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## LEARNING FROM THE UNPLEASANT TRUTHS OF INTERFAITH CONVERSATION: WILLIAM STRINGFELLOW'S LESSONS FOR THE JEWISH LAWYER

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As the religious lawyering movement expands, so too will the opportunities for interfaith conversations about lawyering.<sup>1</sup> At the level of superficial pleasantries, these conversations will probably add warm feelings of camaraderie but little else. When they advance to deeper levels of intellectual and emotional connection, they offer the potential for developing close friendships, learning significant new insights, and discovering hurtful differences. Only by risking the pain of such conversations can we gain the full benefit of interfaith conversation for enriching our “zest for spiritual living.”<sup>2</sup>

This essay will employ the writings of William Stringfellow, a Christian lawyer and theologian, to illustrate these opportunities and challenges. Stringfellow forces us to confront the sometimes uncomfortable aspects of interfaith conversation. In expressing his commitment to love for all peo-

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\* Professor of Law, Fordham University School of Law. I presented an earlier version of this essay at *The Legacy of William Stringfellow*, an April 1996 conference sponsored by The Frances Lewis Law Center and the Department of Religion of Washington and Lee University School of Law, together with *Sojourners* and *The Witness*. I would like to thank Bill Wylie Kellerman and Andrew W. McThenia, Jr. both for their permission to publish this piece and for introducing me to William Stringfellow's work.

<sup>1</sup> See Russell G. Pearce, *Foreword: The Religious Lawyering Movement: An Emerging Force in Legal Ethics and Professionalism*, 66 *FORDHAM L. REV.* 1075 (1998) (exploring the implications of the religious lawyering movement).

<sup>2</sup> ABRAHAM JOSHUA HESCHEL, *A PASSION FOR TRUTH* 47 (1973) (describing the Baal Shem Tov's contribution in “awaken[ing] a zest for spiritual living, expressed in *hitlahavut*, which literally means ‘being aflame’—the experience of moments during which the soul is ablaze with an insatiate craving for God”). For a Christian perspective on Christian-Jewish dialogue which shares some of the concerns of this Essay, see John W. Healey, *Praying ‘At Home’ With Visitors*, *AMERICA*, Nov. 15, 1997, at 4, 6 (asserting that when we “speak[] to each other out of the depths of faith and not just in the superficial language of ‘civil religion[,]... we may discover that we are on holy ground”).

ple, he used language considered insensitive or anti-semitic. His unwillingness to avoid unpleasant truths reminds us of the difficulty of genuine and substantial communication across different religious perspectives. At the same time, the intellectual and spiritual inspiration he provides underscore how rewarding that effort can be.

William Stringfellow speaks to Jewish lawyers on a number of different levels. He prods us to explore the bounds of what our faith requires of us as lawyers. He boldly asserts that faith demands that a lawyer make his or her life a sacrament and that doing so requires representation of poor people, women, people of color and homosexuals. This assertion forces us to confront whether Judaism makes similar demands.

## I. ARE STRINGFELLOW'S VIEWS ANTI-SEMITIC?

### A. *Stringfellow's Comments*

In 1963, in the midst of the civil rights struggle, the "leaders of the major religious faiths" convened a National Conference on Religion and Race.<sup>3</sup> They "intended . . . a gathering of thousands of people who would make their voice heard so loudly that it would make any future conference unnecessary."<sup>4</sup>

Will Campbell, a Southern Baptist minister and Director of the Committee of Southern Churchmen, tells how "[t]he conference, held in Chicago, began harmoniously enough with Rabbi [Abraham Joshua] Heschel declaring in the keynote address that at the first conference on religion and race, the main participants were Pharaoh and Moses, when Moses said to Pharaoh, 'Let my people go.'"<sup>5</sup> Heschel explained how the exodus "is far from having been completed. In fact, it was easier for the children of Israel to cross the Red Sea than for a Negro to cross certain University campuses."<sup>6</sup>

Campbell describes how Heschel's speech invigorated the crowd and brought the delegates to their feet. However, Campbell recalls that after Heschel, "William Stringfellow, then a relatively unknown attorney and theologian from New York, and one of three people who had been asked to respond to the address, stood up and calmly stated, '[t]he issue, the only

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<sup>3</sup> WILL D. CAMPBELL, *BROTHER TO A DRAGONFLY* 229 (1977) (explaining that the motivation for the conference was to combat the institution of segregation). I would like to thank Bill Wylie Kellermann for drawing this story to my attention.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 229-30.

