

Matters of Conscience II: The religious obligation to disobey  
(Genesis 18: 16-33; Exodus 20:5 and Deuteronomy 24:16)

“The King of Egypt spoke to the Hebrew midwives, one of whom was named Shifrah and the other Puah, saying, “when you deliver the Hebrew women, look at the birthstool: if it is a boy, kill him; if it is a girl, let her live.” The midwives, God-fearing women, did not do as the king of Egypt had told them; they let the boys live.” (Ex. 1:15-17) This may well be the first act of civil disobedience ever recorded. The midwives could have obeyed the most powerful person alive telling them what he wanted; in every generation those without authority routinely have done so. But these midwives disobeyed. They had been trained to bring life into the world and even the most powerful man alive could not convince them to obey an unjust order. They simply did what they knew to be right—and they patiently and earnestly delivered the baby boys. And when the Pharaoh confronted the midwives, they shrewdly used his own racism against him. They shrugged their shoulders in puzzlement and claimed that they were powerless to carry out his decree. “The Hebrew women gave birth so quickly and easily,” they declared, “that our services were simply not called upon.”

Here are two acts of disobedience. One is the straightforward defiance of an unjust law. For generations after Shifra and Puah, activists in every part of the world have protested injustice in front of and even within the halls of power. They have, in Mahatma Gandhi’s words, “spoken truth to power.” By delivering babies, Shifrah and Puah spoke truth to power. But ironically, the second way they disobeyed was by speaking falsehood to power. What they offered was not simply an act, but also an argument.

Their argument was convincing and clever. Interpreting a command in a way that brings forth more humanity, more compassion, more life is a time-honored religious enterprise. We know that religion values covenant, law and observance. Yet the bible displays a curious delight and comfort with disobedience, with shattering the idols of falsehood, authority and convention. A well-known story of the biblical patriarch Abraham is of him literally shattering his father’s idols. It appears nowhere in the bible, but many a Sunday school student is surprised to learn this.

You may be familiar with the story. Abraham's father, Terach made idols for a living and he sold them in his shop. One day, his father left Abraham in charge of the store. A man came in to buy an idol. "How old are you?" Abraham asked the customer. "Fifty years old," the customer replied. Abraham laughed. "You are fifty years old—why would you worship a statue that is only one day old?" The man left the shop ashamed.

Then a woman came in intending to make an offering to the idols. So Abraham took a stick and smashed all the idols except one and he placed the stick in the hands of the largest idol. When Terach returned and saw his statues in ruins, he asked his son what happened. Abraham responded that a woman came in to make an offering and the idols argued over who should receive the offering first. The largest idol took a stick and smashed all the other ones.

Terach looked at Abraham with disbelief and said knowingly, "You realize that they are only statues and they have no knowledge." And Abraham countered, "Yes. You deny that they have knowledge, so why is it that you worship them?" (Bereshit Rabbah 38:13)

Set aside all subsequent examples of con men selling snake oil or corporations marketing unnecessary items as essential presaged in this story and focus for a moment on Abraham's audacity and innovation. Abraham, the biblical patriarch is the first iconoclast—the first breaker of idols and yet, it is his very disobedience—coupled with creativity and thoughtful observation—that endears him to God.

Abraham is not always a moral exemplar, but in the biblical story that we just heard, Abraham does not defy the most powerful man alive; instead, he schools God—the creator of all flesh. As he defends Sodom and Gomorra, Abraham embodies courage and conscience. But it is God who prompts Abraham's courage and conscience. God asks, "Shall I hide from Abraham what I am about to do?" God finds it necessary to explain Divine motivation to a human being. God's own justice and righteousness inform the character of moral conscience. Once God reveals to Abraham Divine intention, Abraham challenges that intention. Abraham challenges God. Abraham reminds God of God's reputation for justice. Abraham advocates for the powerless, for the good living among the guilty, for the good apples mixed into the bad barrel.

"Will You sweep away the innocent among the guilty?...Far be it from You to do such a thing....Shall not the Judge of all the earth deal justly?" God does

not smite Abraham for such impertinence. Abraham is not relegated to becoming a minor figure in the Bible. He does not fall out of God's good graces. Quite the contrary. What this story reveals about Abraham is his courage, his belief in God's positive attributes, his commitment to divine promise.

