'If the chief problem with justice is that it cannot see beyond its own borders, the beauty of mercy is that there is no boundary it cannot cross, no rule that cannot be applied more mercifully than it was in the past. But that, as critics of mercy have always pointed out, is also a danger, because mercy potentially unravels the very fabric of society and takes us back towards anarchy. However, we underestimate the degree to which we live in a state of anarchy already. And the fabric of the world is not just undone by mercy; it is made by it.'

In conclusion, and to finally answer my question to us here this morning: Should we be just or should we be merciful? I would remind us all that love is the greatest of virtues. As we recited together earlier, love is the doctrine of this church. Love enshrines both the virtues of justice and of mercy.

We should love justice, for justice is at the loving heart of a healthy human condition. We should love mercy, for mercy is love enacted. Seek balance and wisdom in the pursuit of both. Be watchful. When justice, as may sometimes happen, is not as righteous and as fair as had been intended, we as Unitarians are not afraid to embrace doubt, and so we should be merciful in the hope that others, in time, will be merciful to us.