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What is Justice?, 1923.



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SERMON BY RABBI ABBA H. SILVER.

SUBJECT:        WHAT IS JUSTICE?

AT THE TEMPLE, SUNDAY MORNING,

APRIL 8th, 1924, CLEVELAND, O.

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In discussing the problem of human freedom last week I said that freedom is predicated upon the idea of man's perfectibility; the basis of freedom, the need for freedom, are to be found in the hope or the belief that man, while not yet perfect, may grow progressively more perfect; and I said that the goal of freedom was so to subject our lower selves, our lower impulses, our lower instincts, that the commission of a wrong deed becomes impossible for us.

We become free when we do the right thing, because we cannot help doing it; we are free when every fibre of our character and our being drives us and propels us to do the right thing. It is like a master pianist. The student of the piano, or any musical instrument, is a slave of that instrument as long as he has not yet mastered it; he must think of every note he strikes, and there is an intellectual effort involved in every lesson, but once he has mastered his instrument, or his composition, he plays it almost without thought to the technique; he becomes free then to do the interpretation, the thinking into the meaning. But he is free to the extent of having freed himself from the shackles of inexpertness.

And so it is with the moral life. When we have mastered ourselves, when we have controlled the baser, the lower emotions and impulses of our lives, then we are free for the higher adventures of living.



Now, what is justice? Justice has at all times been regarded as perhaps the highest and the most fundamental of virtues. The Greeks, especially the later Greeks,--the Greeks of the days of Socrates and Plato, had a real enthusiasm for the ideal of justice, and they said that justice was the harmony of all other virtues; and the Jew, who not only had an enthusiasm for justice but a veritable passion for it,--his very thinking was dominated by his passion for justice. The Jew set up as the goal of living the pursuit of justice. "Justice, justice, shalt thou pursue!" Mind you, not merely practice it but to seek it, to pursue it as an adventure.

It has often been said that the Jew had only a legal sense of justice; to him justice was only a retributive reward and punishment; a matter of bargaining; give and take; it was only with the coming of Christianity that the higher ideal of love supplanted the more primitive and elementary idea of justice propounded by the genius of the Jew.

But that is not exactly true. The Jew did not deny the value or the splendor of the ideal of love in the world--love as between man and man, love as between one people and another--"Love thy neighbor as thyself"--which is an old Jewish ideal; but the Jew knew that you cannot base a state, a social organization, upon a concept so tender and so subjective as the concept of love. You cannot define it sufficiently to make it workable, practicable and serviceable. And so the Jew conceived of love in its social implication,



not as something partaking of the nature of a vague sentiment or yearning for some indefinable altruism that was not on land or sea, but love to the Jew in a social sense meant a sense of obligation, a sense of responsibility for our neighbor, a sense of concernedness in his welfare and in his need.

That marvelous 19th chapter of the Book of Leviticus, "Ye shall be holy, for I the Lord your God am holy," presents a whole code of supreme ethical conduct. "Ye shall not oppress, ye shall not steal, ye shall not hate your neighbor in your heart; ye shall not curse even the deaf; ye shall not put a stumbling block in the way of the blind; thou shalt not be vengeful; ye shall not bear a grudge." And ends with this marvelous sentence, "Ye shall love your neighbor as yourself" - meaning that this idea of love has preceded all these ethical injunctions so subduced in the general idea of loving your neighbor.

It is a much more definite and determinable quality than that of the mystic love which the Christian church presented to the world.

Now, we said that the idea of freedom is predicated upon the belief in man's perfectibility. What is the idea of justice predicated upon? Well, I would say that it is based, first, upon the belief in man's dependence upon his fellowmen--in human interdependence. We must be just because we need our fellowmen. No man lives unto himself alone; no man can grow morally unless he can establish contacts with



other men. The isolated man, the hermit, the man removed from all contact and all association and all relationship, is a man who will never grow, really, morally, and never develop spiritually, who will stagnate within one idea.

