

Kind of right

The following story reportedly appeared in *The Muslim Times* (March 2012) of Indonesia In Bahasa Indonesia, and this translation was posted online.

An Indonesian judge by the name of Marzuki was sitting in judgment of an old lady who pleaded guilty of stealing some tapioca from a plantation. In her defense, the old lady admitted to the judge that she was indeed guilty of the crime because she was poor and her son was sick while her grandchild was hungry.

The plantation manager insisted that she be punished as a deterrent to others. The judge, going through the documents, then looked up and said to the old lady, "I'm sorry but I cannot make any exception to the Law and you must be punished accordingly."

The old lady was fined Rp 1 million (USD 100) and if she could not pay the fine, then she will be jailed for 2 1/2 years as demanded by the Law. She wept as she could not pay the fine.

The judge then took her hat and put in Rp 100,000 into it and said, "In the name of justice, I fine all present in the Court the amount of Rp 50,000 (USD 5.50) each as dwellers of this City for letting a child starve until her grandmother is compelled to steal to feed her grandchild. The Registrar will now collect the fines from all present."

The Court managed to collect Rp 3.5 million (USD 350) including the fine imposed on the plantation manager, whereby the fine was settled and the rest was given to the old lady!¹

Understandably, most readers would respond positively to what appears to be a noble gesture. In fact, in the email sent to me at the end of a chain of recipients, ended with the first sender loudly shouting in colourful letters: "I've learnt...that being kind is more important than being right." Whether this is right or not, we'll soon see.

This is an interesting story showcasing how justice can prevail over law. However, although it is possible to say, at least, of this reported case that "being kind is more important than being right," it cannot be universally applied without some problematic consequences. In fact, the first ethical problem is whether the first sender, or any in the long line of email recipients would actually practise such kindness if they were in a similar situation.

What is morally significant is that we see the qualities of being right and being kind overlapping. The two are not seen as separate qualities. Indeed, I don't think we can really separate the two qualities without any negative implications or effects.

In the Muslim context, the judge, I think, is invoking the Muslim spirit of zakat, where the better off should help the poor. So, he is right in doing so. In other words, this is a religious tenet, a moral precept, to which all religious followers are technically bound. Such a giving then is required by law, especially when it is the judge who decreed that everyone present should give. It is the right thing to do, according to Islam.

¹ <http://www.themuslimtimes.org/2012/03/countries/indonesia/indonesian-judge-sentences-grandmother-to-2-12-years-in-jail-for-stealing-casava-and>

We see a similar issue of how right and kind should overlap in the *Merchant of Venice* (1596) by William Shakespeare, perhaps one of his most anti-semitic plays. The Jewish money-lender, Shylock, lends 3000 ducats to Antonio, a Christian, with a bond. If Antonio is unable to pay back his loan, he has to give Shylock a pound of his own flesh.

In due course, Antonio is unable to repay his loan, and Shylock demands his pound of flesh. The case is taken to court. The judge (Portia in disguise) wisely decides that Shylock may have his pound of flesh from Antonio, but it must be exactly cut and no blood must be shed! Although entertaining as a tale, the play, as such, presents some interesting moral problems, and it is hard to listen to troubling lines that reflect deep hatred between Jews and Christians in Elizabethan times. However, it is an enduring classic because of such moral issues, which makes us think and discuss them for our own personal and social benefit.

In the case of the report on the Indonesian judge and the poor woman, we have to carefully examine to what extent, if any, is it really and always true that "being kind is more important than being right." It is important to understand the difference between exceptional goodness and general goodness.

Imagine, for example, if, invoking the judge's ruling, all the poor of Indonesia stole in the same spirit, and expected to be shown the same compassion by the Law. There is also the problem of the extent to which the crime is acceptable or tolerable. As such, admirable as the case may be, its morality cannot be generally applied without serious consequences. In short, what the judge has done, good as it may be, is not the rule. It is an exception to the rule, which is surely the main reason why we are moved by it. However, it is vital to understand the story's context.

There is a similar moral problem in Mahayana Buddhism, such as when we apply this idea of good and right to the parable of the burning house in the Lotus Sutra (chapter 3). An elderly father, a very rich man, has a very old mansion with oddly only one small door. The house catches fire, and the father fearing for his children, who, caught up in their playfulness, ignore all the warning cries.

The father then concocts a ruse that he has three precious carts adorned with numerous jewels – one pulled by a goat, another by a deer, and the third by an ox -- waiting outside for them to play with. When the children do emerge into the safety outside of the house, they found only a single cart pulled by a white ox. The purpose of the parable is to present the "one vehicle," that is, Buddhahood as conceived by the Lotus Sutra, as against the arhat ideal of early Buddhism.

A key problem with this parable is that it is an outright lie: there is only one cart, not three as promised. Does this mean that it is all right to lie, in any way, as long as it is for the greater good? Such ideas always have serious moral problems, the main one being that of moral relativism.

Notice how, in East Asian cultures, white lies are freely used, even expected, for political correctness, to avoid conflict or embarrassment. This is so common that western observers have called this a "Chinese truth," or "Chinese yes," when someone easily agrees. On a broader scale,

there is the case of **polite fiction**, where there is a real serious problem known to almost everyone, but no one seems to have the courage to address it.²

The point is that a “skillful means” is only really skillful when it is morally wholesome. Otherwise, it would solve one problem or justify an ideology, but create more moral problems. In the end, only one group, even only one person, would benefit. What is good and true should work for everyone, at least in principle. We should also note that the Buddha would never lie:³ as he acts, so he speaks; as he speaks, so he acts.⁴

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[an occasional re-look at the Buddha’s Example and Teachings]

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² See Reflection, “[Elephant in the room](#),” R307, 2013.

³ See **Abhaya Rāja,kumāra Sutta** (M 58,8), [SD 7.12](#). See also **Silence and the Buddha**, [SD 44.1 \(3.5.1\)](#).

⁴ See **(Tathāgata) Loka Sutta** (A 4.23 = It 112), [SD 15.7\(2\)](#).