Kol Nidre-5778 Rabbi Nina H Mandel

In 2009, Justice Richard Goldstone, a South African, Jewish, judge, under the auspices of the UN, led a fact-finding mission to Gaza, in part to investigate Israel’s role in a recent outbreak of violence. His report, known as the Goldstone Report, was very controversial and divisive in the Jewish world because of his condemnation of Israel’s actions. In 2011, Goldstone himself backed away from the report and spoke harshly of the management of the whole project.

Also in 2009, Richard Goldstone’s grandson was becoming a Bar Mitzvah. As we do here, the date was set and the family was prepared to gather in celebration. However, some of the groups that were opposed to the Goldstone Report, planned to protest outside the synagogue and disrupt the service and celebration. Goldstone announced that he would not attend the Bar Mitzvah so that there would be no protests or disruptions.

When some colleagues of mine got wind of this, they drafted a letter to Goldstone, expressing their sadness that he felt he couldn’t be at his own grandson’s Bar Mitzvah, and as well as condemning the protestors. They also told Goldstone that they supported his right to be critical of the Israeli government, knowing that it came from a genuine concern for the country. I was among a handful, perhaps 15 or so rabbis, who signed the letter.

Some of the other rabbis went on to become active in the leadership of an organization called Jewish Voices for Peace. Despite its name, it is a very controversial group, on the far left of opinion and action regarding Israel and the Israeli Palestinian conflict. At the time I was asked to join and declined. My views, though left of center for many, are far more moderate than this group. But, as with the Goldstone issue, I feel strongly that people have the right to express dissension, even when I don’t agree with or support it.

This summer, a travel ban instituted by Israel, opens up the possibility that, because I signed that letter in 2009, I could be denied entry in the country on my next visit. This has already happened to several of the other people who signed, specifically the ones who are active in Jewish Voices for Peace.

I discovered a number of years ago that signing that letter had branded me as a threat among the most vigilant pro-Israel, anti-dissension groups. I found out because a letter was circulated on-line, and to targeted individuals, claiming that I was anti-Zionist, pro-Hamas, not a real rabbi, dangerous, and generally a threat to all Jewish institutions. A similar letter was circulated about the other rabbis as well. Even Alan Dershowitz added me to his list of illegitimate rabbis and spoke about me, and my colleagues publicly. Since then, I still get e-mails from people who have heard that I am pro-Hamas, asking me to explain myself.

I explain that I am pro-free speech and pro-grandfathers at Bar Mitzvahs, but the other accusations are flat out *lashon hara*, or the exact kind of talebearing and false judgement Judaism condemns. And they represent the kind of bullying that is intended to silence anyone who disagrees with you.

I am reminded of this because of the Israeli travel ban and in light of other news out of Israel in the past year. The official Rabbinate, the governmental body that oversees religious life and matters, has made some very provocative statements about Jews living in the diaspora.

In many cases, these statements have influenced the prime minister and members of Knesset to enact legislation that could have a direct impact on all of us. They demand a level of both unquestioning loyalty and Orthodox religious practice which does not represent many Jews in the Diaspora.

In order to talk about the importance of this, some background is required on a couple of different issues: the role of the Israeli Rabbinate, the question of who is Jewish, and why we, here in the Central Susquehanna Valley, should care about this.

Prior to 1948, when Israel was still called Palestine, the various ruling governments put the oversight of all religious matters into the hands of the leadership of each domination: broadly, Christian, Muslim, and Jewish. In 1947, while David Ben Gurion was negotiating with all the religious authorities in preparation for the establishment of the Jewish State of Israel, they each agreed to maintain this system as part of a Status Quo agreement, still in effect today. Simultaneously, Ben Gurion assured the Orthodox rabbinical leadership in Israel, that they would be the official authority over both rabbinical courts and any religious issues. As the authority, they were—still are—granted the right to regulate, according to traditional halakha—all matters pertaining to all Jews in the land of Israel. This is regardless of whether an individual identifies as secular, Reform, Masorti, Orthodox or anything in between. This stands in stark contrast to the original Zionist platform. The founders and movers of that movement were not religious and imagined Israel as more of a safe haven and cultural wellspring for Jews, than a place meant to fulfill any religious dream of return.

