

# *Faith to Forgive Grievous Harms: Accepting the Atonement as Restitution*

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Good morning. I must say I never imagined myself at this podium. But I have imagined myself on this playing floor—and *imagined* is the right word. I’ve wondered what it would have been like to be Danny Ainge, who, during my freshman year at BYU, went coast-to-coast in the closing seconds of a Sweet Sixteen game against Notre Dame and scored over Orlando Woolridge. I’ve dreamed what it would be like to drain a three from just inside half-court, like Jimmer Fredette did against Utah. Unfortunately, my actual skill set wasn’t a match for such imagined heroics. I’m quite sure it’s not a match for this podium either. Still, I consider it a great honor to have this opportunity to speak to you this morning.

I love this university. I love the cool, crisp air of a late fall football game and the soft, golden light that falls on Y Mountain and Rock Canyon just before sunset. I even love wandering the stacks in the Harold B. Lee Library. BYU has had a great impact on my life.

My first experiences at BYU were in the late 1960s. Each summer my mother, my brother, and I came to BYU from our home in Pebble Beach, California, for spring or summer term so that my mom could work on completing her degree. We lived in Heritage Halls, or, to be more precise, we lived in what is now called

“Classic Heritage” when it was almost new Heritage.

My mother ended up completing her English degree, and our home was forever enriched by what she learned at BYU. I mention my mom’s education at BYU partly because important parts of my thinking on today’s topic are derived from her thinking and writing on this topic.<sup>1</sup>

## **The Doctrine of Forgiveness**

The title of my remarks is “Faith to Forgive Grievous Harms: Accepting the Atonement as Restitution.” Now, to some, any talk from a lawyer that focuses on forgiveness may seem odd. Don’t lawyers depend upon a lack of forgiveness to function? In lawyerspeak, is a talk on the necessity of forgiveness an admission against interest?

I am convinced that practicing law with civility and integrity is a noble endeavor and fully compatible with a forgiving heart, and I’ll have a bit more to say about this later. Indeed, before you become too critical of

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lawyers, listen to the words of my good friend Jim Gordon: “It is true that some lawyers are dishonest, arrogant, greedy, venal, amoral, ruthless buckets of toxic slime. On the other hand, it is unfair to judge the *entire* profession by a few hundred thousand bad apples.”<sup>2</sup> Such quips can be a bit tough for those of us who are attorneys, but how much worse can it get, given the number of us whose parents, when we decided to go to law school, made sure to scrape off their car the “Ask me about my children” bumper sticker?<sup>3</sup>

Turning to the concept of forgiveness, let me start with a familiar scripture. Matthew 18:21–22 reads:

*Then came Peter to him, and said, Lord, how oft shall my brother sin against me, and I forgive him? till seven times?*

*Jesus saith unto him, I say not unto thee, Until seven times: but, Until seventy times seven.*

Have you or a family member or a friend ever been terribly hurt by someone and found it difficult to forgive even once, let alone “until seventy times seven”? In such cases, do we say to ourselves, “The Lord can’t really mean that I should forgive that sort of sin or abuse”?

Yet it seems clear that the Lord really does mean it. Our very salvation depends upon us being willing to forgive others. As Christ taught:

*For if ye forgive men their trespasses, your heavenly Father will also forgive you:*

*But if ye forgive not men their trespasses, neither will your Father forgive your trespasses. [Matthew 6:14–15]*

That our own forgiveness should be conditioned on forgiving others can be a hard doctrine, particularly if the sin against us is horribly wrong and out of all proportion to any harm we’ve ever committed. Even harder, the Lord has indicated in modern revelation that

“he that forgiveth not his brother his trespasses standeth condemned before the Lord; for there remaineth in him the greater sin” (D&C 64:9). This is a very strong statement: if we refuse to forgive, there remaineth in us the greater sin. How can this be? As I hope to explain, our salvation is conditioned on forgiving others because when we refuse to forgive, what we are really saying is that we reject, or don’t quite trust, the Atonement. And it is our acceptance of the Atonement that ultimately saves us.

Why is it that we sometimes have trouble accepting the Atonement as recompense for the harms we suffer at others’ hands? My experience is that we can sometimes forget that the Atonement has two sides. Usually, when we think about the Atonement we focus on how mercy can satisfy the demands that justice would impose upon us.<sup>4</sup> We are typically quicker to accept the idea that when we sin and make mistakes the Atonement is available to pay our debts.

