



## “Fighting for Democracy in Our Homeland: The Consequence of Israel’s Nation-State Law”

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With the limited bandwidth we have we need a night to think about Israel, our homeland.

This week was not a great week for democracy in Israel. This week:

- Israeli Arabs, who make up over 20% of Israel’s population and pay their taxes and live in Israel, were essentially told that they are now second-class citizens thanks to a new Nation-State Law passed by Israel’s right-wing Knesset.
- An Israeli Conservative rabbi was awakened by the police at dawn and interrogated for the simple act of officiating a wedding.<sup>1</sup>
- With the release of a new state-sponsored surrogacy law, single gay men and gay couples were told they **cannot** employ a surrogate in Israel.
- And finally, a group of young girls in Beit Shemesh (a neighboring town of Jerusalem) were chased by an angry mob of Ultra-Orthodox men who violently opposed their immodest dress.<sup>2</sup>

And, yes, it was another week of watching missiles fly into Israel from Gaza and flaming kites and incendiary devices drifting over the border and causing destruction. Another week of government officials and military leaders wrestling with strategy to address the humanitarian concerns of the Gaza blockade and the terrorist rule of Hamas. And, it wouldn’t be surprising if you missed some or all of these stories, because, well...Putin.

It was Mahatma Ghandi who said, “A nation’s greatness is measured by how it treats its weakest members.” We’ve spent the last few weeks talking about how we treat immigrants, refugees, and

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<sup>1</sup> According to the 2013 law, a person who officiates at the wedding of a couple that is not authorized [by the Rabbinate] to marry can be sentenced to six months in prison. In addition, a person who conducts a wedding is legally bound to register it and failure to do is an offense that carries a two-year prison sentence. One senior rabbi said that the 2013 law was meant to deal with only Orthodox wedding ceremonies -- and not Conservative or Reform ones, **which have no legal standing in Israel anyway**. Couples in Israel who marry with a Reform or Conservative rabbi officiating are not considered married, unless they supplement that symbolic wedding with a civil marriage abroad after which they are registered by the state as married. <https://www.haaretz.com/israel-news/israel-detains-conservative-rabbi-for-performing-non-orthodox-weddings-1.6291221>

<sup>2</sup> <https://www.timesofisrael.com/girls-chased-by-ultra-orthodox-mob-in-beit-shemesh-over-immodest-clothes/>

asylum seekers in America. Tonight I need to turn our focus to Israel, and, in particular, to the vulnerable members of her society:

- Israeli Arabs;
- Non-Orthodox rabbis (and by extension those Israeli citizens who wish to practice non-Orthodox Judaism);
- Gay men, in particular those wishing to become fathers through surrogacy;
- And secular girls living near ultra-Orthodox communities.

This was not a great week for Israel's democracy or for upholding the promise made to protect all of her inhabitants irrespective of religion, race or sex. As it says in Israel's Declaration of Independence from 1948:

*THE STATE OF ISRAEL will be open for Jewish immigration and for the Ingathering of the Exiles; it will foster the development of the country **for the benefit of all its inhabitants**; it will be based on 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; it will guarantee freedom of religion, conscience, language, education and culture...***

Jewish and Democratic: That's what we were promised in 1948. That's what we've struggled with for 70 years. This week, we fell short of our goals.

This week, in the middle of the night, the Israeli Knesset passed the Nation-State Law enshrining Israel's Jewish character without any mention of its commitment to democratic practices and identity.

What some argue is a *largely symbolic gesture* (i.e. naming what everyone already knows to be true), others claim is a painful attack and permanent stain on the Zionist dream.

The legislation, 7 years in the making, is a "basic law", giving it the weight of a constitutional amendment, and formalizing the Jewish character of the nation. The full text (only a few pages in length) can be found here <https://www.timesofisrael.com/final-text-of-jewish-nation-state-bill-set-to-become-law/> and I encourage you to read it all. For tonight, here is a small sample of its tone and content:

- Israel is the historical homeland of the Jewish people and they have an exclusive right to national self-determination in it.
- The state flag is white with two blue stripes near the edges and a blue Star of David in the center.
- The state anthem is Hatikvah.
- Jerusalem, complete and united, is the capital of Israel.
- The state's language is Hebrew.
- The Arabic language has a "special status" in the state.

