

Protecting Israel's Democratic Soul

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Rabbi Jay Perlman

Temple Beth Shalom * Needham, MA

I was nineteen when I went to Israel for the first time. It was to participate in a gap year program sponsored by the World Zionist Organization. Its purpose: to bring together about a hundred college aged students from around the world to experience Israel, to learn about Zionism – its successes and its challenges, and to deeply consider the meaning of being Jewish. It was an extraordinary year. I had my first really great falafel. Met many amazing people – creating relationships that have blessedly extended long beyond that year. And, importantly, I expanded my horizons – Jewishly....spiritually.

That year was also momentous because it was at that time that the First Intifada – the first Palestinian Uprising – broke out and questions were being raised about Israel's values and identity – questions that have continued ever since. As our program cohort faced firsthand the challenging realities of the Israeli-Palestinian conflict, our educators repeatedly brought us back to one particular text: Israel's Declaration of Independence. They reminded us that, while Israel has consistently wrestled to become the nation that it aspires to be, the ideals articulated in Israel's founding document have – since the start of the state - served as a clear reminder of the principles upon which Israel was founded.

On May 14th, 1948, it was in the afternoon before Shabbat when David Ben Gurion stood in the Tel Aviv Art Museum – a large photo of Zionism's founder, Theodor Herzl behind him and 250 guests and an uncertain future in front of him. Reading from the Declaration of Independence's text, Ben Gurion declared:

“The State of Israel will foster the development of the country for the benefit of all its inhabitants. It will be based upon freedom, justice, and peace as envisaged by the prophets of Israel. It will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race, or sex. (Israel) will guarantee freedom of religion, conscience, language, education, and culture. It will safeguard the Holy Places of all religions. And it will be faithful to the principles of the Charter of the United Nations.”

And while there is much that Israelis-in-specific....and Jews-in-general....disagree about, over Israel's 75 year history there has been strong consensus regarding the principles articulated in Israel's founding document. According to one recent poll, 70% of Israelis have said that they would support the creation of a Constitution grounded in the values embedded within the Declaration – values that affirm Israel as a state that is Jewish, democratic and that ensures the human rights of all. And, while it is that the Declaration of Independence is not a legal text, Israel's Supreme Court has affirmed in specific rulings in 1948, 1953, and then again in 1994 that the document does - quote: “give expression to the vision of the (Israeli) people.”

Evidence of the strong support for the principles found in Israel's Declaration has also been clear since the start of the judicial overhaul crisis nine-and-a-half months ago.

The details of the proposed restructuring of Israel's judiciary are, not surprisingly, complicated and nuanced. And, thankfully, there are many excellent articles that have been written that fully explain the processes currently at-play. So, for now....for the purposes of a Rosh Hashanah morning sermon that envisages you heading home soon for *yontif* lunch, I will share only a simplified summary.

First, it is important to know that Israel does not have a Constitution. While the Declaration of Independence specifically noted the intention of the founders to write one, there was simply too much political disagreement and division amongst Israel's leaders for a text to be written. Instead, Israel's leaders decided that, over time, the Knesset would pass a series of, what they called, "Basic Laws" – foundational laws that, they believed, would eventually be collected and codified as a constitutional document.

For this reason, it has been imperative that Israel has had a healthy system of checks and balances in place in order to preserve justice, order, and to guarantee the rights of both the majority and the minority. In addition, because Israel exists as a parliamentary democracy – meaning that the Executive and Legislative branches are essentially intertwined one-with-the-other – it has been imperative that Israel's judiciary remain independent and strong.

Essentially, since its founding, Israel's government has functioned effectively because of the establishment of a delicate balance. As Israeli author, Ari Shavit has written: "(It is a) historic compromise (that has) allowed (Israel's) highly diverse communities to live together peacefully – with the right controlling political power for the last 20 years and the center and left holding sway in the courts, the media, and the universities..."

Last November's elections introduced a significant change to Israel as the most right-wing government in Israel's history was voted into the Knesset.

To secure enough seats for Knesset control, the governing coalition currently includes parties which are ultra-nationalist and ultra-Orthodox. A number of the leaders of these groups are individuals whose histories are in the violent margins of Israel's nationalist settler movement as well as those who abide by a messianic Jewish ideology. Taken together, their political agenda includes actions that would radically re-shape the nature of Israeli society – making it essentially unrecognizable to Israel's founders and potentially intolerable to a multitude of Israel's citizens.

Specific proposals that have been espoused by current ministers include reduced protections for the rights of minorities - including Palestinians, women, and the LGBTQ+ community, dramatic expansion of settlements throughout the West Bank, strengthening the authority of the Chief Rabbinate, and permanent exemption from military service for the ultra-orthodox – an act that would tear at Israel's social fabric as the military is known as the army of the entire population.