Forgiveness requires us to consider the other side of the Atonement—a side that we don’t think about as often but that is equally critical. That side is the Atonement’s power to satisfy our demands of justice against others, to fulfill our rights to restitution and being made whole. We often don’t quite see how the Atonement satisfies our own demands for justice. Yet it does so. It heals us not only from the guilt we suffer when we sin, but it also heals us from the sins and hurts of others.

### **The Analogy of the Forgiving Landlord**

To help explain the two sides of the Atonement, let me try a rather homely analogy. Like most analogies and metaphors, it is not perfect in all respects. I hope, though, that it can aid understanding.

Suppose I find myself in a home built for me by a very generous landlord. It is a nice home. He encourages me to maintain and improve the home and gives me a number of instructions for making the home a nice place to live.

Over the years I sometimes improve the home, but other times, through my negligence, I make it worse. One time I flood the home when I fail to set the faucets to drip during a freeze. Another time my kitchen catches fire because I fail to turn off a burner on the stove. A couple of times I lose my temper and put my fist through a wall.

In each instance the landlord forgives me and encourages me to pay a little closer attention to my home and to his instructions for making the home a joyful place to live. He does not charge me for the damage caused by my mistakes. Instead, sometimes he is patient while I figure out how to fix things on my own; sometimes he sends someone over to fix the problem; and sometimes I wake up and things are fixed in ways I don't quite understand.

This same landlord happens to have a son who is quite wayward. The son is always up to no good, and I don't particularly like or respect him. One night the landlord's son, as a prank, sets fire to the shed attached to the back of my house. The fire gets out of control, and the entire house burns down. I lose the home. I lose all of my possessions, including some particularly valuable possessions that I can't replace, such as photos and heirlooms.

I'm angry and distraught. I want the no-good son to pay. I want him to fix things and to make me whole. A part of me knows he can't really make it better. He may not have the resources to rebuild the house, and, even if he could rebuild the house, he can't retrieve the photos and heirlooms. And that makes me even angrier.

As I sit in anger, the landlord comes to visit me. He reminds me that he has promised to take care of me. He promises me that he is willing to rebuild my house. In fact, he says that he will do more than that: he will replace my house with a castle and then give me all that he himself has. He says that this might take a while, but he promises it will happen.

"What's the catch?" I say.

"Here are the conditions," he says. "First, you need to put your faith in me and trust that I really will build you that castle and restore all that you have lost. Second, you need to continue to work on implementing the instructions I gave you about keeping up your house. Finally, you need to forgive my arsonist son, just as I have forgiven you all these many years."

That sounds easy enough and seems like an obviously great deal, but why might it be hard for the tenant to accept the landlord's offer? Or, to move away from the analogy, why is it sometimes so hard for us to forgive others? Let me suggest some reasons:

First, we are probably angry. We want the arsonist to pay. But if we harbor this sort of anger, we may spend so much time pursuing the person who burned down our house that we don't get around to rebuilding our house. As someone once said: "Resentment is like taking poison and hoping the other person dies."<sup>5</sup>

It might also be hard to forgive because we can't quite believe that the landlord will fulfill his promise. He's never failed us when we've messed up the house before, but what about this time? Besides, it is usually easier for us to believe that the Lord will forgive our mistakes. This time it is someone else's mistake.

Trust can be particularly difficult if the rebuilding project will take time. We want things fixed now, not later. Trust may also be hard in the case of losses and hurts that do not seem easily fixable. Perhaps the landlord can rebuild the home, but can he really replace the photos and heirlooms? What if we lost a child in the fire? Can he really take away that pain?

My testimony is that the Atonement really can make us completely whole, even for those things that seem like they can't be fixed or repaired. As Isaiah foretold of the Savior: "The Lord hath anointed me to preach good tidings unto the meek; he hath sent me to bind up the brokenhearted, to proclaim liberty to the captives, . . . to comfort all that mourn; . . . to give

unto them beauty for ashes, the oil of joy for mourning” (Isaiah 61:1–3).

I recognize that this doctrine—that the Atonement can heal us from the hurts of others—is well established.<sup>6</sup> Yet, in my experience, it remains difficult to trust and accept that the Atonement serves this purpose. My hope is that I can add to what has previously been said on this topic and help remove some barriers to forgiveness by offering some reasons why we should trust the Lord’s promise.

