

“Prophets, Saints, Faith and Our Lives as Lawyers”
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I

What's A Nice Jewish Boy Doing in a Place Like This?

My parents might have asked such a question and likely not understood the answer. Born and bred in Brooklyn and Jewish Harlem, they were uneducated and not religious Jews. That translated into maintaining a Jewish identity for their children, but avoiding serious involvement in Jewish religious life. The idea of exchanging religious ideas with Catholics would never have occurred to them.

For me the answer is more clear: Despite growing up in a secular Jewish home, I was imbued with a strong cultural Jewish identity (after all, I did meet my wife as a teen at a Jewish camp). Yet, for reasons that remain a mystery to me, I was never *bar mitzvahed*, leaving a hole in my religious identity that I've spent decades seeking to fill – a search to get my own sense of what it means to be a *Yid*, the Yiddish word for Jew. I seek it weekly in my Torah Study group, in the *minyan* prayer service that precedes it, and, wonderfully, ironically, incredibly, and movingly in my work at USF where my Jesuit colleagues and I share thoughts about religion and worship – even if we do not take communion together. Many of you know that I like to joke that I'm Jeff Brand, S.J., Still Jewish. It would be more accurate to say, however, that I'm Jeff Brand, M.J., More Jewish because of my relationship with a great Catholic institution that has allowed me to explore ever more deeply my own Jewish roots and life.

So mom and dad, if your spirit is in this beautiful room right now and you're wondering what the hell I'm doing here, I hope these thoughts help. You made it possible for me to be here, giving me the great education you were denied, giving me a sense that being a Jew is important, and teaching me that doing good in life is what Judaism is all about.

II

Prophets and Jews

Who would have thought that Father Godfrey and I would turn this into a cottage industry: hosting today our fourth Theology on Tap, this time focusing on Jewish and Christian tradition in the context of prophets, saints, faith and our lives as lawyers, a topic on which we'll offer initial thoughts but where the real action, hopefully, will be in the conversation it generates.

One need look no further than the final verses of the Hebrew bible to understand the centrality of prophets to Judaism: “Never again did there arise in Israel a prophet like Moses.” It may have all been downhill since Moses, but over the centuries, a long line of Hebrew prophets dotted the landscape, beginning with Abraham and Moses with the likes of Miriam, Isaiah, Amos, Micah, Jeremiah, Ezekiel, and even tortured Job, along the way. In fact, the writings of the prophets consume more than one third of the Hebrew bible, the *Tanach*, as we call it.

It is said that if two Jews are in room you will get three opinions. That's true when Jews seek to define prophets and prophecy. One principle though is clear. Despite seemingly endless miracles in the bible – plagues, seas splitting, bushes burning -- Jews have a thing about magic and reject it as a theological principle. Thus, it is no surprise that the seer-for-hire, soothsayer or fortune teller is not the stuff of Jewish prophets. Jewish prophets are better conceived as messengers of God whose intent is to remind, admonish, implore, threaten, cajole, and facilitate the justice and goodness that Torah teaches. Listen to Isaiah who heard the voice of God and said: “Here I am. Send me to say unto the people you hear but you do not understand; you see but you do not know.” Listen to Amos: “Hate evil and love good and establish justice firmly in the courts.”

Noble, inspiring words, to be sure. But they do little to answer today's questions: Who were these prophets? Do prophets exist today? Do prophets and prophecy have any relationship to our lives as lawyers, teachers and judges? Indeed, if prophets and prophecy are limited to those in the *Tanach*, it is a rather exclusive, inaccessible club, a product of the past, rather than the present or future. To those who subscribe to such a view, I exercise my God-given right as a Jew to dissent.

And in dissent, I cite the theologian Rabbi Abraham Joshua Heschel who spent a lifetime worrying about prophets and prophecy in modern times. Heschel was born in Warsaw in 1907, deported by the Nazis, studied with Martin Buber, survived to become a Professor of Ethics and Mysticism at the Jewish Theological Seminary in New York, was a central figure in Jewish Christian dialogue, and marched with Martin Luther King at Selma before his death seven years later.

According to Heschel, the prophet apprehends the God of *pathos*, emotion, feeling and passion. By experiencing *pathos*, the prophet communicates with God, feels God's distress for the human condition, and sympathizes with it. Heschel:

Like a scream in the night is the prophet's word. The world is at ease and asleep, while the prophet is hit by a blast from heaven. No one seems to hear the distress in the world; no one seems to care when the poor are suppressed. But God is distressed and the prophet has pity for God who cares for the distressed.

