

On Servitude and Emancipation
Parashat Mishpatim
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After the exalting narrative of the divine revelation at Mount Sinai culminating in the Ten Commandments, this week's parashah begins with a topic that brings us back to the realities of a more primitive society. It is the institution of indentured servitude for fellow Jews. The good news is the bondage can last a maximum of six years: in the seventh year, the slave goes free. The bad news is that his rights to family are severely limited. According to v. 4, "If his master gave him a wife, and she bore him children, the wife and her children shall belong to the master, and he shall leave alone." Since he goes out to freedom without any payment for his servitude, and therefore has no possibility of redeeming his family, the only option for keeping his family together is to voluntarily proclaim that because of his love for master, wife and children, he chooses to remain in servitude. He is then subjected to a humiliating procedure, and remains a slave "for life." This arrangement is, to be sure, better than the status of the pagan slave in antiquity, and certainly better than the slave in the American south, but it is certainly not the most progressive of biblical laws.

I thought of this passage in the context of the considerable discussion of Abraham Lincoln in the media during the past few weeks. Partly it was in connection with Barak Obama's conscious emulation of Lincoln, the relatively unknown lawyer and politician from Illinois who became President of the United States at a critical moment in the nation's history. Partly it is because of the 200th anniversary of Lincoln's birthday, which occurred on February 12, nine days ago, celebrated in the US on Presidents Day last Monday.

Let us turn from the beginning to the end of his life. The assassination of Abraham Lincoln Probably the most poignant inspiration for Jewish preaching in the nineteenth century. It occurred on Friday night, at Ford's Theatre in Washington DC. Isaac Leeser, leader of the Spanish and Portuguese Congregation of Philadelphia, learned of the shooting from newspapers the following morning while walking to the synagogue, and was informed that the President was dead during the Shabbat morning service by the president of the congregation (who apparently had received a text message on his mobile phone). Leeser put aside his prepared sermon and delivered an impromptu eloquent, impassioned eulogy from the pulpit.

Even more harrowing were the circumstances of Elkan Cohn in San Francisco. According to a newspaper account written by a congregant, "Just as the Rev. Elkan Cohn, of the Congregation Emmanuel, on Broadway, was ascending his pulpit, on Saturday, to deliver the usual sermon, a copy of the dispatch announcing the assassination of President Lincoln was handed to him, and on reading the same, he was so overcome that, bursting into tears, he sank almost senseless. Recovering, in broken accents, he announced the same to the congregation, and it fell upon their ears like a thunderbolt. . . .

Dr Cohn made a very impressive and eloquent address on the character of the national calamity, of which the following is the substance.”

Virtually every American rabbi spoke on the following Wednesday, April 19, a National Day of Mourning as Lincoln’s body was being brought to its burial place in Illinois. These sermons reveal a sustained effort to articulate the unique qualities of Lincoln as human being and political leader—sometimes using explicitly messianic language. Fourteen of these eulogy sermons were gathered together with dozens of sermons from the following Sabbath and on subsequent anniversaries of Lincoln’s birth in a marvellous collection called *Abraham Lincoln: The Tribute of the Synagogue*, edited by Emanuel Hertz.

Reading this extraordinarily passionate material, there is no question that Jewish leaders—Orthodox as well as Reform—saw in Lincoln someone with whom they could identify not only as a friend of Jews in his own lifetime, but as the embodiment of authentic core Jewish values, almost an honorary Jew himself. A leading rabbi of the largest Reform synagogue in Toronto, born in 1901, was named “Abraham Lincoln Feinberg” (though he only used his middle initial).

Yet when we go back to the actual lifetime of Lincoln, it is clear that he was significantly more controversial and less popular than he became almost the moment after his assassination. In my book, *Jewish Preaching in Times of War 1800-2001*, I included two sermons from the Civil War period, both delivered in the spring of 1863, when the fate of the war and the Confederate States of America was still undecided. Perhaps not surprisingly, the sermon delivered in Richmond Virginia on a day of national prayer expresses total identification with the southern cause.

Here is a passage from the prayer with which the preacher, named Maximilian J. Michelbacher, concluded his sermon: “The man-servants and the maid-servants Thou hast given unto us, that we may be merciful to them in righteousness and bear rule over them, the enemy are attempting to seduce, that they too may turn against us, whom Thou hast appointed over them as instructors in Thy wise dispensation!” Here the Jewish preacher seems to accept without question the ideology of the southern slave-holder, using the Biblical terminology ‘man-servants and maid-servants’, and invoking the argument, made by southern Christian clergy, that slavery served a providential function by civilizing part of the African population.

