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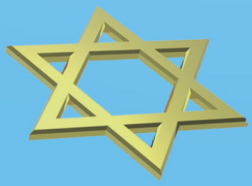

Orthodoxy and The State of Israel
Dreams and Realities

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Orthodoxy and the State of Israel: Dreams and Realities

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CONVERSATIONS

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SUBMISSION OF ARTICLES

If you wish to submit an article to *Conversations*, please send the editor (mdangel@jewishideas.org) a short description of the essay you plan to write. Articles should be written in a conversational style, without footnotes, and should be submitted typed, double spaced, as word documents.

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Editor's Introduction

Most Jews today cannot remember a time when there was no State of Israel. Although those born well before 1948 can still recall the tragic vulnerability of the Jewish People in pre-State days and feel the sheer wonder of finally having a sovereign Jewish State, the new generations have grown up in a different world. For many, the State of Israel is not a visionary dream, but an ongoing reality.

For religious Zionists, Israel is both a dream and a reality. The State of Israel is a manifestation of God's providence, and we recite *Hallel* on Yom HaAtsmaut to express our profound gratitude to the Almighty. We are the first generations of Jews in nearly 2,000 years to have merited living at a time of Jewish sovereignty in our ancient homeland. Yet, the harsh realities impinge on our dreamy reveries. Israel's reality includes hostile neighbors, constant threats of war and terrorism, political and economic challenges, internal dissensions, religious and social frictions . . . and more.

This issue of *Conversations* focuses on Orthodoxy and the State of Israel—dreams and realities. We open with a short essay on the joy of experiencing Israel as the fulfillment of the prayers of so many earlier generations of Jews. We then have an article by Rabbi Shaul Farber discussing Rabbi Joseph B. Soloveitchik's views on Orthodoxy in Israel. Rabbi Hayyim Angel explores the writings of Rabbi Haim David Halevy, who believed the State of Israel was an important step in the unfolding messianic redemption.

The next two articles are reflections by American Orthodox Jews who have settled in Israel: Dr. Menachem and Jolene Kellner, and Dr. Chaim I. Waxman. Rabbi Stanley Davids, a prominent American Reform rabbi who made *aliya* with his wife, shares his perspectives on the nature of religious life and democracy in Israel. Israel is the State for

all Jews, not just Orthodox Jews, and the Orthodox community needs to be aware of the views and feelings of the non-Orthodox.

We then turn to issues relating to education. Judith Landau writes of the dramatic new opportunities in Israel for girls and women who wish to pursue advanced religious studies. Yigal Ariha and Laura Shaw Frank comment on Israel education for Jewish children growing up in the Diaspora. Kaitlin Wachsberger describes her experiences as a participant in a program for Israeli, American Jewish, and Palestinian students. Dr. Hezi Cohen suggests a Sephardic alternative to the dominant Ashkenazic Religious Zionist educational approach.

Israeli society must deal with its internal social and religious divides. Rabbis Isaac Chouraqui and David Zenou provide insights on community-building, based on lessons drawn from the Sephardic experience. Pinchas Landau sheds light on the changing nature of Israel's Hareidi community and its future role in Israeli life.

One of the negative features associated with Orthodoxy in Israel is the power of the rabbinate—largely under Hareidi control—to wield authority in areas of Jewish identity, conversion, marriage, and divorce. The State-sanctioned Chief Rabbinate and rabbinical courts have adopted policies and practices that have alienated not only the non-Orthodox community, but also many within the Modern Orthodox/Religious Zionist communities. Dr. Zvi Zohar writes on issues relating to conversion to Judaism. Susan Weiss discusses the place of Orthodoxy within a modern democratic Jewish State, especially as relates to Jewish identity, marriage, and divorce.

Conversations is the journal of the Institute for Jewish Ideas and Ideals. The Institute encourages responsible discussion of issues in Jewish law, philosophy, religious worldview, and communal policy. It seeks to apply the ancient wisdom of Judaism to the challenges of contemporary society, respectful of legitimate diversity of opinions within the boundaries of Torah and halakha. For more information about the Institute, and to help advance its important work, please visit our website: jewishideas.org

Israel: A Tiny Nation, A Great Destiny

Marc D. Angel

(Rabbi Marc Angel is the Founder and Director of the Institute for Jewish Ideas and Ideals. This article is reprinted from A Dream of Zion: American Jews Reflect on Why Israel Matters to Them*, edited by Rabbi Jeffrey Salkin, 2007. Permission granted by Jewish Lights Publishing, Woodstock, VT, www.jewishlights.com)*

A tiny nation, often misunderstood and maligned, changed the course of history for the good. This tiny nation produced the Bible and its prophets; sages and mystics; poets and dreamers. This tiny nation, generation after generation, in many ways has been the conscience of humanity, the litmus test of human civilization.

This tiny nation lived in a tiny land in antiquity. Its King David established Jerusalem as its capital city a thousand years before the dawn of Christianity and more than 1,600 years before Mohammed. It was seldom allowed to live in peace: Other nations threatened, attacked, made war. It saw its capital city razed by vicious enemies, its Temples destroyed by Babylonians and Romans, its citizens ravaged and exiled.

This tiny nation, scattered throughout the world, faced persecutions and humiliations. Its men, women, and children were confined to ghettos, deprived of elementary human rights, subjected to pogroms and pillage. Millions of them were murdered during the Holocaust.

Exiled from its land for nearly 2,000 years, it always dreamed of returning to its ancestral soil and re-establishing its sovereignty. It prayed daily for the return to its homeland. Many of its members made pilgrimages, and some remained living in the land throughout the generations, in conditions of poverty and oppression.

In spite of the persecutions it suffered and in spite of the callousness of so many nations of the world, this tiny nation maintained faith in One God and in the mission God assigned it to bring the lofty teachings of Torah to humanity. In spite of all its sufferings, this tiny nation maintained faith in humanity: It strove to make the world a better place for all human beings, with an eternal optimism that is truly a wonder.

This tiny nation, born 3,500 years ago, wove its way through history and refused to be destroyed or silenced. This tiny nation, scattered throughout the lands of the world, found the will and the courage to return to its historic homeland after nearly 2,000 years of exile. The return home has been difficult. It has had to fight wars, withstand terrorism, overcome economic boycotts, endure political isolation, and combat hateful propaganda.

Yet, this tiny and ancient nation, against all reasonable odds, has reestablished its sovereignty in its historic homeland; it has created a vibrant, dynamic, idealistic society, dedicated to the ideals of freedom and democracy. With its memory spanning the millennia, it has created a modern, progressive state.

My wife Gilda and I first visited this historic land in the summer of 1968, a year after our marriage. When we glimpsed the shoreline from the airplane window, we both found ourselves with tears in our eyes. We were not born in this land; we had never been there before; and yet we were returning—we and all the generations of our families were returning through us. "When the Lord turned back the captivity of Zion, we were as in a dream" (Psalm 126:1).