But what it reveals about God is not often noticed, and in some ways, is even more striking. God is open to human moral critique. If God had not chosen to reveal divine justice and righteousness, if God had not explained God's motivation and intentions, then Abraham would have had no alternative but to listen, heed and quietly obey. Instead, he raises his voice to argue with the Holy One. Rabbi Harold Schulweis points out, "God is not enmeshed in a veil of inscrutability, [rather] God is open to reciprocal exchange... God is not an implacable authoritarian commander designing plans that can't be questioned... God not only accepts human moral criticism, but is augmented by it." Abraham is the first religious figure who engages in what is known as *chutzpat kelapei shamayim*—audacity in the face of heaven. But he will not be the last. This is not the chutzpah of Yiddish comedians—the definition of chutzpah where a man murders his parents and then throws himself on the mercy of the court because he's an orphan—no, this chutzpah comes with awe and respect; it appeals to the conscience shared by human beings and by God, to the godliness within God.

In Jewish religious sources, there are multiple examples of this kind of disobedience—disobedience borne of love, of concern, of conscience, of growing in righteousness. Taking a page from Abraham and even invoking him, the ancient rabbis imagine Moses arguing with God, as Moses takes exception to the view expressed in Exodus that God should visit "the iniquity of the fathers upon the children to the third and fourth generation". (Ex. 20:5)

"Sovereign of the Universe, consider the righteousness of Abraham and the idol worship of his father, Terach. Does it make moral sense to punish the child for the transgressions of the father?"

The rabbis put several other examples of sons whose good deeds rivaled their father's sinful ones in Moses' mouth. We might expect that the rabbis, who spend their days interpreting the very text that was given to Moses by God, might recoil against a fallible, finite Moses defying an infinite, infallible God. After all, they were the authorities of their time. But the sages put different words in God's mouth:

“By your life, Moses, you have instructed Me. Therefore I will nullify My words and confirm yours. Thus it is said in Deuteronomy, in contrast to Exodus, “The fathers shall not be put to death for the children, neither shall the children be put to death for their fathers.”

God not only ordains; God also listens. And if defying and instructing God is religiously acceptable, how much the more so, disobeying flawed or self-interested human leader or human law. Clearly, there is a place for law. As well, there is a place for obedience, but there is not a stiffened resistance to independent thinking, to acting out of conscience. What we see is that “there is less concern with falling down a slippery slope than with falling into the hardening cement of absolute decrees.”

Not only texts, but also ritual can affirm an obligation to disobey. Passover is the holiday that celebrates freedom and liberation, so it is not surprising that this is the holiday most often appropriated to give weight and meaning to rebellion. In 1969, during the Vietnam War, when the conscience of the nation began to be troubled, and clergy from many denominations worked together to end it, a new incarnation of an old ritual was created. A young activist, Arthur Waskow, now a rabbi, led a Passover Seder in the basement of a black church in Washington, DC. Black and white, Christian and Jew celebrated together, incorporating stories, songs and strength from the peace, civil rights and labor movements of their time into the traditional table liturgy of the ancients. That first “Freedom Seder” has had many offspring—Feminist Seders, Ecological Seders, Peacemaking Seders, “Coming out” of Egypt Lesbian and Gay Seders, Freedom from Modern Slavery Seders. Liberation Haggadahs, the table liturgy itself, have proliferated.

Not only did those clergy pray, eat and study together in their refusal to acquiesce to a war they believed to be unjust. They also disobeyed the unjust authority of Alabama and its neighbors during the civil rights movement. There is an iconic photograph from the Selma to Montgomery March following “Bloody Sunday” in 1965 of Rabbi Abraham Joshua Heschel walking arm in arm with Rev. Dr. Martin Luther King, Jr. Rabbi Heschel appears to come right out of central casting, with his wild white hair and beard and intense eyes looking for all the world, like the biblical prophets he studied. Rabbi Heschel’s own experience with injustice—most of his family perished in the Holocaust—gave him an acute sensitivity to the wrongs of racism and the inhumanity of war. It gave him the motivation to speak truth to power. In response to an invitation from the most powerful man alive in his time—President John F. Kennedy—to attend a meeting at the White House to discuss civil rights with

