A House Divided:
Rabbinic Views on Slavery and the
Role of Religion on Both Sides of Morality
***Parashat Mishpatim*; February 13, 2015**

וְאֵלֶּה, הַמִּשְׁפָּטִים, אֲשֶׁר תָּשִׂים לִפְנֵיהֶם we read in the opening word's of this week's portion, "these are the laws you shall place before them. כִּי תִקְנֶה עֶבֶד עִבְרִי When you purchase a Hebrew servant…"

What an astonishing moment. There, in the immediate aftermath of Sinai, in the wake of the wonder of the Ten Commandments, in the very first set of detailed laws we hear in the first-flush of liberation, we encounter, we legislate about the very horror which we have just escaped. Finally free, our first law is about slavery.

I thought about this irony over the past week, as I have watched the reaction to President Obama's recent remarks at the National Prayer Breakfast, an annual institution well-established and probably legal but of questionable constitutional taste, at least in my opinion. But the President gave what I thought was an amazing speech, a powerful and uplifting message… which was then immediately condemned. One critic, a former governor, called it the worst thing ever said by a President of the United States.

What was it that President Obama said that caused such controversy? It was, I believe, his sense of nuance in faith, the notion that, as he said "the starting point of faith is some doubt." Indeed, even as he was highly critical of faith being distorted for evil ends, "from a school in Pakistan to the streets of

Paris," he warned against watching this hijacking of theology from afar and thinking it is only a product of someone else's tradition, not something we could ever slip into ourselves. "Lest we get on our high horse and think that this is unique to some other place, remember that during the Crusades and the Inquisition, people committed terrible deeds in the name of Christ. In our home country, slavery and Jim Crow all too often was justified in the name of Christ…. So this is not unique to one group, or one religion."

Indeed. And let we Jews think, oh, look at how Christianity has been distorted, no, we have, you should pardon the expression, our own cross to bear, on some of these same issues. On this day after President Lincoln's birthday, during this Black History Month, step with me, if you will, into synagogues across the land, in the days leading up to the American Civil War. For there, to my shock and shame, we will hear in sermons and speeches, Jews, yay, even rabbis, citing Scripture and tradition… on both sides of the moral divide.

In the closing days of his Presidency, with the winds of war gathering but the storm not yet started, James Buchanan designated Friday, January 4, 1861 as a national day of fasting and prayer. And so it was that Americans, of all religious stripes, found themselves in churches and synagogues, and preachers of all denominations devoted their homiletical attention to the great issues of the day.

One rabbinic sermon, entitled "The Wars of the Lord," delivered by a Rabbi Bernard Illowy, at the Lloyd Street Synagogue location of Baltimore Hebrew Congregation, apparently was so popular with Jewish secessionists that its author was offered and accepted a pulpit in New Orleans shortly afterwards. But what may be the best known, and I believe to have been the most widely-read rabbinic defense of slavery at the time, was delivered by Rabbi Morris Jacob Raphall, from what is, today, one of the most liberal pulpits in the country – Congregation B'nai Jeshurun of the City of New York.

In his remarks, "Bible View of Slavery," Rabbi Raphall sets out to answer three questions: "how far back can we trace the existence of slavery; is slaveholding condemned as a sin in sacred Scripture, [and] what was the condition of the slave in Biblical times." Rabbi Raphall answers the first question in a truly disturbing way, noting note only the historically inarguable fact that slavery is, indeed, ancient, but expressing it as a mercy, to wit, "the victor having it in his power to take the life of his vanquished enemy, prefers to let him live, and reduces him to bondage. The life he has spared, the body he might have mutilated or destroyed, becomes his absolute property. He may dispose of it any way he please."

Raphall then goes on with a sociological speculation about the fate of different races, tracing negroes to descendants of Ham, the third son of Noah who was cursed by his father, and he notes -- and these words are hard to write and hard to hear – he notes that "to this day it remains a fact which

cannot be gainsaid that in his own native home, and generally throughout the world, the unfortunate Negro is indeed the meanest of slaves. Much has been said regarding the inferiority of his intellectual powers, and that no man of his race has ever inscribed his name on the Pantheon of human excellence, either mental or moral." I wonder… I wonder what Rabbi Raphall would do if he woke up and looked around a world filled with Obama and King and Neil deGrasse Tyson.