Other proposals include the restriction of women's freedoms, the implementation of the separation of men and women in public places, and the de-legitimization of all expressions of Judaism that are not ultra-orthodox in nature.

In a healthy liberal democracy, it is specifically at times such as this that strong checks and balances are essential – ensuring that the actions of the government remain aligned with the values of the country. For Israel, at this moment, preserving strong checks-and-balances means preserving an independent judiciary.

From its outset, Israel's current governmental coalition, has seen the judiciary-in-general and the Supreme Court in particular as an impediment to its agenda. And, as a result, has sought to significantly curtail the power of the courts. The dramatic proposals which were first presented at a Knesset press conference in January – and which led to the passage in July of one plank in the coalition's platform to disempower the courts – have sparked outrage and concern – both within Israel and around the world.

Justice Aharon Barak, one of Israel's most renowned legal figures, declared that any judicial overhaul which would cease the court's ability to serve as a check on the government would – quote - “strangle Israeli democracy.” Former Attorney General and Vice President of the Supreme Court, Judge Elyakim Rubenstein – following the announcement of the proposed overhaul legislation - stated: “I'm not sleeping at night. This is not just a figure of speech. I am truly anxious about the character of the country.”

As well, the popular response to the judicial overhaul has been dramatic. In a remarkable and extraordinary example of civic activism – every week since January's announcement - hundreds of thousands of Israelis have been taking to the streets in protest - most especially in Tel Aviv and Jerusalem. By one estimate, approximately ¼ of all Israelis have participated in the protest movement – a national response that would be equivalent to 84 million Americans taking to the streets.

The protesters themselves are both secular and religious – and span much of the spectrum of Israel's politics. They include former members of the Likud party, Members of Knesset, and those who are at the forefront of high tech, business, academia, and the legal and medical professions. There are current reservists, as well as veterans from past Israeli wars – including, movingly veterans of 1973's Yom Kippur War – whose fiftieth anniversary we mark this coming Holy Day. Many have said that they have never before participated in a political protest. And many Israelis have expressed surprise at the breadth and endurance of the outpouring – calling it a popular “awakening.”

According to one poll taken by the nonpartisan Israel Democracy Institute, 60% of the Israeli public opposes the current judicial overhaul, with less than half of those who voted for the Likud party in the most recent election supporting it.

Yossi Klein Halevi – Senior Fellow at the Shalom Harman Institute in Jerusalem – notes that “over and over, protestors tell interviewers variations of the same story: ‘I’m doing this for my father who was wounded in the Yom Kippur War, for my son who was killed in Lebanon, for my grandparents who were uprooted from Iraq or who survived the Holocaust, for my great grandparents who helped build the state. Now – they say – it’s my turn to defend the country.’”

Many see this moment-in-time as one of existential importance. Klein Halevi, for example, has lamented the strong possibility of Israel experiencing, what he calls “an emigration of despair” - with the possibility of many of Israel’s brightest – those that he says are most responsible for the success of Israel as a Start Up Nation – pledging to leave should the current proposals proceed.

Indeed, while it is the power of the judiciary that is at the top of the headlines, it is, in fact, the determination of the soul of Israel that is truly at the heart of the matter.

Rabbi Gilad Kariv - a former Member of Knesset and Reform Rabbi - has tried to provide a measure of reassurance by placing the national turbulence experienced by Israel in recent years into some historical perspective. He noted that it is not uncommon for a country like Israel – which is now 75 years old and only a few generations removed from its founding – to be wrestling with how to live out its core values.

In the Haftarah portion that we just read, Nechemiah – a Jewish high official in the Persian court - is sent to the land of Judea. At the time, it is about 95 years and about three generations after the end of the Babylonian Exile and of the re-establishment of the Jewish people’s sovereignty in the region. Just as is true today in modern Israel, upon his arrival, Nechemiah found the relatively new Jewish nation in distress – with the people divided in how they would live out the values of the Torah. It was only through Nechemiah’s strong leadership and the structures that he put into place that the nation was eventually able to emerge grounded and secure.

Rabbi Kariv continued his teaching by noting that a similar cycle of circumstances had unfolded in the United States. About 85 years after the declaration of American independence, the Civil War was fought – which was also, in essence, a battle over the country’s core values.

This Rosh Hashanah – as we engage in our own *cheshbon ha’nefesh* – “reflection of the soul” – and with Israel in crisis - engaged in what might be described as her own *cheshbon nefesh l’e’umi* – national soul-struggling to affirm her values and determine her direction – the shofar calls upon us to turn in solidarity and support.