We grow. It is a truism that we grow through responsibilities. Responsibilities develop us, we say. Our characters are fashioned in the crucible of our life's experiences. Now the more responsibilities we have the more will our character, our moral being, be refined and purified. Therefore the more relationships we establish in life, the more responsibilities we will have and the more will our character be ennobled and refined. As a man grows in contacts--a citizen, a husband, a father, a friend, a champion of an ideal--his character develops as these responsibilities make ever growing demands upon him.

In other words, men make us, men perfect us; the social organization about us makes us, in a sense, what we are. And so this sense of human interdependence--"I cannot be unless you are; my life cannot be worth while unless your life is, because I must partake of your life even as you must partake of my life,"--that sense of interdependence means ultimately justice, because without justice there cannot be this give and take in life, this spiritual give and take in the world.

In other words, we are just, first, because we realize that we all are travelers in the same ship. Some of us might occupy more comfortable compartments on the higher



deck, and some may be on the lower deck; some may have more comforts and some less comforts, but after all we are all in the same ship, and we all must have a minimum of things in common. For example, the man who is away down in the steerage and the man who is away up on the promenade deck, both of them, must feel that the ship is seaworthy and safe. The safety of the boat concerns the man away down as the man away up. Both of them must feel that there is a competent hand that is piloting the ship; both of them must have a minimum, at least, of food and water. And all onboard ship must have a goal, namely, to get somewhere, to get into some port ultimately.

That is life. There are things which all men share, must share, or else the very experiment of living becomes impossible. That, to my mind, is one of the bases of justice.

But there are others. I believe that justice is predicated upon the idea, too, that the order of the universe is just, that back of all the phenomena about us, back of what we see of nature in the world, is an order that is moral and just, and that we human beings come into complete harmony, into the complete beat and rhythm of the universe as we try to approximate the ideal of justice which exists in the universe. Some call it God. The Jew and the religious man everywhere believes that God is the fons et origo--the source and the fountainhead of all morality, and that if God does not exist, if there is no moral order in the



universe; if nature is controlled by blind, unyielding, heedless, careless, fixed laws; if there is no Supreme Intelligence that is concerned in our fate, that wants us to reach up, then there is no sense to the concept of justice, really; then "Eat, drink and be merry, for tomorrow we die," is perhaps a more reasonable program of living.

But whether we accept both as the basis for the idea of justice, or one; whether we are a religionist or only a utilitarian; whether we are driven to it by faith in God or by enlightened self-interest, justice is a very definite and a very solid basis upon which to stand.

Now I said that the goal of freedom, you will recall, was so to control our life, our lower self, as to do the right almost instinctively and without effort. Now, what is the goal of justice? And that is very difficult to determine. First of all, justice is a changing concept. What was just three thousand years ago may not at all be considered just today; and what is just in the Orient may not at all be considered just in the Occident. And yet in spite of the fact that justice, like a living organism, changes and involves, there must be, I believe, a certain ultimate, even if remote, goal to which we tend when we try to do the just and the right things.

What is the goal of justice? Well, I suppose it is the perfect society. Now what is the perfect society? Well, a perfect society has been defined as a society in which every man does what he wishes to do, but wishes to do



only that which brings happiness to other people as to himself. Please get the full implication of this definition. A just society is one in which every man does what he wishes to do. In other words, in which every man is free, but wishes to do only that which brings happiness to his fellow-men, even as it brings happiness to himself.

In other words, a freedom within, a sense of social responsibility; a freedom within law; a freedom which recognizes the basic truth of human interdependence; in other words, justice may be defined as a condition in life which gives a man the greatest opportunity for self-development, which self-development does not interfere with the self-development of every other member of that society.

Justice, then, is the right to free expression of one's being, of one's aptitudes, of one's personality, the removal of chains that shackle, of walls that confine.