Keep in mind that there is no separation of state and religion in Israel. The power of the rabbinate extends to: who can get married to whom, divorce settlements, conversions, immigrant status, school curriculum, kosher certification of businesses, and a wide range of issues related to public use of holy sites. That means, halakha, Jewish law, as interpreted by the chief rabbis (there are two, one Ashkenazi, Sephardi) at any point in time, has the force of ruling law.

This may seem to make sense. After all, it’s Israel. We’re talking about a Jewish State, and traditional Jewish law is bound to be integrated into the workings of the state. But there are a few sticky places, in part because it is incumbent on the Chief Rabbis to decide how to interpret an individual’s status as a Jew, a status necessary to be able to do things like marry and get buried in Israel.

Since the early days of Israel’s existence, it was vitally important that Jews make Aliyah, or move there, in order to both build and protect the emerging nation. While Theodor Herzl and the other Zionist founders may have imagined that Jews all over the world would flock to “return” to Israel, that was not the response. The vast majority of the new citizens were refugees from the war in Europe and from political upheaval in Middle Eastern and North African countries. In 1950, the Israeli government, and the rabbinate, enacted the Law of Return both to encourage immigration and to have a clear mandate on who is considered eligible for Israeli citizenship and the benefits that are given to new immigrants to help them become established.

In brief, the Law of Return says that every Jew has the right to move to Israel and assume Israeli citizenship, unless it is determined that the person is “engaged in activity directed against the Jewish people or is likely to endanger public health or security of the State.” In 1970, the Law of Return was expanded to include the spouse, child, grandchild, spouses of children and grandchildren, of a Jew. This change was to accommodate the thousands of Russian refugees coming into the country, many of whom had non-Jewish family members because of their status in the former Soviet Union.

For the purposes of the Law of Return, a Jew is a person born of a Jewish mother, or has converted to Judaism and is not a member of another religion. That would seem to provide an answer to the Who is a Jew question, especially since the definition in the Law of Return is on par with the traditional, halakhic, matrineal descent. And yet, debates have raged in Jewish communities for centuries, and still do. First, because not all children enter into families by being born into them. What about adoption? What about surrogacy? Donor eggs?

And second, in the age of denominations, some recognize Jewish status as passed through the mother or the father. Speaking of denominations, in the issue of conversion—whether of an adult or an infant, not all denominations have the same requirements and some will not recognize the legitimacy of another denomination’s ritual.

In the United States, where pluralism is the norm, this question is debated, but has no real civil implications. Legal marriage, divorce, and civil status is not tied into religious status. And status is the key word here. In Judaism, there is a difference between status and identity. Anyone can claim a Jewish identity and engage with a Jewish community or practice. Most communities, though, operate on the Talmudic assumption that if you say you are Jewish, you are believed until proven otherwise. However, the status of being a Jew has both personal AND communal implications. If you are recognized as a Jew, you have rights and obligations to the community. You can be counted in a minyan, and you can perform mitzvot, like leading prayers and reading from the Torah, on behalf of the community. In many Jewish communities, having this status impacts where and whom you marry, as well as where we can be buried. But, again, US civil law does not involve your religious identity or status, so there are always secular options.

Not so in Israel where your religious status is directly related to matters of the State. Conversion and marriage are the two areas most impacted by this. In order for a Jewish couple to be legally married in Israel, the wedding must be performed according to Orthodox law, as set by the Rabbinate. This means that one or both partners’ Jewish status could be questioned, especially if one of them was born to a Jewish convert. If the Rabbinate does not accept the mother’s conversion as valid, the child does not have Jewish status. Many secular Jews leave Israel to marry abroad because those marriage licenses ARE recognized in Israel. Jewish status also comes into play if a marriage ends in divorce, especially in terms of child custody and responsibility of care.