religious leaders, Rabbi Heschel sent a telegram to the president—he wrote, “I look forward to privilege of being present at meeting tomorrow. Likelihood exists that Negro problem will be like the weather. Everybody talks about it but nobody does anything about it. Please demand of religious leaders personal involvement not just solemn declaration. We forfeit the right to worship God as long as we continue to humiliate Negroes. Church synagogue have failed. They must repent. Ask of religious leaders to call for national repentance and personal sacrifice. Let religious leaders donate one month’s salary toward fund for Negro housing and education. I propose that you Mr. President declare state of moral emergency. A Marshall plan for aid to Negroes is becoming a necessity. The hour calls for moral grandeur and spiritual audacity.”

Moral grandeur and spiritual audacity. Moral grandeur is understandable. Religious traditions inculcate moral behavior to bring out the best in human beings, the best in society. But spiritual audacity requires a second look. Spiritual audacity requires a willingness to disobey when the situation calls for it—thoughtfully, passionately, insistently. From a God’s eye perspective, whether it is Abraham arguing for Sodom and Gomorrah, or Moses advocating for the people at Sinai, or Shifrah and Puah cleverly outwitting the most powerful man in their time, or Rabbi Heschel preaching to the most powerful man in our nation in his time, a little chutzpah goes a long way. Just as Adam and Eve, by disobeying their only rule moved beyond childhood, and in so doing knew and lived with the consequences of being able to discern good from evil, so we too must, when the situation calls demands it, invoking spiritual audacity to disobey that which conflicts with the moral grandeur we, like Adam and Eve have internalized.

One last story of interpretation, disobedience and spiritual audacity. (Baba Metziah 59B)

Two rabbis were arguing over the laws concerning whether an oven was kosher in the Talmud. Rabbi Eliezer said, “I’m right, and if I’m right, let the carob tree prove it.” And lo and behold, the carob tree moved 100 cubits. Unconvinced, Rabbi Joshua said, “You can’t tell anything from a carob tree.” So Rabbi Eliezer said, “I’m right, and if I’m right, let the river run backward.” And lo and behold, the river ran backwards. Still, Rabbi Joshua said, “You can’t tell anything from a river.” Rabbi Eliezer said, “I’m right, and if I’m right, let the walls of the study house incline.” And lo and behold, the walls of the study house, previously plumb, started to slant. Rabbi Joshua rebuked the walls and he said, “Walls have no authority in a legal debate.” So the walls did not fall, in honor of Rabbi Joshua, but neither did they return to their upright position, in

honor of Rabbi Eliezer. Rabbi Eliezer, undaunted, said, “If the law is with me, let it be proven in heaven.” And sure enough, a *bat kol*, a heavenly voice appeared and confirmed, *Halacha k’rabbi Eliezer!* “The law is according to Rabbi Eliezer.” To which, Rabbi Joshua responds, “*Lo Bashamayim Hi?*” “The Torah is no longer in heaven. We don’t need heavenly voices. It is ours to determine.”

Blasphemous? Disobedient? Audacious? Certainly. But the story continues. The angels are astonished at Rabbi Joshua’s refusal to heed the voice of heaven and they rush to see how God reacts to him. Is God angry? Amazed at his impudence? Poised to throw a thunderbolt? And this is what the angels discover—God was watching the whole scene—doubled over with laughter. God says to the angels with obvious delight, “*Nitzchuni banai! Nitzchuni banai!*” “My children have defeated me! My children have defeated me.”

Any parent delights in seeing their children surpass them. But the Hebrew root *netzach* also means “eternal,” Rabbi Chaim Seidler-Feller teaches. So God’s delight can also be interpreted, “My children have immortalized me. My children have immortalized me.”

To know right from wrong, to live in a passionate search for justice, to be so connected to community that the acts of one impacts the lives of many, is to bring God’s presence into those many places where it has been absent. As Rabbi Schulweis writes, “There is obedience that betrays God and disobedience that magnifies God’s presence and goodness.” Let us be able to discern the difference. Let us live so that our disobedience magnifies God’s presence and goodness. Let us live so that, by our lives, we do what we can to immortalize God.