<sup>6</sup> *Id.* at 230.

issue, at this conference is baptism.' ”<sup>7</sup>

Stringfellow told the gathering that: “[T]he issue here is not equality among men, but unity among men. The issue is not some common spiritual values, nor natural law, nor middle axioms. The issue is baptism. The issue is the unity of all mankind wrought by God in the life and work of Christ.”<sup>8</sup>

After Stringfellow spoke, “the delegates came to their feet again. But not with applause. Boos, jeers and catcalls from outraged Christians filled the hall in apology to the offended Jews who sat in stunned silence.”<sup>9</sup>

### B. Stringfellow's Unpleasant Truths

I suspect the boos, jeers and catcalls from the Christian delegates reflected more a sense that Stringfellow was being insensitive to their Jewish colleagues rather than rejection of the importance of baptism. What were the Jews thinking in their stunned silence? I noticed that one of the other responders to Heschel's address was Al Vorspan, one of the giants of Jewish social justice efforts and a hero of mine since my childhood. I called him in the hope that he would provide me with an explanation. His answer was quite blunt: he remembered thinking that Stringfellow was an anti-semite.

I can understand that response. When Jews hear that “the issue is baptism,” they often hear that the issue is that they are unbaptized. For Jewish Americans who live in a country where they comprise approximately 2.5% of the population,<sup>10</sup> a very small minority outside of a few cities, that language has frightening resonance. Indeed, while I was working on this essay, I learned of a similar experience of a relative — a five year old girl in a liberal college town in the South. She had moped around the house and had refused to tell her parents why she was upset. After three days, she finally explained. Two girls on the playground had told her that she was going to burn in hell because she did not accept Jesus as her savior and they attempted to persuade the other children on the playground not to play with her because she was Jewish. This experience, or ones like it, are unfortunately quite familiar to me and, I suspect, other American Jews who have lived outside of those few cities with large Jew-

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<sup>7</sup> *Id.*

<sup>8</sup> William Stringfellow, *Care Enough to Weep: TRANSCRIPT OF AN ADDRESS GIVEN AT THE NATIONAL CONFERENCE ON RELIGION AND RACE, WHICH WAS REPORTED IN THESE PAGES JANUARY 24, 1963*, THE WITNESS, Feb. 21, 1963, at 13, 14-15.

<sup>9</sup> CAMPBELL, *supra* note 3, at 230.

<sup>10</sup> See Russell G. Pearce, *Jewish Lawyering in a Multicultural Society: A Midrash on Levinson*, 14 CARDOZO L. REV. 1613, 1635 (1993) (asserting that as a small minority, Jews often face inequality as a result of their divergence from mainstream perspectives).

ish populations.

I do not equate these cruel school children with Stringfellow. Having read his work and studied his talk to the conference on race and religion, I do not believe he was seeking to be hurtful. On the contrary, in stating that “the issue is baptism,” Stringfellow was declaring his belief in baptism as “the sacrament of the extraordinary unity among humanity wrought by God . . . in overcoming all that alienates, segregates, divides, and destroys human beings in their relationship with each other. . . .”<sup>11</sup> From this perspective, anti-semitism is evil because it does exactly that. Indeed, seeking unity requires treating all people, even non-Christians with respect.

A little-noticed part of Stringfellow’s talk supports this interpretation. Stringfellow criticized the conference’s leadership for failing to place anti-semitism on the conference agenda. As he put it:

It is a tender issue, but the boycotts attempted by Negroes against Jewish merchants last summer in Harlem have put it publicly and urgently, and it cannot be any more ignored. Moreover, I want this particular issue exposed and considered because it places my own people—that is, White Anglo-Saxon Protestants—in an excruciating position. On one hand, the white Protestant stands beside the Jew as the object of an intense, almost visceral, Negro hostility toward all white folk. But on the other hand, surely Negro anti-semitism is, in its own way, some imitation of the anti-semitism so fashionable and common among white Protestants. It is fitting that white Protestants be confronted by their own malice.<sup>12</sup>

Whatever your response is to these comments, it is hard to read them as anything other than a condemnation of anti-semitism. When I read them to my friend who remembered Stringfellow’s comments as anti-semitic, he responded that perhaps he had judged Stringfellow too quickly.

If we work from the supposition that Stringfellow intended nothing hurtful by declaring that the “issue is baptism,” we may find that he was confronting the conference with truths the participants did not want to hear. Stringfellow’s commitment to racial justice derived from his faith, and his faith was not any universal faith, but Christianity in particular.<sup>13</sup> As Will Campbell describes it, Stringfellow’s statement of his truth threatened “the harmony and unanimity . . . of 657 liberals bent on solving someone else’s problem.”<sup>14</sup>

And so Stringfellow teaches us that genuine interfaith conversation is

<sup>11</sup> A KEEPER OF THE WORD: SELECTED WRITINGS OF WILLIAM STRINGFELLOW 11-12 (Bill W. Kellermann ed., 1994) [hereinafter A KEEPER OF THE WORD] (examining Stringfellow’s beliefs that baptism is a power that can overcome separation and systems of unfair domination).