But it is not an excuse to note that Morris Raphall was a product of his time. Because even then, and even there, he chose those odious views, and other options were available to him. And, even among his own contemporaries, the reaction was swift and sharp.

Rabbi Dr. David Einhorn was one of the earliest leaders of Reform Judaism in this country. He came to Baltimore in 1855, serving as the rabbi of Har Sinai Congregation. In February of 1861, Einhorn delivered a sermon, originally in German, called simply "A Response to Rabbi Raphall." Before I go into the details of those remarks, remember that… although we fought with the Union… partly, perhaps, because of Federal troops garrisoned here and having no real choice, nevertheless Maryland was, sadly, a slave state. The eventual reaction to Einhorn's abolitionist position was… forceful. On April 19, 1861, o an angry mob destroyed his printing press, tried to tar and feather the man, and forced him to flee to Philadelphia, where he resettled and served as a rabbi there and, eventually, in New York.

Einhorn's sustained response to Raphall's positions is worth reading, but for now I will mention just some aspects of his abolitionist argument. He noted, elsewhere, that it has "ever been a strategy of the advocate of a bad cause to take refuge from the spirit of the Bible to its letter." He wrote, here, that to defend slavery while some Christian clergy were condemning it was to bring disgrace upon Judaism. And he noted that our own experience as slaves should make us sensitive to the plight and on the side of the oppressed. He argues, forcefully, that the institution of slavery and treating other human beings as property is simply against Jewish values.

I may be reading more into this argument, or looking at it through the lens of contemporary debates between conservatives and liberals, but here is how I see this dispute. Einhorn challenges Raphall on the validity of Raphall's interpretations, yes, but he does more than that. He uses history and experience, his eyes and his heart, to deepen his reading of texts. Raphall claims to be just calling it as he sees it. To use words from the Senate confirmation hearings for Justice John Roberts: I'm just an umpire, calling strikes and balls. I wish I could read this differently, Raphall seems to say, but I can't. But Einhorn could read it differently. And he did.

And so we return to ourselves, looking for clear guidance in the words of a tradition that has and can and still will be used on all sides of almost any issue. How to hear the voice of God out of the cacophony of commentary, the

endless and opposing arguments about God? There are times when we know, we know with all our hearts that we are right. And those who stand in our way know with all their hearts that they are right as well.

But I would end with two things. The first is a statement, the second is a poem.

The statement. The Torah may have a unique place for us, as Jews, but it does not stand alone. It grounds us, it surrounds us, it covers us, but it also makes room for us. It let's us in. It speaks to us… but it listens to us as well. It is like we have a pen, and there is a space, and a place, for letters yet to be written. Our clear visions, our values, our conscience somehow finds its way into the conversation, and then becomes part of, not apart from, the tradition we cherish. It is not, now, static…and it never was.

Second, a poem, by Yehuda Amichai. It echoes, I believe, President Obama's wise words, "the starting point of faith is some doubt." And it ends with an image that evokes Jewish history, as well as the Civil War. For the latter we called "A House Divided." And the former cannot escape the shadow…of a city on a hill, and a house that was burned, one which we remember still.

The Place Where We Are Right

by Yehuda Amichai

From the place where we are right
Flowers will never grow
In the spring.

The place where we are right
Is hard and trampled
Like a yard.

But doubts and loves
Dig up the world
Like a mole, a plow.
And a whisper will be heard in the place
Where the ruined
House once stood.

המקום שבו אנו צודקים

מן המקום שבו אנו צודקים.
לא יצמכו לעולם
פרחים באביב.

המקום שבו אנו צודקים
הוא רמוס וקשה
כמו חצר.

אבל ספקות ואהבות עושים
את העולם לתחוח
כמו חפרפרת, כמו חריש.
ולחישה תשמע במקום
שבו היה הבית
אשר נחרב.

My friends, to lead us into the future, may we look into the past, and may we look into our hearts. But may we do so carefully, cautiously… with malice towards none, and with love.

Shabbat Shalom.