### **The Atonement Fulfills the Mosaic Law’s Restitution Requirement**

I turn first to the Mosaic law and to an insight I owe to my mother.<sup>7</sup> Remember that Paul taught that the Mosaic law “was our schoolmaster to bring us unto Christ” (Galatians 3:24). Remember also Christ’s statement to His disciples in the Sermon on the Mount:

*Think not that I am come to destroy the law, or the prophets: I am not come to destroy, but to fulfil.*

*For verily I say unto you, Till heaven and earth pass, one jot or one tittle shall in no wise pass from the law, till all be fulfilled. [Matthew 5:17–18]*

Think about Christ’s statement for a minute. Christ was comforting His faithful disciples—those who loved and revered the law of Moses. He was making sure they knew that His plan was to fulfill all the terms of the Mosaic law. But what exactly were those terms that He would fulfill?

Our answer to this question typically focuses on the portion of the Mosaic law that addressed Israel’s obligation to make sacrifices.<sup>8</sup> We tend to emphasize the Savior’s admonition that “your sacrifices and your burnt offerings shall be done away” and that instead we should “offer for a sacrifice . . . a broken heart and a contrite spirit” (3 Nephi 9:19–20). Our usual focus on the law of sacrifice is again on ourselves—what sacrifices we need to offer

up to access the power of the Atonement and heal our feelings of guilt and remorse.

But the law of sacrifice was just one component of the Mosaic law. The Mosaic law also included dietary laws and criminal laws—remember the *lex talionis* of an eye for an eye and a tooth for a tooth.<sup>9</sup> It also included family law and various civil laws that we today might recognize as tort or contract law.

Isn’t it plausible that when the Savior said He came to fulfill the law, He was talking about more than just the law of sacrifice? Shouldn’t we take Him at His word that “one jot or one tittle shall in no wise pass from the law, till all be fulfilled”? Although I am not an expert on the Mosaic law and surely do not understand exactly how Christ fulfilled the law in all its dimensions, let me suggest that the Atonement did, in fact, answer other demands of the Mosaic law.

Specifically, I want to focus on the civil law component of the Mosaic law and its requirement that restitution be made to persons harmed by the wrongful actions of another. I do so because the restitution requirement is so important to understanding the doctrine of forgiveness. Exodus 21 and 22 set forth several such restitution requirements. Consider two of many examples: If a person caused a fire to break out so that “the standing corn, or the field, be consumed therewith; he that kindled the fire” was required to “make restitution” (Exodus 22:6). Similarly, if someone caused his livestock to graze in the field or vineyard of another, he was obligated to “make restitution” out “of the best of his own field, and of the best of his own vineyard” (Exodus 22:5).

This concept of restitution remains a key part of our law today. Under tort law, which is just another word for personal injury law, courts can award damages to persons injured by the negligence of another; similarly, under contract law, damages may be awarded to those harmed by a breach of contract. In the criminal context, many states allow crime

victims and their families to prepare victim impact statements that describe the way in which they have been harmed.

The basic point is that, just like current law, the Mosaic law was not designed only to punish the wrongdoer. The Mosaic law also existed to protect, compensate, and make whole those harmed by others, whether intentionally or negligently. If Christ came to fulfill all the terms of the law, this part of the Mosaic law should also be fulfilled by the Atonement.

If the Mosaic law schools us that Christ intended to make full restitution for the harms we suffer, it does not indicate how that could happen. Just as it is difficult to understand exactly how the Atonement satisfies the demands of justice for our sins, it is challenging to grasp how the Atonement works to make restitution to us for the sins of others. As is the case with most such “how” questions in the gospel, we must ultimately fall back on our faith and trust the Lord that His promises are true even if the mechanism is uncertain. But as an aid to our faith, let me suggest a couple of ways in which the Atonement can be understood as making restitution.

First, even for something as horrible as losing a child because of another’s sin, the Atonement ensures significant restitution through the Resurrection. We are promised that “every thing shall be restored to its perfect frame” (Alma 11:44). In addition, just like the wealthy landlord in my analogy promised not only that he would build the tenant a castle but also give the tenant all that he had, in scripture after scripture the Lord promises us all that He has.

D&C 88:107 states: “And then shall the angels be crowned with the glory of his might, and the saints shall be filled with his glory, and receive their inheritance and be made equal with him.”

D&C 84:37–38 provides: “He that receiveth me receiveth my Father; And he that receiveth

my Father receiveth my Father’s kingdom; therefore all that my Father hath shall be given unto him.”

If we can inherit all the Father has and if all will be restored to its perfect frame, is there a reason we should insist that the person who hurt us pay us back? Hasn’t justice been satisfied?

### **Forgiveness: Maximizing Faith Rather Than Minimizing Harm**

It is critical to understand that forgiving others is not just a practical virtue. It is a profound act of faith in the Atonement and the promise that the Savior’s sacrifice repays not just our debts to others but also the debts of others to us.