This tiny people is Israel. This tiny land is Israel. This nation of dreamers and visionaries, builders and farmers, sages and scientists, warriors and peace makers—this nation is Israel. This tiny nation is a great nation. This tiny land is a holy land. "The tiny shall become a thousand, and the least a mighty nation" (Isaiah 60:22).

Israel is a bastion of hope in a world filled with despair. It is a wellspring of human dignity in a world filled with shameless hatred and strife.

To stand with Israel is to stand for the redemption of the people of Israel and humanity. To stand with Israel is to recognize the sheer wonder of the survival and contributions of the people of Israel. It is to affirm the preciousness of life over a culture of death; righteousness over hypocrisy; idealism over despair. This tiny nation in its tiny land is a testament to the greatness of the human spirit. It is a testimony to God's providence.

It is a privilege beyond words to dream with Israel and share its destiny.

"For Zion's sake I shall not be silent, and for Jerusalem's sake I shall not rest, until her righteousness go forth as brightness and her salvation as a flaming torch" (Isaiah 62:1).

Rabbi Joseph B. Soloveitchik's Views on Orthodoxy in Israel

Shaul Farber

(Rabbi Shaul Farber heads Itim*, an organization in Israel that helps people deal with the rabbinic establishment in life-cycle matters. He has been at the forefront in working on behalf of converts to Judaism who have chosen to settle in Israel.)*

On Friday, September 27, 1935, the *Boston Jewish Advocate* published an extensive interview with Rabbi Joseph B. Soloveitchik, who had recently returned to Boston following a four-month stay in Palestine. In what is arguably the most comprehensive articulation of his early Zionism—if one takes seriously the citations of the interviewer, Carl Alpert—Rabbi Soloveitchik set forth in this interview his perspective on the role of Orthodoxy in *Erets Yisrael*.

According to the *Jewish Advocate*, Rabbi Soloveitchik said, "The future of Palestine is with Orthodoxy, just as the future of Orthodoxy lies in Palestine. I make this statement not as a rabbi, but as an objective observer. The recent newspaper announcement that ministers are being sent to Palestine to propagate Progressive Judaism is nonsense. Orthodoxy will be the only form of Judaism in *Erets Yisrael*."

Later in the article, Rabbi Soloveitchik predicted that "When Palestine Orthodoxy is well-organized, it will reclaim even those who have gone astray. After all, even among the most radical *halutsim* there exists a subconscious desire and longing for religious life and observance that temporarily finds its outlet in the redemption of the soil and the renaissance of the Jewish people. If this religious fervor will be cultivated and brought

into clear light, it will eventually lead to traditional Judaism."

Finally, Rabbi Soloveitchik suggested, "It is the task of Orthodoxy to redeem not only the soil of Palestine, but also the souls of its sons and daughters, and bring them within the traditional fold."

Although there are many dimensions to Rabbi Soloveitchik's comments, some of which I recently addressed in an article analyzing Rabbi Soloveitchik's early Boston career, the following article explores each of these statements from the contemporary perspective (inserting *Medinat Yisrael* for Palestine), asking if Rabbi Soloveitchik's statements still ring true today, and if they calibrate with the ethos of contemporary Orthodoxy.

Is the future of Medinat Yisrael with Orthodoxy, and is the future of Orthodoxy in Medinat Yisrael?

Rabbi Soloveitchik's first statement was made at a time when Orthodoxy in the United States still represented the normative religious community—at least in name—for the majority of Eastern European Jewish immigrants. Today, of course, although Orthodoxy is the norm (by law) in Israel vis-à-vis marriage and divorce and is generally adopted as the norm in synagogue life and burial, the layers of resentment felt among the non-Orthodox population are balanced by those who are content with the traditional model. Still, it is not difficult to imagine *Medinat Yisrael* without Orthodoxy. In fact, many claim that the Orthodox monopoly in the modern state is deleterious to its Jewish and democratic nature.

A number of years ago, I flew on a plane with Effy Eitam, who was then the leader of the National Religious Party in Israel. As I described to him my work within the religious establishment helping secular Israelis navigate religious life, he stopped me and said: "Let me tell you why you won't ever be successful: The religious Zionist rabbinic leadership has a messianic vision that everyone will be Orthodox. I'm not sure that you are convinced that this is an ideal."

Many Orthodox Jews remain unsure about Orthodoxy's universal application among the contemporary Jewish community—especially in Israel. I'm not convinced that religious coercion is viable on the tactical or strategic planes. This certainly throws into question whether the future of *Medinat Yisrael* is with Orthodoxy.

As to the converse claim of Rabbi Soloveitchik, that the future of Orthodoxy is with *Medinat Yisrael*, I equally remain unconvinced, notwithstanding my personal decision to live in Israel. A number of years ago, I delivered a paper at the Orthodox Forum in New York about the so-called brain drain to Israel. The argument that many of my contemporaries put forward was that talented young leaders of (Modern) Orthodoxy were making *aliya*, thus depriving the North American Jewish community of its best and brightest. I argued that I believe Orthodoxy has flourished in North America, notwithstanding the departure of rabbinic leadership such as Rabbi Aharon Lichtenstein, Rabbi Shlomo Riskin, or Rabbi Danny Tropper. In fact, the great renaissance of Orthodox Day Schools and Orthodox synagogues happened after each of these three men moved to Israel.

Ironically, it was Rabbi Soloveitchik himself who—failing to receive the position of Chief Rabbi of Tel Aviv in 1935—forged contemporary Orthodoxy in the United States. I believe that the type of Orthodoxy Rabbi Soloveitchik contemplated might have had exclusivity in *Medinat Yisrael*, had history unfolded differently. But contemporary Orthodoxy is comprised of so many subgroups that it is hard to imagine that the future of Orthodoxy lies—at least exclusively—in *Medinat Yisrael*.

Will the religious fervor of the "halutsim" lead to traditional Judaism?

This second assertion of Rabbi Soloveitchik needs to be put in its immediate historical context as well. Just days before the interview in Boston, Rabbi Soloveitchik had paid a visit to Rabbi Abraham Isaac Kook, who was then ailing, and would pass away just before Rabbi Soloveitchik returned to Boston. No doubt this was a dramatic meeting for Rabbi Soloveitchik. (Rabbi Kook had studied with Rabbi Soloveitchik's grandfather in the Volozhin yeshiva.) During his visit to Israel, Rabbi Soloveitchik had met with a number of students of Rabbi Kook. The statement that relates to a "subconscious desire and longing" may find its anchor in the influence of Rabbi Kook's thinking on Rabbi Soloveitchik in the mid-1930s.