The pagans, the Greeks, realized this fact, but did not realize it enough. They believed that justice should remove restrictions and give free play to one's life, but only within the limits of your caste, within the limits of your group--on that stratum, on that level; you are not to rise to a higher level; justice based upon division, upon

classification, upon stratification. Aristotle, for example, could see nothing wrong in one man using another man as a tool. To him that was absolutely ethical; that a man, say, in the governing class should use a man in the artisan class, or a slave, merely as an intelligent tool to do



his work for him.

Now, that is only an elementary conception of justice. The Jew went beyond that, and we have outstripped that early pagan conception of justice. Justice demands that there be no artificial walls, no legal formulae, no traditional barriers; there is no one code for the feudal lord and another code for his villain; there is but one code of the law and one standard of justice, and justice demands that these artificial standards, established not by nature but by men, be removed so that the villain, if so he be endowed by capacity, by nature, with gifts and aptitudes, should rise to the position of the lord.

Now, this sense of justice does not demand equality; and that is very fundamental in our reasoning. Some people think that in order to be just a society must establish a legalequality among men. That in itself is an act of injustice, because men are not all equal. Nature has not made all men equal; nature has not given the same spirituality, the same equal qualities, the same gifts, to every human being. There are no two things alike in the world, but justice demands that every man be given an opportunity to express himself as far as he can go.

If he can become a perfect mechanic, then society should give that man that opportunity through training and schooling to work to perfect himself in his art as a mechanic; and if only a poor lad, a street gamin, has a genius for music or for art, then society must give him, if



it is a just society, every stimulus and every opportunity to develop those latent gifts that are his. The mechanic will never be a musical genius, even as the musical genius will never make a good mechanic, but within their natural spheres--not their human artificial spheres--but within their natural endowments, they will become fully developed and therefore fully realized.

And that is justice. Justice--the ideal of it--you can apply it to your political life, you can apply it to your economic life. Justice demands the abolition of poverty--not on any sentimental reasons, but first for the good of the state, and then for the good of the individuals within the state. Justice demands the abolition of irresponsible wealth--not on the ground of vague idealism, but for the sake of the welfare of the state and of the welfare of the individuals within the state.

It is sometimes said that poverty is a spur to initiative, that necessity is the mother of invention. Well, in a sense, that is true, but as it has been truly said, "a pinch of poverty," a momentary experience of want, may be a spur, an incentive, but constant poverty, continual want and misery--a crushing, degrading, demoralizing, all-consuming want, is like a blade that disables, that tears the moral constitution of a human being.

Poverty really makes for hate and for envy; poverty restricts the output of social assets; poverty keeps society from profiting from the precious all that is undoubtedly to be



found within the souls of millions of men who were never given a chance. We have two million children working in our factories and our mills. Society loses the precious ore of human worth--the ability, the talent, the genius, that may be among these two millions, because poverty restricts these lives, stultifies them, crushes them, and makes them social debris; and when an economic organization like ours, which does not suffer from want because there is plenty, but suffers from a wrong distribution,--when an economic organization permits millions to live all their days, all their days, on the verge of penury and want, society is losing great social values, because it is making desolate lives which could become productive and valuable.

And so our definition of justice, which is opportunity for self-expression, demands that the next great war of society shall be a war not for territorial aggrandizement, not for empire, but the next great war be a war upon poverty. It can be destroyed. God has given unto men a world rich and abundant for all our needs and for the needs of everyone. It is only our inadequate sense of social responsibility that has kept our organization so faulty and so unjust.

If that same amount of thought and energy that was expended in five years of war, the same amount of planning and thinking and scheming, and the same amount of wealth, precious wealth that was spent in destruction, in mutilation, in increasing poverty and misery in the world, would have been spent upon a constructive effort to do away with poverty and



want in the world, we would today be advanced a thousand years in social progress.

And the same definition of justice demands the limitation of wealth in the hands of those who did not create that wealth, and the limitation of power in the hands of people unused to the beneficent utilization of power. The great Jew once said, "It is as difficult for a camel to pass through the eye of a needle as for a rich man to enter the kingdom of Heaven." And there is a tremendous truth therein. Wealth in itself is not a vice, and the Jew never looked upon wealth as an evil in itself, but it takes training and discipline to prevent a man from becoming victimized by wealth, of becoming possessed by the very things which he possesses.

