

The Courage to Confront Violence in Sacred Text

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The junior high school assistant principal is probably one of the most feared and intimidating adults in any child's life. You see, for a long time the role most associated with the junior high or middle school assistant principal was discipline. The principal was the CEO of the school, the leader of the faculty, the chief recruiter and supervisor of staff, and the face of the school in the community. But the assistant principal was more like the warden. And in my school, Memorial Junior High School, where I attended 7th and 8th grade, the assistant principal had in his office the implement of justice that you never wanted to meet...and that was the dreaded wooden paddle. Students who misbehaved in class were sent not to the principal (he had more important things to do), but to his enforcer, the assistant principal. And when that unfortunate student returned to class sometime later, the first question that was always asked was, 'Did you get paddled?' I remember to this day that wooden paddle with holes drilled into it in order to cut down on drag as it sailed through the air before walloping the offender's buttocks. Just the thought of it was enough to keep me in line, and *baruch Ha'shem* I never experienced the sting of the paddle myself. But the State of Ohio revised its corporal punishment laws¹ long after I was in junior high school-- So the threat of the paddle always loomed large over my career as a secondary school student.

The truth is I don't know how it could have ever been legal for a principal, or a teacher, and by the way the Ohio Revised Code includes a bus driver, an administrator, a non-licensed employee (I don't even know what that means, a lunch lady, a custodian)...How these people could ever be allowed to strike a child is beyond me! Not only because it is so physical, but also because it seems so excessive, particularly when the paddle is used. And that sense of disproportionate response, excessively cruel punishment is the same reaction I have to a deeply troubling verse in our Torah portion, which says that a person's hand must be cut off if that person improperly intervened in a fight between two people, causing injury to one of the parties involved.² Specifically, the Torah speaks of a wife trying to save her husband from being beaten! And for that, she is mutilated! It's awful. I know what you're thinking...First of all most of you are

¹ Ohio Revised Code 3319.41, Corporal Punishment Policy, Effective Date: 1996

² Deut. 25:12

probably saying to yourselves, I didn't know that was in the Torah! Or perhaps you are shuddering with embarrassment, because Jews don't cut off people's body parts...that's what sword wielding barbarians do...or if you've watched the news lately, what the Islamic State does in the most gruesome, horrific kind of murder. This week's victim, Steven Sotloff was a free-lance Jewish journalist from Miami, holding both American and Israeli citizenship. The truth is that sacred texts that advance brutality and violence are common to many religious traditions. Notwithstanding the statement of CAIR, the Committee on American Islamic Relations that claims that the acts of ISIL as "anti-Islamic," the truth is that the Quran is rife with references, including decapitation, when it comes to infidels and enemies. In the 10th chapter of the Book of Matthew in the New Testament, Jesus says he came not to bring peace, but the sword. And as I mentioned, our Torah also suggests acts of violence, in this case as an extreme form of corporal punishment.

The critical question that any believer must ask is 'What am I supposed to do with a sacred text that demands acts that violate my sense of morality or justice?' Or, 'If I believe in the sanctity of this text that was just paraded around the room and paid homage to in so many ways, how can I revere it when it contains such egregious material? How can it remain holy for me? Now to be honest, some people in all the faith traditions simply choose to ignore or underplay problematic texts. Either they skip them, or don't select them for public reading, or frankly they label them as representing a primitive form of the religions they practice today. Traditional Jews, however, who believe in the authority of the entire text, not just selections of it, don't have the luxury of navigating around the uncomfortable texts and only selecting the uplifting ones or the readings that don't challenge our modern sensibilities. One of the reasons I became so deeply attracted to traditional Judaism is its willingness to wrestle right out in the open with challenging texts. Our Sages put all their discomfort, their distress, even their embarrassment about certain texts front and center. There is no question that Deuteronomy 25 was one such text. The Rabbis, whose contribution to the conversation is referred to as the "Oral Law," simply could not leave at face value that the "Written Law" demanded that a woman's hand be cut off for interfering in a fight, even if it caused injury to one of the fighting parties. Like other cases where corporal punishment is instituted by the Torah, the Oral Law, the Rabbis teach that what is actually required is monetary restitution, as in the famous "eye for an eye, tooth for a tooth, arm for an arm, leg for a leg, burn for a burn, wound for a wound, bruise for a bruise" in Exodus 21. In

these cases no corporal punishment was ever administered! Instead, a monetary fine—the amount of which is carefully determined based on the injury—is paid by the offender. And no hands were ever cut off due to Parashat Ki Teitzei, because a monetary fine was also imposed there instead of corporal punishment as well.