Recently, statements by the Rabbinate, the minister of education, and other government officials, have questioned or refuted the legitimacy of Jews who identify as Reform, Conservative, Masorti, or any liberal denomination. David Azoulay, the Minister of Religious Affairs, has publicly stated, “A Reform Jew, from the moment he stops following Jewish law, I cannot allow myself to say that he is a Jew.” Of Conservative Jews he allowed that they were Jewish but because they reject Orthodox practice, it is as if they are tearing the Torah to shreds. He is not alone in this view, similar sentiments have been expressed by other Orthodox politicians and leaders. The Reform and Conservative Movements in Israel have been vocal in objecting to these statements because they are potentially dangerous. In a country where basic services like education, social supports, and even housing are tied to religious status, a narrow acceptance of who is considered a Jew can result in damaging and prejudicial conditions.

In the past, I have spoken quite a bit about the lack of religious pluralism in Israel, especially in the context of the Kotel, the Western Wall. Because it is a holy site, the Kotel is overseen by the Rabbinate and Ministry of Religious Affairs. It is currently divided by a mechitza, a barrier separating men and women in prayer. What is most problematic is the prohibition against women reading from the Torah or praying in organized groups, or singing loudly, in the women’s section. For more than 25 years, women have been protesting this, often being arrested and in some cases put in jail. In recent years, there has been a significant movement made towards designating a different part of the Kotel, called Robinson’s Arch, as egalitarian prayer space. In fact, it was set to be enacted until earlier this year, when the prime minister bowed to the pressure of the Rabbinate and halted the deal.

This brings me to why this should be of concern to us Jews living in the Diaspora--outside of Israel--even those of us in the Central Susquehanna Valley. Israel was established to be both a safe haven and a source for continuity of Jewish thought and practice for ALL Jews. You may never have gone there, you may never consider moving there, and you may even take issue with its politics, but it is still there for you. And I’m not saying that we are in danger in our own country, but it would be careless to disregard the emergence of so many acts of anti-Semitism here and in Europe. It is important to know that Israel is place where, at least ostensibly, all Jews can find a home.

But Israel isn’t just important as a safe haven. The promise of a country which embodies the best ethics and ideals of Jewish thought and civilization is an exciting thought. There are few places in this world where Jews can be entirely immersed in the rhythms of Jewish life. We know that all too well, living here. Israel is really the one opportunity we have to experience that, even if we end up preferring the diversity of living here.

However, Israel for all the Jews, is limited when those in charge of ruling who is or isn’t Jewish are excluding or making it difficult to be recognized as such. When Israeli governmental religious authorities are making rulings that call into question the legitimacy of Jews in the Diaspora, we all lose something. And lest you think this is limited to liberal Jews, over the summer, a list was leaked from the office of the Chief Sephardi Rabbi. Known as the Rabbinic Blacklist, it had the names of over 100 rabbis, 65 of them Americans, whose authority would not be recognized on Jewish legal documents for things like conversion, marriage, and divorce. Many of the names on the list are prominent, well-respected, Orthodox rabbis. And in case you are wondering, no, my name is not on the list. As a woman, I can’t be considered a rabbi by them.

So what do we do, if we are concerned about the lack of pluralism, the rights of non-Orthodox Jews, or our ability to travel in Israel? Or if we are concerned that, in interpreting the Law of Return, the judgement about who is a potential threat to the Jewish people is being interpreted by an administration that supports the idea that non-Orthodox Jews are a threat to the Jewish people because they lure them away from Torah and into sin? Or that dissent against the government is considered closer to treason than a form of free speech in a country established on democratic ideals?

First, we need to pay attention, find news sources, people and organizations to learn about the entire spectrum of Israeli life. The conflict with the Palestinians my overshadow the news here, but it is only part of the story, and it is not the only important part. We can also choose to speak out through the many American Jewish organizations that work to have a voice in these matters. The most compelling thing about Israel to me is that, as a small, young nation, its values are still being shaped – they don’t even have a constitution yet. We are granted a say in how it develops through the Law of Return and through the legacy and heritage of the Jewish people.

As Americans, we need to remember that in our country, being a good citizen of the United States, means knowing that dissent, protest, change, and free speech are guaranteed and necessary. We may be just shy of 250 years old, a young nation in contrast to most others in the world, but we know that the US would not exist without dissent, protest, change and free speech. It is those things that allowed many of the unjust conditions which were inherent in the developing days of our nation, to be righted. And they still allow us to work for improving our nation to the fullest potential. As Jews, we should remember that the same applies to our engagement with Israel.