Whatever the case, today's contemporary Jewish scene in Israel is a work in progress. There are still elements of the *ba'al-teshuvah* movement of the 1970s, but more and more individuals who have a religious fervor

(including those from the Orthodox community) are seeking a new-age type of religiosity that is a far cry from the type of Orthodoxy that Rabbi Soloveitchik espoused (and a far cry from the Orthodoxy that the normative Modern Orthodox community espouses). Sometimes known as ChabaKook (short for Chabad, Breslav, and Kook/Carlebach), this ideology has some connection to halakha but emphasizes the religious ecstatic moment rather than the disciplined cerebral one. It certainly is not "traditional" Judaism. My sense is that this is a phenomenon more central to *Medinat Yisrael* than to the North American Jewish community.

Again, given the contemporary Orthodox scene, I think there is still a lot of questioning going on in Israel about what is normative Orthodoxy. The ideals (and dreams) of Rabbi Soloveitchik do not appear to be either relevant or able to be realized given the contemporary Orthodox scene in Israel.

Is it the task of Orthodoxy to redeem not only the soil of Medinat Yisrael*, but also the souls of its sons and daughters, and bring them within the traditional fold?*

The last claim of Rabbi Soloveitchik is remarkable and deserves close attention. In many respects, notwithstanding the commitment to halakha that Orthodox Jews share, this statement reveals a layer of Jewish life not often spoken about. Orthodoxy is not only about *kibbush* (conquest), but also about *kiruv* (bringing near). I imagine it was hard to conceive—particularly in the mid 1930s—that these two notions might stand in opposition. During the last three decades, too much emphasis in the Orthodox community has been placed on redeeming the soil (in the broadest sense of the term), and not enough emphasis has been placed on exposing the non-religious community to the beauty of traditional Judaism. The Modern Orthodox community has expended enormous resources on the settlement movement in Israel, without paying attention to the Jewish lives of Jews in Tel Aviv or Rishon Letzion. These Jewish souls have been exposed to a much more fundamentalist, Hareidi Orthodox approach, speaking in the name of halakhic Judaism. This is a trend that needs to be rectified.

Of course, one could argue that *kiruv* isn't an essential part of Orthodoxy, or certainly halakhic practice. But in its broadest sense, Orthodoxy in Israel should see *kol yisrael arevim zeh lazeh* (all Jews are

responsible for each other) not only as a descriptive adage, but rather as an imperative. If one can see Rabbi Soloveitchik's terminology of "redemption of souls" as a charge to expose rather than impose traditional Judaism within the secular community, then I believe such a responsibility is still central to our community.

The challenges to contemporary Orthodoxy in Israel are enormous, and the implications of modernity and the founding of the State of Israel for traditional Judaism are still being explored in Israel. Notwithstanding the rising political clout of the Hareidi Orthodox parties in Israel, I believe that the Modern Orthodoxy that Rabbi Soloveitchik spoke of still has a place in Israel, and will ultimately play a central role in its future.

At'halta deGe'ulah: The State of Israel as Prelude to the Messianic Era*

HAYYIM ANGEL

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Throughout his writings, Rabbi Haim David Halevy expressed unwavering faith that the founding of the State of Israel and the Six Day War were overt miracles. Anyone who denied the supernatural nature of these events was spiritually blind (*Mekor Hayyim* 4, pp. 367–368). There were two options: to believe that this was the beginning of the messianic era, or to be wrong (*Mekor Hayyim* 2, p. 9).

At the same time, the Sages debate fundamental aspects of the messianic age. Is redemption contingent on repentance? Will the messianic age be a supernatural era, or completely natural? Will it be a lengthy process with ups and downs, or a consistently ascending path? The Rambam concluded from these and related disagreements that there was no single authoritative tradition on the messianic age. We would not know its nature until it arrived (*Hilkhot Melakhim* 12:1–2). Rabbi Halevy was fully aware of the uncertainties inherent in identifying the messianic period.

Rabbi Halevy, quoting Rabbi Eliyahu of Vilna, considered two aspects of the modern period as definite signs of the first stages of redemption: the return of agricultural fertility to the Land of Israel (cf. *Sanhedrin* 98a); and

* This article is adapted from my chapter in *Rabbi Haim David Halevy: Gentle Scholar and Courageous Thinker* (Jerusalem: Urim Publications, 2006), pp. 218–236.

the ingathering of exiles (*Asei Lekha Rav* 1:7–12; 4:6). For Rabbi Halevy, it was the responsibility of world Jewry to recognize the miraculous nature of the founding of the State of Israel, make *aliya*, repent, cooperate with each other, and live a unique national existence in order to set a religious and moral example for the world to emulate (*Dat uMedinah*, pp. 21, 34–35).[1]

Rabbi Halevy's writings reflect a conflict. On the one hand, he firmly believed that we were at the beginning of the period of redemption. On the other hand, he acknowledged that no one knew for certain how the redemption process would unfold. Rabbi Halevy evaluated sources about messianic calculations, natural vs. supernatural redemption, repentance during the period of redemption, and other matters relating to Divine Providence.

Messianic Calculations

Confident that we were living in the period of redemption, Rabbi Halevy justified messianic calculations. Although the Talmud (*Sanhedrin* 97a) had criticized such calculations, Rabbi Halevy argued that this caveat applied only if a failed prediction might diminish one's faith in the advent of the Messiah. If one certainly believed that the Messiah will come, and made calculations for the purpose of religious awakening, one did not violate the talmudic injunction. Rabbi Halevy further maintained that talmudic opposition to messianic calculations arose because redemption was so remote from their period; now that the messianic age had arrived, there was no impediment to trying to determine its precise date. Initially, he proposed 5750/1990 as the deadline for the final redemption; but if people repented, it could come earlier (*Asei Lekha Rav* 1:2).

In a later Responsum, he offered an original interpretation of a talmudic argument about the messianic age based on events from the past century. In *Sanhedrin* 99a, the Sages debated whether the period of redemption would span 40 years, 70 years, or three generations. Rabbi Halevy explained that all three positions turned out to be true. Forty years covered the period from the 1947 U.N. partition plan until 1987; 70 years spanned the Balfour Declaration of 1917 to 1987; and three generations went back to 1897, the year of the first World Zionist Congress. Given the coincidence of those three dates in relation to 1987, Rabbi Halevy predicted the final messianic redemption for 1987, only ten years after he com-

posed the essay (*Asei Lekha Rav* 2, pp. 253–256).

When his prediction for 1987 proved false and yet another major wave of Arab terrorism had recently begun, Rabbi Halevy did not back away from his prediction, nor did he conclude that the Jews had missed a great opportunity for the final redemption. Rather, he stressed that Arab nations were sitting down with Israel to discuss peace, a major component of redemption (*Asei Lekha Rav* 9, pp. 395–396). Rabbi Halevy had offered a similar rationale for the Yom Kippur War, which led to peace talks afterward (*Asei Lekha Rav* 1:6).