<sup>12</sup> Stringfellow, *supra* note 8, at 14.

<sup>13</sup> See A KEEPER OF THE WORD, *supra* note 11, at 7.

<sup>14</sup> CAMPBELL, *supra* note 3, at 230.

not about creating a veneer of harmony and unanimity which obscures real differences. Rather, it consists not only of celebrating what we share, but in candor in acknowledging the very real gulfs between us. Toward that end, we need to create spaces where we can authentically be ourselves without being hurtful or being perceived as such.

## II. THE LAWYER'S VOCATION

### A. Perspectives on Vocation

In Stringfellow's statement that "the issue is baptism," we find as well his understanding of the lawyer's vocation. To William Stringfellow, baptism is the self-conscious acceptance of Christian faith into one's life.<sup>15</sup> This is the basis of a Christian's vocation.<sup>16</sup> Stringfellow wrote that "[t]o have a vocation or to be called in Christ means to discern the coincidence of the Word of God with one's own selfhood, in one's own being, in its most specific, thorough, unique, and conscientious sense."<sup>17</sup> Vocation means "awareness of [the] significance" of "the Word of God incarnate in common life."<sup>18</sup>

As Stringfellow understood vocation, it did not refer to a particular career or job but rather to how his relationship with God permeated all parts of his life, including his work.<sup>19</sup> He wrote:

[W]here I happen to be and what I happen to be doing does not determine the issue of who I am as a human being or how my own person may be expressed and fulfilled. I learned the meaning of vocation in the army. It was an emancipating discovery, for then it became possible to go anywhere and to do any sort of work—in full knowledge of my own identity and integrity.<sup>20</sup>

"Any sort of work" included the practice of law. He observed that "any work, including that of any profession, can be rendered a sacrament of that vocation."<sup>21</sup>

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<sup>15</sup> See A KEEPER OF THE WORD, *supra* note 11, at 156-62 (noting that the public baptisms of the New Testament set baptism out as a notorious, public and political action which created the awareness of unity with Christ).

<sup>16</sup> See *id.*

<sup>17</sup> *Id.*, at 20 (asserting that every person's awareness of their selfhood is the rudimentary data for theology).

<sup>18</sup> *Id.*

<sup>19</sup> See *id.*, at 4-5 (noting that living life in the fullness of who God called one to be and offering one's gifts is the meaning of vocation).

<sup>20</sup> See *id.* at 39 (noting that in being true to one's own beliefs and true character, a person is engaging in the vocation for which his life is intended).

<sup>21</sup> See *id.* at 31 (discussing the "vocation of being human").

We do not have far to look in Jewish tradition to find analogues to Stringfellow's understanding of vocation. Leonard Fein has recently noted that "Judaism is a vocation in the classic meaning of that word . . . God calls; we answer, 'Here I am.'"<sup>22</sup> Like Stringfellow's Christian vocation, our Jewish vocation applies to everything we do. Rabbi Moshe of Kobryn taught that:

God says to [all people], as [God] said to Moses: "Put off thy shoes from thy feet"—put off the habitual which encloses your foot, and you will know that the place on which you are now standing is holy ground. For there is no rung of human life on which we cannot find the holiness of God everywhere and at all times.<sup>23</sup>

No rung. Not even our work as a lawyer. As Abraham Joshua Heschel taught, "redemption—the task of revealing the holy—takes place every moment, of every day."<sup>24</sup>

Heschel's injunction that we seek to realize the sacred potential of every moment captures a Jewish conception of vocation. It is quite analogous to Stringfellow's declaration "that any work . . . can be rendered a sacrament."<sup>25</sup>

### *B. Making Law Practice a Holy Work*

Accepting that one's work as a lawyer is a sacrament, how does one go about doing it? I will consider only one small part of this question: Whom does our religion compel us to represent? By this question, I do not mean to ask what career we should choose as lawyers. Rather, what people or causes must we represent as religious persons, whether as private practitioners or as public interest or government lawyers. I suspect we will find very different answers even to this limited question among people of faith who share the same general understanding of vocation. In this Essay, I will consider Stringfellow's answer and whether Jewish sources exist to support similar conclusions for the Jewish lawyer.