Over the past several months, I have been in touch with Rabbi Alona Nir Keren of Kehillat Mevasseret Zion in Jerusalem. For many years, as you may know, Temple Beth Shalom and the KMZ community have shared a close relationship as “sister congregations.” Every TBS trip to Israel has included a special Shabbat in Mevasseret, where we have been warmly welcomed – both in the synagogue and in the homes of its members. Our TBS Sisterhood and KMZ have meaningfully connected. And blessedly, also, their rabbis have visited here and have spoken

many times.

In my conversations with Rabbi Alona, I have shared our concerns for what is happening now in Israel. I have asked how she and her community are managing. And I have inquired how I and we might be of greatest help.

We agreed, first of all, that it would be meaningful for us to expand the circle of our own personal conversation so our communities might hear from one another especially now as we begin the new year. And so each of us has prepared a message that we are sharing with each other's congregation today. Rabbi Alona has written the following to us all:

“Shalom, my dear friends in Beth Shalom. I told Rabbi Perlman that I would write my words as close as possible to Rosh Hashanah, since in Israel, especially these days, you cannot predict what will happen. And what happens now in Israel? We wait. All of us are waiting to hear the words of the Supreme Court as they review the recent law curbing the authority of the courts. Our last days of Elul are literally, for us, a time of *Yom HaDin* – a Day of Judgment. Though the actual ruling will not be given for a few weeks, yesterday, throughout the whole day, Israelis across the country were tuned in to a live broadcast of the Supreme Court discussion.

Yes, we wait. But not passively. We are active – we raise our voices. For 38 long weeks – we have been standing on every main square and every bridge, we do it as part of our Reform Movement.” Rabbi Alona continues: “All of us are needed at this time. What you do in America impacts us and the future State of Israel will have a tremendous influence on all of our families. On behalf of my community, we wish you a good and healthy year – a year that keeps democracy strong in Israel.”

In addition to our exchange of High Holy Days messages, Rabbi Alona and I have agreed that it would also be meaningful for us to bring our communities even closer to another through a series of personal conversations. During our bi-annual trips to Israel, a highlight has always been the Shabbat dinners that TBS travelers have enjoyed in the homes of our Israeli hosts.

And so, we have created a discussion series, which we have called “*Panim el Panim*” (“*Punem to Punem*”)...“Face to Face” – that will serve, in a sense, as an extension of those warm conversations. We will get together monthly via the miracle of Zoom – with the discussions being open to everyone in our community. With our Israeli partners, we will talk about Israel, the ongoing efforts to safeguard democracy there, and Jewish identity through the lens of both the American and the Israeli experiences. More information and a registration link for “*Panim el Panim*” may be found in your service hand out. If you have questions, please let me know.

As well, during this coming year, we will seek to support Israel's striving to live her values through both education and advocacy.

Following the High Holy Days and into the months ahead, we will be sharing with you helpful

articles to bring greater understanding of the situation in Israel, as well as let you know about numerous organizations that are promoting action and are in need of support.

In Torah, the Children of Israel engage in a long, difficult journey to achieve the full promise of their homeland. So too – today - do we find the Jewish people – most especially the people of Israel, but also all of us – being called to work together to make real the promise of a land. At the time of Israel’s beginnings, its founders inscribed visionary ideals in its Declaration of Independence: a pledge to build a national home where democracy, Judaism, human rights, and blessing touch every life – every soul. No wonder that when the founders chose to name the Declaration of Independence, in Hebrew, they called it a *Megillah* – *Megillat Atzma’ut* - a sacred scroll of independence. For us – as it was then - it remains a guiding light - guiding the work begun by Israel’s founders.....and continued by us.

As, together, we set about our task – a prayer by Rabbi Oded Mazor – words shared by Rabbi Alona just this past week as she participated in a demonstration outside of Israel’s Supreme Court:

Elohei Avoteinu v’Imoteinu....

God of our ancestors Abraham and Sarah, Isaac and Rebecca,
Jacob, Rachel, Leah, Bilha, and Zilpah,

Bless those who stand in defense of democracy, equality, and peace.

From among our people....and those all over the world....

who work to repair society in the face of the threat to the justice system and the rule of law:

May the Holy One protect them and save them
from all trouble and distress, and from every plague and illness,
from all harassment and injury and any attempt
to humiliate them and undermine their commitment in the fight against indifference, inaction,
and noninvolvement.

May their efforts be successful.

And may they have:

A good eye.....to see wrongs done.

A good heart....so as not to stand idly by.

And the strength

to act to protect the rights of all

to do justice and bring peace to every person made in the image of God in
the world.

May the words of the Torah be fulfilled:

“For because of this thing God will bless you in all of your efforts
and in all of your undertakings” (Deut. 15:10).

And let us say: Amen.