BeItah, Ahishenah

> R. Alexandri said: R. Yehoshua b. Levi pointed out a contradiction. It is written, in its time [will the Messiah come], but it is also written, I [the Lord] will hasten it! (Isa. 60:22). If they are worthy, I will hasten it; if not, [he will come] at the due time. (*Sanhedrin* 98a)

This talmudic passage presented a resolution to a contradiction within a biblical verse in Isaiah: will the messianic age come "on time" (*beItah*), or will God hasten it (*ahishenah*)? The Talmud answered that the outcome would depend on the merit of Israel.

Rabbi Halevy found different ways of interpreting and applying this passage, depending on the message he was trying to convey and on current political events. For example, in *Dat uMedinah* (p. 26), Rabbi Halevy applied the interpretation of Radak (Isa. 60:22): Once the proper time for redemption arrives, the process will accelerate. Only 19 years separated the founding of the State in 1948 until the victory of the Six Day War in 1967, demonstrating the imminence of the final redemption.

But after the Yom Kippur War in 1973, Rabbi Halevy shifted to a modified reading of the aforementioned talmudic interpretation of *beItah, ahishenah*: If the messianic age were merited early, it would not be accompanied with suffering. If it came "on time," it would be a natural process, entailing affliction. No longer did Rabbi Halevy think in terms of a quick process; he began to view the prolonged struggle of the State as part of a longer divine plan of redemption (*Asei Lekha Rav* 1:7–12).

To explain the prominent role of secular Zionism in the redemption process, Rabbi Halevy wrote that the State of Israel arose as a result of *beItah*, a natural process. The Talmud (*Megillah* 17b; *Sanhedrin* 97a) stat-

ed that wars would precede the final redemption. Historically, Jews had gradually adopted the idea of a supernatural redemption since they had suffered so much during their exile.

Thus, by the time the process of redemption began during the twentieth century, most religious Jews rejected the possibility of natural redemption. It was specifically the secularists who were able to achieve success. Yes, some religious Jews were involved, but the majority of modern Zionists were not religiously observant. In retrospect, it had become obvious that the process of establishing and defending the State had been miraculous. God's plan of redemption was achieved, but most of the religious community had failed to respond. Unwittingly, the secularists became God's agents of redemption (*Asei Lekha Rav* 1:3).

Rabbi Halevy explained the struggles and wars of Israel not only through *beItah*, but also with the idea that it would not be dignified were God simply to deliver the Land on a silver platter. Ancient Israel understood this message, evidenced by the way they fought Amalek (Exod. 17:8–17). They did not expect supernatural intervention once they had left Egypt. Rabbi Halevy expressed disappointment that many contemporary Jews still had not recognized the messianic potential of today, mistakenly waiting for supernatural miracles (*Asei Lekha Rav* 1:4-5).

Rabbi Halevy viewed natural and supernatural as different stages in the messianic process, rather than as alternatives. Mashiah ben Yosef (the first stage of redemption) will be characterized by suffering, whereas Mashiah ben David (the final stage of redemption) will be characterized by a supernatural redemption and the ingathering of the exiles (*Asei Lekha Rav* 4:6, 4:8). He thought that the Six Day War completed the first stage in the process of redemption, but we still required national repentance to merit the final redemption (*Dat uMedinah*, pp. 23–24). To this end, Rabbi Halevy considered his five-volume series, *Mekor Hayyim*, to have been driven by his passionate desire to hasten the arrival of the messianic age through repentance (introduction to *Mekor Hayyim* 1, pp. 9–14).

The common denominator of Rabbi Halevy's responses is that we certainly are in the early stages of the messianic age. Rather than allowing the Yom Kippur War, Arab terrorism, or other tragedies to negate that belief, Rabbi Halevy offered interpretations that were in tune with unfolding realities. At the same time, he continued to advocate national repentance and unity as the primary catalysts to effect the full redemption.

Rabbi Halevy adopted a finely nuanced position toward military exemptions for yeshiva students. Fundamentally, he favored military exemptions for yeshiva students. Were the entire nation to engage in Torah study, supernatural miracles would occur to protect Israel (see *Sanhedrin* 14b). But after his praise for full-time Torah study, he emphasized that this exemption applied exclusively to those who were truly dedicated to Torah learning. Those who enrolled in yeshivot simply to dodge the draft desecrate God's Name. Additionally, *all* yeshiva students must serve in the military during actual wartime. Acknowledging the difficulty of explaining this concept to those not committed to Torah values, he praised *yeshivot hesder*, which combine yeshiva learning with military service, thereby sanctifying God's Name (*Asei Lekha Rav* 1:21, 3:58).

In a response to pamphlets opposing military service for yeshiva students, Rabbi Halevy defended his position that all yeshiva students must serve in the military during wartime. Training did not take *that* long; and even if the students could not be trained quickly, they could serve in non-combat roles. In this Responsum, Rabbi Halevy maintained that those who did not serve at all during wartime were violating halakha, not just giving religion a bad name. He also reiterated his earlier position that any exemption referred exclusively to those who were genuinely engaged in serious Torah study. Insincere students should be drafted to regular military service (*Asei Lekha Rav* 7:72).

In these discussions, Rabbi Halevy revealed a strong belief in the supernatural powers of Torah, combined with a fervent commitment to the sanctification of God's Name. He also explicated what halakha really taught about military service for yeshiva students. His deepest desire was for all Jews to be dedicated to Torah study, so as to merit God's miraculous protection and bring about the full redemption. Until that ideal state was realized, though, Jews would have to maintain military defense forces.

The Yom Kippur War: A Challenge to Redemption?

Rabbi Halevy's earlier writings expressed unreserved enthusiasm about the redemption process. Yet, many of his followers were perplexed by the Yom Kippur War. This war had exposed Israel's vulnerability. No longer did the messianic age appear to be marching forward with increasing brightness.

Rabbi Halevy opened his *Asei Lekha Rav* series with several essays addressing this problem. He paralleled the contemporary situation with the redemption from Egypt. During the exodus, God created a moment of panic at the Red Sea, when the Israelites thought they were doomed. Only when the sea split did the Israelites retrospectively understand God's plan of redemption. Similarly, the Yom Kippur War initially seemed like a setback, but it resulted in Egypt sitting down to talk peace with Israel for the first time (*Asei Lekha Rav* 1:6).

Rabbi Halevy observed that the Yom Kippur War was not a challenge to one's messianic hopes unless one expected a consistently upward progression in redemption. Since we were not privy to God's plans, we could not assume a trouble-free road to redemption (*Asei Lekha Rav* 1:7–12, 4:6).

Rabbi Halevy provided a sobering interpretation of the Yom Kippur War as well. Significantly, he suggested that perhaps the Yom Kippur War may have come as a result of our not repenting and acknowledging God's role in the Six Day War—although we cannot know this with certainty. He encouraged repentance and spiritual improvement among the people of Israel. Thus, his discussions took two directions: they maintained belief in the messianic process and they called for a religious revival.