When he graduated from Harvard Law School in the 1950s, William Stringfellow became a legal services lawyer in Harlem,<sup>26</sup> an extraordinarily unusual commitment at that time and indeed an uncommon commit-

<sup>22</sup> Leonard Fein, *Responding to the Jewish Call*, FORWARD, Apr. 12, 1996, at 7.

<sup>23</sup> MARTIN BUBER, *TALES OF THE HASIDIM: THE LATER MASTERS* 170 (1948) (discussing the presence of God in all facets of our existence).

<sup>24</sup> ABRAHAM JOSHUA HESCHEL, *BETWEEN GOD AND MAN: AN INTERPRETATION OF JUDAISM, FROM THE WRITINGS OF ABRAHAM J. HESCHEL* 80 (Fritz A. Rothschild ed., 1959) (discussing man's destiny to be with God).

<sup>25</sup> A KEEPER OF THE WORD, *supra* note 11, at 31; *see also supra* notes 19-21 and accompanying text for a discussion of Stringfellow's views on vocation.

<sup>26</sup> *See id.* at 2.

ment today. He described his work in Harlem and later as providing representation "for people deprived of elementary rights: children, women, blacks, Hispanics, Native Americans, political prisoners, homosexuals, the elderly, the handicapped, clergy accused of heresy, women aspiring to priesthood."<sup>27</sup>

The reason he represented these particular clients was not a political one, it was a matter of vocation. He wrote that:

To be concerned with the outcast is an echo, of course of the gospel itself. Characteristically, the Christian is to be found in his work and witness in the world among those for whom no one else cares—the poor, the sick, the imprisoned, the misfits, the homeless, the orphans and beggars. The presence of the Christian among the outcast is the way in which the Christian represents, concretely the ubiquity and universality of the intercession of Christ for all. All human beings are encompassed in the ministry of the Christian to the least.<sup>28</sup>

I am not aware of a similarly well-developed exposition of the demands of vocation from a Jewish lawyer. I will suggest a few sources for developing such a perspective. The Jewish lawyer's vocation quite clearly includes a duty to the poor. As Rabbi Arnold Jacob Wolf has written:

Judaism is not liberal or centrist; it is radically obedient to God. It is the sabbatical year and the preference for the poor is *peah* and *leket*. . . . It demands not what Gingrich and Dole (or Clinton) are proclaiming—but a naked, compassionate response to hunger and inequity that it has always required of those who would be Jews.<sup>29</sup>

Accordingly, a Jewish lawyer who devotes all or part of her career to aiding the poor engages in holy work.<sup>30</sup>

What about the other aspects of Stringfellow's vocation—advocating for women's rights, lesbian and gay rights, equal rights for people of color? Here, the answer is more complex, if only because our texts are more equivocal with regard to questions of gender and sexual orientation. Nonetheless, many commentators suggest that Jews, and therefore Jewish lawyers, have an equally compelling duty to battle racism, sexism, and homophobia. Recently, for example, the Reform Jewish movement received coverage in the *New York Times* when its rabbinic affiliate, the Central Conference of American Rabbis endorsed a civil right to same-sex

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<sup>27</sup> *Id.* at 33-34.

<sup>28</sup> *Id.* at 42.

<sup>29</sup> Arnold Jacob Wolf, *A Response*, SH'MA: A JOURNAL OF JEWISH RESPONSIBILITY, Apr. 28, 1995, at 5-6.

<sup>30</sup> See Russell G. Pearce, *The Jewish Lawyer's Question*, 27 TEX. TECH L. REV. 1259, 1269 (1996).



marriage.<sup>31</sup> They did so not as a matter of politics or ideology, but rather as a matter of religious imperative.<sup>32</sup>

Without engaging in an exhaustive consideration of the relevant texts and the disputes regarding these texts, this essay will offer some possible sources for this commitment. The Torah teaches that all are created “*b'tzelem elohim*,” in the image of God.<sup>33</sup> When we treat another person differently than we treat God—when we deny them love, respect, or equal rights because of their race, gender, or sexual orientation, we are denying God love and respect.<sup>34</sup>

Leviticus further explains this commitment: “The stranger that sojourns with you shall be unto you as the homeborn among you, and thou shalt love him as yourself, for you were strangers in the land of Egypt.”<sup>35</sup> The characterization of any member of our society as the “other,” or “as the stranger,” whether based on race, gender, sexual orientation, or whatever grounds, violates this commitment.

Accordingly, a Jewish lawyer might very well arrive at the same answer as William Stringfellow. Whom does vocation demand the lawyer assist? — the poor and those fighting for equal rights and equal dignity.