You should know, "special status" is a downgrading of Arabic as an official state language. While the law claims that "it does not harm the status given to the Arabic language before this law came into effect," this shift in language is at the core of why opponents are so concerned.

Seven years ago, when the Nation-State Law was first drafted, there was language granting permission to Jewish-only settlements – in other words, a way to legally discriminate against prospective homeowners based on religion or ethnicity. But, unable to produce the votes in support of that language, the wording was changed to simply concretize Israel's commitment to building settlements. As it says in the law: "The state views the development of Jewish settlement as a national value and will act to

encourage and promote its establishment.” For those working to limit or end the building of settlements in the West Bank, it is easy to interpret this clause as a *commitment* to expansion.

Finally, it should be noted that in the midst of affirming Israel as the Nation-State of the Jewish people, the law omits any mention of Israel’s commitment to democracy or to the principles of equality.

So, to review:

**For those in favor of the law**, this seems an obvious and long-overdue law to pass. Israel IS a Jewish nation and the homeland of the Jewish people. Other countries enshrine their religious beliefs and ethnic identities into law, why not Israel? Moreover, the Declaration of Independence stands *alongside* of this Nation-State Law, and it continues to affirm protection to minorities. So, why such strong opposition?

**For those who are neutral**, this law tells us nothing new. Of course, Hatikvah is the national anthem. Of course, Israel supports settlements. Even the wording that was edited about separate neighborhoods would have rung true for most Israelis. Israeli Arabs and Israeli Jews rarely live in the same neighborhoods. Secular Jews and Ultra-Orthodox Jews do not form co-ops. Ashkenazi Orthodox families and Sephardi Orthodox families do not share schools. So, all this law does is affirm a reality that, like it or not, Israelis have lived in for years. To those who are upset: Breathe. The sky is not falling. It’s just another day of political posturing.

**But, for those opposed**, this law is heartbreaking. Perhaps in recognition (and celebration?) of emerging world leaders who champion nationalism and openly discriminate against minorities in their land, the right-wing party of Likud, in partnership with the Ultra-Orthodox, enshrined Jewishness into Law at the expense of 1.8 million Arab citizens. That’s 20% of the population who know they are second class citizens but might have hoped for a future in which the wage gap might shift. In which Israeli Arab schools would improve. A future in which their language, history and modern-day contributions would be seen and valued.

Don Futterman, Israeli journalist and contributor to the Promised Podcast, said, “It’s a superfluous law...so who is it really targeting?”<sup>3</sup> The answer, Palestinians and Israeli Arabs. Let it be known, this land is not for you. And these symbolic declarations (seemingly harmless on paper), can now be weaponized in future laws and judicial rulings that will slowly chip away at Israel’s democracy. Listen here for the full interview:<https://tlv1.fm/full-show/promised-podcast/2018/07/19/the-its-finally-nice-legal-israel-is-a-jewish-state-edition/>

The Nation-State Law was passed at the expense of Reform and Conservative Diaspora Jews who lobbied for 7 years NOT to push this law forward. Diaspora Jews who saw the potential impact of further marginalizing and alienating minority populations in Israel; of overly-empowering the Ultra-Orthodox stronghold on religious practice; of reinforcing the Occupation through continued building of settlements; and of further emboldening the BDS movement who have long pointed to Israel’s deliberate and unapologetic discrimination against Palestinians.

There are those who will say we are overreacting. The law says nothing new. Americans are more flustered than Israelis. I disagree. I am not feeling neutral about this law.

*I fear we are at risk of losing the democratic character of our beloved homeland.*

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<sup>3</sup> <https://tlv1.fm/full-show/promised-podcast/2018/07/19/the-its-finally-nice-legal-israel-is-a-jewish-state-edition/>

On July 18, the Knesset voted on a new surrogacy law. “The bill, enacted by a vote of 59 to 52, expands eligibility for state-supported surrogacy to [now] include single women (victory!) **but excludes single men and gay couples**. Previously state support was only given to married heterosexual couples. [The Israeli media reported] *that the Haredi parties threatened to topple the government if Netanyahu backed the amendment for fathers.*”<sup>4</sup>

So, no, I don’t think we’re overreacting to a seemingly harmless law that was passed under a right wing/Ultra-Orthodox administration with overt intentions to deny gay men equal access to state-sponsored surrogacy.