The Role of Peace Talks in the Redemption Process

Rabbi Halevy suggested that peace talks and recognition by Arab nations were essential to the redemption process (*Asei Lekha Rav* 1:6, end *Asei Lekha Rav* 9, pp. 395–396). Despite the losses caused by the Yom Kippur War in 1973 and the wave of Arab terrorism in 1987, Rabbi Halevy maintained his belief in the redemption process by appealing to the ensuing peace negotiations.

At the same time, he expressed skepticism about Israel's so-called peace partners. Egypt entered negotiations only because it concluded that it was unable to annihilate Israel in a war, not from a genuine desire for peace. Rabbi Halevy was troubled about Israel being pressured to make land concessions, a process that threatened Israel's security.[2] Additionally, he claimed that "the redemption of Israel will not be complete if the Land of Israel will not be complete" (*Asei Lekha Rav* 1:7–12, 3:62, 4:1).[3]

After expressing his personal reservations about land concessions to Egypt, Rabbi Halevy concluded that the ultimate decision in this matter

rested with the Israeli government. Only high officials were expert in the political and security details; they had the halakhic authority to make such decisions (*Asei Lekha Rav* 3:62, 4:1).[4] Although he did not trust Egypt's motives for making peace with Israel, Rabbi Halevy expressed the hope that a new generation would arise in Egypt, accustomed to peace.[5]

Is Redemption Contingent on Repentance?

Rabbi Halevy cited the talmudic debate (*Sanhedrin* 97b) whether repentance is a precondition for redemption or not (*Asei Lekha Rav* 1:7–12). He quoted a ruling of the Rambam, that repentance was mandatory (*Hilkhot Teshuvah* 7:5).[6] But elsewhere, the Rambam wrote that the messianic king would encourage repentance, implying that the messianic age could commence prior to a full national repentance (*Hilkhot Melakhim* 12:1–2). Rabbi Halevy reconciled the two statements by proposing that the messianic process could begin without repentance, but complete redemption required it.

Rabbi Halevy balanced optimism with realism in viewing the religious life of Israel. On the one hand, many Jews were returning to their religious roots; but many others were drifting away from religion. Rabbi Halevy noted that the *aliya* movement also started as a trickle. Yet, this trickle led to the creation of the State. Moreover, kabbalists predicted that the messianic age would be a time of religious confusion—many Jews would be religiously involved, but many others would be apathetic (*Asei Lekha Rav* 4:6). Although he appealed for more repentance, he still saw the "positive" aspect of non-religious behavior, that is, it was a characteristic of the early stages of the age of redemption.[7]

Missed Opportunities

> Had you made yourself like a wall and had all come up in the days of Ezra, you would have been compared to silver, which no rottenness can ever affect. Now that you have come up like doors, you are like cedar wood, which rottenness prevails over. (*Yoma* 9b)
>
> The Sages say: The intention was to perform a miracle for Israel in the days of Ezra, even as it was performed for them in the days of Yehoshua bin Nun, but sin caused [the miracle to be withheld]. (*Berakhot* 4a)

In the above passages, the Talmud taught that messianic opportunities could be squandered if people did not respond appropriately to the initial signs of redemption. The beginning of the Second Temple period could have heralded the messianic age; but since the Jews of the time failed to return to Israel and otherwise sinned, the redemption was postponed.

Rabbi Halevy frequently quoted the *Yoma* passage in his efforts to encourage *aliya*. He recognized that most Diaspora Jews remained in exile after the founding of the State and that assimilation among them was rampant. However, he never concluded that the current messianic potential was lost—only that we were missing opportunities to achieve gains within this definite period of redemption.[8]

Noting that many Jews were still not making *aliya* after the Yom Kippur War, Rabbi Halevy optimistically suggested that perhaps God was giving the Jews living in Israel a chance to establish and consolidate themselves financially. Increased economic stability ultimately would encourage others to come (*Asei Lekha Rav* 3:62). He further suggested that had the first 30 years of statehood been easier, perhaps the Jewish passion for independence would not have been as strong. Moreover, perhaps the Yom Kippur War would jolt Israelis out of their complacency, and intensify their devotion to the Land of Israel (*Asei Lekha Rav* 1:7–12).

Rabbi Halevy halakhically justified ascending the Temple Mount, since we know the precise dimensions of the Temple and we can avoid going to those spots that are ritually forbidden. The rest of the Mount is accessible to Jews who ritually immerse themselves and remove their shoes. He added that rabbis should not prohibit observant Jews from going to the Temple Mount out of concern that non-observant Jews will not follow the proper regulations (*Asei Lekha Rav* 1:15). He recommended that a synagogue should be built atop the Temple Mount (*Asei Lekha Rav* 6:82).

Two years after the liberation of the Temple Mount, Rabbi Halevy sadly noted that Israel had squandered the opportunity to build a synagogue there. He expressed anguish that Israel allowed our most sacred site to remain in Arab hands. Jews should have created facts on the ground by building a synagogue when we had the chance (*Dat uMedinah*, p. 117).

After the Sinai concessions and peace treaty with Egypt, he added that Jews were now forfeiting the opportunity to settle Judea and Samaria. Had a million Jews moved in right after the Six Day War, there would not have

been any chance of negotiating its return. Rabbi Halevy quoted *Yoma* 9b, which criticized the Jews' failure to make *aliya* during the Second Temple Period. If Jews did not freely come now, perhaps they will be forced to come in order to complete the process of redemption (*Asei Lekha Rav* 4:1). Elsewhere, Rabbi Halevy added a more ominous note to encourage *aliya*, observing that neo-Nazi movements continued to thrive all over the world (*Dat uMedinah*, p. 15).

Rabbi Halevy thought that Jews had erred in not having made *aliya* after the Balfour Declaration in 1917, a time when the Arabs were largely inactive politically. A large influx of Jews would have changed the reality drastically. Since Jews did not come willingly, then, they were compelled to come in the aftermath of the Holocaust. Perhaps the prophetic prediction of a purging nightmare before the final redemption (Ezek. 20) was fulfilled as a result of Jewish reluctance to make *aliya* earlier in the twentieth century. He again emphasized that we cannot know the workings of God's mind—but we could offer interpretations after the fact, in order to derive religious inspiration and guidance (*Asei Lekha Rav* 4:6).

Despite his claims of the forfeiture of individual blessings, though, Rabbi Halevy asserted that God never would abandon Israel (*Dat uMedinah*, p. 16). He continued to believe that the process of redemption was slowly and irreversibly unfolding, and he interpreted each new event in this light.

Halakhic Rulings

Because of Rabbi Halevy's belief that we were living in the period of redemption, he reached a number of important halakhic conclusions. He believed that Israel Independence Day (5 Iyyar) and Jerusalem Reunification Day (28 Iyyar) should be observed as formal religious holidays, with Hallel recited (*Dat uMedinah*, pp. 88–113). Rabbi Halevy criticized those who opposed celebrating these holidays on the grounds that they were primarily military victories. Hanukkah also was celebrated because of military victories (*Asei Lekha Rav* 5:17). He noted that these opponents were driving less observant Jews to view those events in purely secular terms. If *religious* Jews refused to acknowledge God's hand, why should secular Jews (*Dat uMedinah*, pp. 86–87)?