But feeling and sympathy with God are not enough. Heschel:

Sympathy was not an end in itself; nothing is further from the prophetic mind than to inculcate or to live out a life of feeling, a religion of sentimentality. Not mere feeling but action will mitigate the world's misery, society's injustice. Only action will relieve the tension between god and man.

For Heschel, "prophecy is the voice that God has lent to the silent agony, a voice to the plundered poor, to the profane riches of the world. It is a form of living, a crossing point of God and man. It is an affirmation of the notion that religion entails the certainty that something more is asked of man and that he is not a mere bystander in the cosmos."

I read Heschel to say that prophets and prophecy are a call to action by those extraordinary souls who see and hear and know. Prophets and prophecy are not limited to the time of Isaiah, Amos and Micah. They exist today and will exist in the future. The prophets are those who rage at injustice, expose injustice and act to eliminate injustice. They may be anywhere: the doctor, the machinist, the mother, the homeless and, yes, even the lawyer or the judge. No wonder the book of Numbers declares: "Would that all the Lord's people were prophets." (11:29)

III

Lawyer Prophets: Some Guidelines

The infinite possibilities for prophets and prophecy do not mean that many attain such a status. Indeed, I would bet that all in this room would resist such a moniker no matter how heartfelt the testimonial in support. Jewish tradition, however, provides guiding principles to help refine the search:

Principle 1: Any one can be a prophet, and those who are prophets may not know it. Hence the Jewish mystical tradition teaches: "In every generation there are thirty six sacred souls who are called *lamed-vovniks*. These people are not public about their role, and in many cases are not even aware they have been chosen. Often their lives are steeped in sorrow and abuse. But it is only for the presence of these *lamed-vovniks* that God doesn't not give up hope in mankind and destroy his creation."

Principle 2: The mystical Jewish book, the Zohar teaches: "The prophetic spirit is given to people only after they have moved themselves to receive it." See also The Grateful Dead: "The trouble with you is the trouble with me. Two good eyes and we both can't see."

Principle 3: Don't judge a book by its cover. The Yiddish folk saying teaches: "Because a goat has a beard doesn't make him a rabbi."

Principle 4: The prophet is courageous. Says the *Tzadik* (the Yiddish word for spiritual leader): "The righteous person walks in the light of God, and therefore, is not afraid to walk by himself. But the person who does evil moves in the darkness and wants others for company." Buber put it this way: "The prophet is established to oppose the king and offer even greater opposition to history." Benjamin Cardozo concurred: "The prophet and the martyr do not see the hooting throng. Their eyes are fixed on the eternities."

IV *And Therefore?*

And therefore this: Such notions of prophets and prophecy can inspire us in our work to fashion a more humane and just world. Surely, for each of us here, there are those in our profession who merit the mantle of prophet: the famous, the not so famous, the obscure, the unknown. I might put on my list the likes of Justice Louis Brandeis, born of privilege, but whose life ultimately echoed those of the ancient prophets as he thundered against corruption and injustice and registered fear and loathing in the powerful. Also, making my list would be a lawyer – who few may remember. Joseph Welch, an ordinary soul, who had the courage, on television with millions watching, to stand up to the Junior Senator from Wisconsin, Joe McCarthy and utter: "Senator McCarthy, have you no sense of decency, sir? At long last, have you left no sense of decency?" At the top of my list would be Charles Hamilton Houston, the great African American lawyer, the Dean of the Howard Law School, the mentor to Thurgood Marshall, and the legal architect that made Brown v. Board of Education possible. For my money, the greatest lawyer of the twentieth century whose life began when Plessy v. Ferguson was decided in 1896 and sadly ended four years before Brown. He heard the scream, he saw injustice, and he acted to tear down Jim Crow. Justice Marshall would later recall: "Old Charlie Houston taught us the law is a weapon – all you have to do is learn how to use it."

But even this exercise is rooted in the past. For me, the greatest challenge of the prophets lies in the future and with our students. In 2002, the 1974 Nobel Peace Laureate, Mairead Maguire, came to the law school. She founded the Housewives' Brigade, a group of Catholic and Protestant women who courageously walked the streets of Belfast to end the violence. I asked Ms. Maguire what role she thought lawyers should play in a situation like that confronting Ireland. She answered my question with a plaintive question of her own. "During all of the violence, I kept asking myself: Where are the lawyers? Where are the lawyers?" For us at USF, the answer is clear. They are in our classrooms and on our watch. Somewhere among them may be the next *lamed-vovnik* or the next Charles Hamilton Houston, or the next Joseph Welch, or the next Louis Brandeis, or whoever you might put on your list – the next prophet of their generation. It is for them that the teachings of the prophets provide us the most important lessons, and it is for them that the teachings of the prophets present to us the greatest challenges.