This week, an Israeli conservative rabbi was brought in for questioning by police who were simply following an Israeli law from 2013 **that criminalizes weddings officiated by non-Orthodox**.

This week, young girls in Bet Shemesh were chased by a mob of Ultra-Orthodox men who felt justified in terrorizing them for what they determined to be immodest dress. Israeli police said they could not control the religious mob.

*I fear we are at risk of enshrining Israel’s “Jewish character” as the Jewish character of the Orthodox.*

I fear that by preserving the Jewish character of Israel we are actually preserving a very narrow understanding of “Jewish character” that does not recognize or celebrate the diversity of Jewish practice and identity that exists throughout the world and in Israel. In the past, we’ve seen activism surge around access to the Western Wall, but, as many of you know, the depth and breadth of discrimination moves beyond Holy Sites into every day life.

Rabbi Josh Weinberg, the President of ARZA wrote:

“The Zionist vision was, from its conception, **intrinsically tied to the values and practice of democracy**. The founders of the State sought to create an enlightened democratic polity that would ensure the civil and human rights of all its citizens. These were not seen as ideals that were secondary or contradictory to Jewish nationalism, in fact they were meant to complement each other. Only in our State, where we were masters of our own destiny, could we ensure basic equality and freedom for all.”<sup>5</sup>

This was Israel’s exceptionalism. We would create Jewish and Democratic in a way the world had never seen. We would lift up our practices and cherished beliefs while leaving space for others to practice, as well. It would not be easy, but rarely had the Jewish journey been free of challenges and obstacles. Theodore Herzl promised us: If you will it, it is no dream...

*I refuse to give up on that dream.*

Just as in America today, where many are giving up on the American dream as they watch it deteriorate, there will be those Diaspora Jews who turn away from Israel with hashtags denying their support and connection. Complicating matters, we don’t live there. We feel distant geographically and perhaps emotionally. We don’t stay up-to-date with the latest news and political maneuvers. And frankly, it’s overwhelming to fight for dignity and equality here in America and then realize that Israeli citizens, Palestinians, and African asylum seekers in Tel Aviv and Holon are crying out as well. They need us to fight for their dignity and freedom, too.

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<sup>4</sup> <https://www.jpost.com/Israel-News/Surrogacy-bill-passes-Netanyahu-flip-flops-on-homosexual-surrogacy-562810>

<sup>5</sup> Email sent to ARZA supporters.

So what do we do? Where do we start?

“Take comfort,” says the prophet Isaiah. He was referring to the space of time after loss and destruction. After terrible mistakes were made. There was a path forward then; there is a path forward now. Not surprisingly, it looks and sounds like the prescription for healing America’s democracy and reinstating democratic principles.

Daniel Sokatch, the Chief Executive Officer of the New Israel Fund (NIF), wrote:

“The path forward depends on our ability to build on the partnerships we’ve forged in recent months, to better connect and mobilize Israelis who believe in equality, and to foster a new generation of leaders in Israel who – unlike Israel’s current leaders -- won’t tolerate the politics of divisiveness, of racism, or of xenophobia. The path forward, [writes Daniel] also depends on our work with American Jewish leaders...”<sup>6</sup>

And, I would add, with all of you. With all of us, the American Jewish community.

### **Take the time to learn more.**

We need to reinvest ourselves in learning about Israel’s government, understanding who has power and how that power is sustained, and familiarizing ourselves with the non-profits that help to protect Israel’s democracy and create its democratic infrastructure.