Now I don't have time this morning to detail all the legal maneuvers that make it possible to come to a conclusion that seems to deviate so much from the plain meaning of the text. So I'll just share one, because it actually has some bearing on the season we find ourselves in and the approaching High Holidays. One way to understand the discrepancy between the Written Law and the Oral Law, between cutting off a hand and paying restitution is based on a fundamental theological principle in Judaism. There is always a tension, a tension that is experienced by God and also at times by each and every one of us, between strict justice and compassion. Between *din* and *rachamim*. Think of the last time your child defied you...maybe they lied to you or they violated your explicit instructions or they broke something and didn't tell you. Strict justice might allow for a pretty severe punishment for that disobedience or destructive act. But *Rachamim*, compassion often mitigates how we might punish our children; and instead we talk to them, we explain why what they did was disappointing to us or wrong. *Rachamim* is why we forgive and why we allow for second chances and learning from mistakes to take place. On the cosmic level, there are so many reasons, the Sages argue, that God could use to destroy the entire world. Look at the suffering, the violence, the inhumanity, the utter disregard for morality or compassion in so many parts of the world. Though God might be able to justify wiping out the world, God is also moved and motivated by God's own sense of compassion! And that is what animates the High Holiday season and so many of its prayers. *Avinu Malkeinu chaneinu va'aneinu ki ain banu ma'asim*. How many times do we sing those words during Yontiff?! Our Father our King, have mercy on us answer us, because our deeds are insufficient on their own to gain forgiveness! *Aseh imanu tzedakah va'chesed ve'hoshieinu*, rather, God, let deal with us charitably and lovingly and redeem us. In other words, let Your inclination to be merciful overwhelm your inclination to punish us!

So too with our parasha. The strict letter of the law is represented in the Written Law. The penalty for causing injury to another human being should be that you are punished according to the severity of the sin. The Oral Law, however, “introduces the attribute of mercy,” writes Rabbi

Yehuda Rock in his commentary on this parasha.³ And this attribute of mercy “mitigates the verdict such that the perpetrator does not suffer the full measure of punishment. According to this view, the perpetrator does indeed, deserve corporal punishment, but such punishment is too cruel, and therefore it is not carried out.” It took the State of Ohio until 1996 to realize that while a mischievous, misbehaved kid might deserve a whack on the behind, it is actually too cruel a punishment to actually be carried out.

The flaw in the statement of the Council of American Islamic Relations calling the barbaric acts of ISIL anti-Islamic is that in far too many Muslim countries over far too many centuries the Qur’anic statements calling for the violent treatment of infidels have not been widely reinterpreted or repudiated sufficiently. Too many Muslims still read these texts according to their strictest, most overt meaning rather than having the courage and conviction to interpret them differently. Both Judaism and Christianity have overwhelmingly come to faithful interpretations of sacred texts that do not allow for violence or corporal punishment in the name of religion. The truth is that no amount of negotiating or battling Muslims will cause them to have a change of heart...only the concerted efforts of religious leaders to deal head on with these potentially dangerous texts will accomplish that.

I have read that the role of assistant principal has changed quite a bit since my school days.⁴ Rather than being the school disciplinarians and operations managers, assistant principals are now emerging as instructional leaders, educational theorists, teacher coaches and mentors, and program developers. The wardens of the system have now become its philosophers and visionaries. This is what we need from Islamic scholars and sages. May this Abrahamic faith learn from its parent religion and its older sibling religion to suspend all violence in the name of religion, and to teach that the very texts that call for strict justice can also be used to promote profound compassion and mercy.

³ Rock, Yehuda. “Cut Off Her Hand” and “An Eye for an Eye.” *Torah Mietzion, Devarim*, 2012. Page 273

⁴ National Association of Secondary School Principals, “Defining the Role of Assistant Principal,” <http://www.nassp.org/Content.aspx?topic=56581>