Rabbi Halevy reevaluated traditional practices pertaining to mourning over the destruction of the Temple. Rabbi Halevy maintained that we still must observe the Fast of the 9th of Av until the Temple itself is rebuilt (*Mekor Hayyim* 4:202, pp. 179–180). But after the Six Day War, we should reword parts of the *"nahem"* prayer into the past tense. Since the prayer laments a desolate Jerusalem without any Jewish inhabitants, it simply would be a falsehood to retain the original text of the prayer (*Asei Lekha Rav* 1:13–14, 2:36–39).

Likewise, he suggested emending a passage in the Grace After Meals, which currently reads, "We thank You, God for the good and ample land that You gave to our ancestors." Now that we are living in the age of redemption, we should say, ". . . that You gave *to us*" (*Mekor Hayyim* 2:81, p. 97).

With the settling of the Land, we should again recite the blessing, *"Barukh matziv gevul almanah"* (blessed is He who establishes the borders of a widowed [nation]). Rabbi Halevy was hesitant to rule that one should recite the full blessing with God's Name, although he noted that Rabbi Avraham Yitzhak Kook had done so. Rabbi Halevy agreed with his reasoning (*Asei Lekha Rav* 4:5).

We still should say *kinot* (prayers of lamentation) on the 9th of Av, since the Temple is not yet rebuilt and the majority of Jews still lived outside of Israel. But we may reduce the number of *kinot*, as he himself did after 1948 (*Asei Lekha Rav* 4:34).

Although the original practice was to tear one's clothing upon seeing the desolate cities in Israel, or the ruins of Jerusalem (*Mo'ed Katan* 26a), Jews now lived in Israel and the Temple Mount was again under Jewish control. Therefore, one no longer should tear one's garments when going to the Western Wall. However, he thought that the Chief Rabbinate should issue the final ruling on this matter.[9]

The practice in Jerusalem was to don *tefillin* in the morning of 9th of Av at home, and then to come to synagogue for the recitation of *kinot*. Even one who previously did not observe this tradition should accept it, since we were living at the beginning of the redemption (*Mekor Hayyim* 1:35, p. 131).

Rabbi Halevy complained about the prevalent custom at the end of weddings to break a worthless glass rather than something of real value. After concluding that this was not a major issue worth fighting over, he added that especially now, in the age of redemption, we do not have to be

as mournful as we had been in the past—and therefore the current practice may be tolerated (*Mekor Hayyim* 5:237, p. 36).

Although Rabbi Halevy allowed some room for leniency as a result of this being the period of redemption, he did not permit choir practice during the three weeks between the 17th of Tammuz and the 9th of Av. During that period, we should remain mournful (*Mayim Hayyim* 1:35).

May we accept converts nowadays, given rabbinic traditions that we will not accept converts in messianic times (*Yevamot* 24b; 76a; *Avodah Zarah* 3b)? Rabbi Halevy noted that only a minority of Jews, and very few non-Jews, have appreciated that we now have entered the beginning of the messianic era. Thus, no one would convert to Judaism today merely to join the messianic bandwagon. Additionally, several authorities (Rambam, Rashba, Meiri) ruled according to *Berakhot* 57b, that non-Jews would convert to Judaism even in the messianic age. The Talmud (*Avodah Zarah* 3b) noted that the Messiah would weed out insincere converts, so there was nothing to fear by accepting converts nowadays (*Asei Lekha Rav* 3:29).

The Talmud (*Berakhot* 54a) stated that one should make the blessing *"Barukh haTov ve-haMetiv"* for rainfall, but that practice stopped while Jews lived in exile. Rabbi Halevy ruled that since Jews have returned to Israel, they should once again recite this blessing—either after a prolonged drought is ended by rain, or if there is unusually heavy rainfall. The final decision on when the community should make this blessing should be left to the Chief Rabbinate (*Mekor Hayyim* 2:92, pp. 181–182).

Rabbi Halevy discussed whether the original practice of lighting Hanukkah candles outdoors should be restored. He quoted the *Hazon Ish*, who ruled that we still should light indoors, since (1) people might blow the candles out if they were left outdoors; (2) Israel was surrounded by enemies, and there was no guarantee that Israel would survive. Rabbi Halevy emphatically disagreed. Since this is the beginning of the redemption, one in Israel should light Hanukkah candles outdoors, when possible (*Asei Lekha Rav* 7:42).

Rabbi Halevy opened *Dat uMedinah* (p. 9) with an idea from R. Yehudah Halevy's *Kuzari:* Redemption will not come until people desperately wanted it. Rabbi Halevy's life was dedicated to inspire messianic hopes, to encourage people to take an active role in the process of redemption, and to promote a religious awakening (cf. *Asei Lekha Rav* 8:94–95). He added (p. 26) that the special role of rabbis during this period of

redemption was to devote their energy to inspire the hearts of people with an understanding of God's role in history. It comes as no surprise that he concluded his *Mekor Hayyim* series with a chapter on the Messianic age. Although the full redemption has not yet come, Rabbi Halevy did his best to hasten the Messiah's arrival.[10]