### **Pay Attention.**

We need to pay closer attention to the day-to-day struggles of non-Orthodox Jews in Israel. It is more than access to the Kotel, and as we fight for our own freedom to practice, we need to listen too for their concerns. Bottom line: *It is unconscionable to tolerate a lack of tolerance for non-Orthodox Jewish identity in this supposed Jewish nation.*

You should know, before the Nation-State Law was voted into law, members of the United Torah Judaism party raised concerns over language in the law calling for Israel to reach out to “all members of the Jewish people,” which they claim[ed] could [have been] interpreted as a tacit acceptance of progressive Jews. Speaking in the plenary last Sunday, United Torah Judaism’s Member of Knesset Uri Maklev said his party will **“fight until the end” against any potential recognition of non-Orthodox Judaism.**<sup>7</sup>

This moment is a test (and, so far we have failed) to see if Israel can live up to its character as a Jewish and Democratic nation. Can our homeland learn to protect the diverse Jewish practices of its inhabitants, let alone those of Christians and Muslims?

As Rabbi Rick Jacobs said in his statement on behalf of the Reform movement:

“The damage that will be done by this new Nation-State law to the legitimacy of the Zionist vision and to the values of the state of Israel as a democratic—and Jewish—nation is enormous. We will continue to fight back by promoting the values of the Israeli Declaration of Independence and by forging new ties between Jewish and Arab citizens of Israel. **We will deepen our engagement with Israel, using every**

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<sup>6</sup> Email sent to NIF supporters.

<sup>7</sup> <https://www.timesofisrael.com/pm-praises-controversial-jewish-nation-state-bill-says-it-will-pass-this-week/>

**means possible to promote a Judaism in Israel that is inclusive and pluralistic and reflective of our values of equality for all.”<sup>8</sup>**

I’m asking you to deepen your engagement.

Protest with your voice and with your feet. Go on strike in solidarity with LGBTQ Israelis this Sunday.<sup>9</sup> Talk to your friends about what’s happening. See what they know. See if they want to get involved and learn more. Write to your liberal Zionist friends and tell them that you see what’s happening and you won’t abandon the shared efforts to build back up a Jewish and Democratic state.

If you’re planning to visit Israel this year, insist that your itinerary includes a visit to an Israeli Reform community. Ask for a conversation with activists who are working each and every day to strengthen democracy in Israel. (Let me know if you need recommendations.) Isaiah makes this commitment to engagement and dialogue every time we run a trip. Remember that Rabbi Nickerson is leading a community trip in June 2019 and I’ll be leading an adult-study-tour in January of 2020. Come and see and learn with us firsthand.

As I said a few weeks ago (when talking about America), the work of building up and sustaining democracy requires the mentality of running a marathon and not a sprint. We need to commit to engagement and education for the long haul. It is no less than the character of Israel that is at stake. Professor Mordechai Kremnitzer of the Israel Democracy Institute lays out our future if we choose indifference or inaction: “This state will be replaced by a Jewish state, religious and ultranationalist, anti-humanist and anti-liberal.”<sup>10</sup>

We cannot allow this to happen.

“As we in America know all too well,” writes Daniel Sokatch, “no country is defined solely by the values of its elected officials. Israel remains a nation comprised of nine million people. Some are Jewish. Some are Arab. All of them belong. Among them is a huge contingent that is counting on all of us...to continue to stand up for the democratic, equitable, and shared society all Israelis deserve.”

Israel needs us, all of us, to find the bandwidth to fight for democracy at home, and to share that energy with our homeland; to enshrine our commitment to a Jewish and Democratic future.

Shabbat Shalom.

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<sup>8</sup> <https://uri.org/blog/2018/07/18/uri-president-rabbi-rick-jacobs-statement-israels-nation-state-law>

<sup>9</sup> On Sunday, July 22, tens of thousands of LGBTQ Israelis and allies will stay home from work and close their businesses as a part of a nationwide strike organized by the Aguda —Israeli LGBTQ Task Force. The City of Tel Aviv, along with more than 20 companies, including Microsoft, Apple, and IBM, have voiced support for the strike. <https://awiderbridge.org/take-action-sign-petition-to-support-lgbtq-strikes-across-israel/>

<sup>10</sup> <https://www.haaretz.com/israel-news/.premium-nation-state-bill-heralds-israel-s-end-as-a-jewish-democratic-state-1.6265674>