In our live-and-let-live society, we may believe that being forgiving is just etiquette and good manners. It is not. We may think that forgiveness requires us to let mercy rob justice. It does not. Forgiveness does not require us to give up our right to restitution. It simply requires that we look to a different source. The nonjudgmental worldly phrases “don’t worry about it” and “it’s no big deal” are not illustrations of the doctrine of forgiveness. On the contrary, when a person sins against us, it can be a very big deal.<sup>10</sup> The point is that the Atonement is very big compensation that can take care of very big harms. Forgiveness doesn’t mean minimizing the sin; it means maximizing our faith in the Atonement.

My greatest concern is that if we wrongly believe forgiveness requires us to minimize the harms we suffer, this mistaken belief will be a barrier to developing a forgiving heart. It is okay to recognize how grave a sin is and to demand our right to justice—if our recognition triggers gratitude for the Atonement. Indeed, the greater the sin against us—the greater the harm we suffer—the more we should value the Atonement. Consider Christ’s parable of the two debtors from Luke 7:41–43:

*There was a certain creditor which had two debtors: the one owed five hundred pence, and the other fifty.*

*And when they had nothing to pay, he frankly forgave them both. Tell me therefore, which of them will love him most?*

*Simon answered and said, I suppose that he, to whom he forgave most. And he said unto him, Thou hast rightly judged.*

If Simon is correct that the greater sinner will love the Lord even more, doesn't the same reasoning suggest that our love for the Savior will increase when He pays a particularly large debt owed to us? There is little value in claiming that a wrong against us is slight. Instead, if we give the wrong its full weight, we are better able to give the Lord a full measure of gratitude for making us whole.<sup>11</sup> And when we understand that the Lord promises us restitution, we can recognize that our anger at our victimizer is ultimately unnecessary. This in turn helps free us to love our enemy as the Savior commanded (see Matthew 5:43–44).

In sum, the principle of forgiveness does not require that we give up our right to justice or that we give up our right to restitution. Christ answers the demands of the law for our sins and for the sins of others. We just have to be willing to accept that He has the power to do so.

### **Forgiveness and the Lawyer**

Now, let me return briefly to the subject I raised at the beginning of my remarks. Specifically, some may still be wondering whether focusing on the commandment of forgiveness is an admission against interest for a lawyer. To place the question squarely, does the commandment that we forgive all men mean that litigation and lawsuits are inherently wrong? I believe the answer to this question is no. But it is an important question that every lawyer must ask herself and that every client should also confront. Indeed, it is often

a question with which those who have been grievously harmed must wrestle.

One of the best explorations of this issue is contained in a book by Elder Dallin H. Oaks entitled *The Lord's Way*. Elder Oaks begins by rejecting what he describes as two "extreme" views: first, that a Christian should "never use courts to resolve disputes," and second, that there are "no religious restraints on participating in litigation."<sup>12</sup>

As an aside, isn't it interesting how such tough questions often cannot be reduced to easy all-or-nothing answers? I hope it is not just the lawyer in me, but I have always found it simultaneously comforting and stressful that the restored gospel frequently requires us to wrestle with understanding principles in apparent tension. Thus, both faith and works are necessary for salvation; both faith and reason are the work of this university; both the body and the spirit constitute the soul of man; both personal inspiration and priesthood authority are important to understanding God's will. Whereas the world often suggests that the answer must be either/or, the restored gospel finds a way to say both/and. It seems that a core principle of the restored gospel is that we must learn by our experience to understand, obey, and navigate eternal truths that may appear to be in some tension. Perhaps, more accurately, we are expected to embrace both sides of such apparently opposing principles.

Although one might be able to categorize some lawsuits as clearly inbounds or out of bounds, Elder Oaks, unsurprisingly, largely eschews categorization and instead focuses on principles or preconditions that should govern whether to file a lawsuit. For example, he emphasizes that we must begin by forgiving our adversary and removing revenge as a motive.<sup>13</sup> We should then pursue settlement as a manifestation of the principle articulated by the Savior in Matthew 18:15: "If thy brother shall trespass against thee, go and tell him his

fault between thee and him alone: if he shall hear thee, thou hast gained thy brother.”<sup>14</sup> Elder Oaks also identifies another precondition—that a litigant should consider the impact a lawsuit will have on others. Again, this is simply a manifestation of the Savior’s teaching of the Golden Rule: “All things whatsoever ye would that men should do to you, do ye even so to them” (Matthew 7:12).<sup>15</sup>

Today let me suggest one additional set of criteria by which the conduct of a lawyer should be judged. Those criteria come from section 121 of the Doctrine and Covenants and its teachings on exercising power in the priesthood. Now, I recognize that a license to practice law is quite different from holding the priesthood of God. Passing the bar doesn’t give someone the authority to act in God’s name, although critics may occasionally wonder if that’s what some lawyers believe.