And who was this “enemy” attempting to seduce the slaves to revolt? This is a clear allusion to Lincoln’s “Emancipation Proclamation”, issued less than 3 months earlier, on January 1, 1863, which indeed proclaimed freedom for slaves—but only for those in the states that had seceded from the Union, not in the slave-holding border states on the Union side, and therefore had no practical implications for anyone. It was widely viewed at the time, not only in the American south, but in Europe, that this proclamation was a cynical attempt to inspire an insurrection—or as the *Times* of London put it, a ‘stab in the back’ by the slaves in the Confederate states.

More surprising to me, however, was a northern rabbi from New York named Samuel Myer Isaacs, whose sermon on a day of prayer at the end of

April 1863 begins with an extensive account of a biblical narrative in which King David insists upon a census of the people, despite a strong warning by his chief military officer. David was then chastised by the prophet Gad, who proclaims God's punishment upon the people as a consequence of the king's vain glory. In my book I suggest the reading that David in this incident was intended to allude to Lincoln, and the census—which in the Torah is explicitly linked with the number of men 20 years and older capable of serving in the military—alludes to the Conscription Act that Lincoln had signed 2 months before, one of the most controversial and unpopular innovations of the Lincoln administration, which would provoke Draft Riots in New York a few months later.

Isaacs would certainly not have been alone among Jews suspicious of Lincoln's assumption of powers that appeared to be in tension with the US Constitution, threatening treasured civil rights. One of the strongest supporters of the northern "Peace Democrats" favoring compromise with the South, in opposition to Lincoln, was the Reform Movement's Rabbi Isaac Mayer Wise, who wrote in his own newspaper in early 1863, "Daily our ears are filled with bitter denunciations of President and Cabinet for unconstitutional measures and violations of the rights of citizens. All this may be founded on a reasonable basis. . . ." (182n). And this is not even to mention Lincoln's occasional expressions of racist discourse regarding the black population, and almost exterminationist discourse regarding rebellious Indian populations, that are being used today in some circles to undermine image of "the Great Emancipator".

My point is not simply to assert that Abraham Lincoln, with all his undeniable greatness, was not the Messiah, and was not a saint—and neither is the current President who holds him up for emulation. That goes without saying. My point is rather that the murky complexities of the real world of political life, military conflict, and economic turmoil back in 1863 required compromises with principles and values, compromises that were casually forgotten when the image of the man was refracted through the prism of an assassination and the profusion of elegiac sermons in its wake. Lincoln was a human being, Barak Obama is a human being; if we expect our political leaders to embody an unblemished virtue, a refusal ever to compromise with the circumstances of the real world, we will be guaranteed disappointment.

And this brings us back to our Torah passage. There are those who are committed to the belief that every word in the Torah is a record of God's literal revelation, and that God's values cannot possibly fall short of the best modern sensibilities. This belief sometimes drives them to turn somersaults and stand on their heads in interpreting the Biblical text. Thus Chief Rabbi Joseph Hertz writes in his Chumash commentary that "the very first civil ordinance *secures the personal rights* of the lowliest in the social scale, the bondman" [my emphasis]. A few verses later, in defending the provision about the wife and children attained during bondage remaining with the master when the slave goes free, Hertz writes that the wife was a non-Israelite, and "If the Israelite had been permitted to take them into freedom with him, it would have impaired the purity of the race, and created a

body of half-castes.” So much for the “personal rights” of the slave. Is it not rather astonishing to find the Chief Rabbi of the British Empire, writing in 1936, using the discourse of “purity of the race” and “half-castes”? That is the consequence of the modern Orthodox commitment to explain every detail of Torah law as God’s revelation, consistent with the highest contemporary moral values.

Our approach is different. Unlike polemicists such as Richard Dawkins, we know that there are passages in the Torah, in our parashah, that represent an extraordinary breakthrough of moral awareness. “You shall not oppress the stranger, for you know the heart of the stranger, having yourselves been strangers in the land of Egypt” (Exod. 23:9). I doubt that there is any comparable example in ancient literature of this mandate for *empathy*: draw from the historical memory of your own suffering, use it to understand the suffering of others, and make absolutely certain that you do not add to that suffering, and will do what you can to alleviate it.

But not all of the Torah is on this level. There are also passages that reflect the age and the society from which they emerge, accepting the assumption of human bondage, one Israelite purchasing another, even in a people liberated from slavery by the power of God. Though bondage and slavery have still not vanished from the earth in our own day, we have progressed beyond the biblical world-view to recognize that every form of legal enslavement, subjugation and subservience is a violation of the image of God implanted within every human being. Our ideal is that verse from Leviticus, inscribed on the Liberty Bell in Philadelphia, an ideal that Abraham Lincoln would certainly have endorsed though he did not himself adequately fulfil it: *U-keratem deror ba-aretz le-khol yoshveha*, Proclaim liberty throughout the land, unto all its inhabitants (Lev. 25:10). Not just in the 50th year, not just in the 7th year, but immediately, without delay.