

# The Word's Eye View

The Word's Eye View is a newspaper column written by  
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## Empathy, or Equity (Article 49)

As usual, the obvious tunes are being played by the press for background music as the nomination ball presses forward to select the new queen for the Supreme Court. The orchestra of the left has selected easy listening melodies that are intended to capture the romantic notions of the heart. These arrangements feature a compelling story about projects to achievement, visionary to fulfillment and the ever popular overcoming composition. One can almost hear Susan Boyle singing “I Dreamed a Dream” which is intended to be received with deafening applause.

The musicians of the right are engaged in some controversy over which band should come to the platform. Some favor the screamers of acid rock focusing on Ms. Sotomayor’s rulings and statements that appear to indicate her participation in identity politics. The lyrics, they say, should demonstrate her past propensity to rule in favor of reverse discrimination which may successful label her as a racist. Others are searching for a more fluid architecture of sound that will have a broader appeal to the voters that are seated in the amphitheater. In the midst of all the political posturing it is easy to forget that the individual notes are simply part of a whole symphony which demands inspection in its entirety. Maestro Obama has said repeatedly that the primary melody should express all the tones of empathy.

A little research revealed the word empathy does not appear in the Bible, nor is it found in Webster’s 1828 Dictionary. The conclusion is clear....it’s a word of new invention which would fit into modern thinking. Webster’s New Collegiate defines empathy as “the capacity for participation in another’s feelings or ideas.” Evidently, the framers of the Constitution did not have the word empathy at their disposal nor did they express any desire to bend the facts with feelings. Anyone with the intelligence of a warthog knows we live in the “feeling” generation. We write songs about them, we design legislation to accommodate them, and now it is openly expressed that we need to litigate to oblige them. The Scriptures state, “He that trusteth in his own heart is a fool:” (Proverbs 28:26). This certainly flies in the face of the “follow your own heart” mentality that has permeated our society. Our forefathers constructed their concept of the law and its administration primarily from the Word of God. My wife just returned from a week in Washington, D.C. One of the things that particularly impressed her was the extensive number of Scripture verses and references to God that are embossed in large letters on buildings, monuments and museums. It’s not difficult to know where the framers were coming from.

The empathy crowd believes in what is now termed a “Living Constitution.” The idea is that it should always be open to changing interpretations which are predicated on polls, politics and passions. The problem is what percentage of any decision should be pure law and how much of it should be comprised of emotion. If the law is to remain equitable, it must by its very nature remain firm, fixed and inflexible. When feelings are allowed to modify the law, it becomes invalid. The objectors would be quick to point out that we (Christians), of all people, should be filled with compassion, love and forgiveness. To this claim we give mutual assent but how can these two opposites be reconciled?

Once, when Mr. LaGuardia, the famous ex-mayor of New York, was presiding at a police court, they brought a trembling old man before him charged with stealing a loaf of bread. He said his family was

starving. “Well, I’ve got to punish you,” said LaGuardia. “The law makes no exception, and I can do nothing but sentence you to a fine of ten dollars.” Then he added, after reaching into his pocket, “And here’s ten dollars to pay your fine. And I now remit the fine.” Then, tossing the ten dollar bill into his famous oversized hat, he said, “Furthermore, I’m going to fine everybody in this courtroom fifty cents for living in a town where a man has to steal bread in order to eat. Mr. Baliff, collect the fines and give them to this defendant.” The hat was passed, and an incredulous old man, with the light of heaven in his eyes, left the courtroom with forty-seven dollars and fifty cents.

The law was not compromised, but compassion was exercised. It is possible for the law to remain rigid but the heart to become soft. Mankind constantly flirts with the temptation to make the law soft, warm and fuzzy in order to present the Great Law Giver in the same light. That is a theology of no accountability, but the great lawyer and apostle said, “the law worketh wrath.” (Romans 4:15) and followed that up with “wherefore the law is holy, and the commandment holy, and just, and good.” (Romans 7:12) God has a harsh and un-malleable expectation concerning law breakers. The whole purpose of Calvary was to satisfy His virtues of holiness and love. Christ died for our sins (law accommodated) that we might receive forgiveness (love accomplished). As the Senate seeks to confirm the next judge, they would do well to embrace this grand principle.

In prophetic anticipation the Prophet Isaiah said, “And judgment is turned away backward, and justice standeth afar off: for truth is fallen in the street, and equity cannot enter.” (Isaiah 59:14) America, will it be empathy or equity?