NOTES

1. Cf. *Asei Lekha Rav* 4:7, 9, where he added that Israel should emphasize its divine rights to the Land at the United Nations. Aside from the desirability of projecting a religious image for the State, Rabbi Halevy believed that this argument would be effective in the international community. By maintaining a purely secular stance, other nations would likely respond in a secular manner, promoting their own interests, such as oil and strategic alliances with stronger nations. In *Ben Yisrael laAmmim* (pp. 3–4), he added that Israel's enemies have moved their battlefronts to "diplomacy" at the United Nations.
2. In his discussions of Sinai concessions, Rabbi Halevy noted that land for peace negotiations would create the dangerous precedent of offering the same for Judea and Samaria. He stated unequivocally that "God forbid" that we should ever reach that state of affairs. See *Asei Lekha Rav* 1:7–12, p. 42.
3. Rabbi Halevy quoted the Zohar, which maintained that full redemption would not occur with non-Jews *living* in the Land of Israel. Elsewhere, though, Rabbi Halevy accepted that Noahides, i.e., those observing a lifestyle of ethical monotheism, could live in the land (see his lengthy halakhic analysis in *Ben Yisrael la-Ammim*, pp. 5–71).
4. In *Dat uMedinah*, pp. 49–60, Rabbi Halevy developed a more comprehensive halakhic analysis to explain the authority of the government of Israel.
5. Rabbi Halevy began *Asei Lekha Rav* volume 4 with a lengthy treatment of the implications of the recently signed peace treaty with Egypt.
6. Cf. Rabbi Halevy's further analysis of this ruling and the dissenting opinion in *Mekor Hayyim* 4:215, pp. 250–251.
7. In *Asei Lekha Rav* 4:9, Rabbi Halevy expressed a remarkably fatalistic approach to the role of repentance in the redemption: if God gave us the Land of Israel, then it almost does not matter that many people still are sinning. God has revealed His will that the Jews should have their Land again.
8. Zvi Zohar ("Religious Zionism and Universal Improvement of the World," in *He'iru Penei haMizrah* [haKibbutz haMe'uhad, 2001], p. 305) quotes *Ben Yisrael laAmmim*, p. 89, where Rabbi Halevy wrote that "we do not know how much longer the influence of the rise of the State will last . . . after which this page will be closed in history." But despite this statement, Rabbi Halevy never reached the negative conclusion suggested as possible in *Ben Yisrael laAmmim*. It would appear that Rabbi Halevy appealed to the window of opportunity to inspire others, but he maintained a firm belief that full redemption definitely would occur in our era.
9. *Mekor Hayyim* 2:95, pp. 207–209.
10. For further discussions of aspects of Rabbi Halevy's messianic thought, see Malkah Katz, "Rabbi Haim David Halevy as the Successor of the World and Views of the Sephardic Sages in Israel Who Associated with Religious Zionism in the Days of the Mandate"; Dov Schwartz, "Changes in the Messianic Thought of Rabbi Haim David Halevy," in the volume of papers about Rabbi Halevy, edited by Zvi Zohar and Avi Sagi; Zvi Zohar, "Religious Zionism and Universal Improvement of the World," in *He'iru Penei haMizrah* (haKibbutz haMe'uhad, 2001), pp. 298–311.

Li-Heyot Am Hofshi beArtseinu: The As-Yet Unrealized Dream

Jolene S. Kellner and Menachem Kellner

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When we moved to Israel 30 years ago we sacrificed a number of things: living space (we exchanged a two-story home on a large plot of land for an apartment in a 10-story building) and the excellent, affordable, and personal medical care to which middle-class Americans had then grown accustomed. We also lost Sundays as days off.

What we gained made this all worthwhile: a sense of purpose, a sense of being part of something important that was bigger than ourselves, and, we thought, the opportunity finally to be part of the mainstream.

How did things work out? Rather differently than expected. Israel has grown much more prosperous over the years (if we did not mind the commute, we could sell our large apartment in Haifa and move to a lovely home in the Galilee); medical care here has improved dramatically, while the level of care for middle-class Americans has gone down and the price has gone up, both dramatically. Jewish education here remains problematic, but it is certainly not bankrupting parents, as it is in North America. The five-day week has reached Israel (when it was first proposed to the late Levi Eshkol he is reputed to have said: "First let's see if we can get peo-

ple to work for four days, before stretching it to five.")—with Fridays replacing America's Sundays as part of the weekend.

Two things particularly surprised us: we raised children with Israeli manners, and we certainly did not become part of the mainstream. Both of us grew up in rabbinical homes, with fathers active in Mizrahi and both fathers and mothers deeply involved in Jewish education, seeing all of the Jewish people as their responsibility. We assumed that we would find like-minded communities here in Israel. That did not turn out to be the case. Over the years we have lived here, the National Religious Party (*Mafdal*), the Israeli branch of the World Mizrahi, engaged in a long drawn-out act of suicide. No longer seeing itself as appealing to and seeking to represent all Jews, Ashkenazi and Sefardi, *dati* and non-*dati*, it first turned itself into the party of Orthodox Zionists, and, after the rise of *Shas*, into a party of Orthodox Ashkenazi Zionists; it then turned its gaze even further inward and turned itself into the party of the Orthodox Ashkenazi Zionist Settlers. It has now transmogrified into the extreme right-wing "*Bayit Yehudi*" party with three members of Knesset (one of whom we know personally and admire as an individual), two of whom basically speak to each other only through the third.

One of us was here in 1967 as a volunteer on a border kibbutz before, during, and after the war and we both initially shared the widespread enthusiasm for settling the territories occupied during the war. After moving here in 1980, we more and more came to realize the folly of seeking to hold on to the "Greater Land of Israel" and drifted leftward politically, putting us out of synch with our neighbors, with most of our friends from synagogue, and, significantly, with the B'nei Akiva youth movement, to which our children belonged. Israel is a society of clearly defined groupings, with clear labels. We often had the sense that in the eyes of many of our fellow synagogue-goers, political "deviance" was a reflection of religious "deviance." So much for becoming part of the mainstream!

Another issue that distanced us ideologically (if rarely personally) from our friends and neighbors was our growing discomfort with what is usually referred to as "religious coercion." We very much enjoyed living in a Jewish State that was Jewish not only by virtue of the majority of its populace, but also because traditional Jewish holidays were national holidays and the public square used to be recognizably Jewish. It is not important in this context to point fingers of blame for this, but in our 30 years here the public square in Israel has grown ever more secular, ever more dis-

tanced from its Jewish roots, just as the religiously observant have largely retreated into self-made ghettos. From our perspective, attempts to force Judaism down the throats of Israelis have boomeranged. Whether that is indeed the cause or not is less important than the fact that the public face of Israel has changed beyond recognition in our years here.

Let us give one example of this phenomenon. When we moved here, our synagogue had a second minyan for *kol nidre* for our non-observant neighbors, and the entire neighborhood congregated around the synagogue, even if they did not come in. Nowadays, there is no second *kol nidre* minyan; no one hangs around the synagogue. Although most secular Israelis fast and do not drive on Yom Kippur (out of vestigial cultural identification), since the roads are almost entirely empty, they are taken over by kids on bikes and roller blades. That is the Yom Kippur these children will remember when they grow up: fancy bikes and empty roads as opposed to empty stomachs.

To simplify a very complicated process, over the years that we have lived here, Israel has become more and more like America (for good and for ill), and as it has grown ever more American, one might think that the ideological rationale for living here has grown weaker (after all, we came here to participate in the process of building a recognizably Jewish—culturally, not necessarily halakhically—nation, not an imitation North America). That our ideological Zionism has not become attenuated is, largely—it is odd to say—thanks to hatred of Israel in so-called progressive circles around the world. To our surprise, *Li-heyot am hofshi beArtseinu*—to be a free nation in our land—remains *HaTikvah*, the not-yet-realized hope, of the Zionist movement. Thirty years ago it seemed that the hope had been realized; over the last decade it has become clear that our hopeful dream is a nightmare for wide swaths of "enlightened" opinion around the world (and in "elite" circles in Israel). Suddenly, once again, to be a Zionist is to be a revolutionary, to go against the current.

Another surprise: Israel was meant to cure anti-Semitism; sadly, it has not. Only 60 years after the Holocaust, our generation is once again called upon to defend the right of Jews to live and to live as a free nation in its own homeland.