### C. *Vocation Contrasted With Professionalism*

Although this application of vocation derives from commitments and language different from legal professionalism, it is not necessarily inconsistent with part of professional ideology: Commitment to public service. But when we compare professional ideology with vocation, we also find

<sup>31</sup> See David W. Dunlap, *Rabbis Vote to Back Gay Marriage*, N.Y. TIMES, March 29, 1996, at B9. In 1997, the congregational affiliate added its support. See *Resolution on Civil Marriage for Gay and Lesbian Jewish Couples*, GENERAL ASSEMBLY, UNION OF AMERICAN HEBREW CONGREGATIONS (adopted 1997) (urging “[s]upport [for] secular efforts to promote legislation that would provide through civil marriage equal opportunity for Gay men and Lesbians”).

<sup>32</sup> See *Resolution Adopted by the CCAR ON GAY AND LESBIAN MARRIAGE*, 107<sup>TH</sup> ANNUAL CONVENTION OF THE CENTRAL CONFERENCE OF AMERICAN RABBIS (adopted 1996) (deriving support for same-sex civil marriage from “our Jewish commitment to the fundamental principle that we are all created in the divine image”).

<sup>33</sup> See *Genesis* 1:27 (“God created man in the divine image, in the image of God did God create him; male and female God created them.”).

<sup>34</sup> See ELIE WIESEL, *SOMEWHERE A MASTER: FURTHER HASIDIC PORTRAITS AND LEGENDS* 65 (1982) (“[T]he basic principle of Hasidic teaching [is that] our love for our fellow man must resemble God’s; it must aspire to be infinite.”); Jack Stern, *Jewish Ethics in the Daily Life of the Jew*, in *THE JEWISH CONDITION: ESSAYS ON CONTEMPORARY JUDAISM HONORING RABBI ALEXANDER M. SCHINDLER* 123 (Aron Hirt-Manheimer ed., 1995) (apply this passage to racial discrimination). The Baal Shem Tov taught that one “who loves [another], loves God”: “Every encounter quickens the steps of the Redeemer; let two beings become one and the world is no longer the same; let two human creatures accept one another and creation will have meaning, the meaning they will have imposed upon it.” Elie Wiesel, *Souls on Fire* 33 (1972).

<sup>35</sup> *Leviticus* 19:34.

significant areas of conflict.

A fundamental element of professionalism is the concept of the professional role. Professionalism teaches us that in our role of lawyers we should reject the influence of personal identity, such as faith commitments. Sanford Levinson has described how the professional project of law, that is, the process of creating and maintaining our professional role, “‘bleach[es] out’ . . . merely contingent aspects of the self, including the residue of particularistic socialization that we refer to as our ‘conscience.’”<sup>36</sup> Vocation is to the contrary. It will not let us escape our duty to God in our work.<sup>37</sup>

Another fundamental element of dominant professional ideology is what commentators call the “non-accountability principle” which relieves lawyers of accountability from whom they represent and how they represent them.<sup>38</sup> This principle sanctions amorality as to both means and ends. Stringfellow objected to this, complaining of the game-playing approach to advocacy and of the absence of conversation about justice in his classes at Harvard Law School.<sup>39</sup>

In contrast, vocation requires lawyers to pursue justice in all aspects of their profession. It demands accountability as to both ends and means. Indeed, vocation is all about accountability: Accountability to God in every moment of our work.

#### CONCLUSION

Stringfellow's 1963 speech to the National Conference on Religion and Race has made this project very difficult for me. I confess that when my friend who spoke at the conference told me of his impression that Stringfellow was an anti-semite, I questioned whether I should continue with this project. Upon reflection, I realize that this obstacle became an advantage. It goaded me to wrestle more intensely with Stringfellow's teaching and enabled me ultimately to reach a more profound reading of this incident and of Stringfellow's lessons for the Jewish lawyer. To William Stringfellow—and to Uncas Mcthenia and Bill Wylie Kellerman for

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<sup>36</sup> Sanford Levinson, *Identifying the Jewish Lawyer: Reflections on the Construction of Professional Identity*, 14 *CARDOZO L. REV.* 1577, 1578 (1993) (discussing the identity of the Jewish lawyer).

<sup>37</sup> See Pearce, *supra* note 30, at 1269.

<sup>38</sup> See Pearce, *supra* note 1, at 1082 (describing Murray Schwartz and David Luban's description of the “standard conception of the lawyer's role”).

<sup>39</sup> See *A KEEPER OF THE WORD*, *supra* note 11, at 32 (“Alas, it was seldom mentioned, and the term itself evoked ridicule, as if justice were a subject beneath the sophistication of lawyers.”).

inviting me to undertake this project— “*todah rabah, kol hakavod.*”<sup>40</sup>

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<sup>40</sup> Many thanks and all the honor.