Still, if one stops and thinks about it, a legal education and a license to practice law are instruments of power. The power flows not just, or even primarily, from the state’s exclusive license to give legal advice but also from the refined critical- and analytical-thinking skills and problem-solving skills that cause others to look to lawyers for help with their most vexing problems.

If, as lawyers, we have power, the question is how we should use it, or, for non-lawyers, how you should expect your lawyer to use his or her power. In that regard, let me paraphrase a few familiar verses from section 121:

*The [power of a lawyer] cannot be controlled nor handled only upon the principles of righteousness.*

*That [a license to practice] may be conferred upon us, it is true; but when we undertake to cover our sins, or to gratify our pride, our vain ambition, or to exercise control or dominion or compulsion upon the souls of the children of men, in any degree of unrighteousness, . . . Amen to . . . the authority of that [lawyer]. . . .*

*No power or influence can or ought to be maintained by virtue of [a lawyer’s status], only by persuasion, by long-suffering, by gentleness and meekness, and by love unfeigned;*

*By kindness, and pure knowledge, which shall greatly enlarge the soul without hypocrisy, and without guile. [D&C 121:36–37, 41–42]*

Much more could be said on this topic, but today I simply want to emphasize that if lawyers use their power and authority consistent with the principles of section 121 and if clients, who may have been victimized, likewise adhere to these eternal yet challenging standards, litigation need not stand in opposition to the principle of forgiveness.

### **Accepting Both Sides of the Atonement**

As I finish, let me return to the heart of my message, which is the Savior’s promise in Matthew that He will “forgive us our debts, as we forgive our debtors” (Matthew 6:12). These are two sides of the same coin. We can’t have faith in only one side of the Atonement. To be efficacious—to have saving power—our faith in Christ and His Atonement must include both His power to pay for our sins and His power to pay for the sins of others.

Harking back to my landlord-tenant analogy, sometimes we burn the house down through our own carelessness—we play with fire. Sometimes the house burns down through no fault of our own—lightning strikes and there is nothing we can do about it. Sometimes our house burns down because of the sins of others—such as with the landlord’s arsonist son in my analogy. The wonder of the Atonement is that it works for all three cases. But our own receipt of the Atonement is conditional on forgiving others. If we do that, accept Christ, and strive to keep His commandments, we will receive the castle and all else the Father has. In the name of Jesus Christ, amen.

### Notes

1. See Ester Rasband, *The Promise of the Atonement: Cure for Broken Dreams* (Springville, Utah: Cedar Fort, 2005).
2. James D. Gordon III, "How Not to Succeed in Law School," *Yale Law Journal* 100, no. 6 (April 1991): 1680; emphasis in original.
3. See Gordon, "How Not to Succeed in Law School," 1680: "Your grandparents will immediately scrape off their bumper sticker that says, 'ASK ME ABOUT MY GRANDCHILDREN.'"
4. See Alma 34:16.
5. The origin of this quote is uncertain, but it is sometimes attributed to St. Augustine of Hippo.
6. One of my favorite discussions is Elder Bruce C. Hafen's classic talk "Beauty for Ashes: The Atonement of Jesus Christ," *Ensign*, April 1990, 7–13.
7. My mother is the one who first focused me on the idea that the Mosaic law and its

requirements regarding restitution was a schoolmaster to help those hurt by the sins of another to trust in the justice and fairness of the Atonement. She later published some of her thinking. See Rasband, *The Promise of the Atonement*, 3, 6–7, 9–12, 18–19.

8. See Leviticus 1–8.

9. See Exodus 21:23–25: "And if any mischief follow, then thou shalt give life for life, Eye for eye, tooth for tooth, hand for hand, foot for foot, Burning for burning, wound for wound, stripe for stripe."

10. See Rasband, *The Promise of the Atonement*, 26–27 (discussing this concept).

11. See Rasband, *The Promise of the Atonement*, 30–31 (discussing the parable of the two debtors).

12. Dallin H. Oaks, *The Lord's Way* (Salt Lake City: Deseret Book, 1991), 155–56.

13. See Oaks, *The Lord's Way*, 170–75, 181–82.

14. See Oaks, *The Lord's Way*, 175–80.

15. See Oaks, *The Lord's Way*, 181–85.