Wealth in many instances debilitates and enervates and weakens character; it makes for snobbishness; it makes for estrangement; it keeps a man from contact with his fellowmen, and therefore keeps him from development. Wealth improperly distributed makes men disgruntled and unhappy because it makes them realize that there is no parity in the world between worth, merit and reward.

And so our entire problem of economics must be approached not from the point of view of selfishness--"I want to get something because I haven't it and you have it"--which is largely the philosophy of all movements of economic reconstruction, but the problem must be approached from the high moral plane society needs and demands--the complete



fulfillment of the lives of its individuals. And great poverty and great wealth makes such a fulfillment practically impossible.

How are we to correct these abuses? I have no theory of social reconstruction, and I do not think that any theory is adequate; I do not think that any system can be projected that will be serviceable a hundred years hence. Experience must correct our theories right along, but we will never have experience unless we are ready to experience and to experiment. In other words, the whole hope of establishing justice in the world, whether it is in education or in politics or in our economic life, whether it is in our human life, whatever our relation may be, justice can be established only as we are ready and eager to experiment with new ideas, with new systems, with new suggestions.

Why, that is how the scientist discovers a cure for a disease in his laboratory. He does not start out with a thesis and a theory and then attempt to establish it. He will experiment there day after day, year after year, accepting and rejecting and correcting all the time until he has found the real solution for that particular problem which is bothering him at the time. And that is how nature does, isn't it? in the great laboratory of nature. How is man fashioned? Why, it took nature millions of years fashioning one species after another, rejecting, killing them off, and then building a new species, until this species we call man was evolved; and this species in time will be



changed, altered and destroyed to make room for a higher experimentation in nature.

And so in our economic life and in our industrial life; orthodox reaction, stay-put, stand-patism was the greatest menace to social progress. There is enough in the world so that every man may gain without any man losing.

I have spoken of social justice. Let me say a word in conclusion about justice to one's self. We are so very anxious to make the world perfect, and we sometimes forget that our first job is to try to make ourselves perfect; and perhaps the world would grow perfect more quickly if we concentrated a bit more of our energies not so much upon the faults of others or upon other systems, but upon ourselves.

Are we just to ourselves? Are we trying to apply this definition of justice to ourselves? Are we giving ourselves every opportunity for free development? Or are we perhaps choosing the easiest way, the line of least resistance? Are we giving ourselves a chance to develop harmoniously? I said that the Greeks called justice the harmony of all virtues. Are we developing our lives harmoniously--giving unto the mind what belongs to the mind, and unto the soul what belongs unto the soul, and unto the body what belongs unto the body? Are we just in being true to ourselves? To the best that is in us, to the highest to which we can rise? Or are we content to yield and to compromise and to stay down in the valley of ease and enervating contentment?



Are we just to ourselves by forcing ourselves at times to go out into the wilderness of the world to find our God? Are we just to ourselves by daring to failure, by daring to want? Are we just to ourselves by <sup>giving these</sup> whisperings of our souls, these promptings, these yearnings to the higher and the finer things, a chance to be heard in the symphony of our being?

Oh, it is very difficult to be just to ourselves, even more difficult than it is to be just to other people. We think that we are just when we give our bodies all that our bodies need; when we surround ourselves with beautiful homes, and with comforts and with luxuries, and we say we have done well. But we may not have done well. Within us there may be an ideal unsatisfied, and a real yearning that we never gave a chance; within us there may be a ~~whole~~ being that has been crying for a chance to be born. We have stifled that spiritual being in us and refused it the light of day.

"To thine own self be true." That is a marvelous phrase. You will then be true to all. That sense of justice to ourselves will create that rhythm, that harmony of being, that contentment which nothing else in the world can give-- which we call happiness, and of that I shall speak the next time.