Living in Israel is once again more than simply making a living in Hebrew. We are challenged to show that the dream is worthwhile and attainable. For people like us, that makes living in Israel even more compelling than it was 30 years ago when we made *aliya*.

Frustrating—But the Best of Times

Chaim I. Waxman

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I must say at the outset that although my wife, Chaya, and I had some different motivations and experiences in our *aliya* process, we are both happy with our *aliya*. For me—and I am speaking about my own personal reflections and feelings—our *aliya* is the fulfillment of a dream I had since learning in Yeshivat Kerem beYavne in 1958–1959. It took more than 40 years—but it also took Bnei Yisrael 40 years to make it through the wilderness to the land of Israel. Personally, I am very happy with my *aliya*. But I understand why many Jews, Orthodox or not, do not want to make *aliya*. Economics aside, living in Israel can often be a very frustrating experience, and in many respects it is "easier" to be a Jew in the United States. Let me tick off a number of what, in my opinion, are the most frustrating aspects of Israeli society.

1. Lack of civility—Common American norms of civility and courtesy are alien to much of Israel. On the contrary, here the rule is, "don't be a *freier,*" a patsy, someone who allows someone else to get ahead of them, be it standing in a line for a bus or in a store, or driving on the road. I drove for decades in the United States, but it wasn't until I drove in Israel that I was a victim of nasty name-calling by the driver in back of me, for allowing someone to precede me in merging lanes. I violated the rule of not giving an inch, which applies to the road as much as it does to foreign policy.

2. Ethnic hostility—Perhaps I was sheltered where I lived in the

United States, but I never encountered the kind of blatant discrimination and hostilities that I see here between some Jews and Arabs, some Ashkenazim and Sephardim, some secular and religious. The degree of intergroup tension that pervades Israeli culture is something alien and distressing to me.

3. Lack of basic democracy—I was aghast when I learned that some of the basic civil rights, including protection from arbitrary searches and seizures, that (most) Americans enjoy were not part of the Israeli system, such as being held by the police for more than 24 hours without being charged with a crime. I subsequently learned that Israel, too, has such protections but that security cases are differences. And, following the September 11, 2001, much more restrictive security measures have been undertaken by the authorities in the United States as well.

However, I still cannot get used to a common Israeli practice that clashes with the notion of rights with which I was raised, namely, blatant housing segregation, on the basis of both religion and ethnicity. Housing projects openly advertise "for the *dati-leumi* [religious-Zionist] community," "for the Hareidi community," and don't even think of buying an apartment anywhere but very special places if you are not Jewish. Around 1998, Chaya and I were looking to buy an apartment and we heard that there was going to be a new community called Ramat Bet Shemesh, so we drove out to see where it was and get an idea of what it was to be like. We arrived at a hilltop that had various trailers, *caravanim*, out of which the contractors, *kablanim*, worked. Each of the contractors greeted us with the identical question: "What are you?" When I replied that I'm looking to buy an apartment, they thought I didn't understand their question, so they repeated it, and I replied that I'm a Jew who wants to buy an apartment. Now they started to get upset. "*What* are you?" "Are you *dati, dati-leumi, hardali, hareidi Litai, haredi hassidi*? The reason for asking was that there was to be different housing for each of the different kinds of Jews, even if all of them were religious. If they weren't, they were relegated to an entirely different section of contractors. As soon as we saw what was happening, Chaya and I realized that this wasn't for us, and we left. But the very fact that it exists—and legally—leaves me with a bitter taste.

4. Kashruth—For years I was told that kashruth is so much more natural and less complicated in Israel. But, in fact, just the opposite is the case. In the United Staes, the OU is overwhelming, if not almost universally accepted among Orthodox Jews. There is nothing even close to that

in Israel, where there are so many more groups, each having its own kashruth certifiers. A bag of raw lettuce can have five or more supervisions, all of which contribute to higher prices. I find it incredible when I hear of the barriers all of this presents in terms of family harmony.

5. Segregation—Much worse are the "super-kosher" *mehadrin* buses that are segregated by gender, with women forced to sit in the rear. It reminds me of the pre-Civil Rights days in the United States South—and gets me very upset.

6. The Hareidi-*dati* divide—I will just mention a series of issues that rile me, such as the Rabbinate, which controls matters of marriage, divorce, and conversion; the fact that the majority of Hareidim do not serve in the army or in any other kind of national service; government-supported voluntary unemployment; government-supported schools that do not teach a basic curriculum of general studies; and so forth.

7. Political corruption and incompetence—During the past five years, we have witnessed a President and several ministers and Knesset members found guilty of serious crimes, and we have seen a now-former Prime Minister under investigation for numerous accounts of corruption. As for incompetence, even the glaring examples are too numerous to list here. Also, the country does not seem have any conception of planning. Just take a look at the water crisis, the loss of life and damage in the Carmel Forest fire, the extended disruption from the Jerusalem light rail fiasco, and so forth. *Avira deAr'a mahkim*? (The air of the land of Israel makes one wise?) Israel today is all-too-often proof that Chelm lives. Sometimes I get so upset so upset that I am almost ready to agree with Yaakov Kirschen, the famous "Dry Bones" cartoonist, who said, "If there was another Jewish State I would move there."

But seriously, there is no other Jewish state, and even if there was, I am not at all sure I would move there. This is not just a Jewish state, it is also *Erets Yisrael*, the land promised to Avraham Avinu and his children and the birthplace (after Egypt and the wilderness) of the Jewish people. To live here is to live Jewish history and tradition. Judaism is intrinsic to the national culture here and it is built in to the calendar. In the Diaspora, one knows what the Gregorian calendar date is, and one has to stop and check for the corresponding Jewish calendar date; in Israel, though, it would be more likely for you to know what the Jewish calendar date is—and you may have to stop and check for the corresponding Gregorian cal-

endar date. Even in Tel Aviv, you breathe Judaism here much more so than in the Diaspora.

One hard lesson that I have learned since my *aliya* is that the French socio-political thinker, Alexis de Tocqueville, was correct not only in his analysis of France and the United States, but of Israel as well, when he said that an alliance of religion and state is bad for religion and bad for state, and separation of religion and state is good for religion and good for state. I used to fear that separation of religion and state in Israel would create a major rift in the society; that already exists even with, perhaps thanks to, the Rabbanut.

Yet, the breadth and depth of Jewish learning here is incomparable. The range of almost daily lectures and symposia is such that I sometimes am overwhelmed and have to remind myself that I neither can nor have to participate in everything. It's wonderful to know that opportunities are there and that I can choose those of which I wish to partake. When I think back and remind myself how meager were the opportunities for such enrichment in the very Jewish neighborhoods in which I lived, I feel blessed to be here.

The society has problems—but it's my society; there's no invisible cultural wall between me as an Israeli and me as a Jew. My life is not schizophrenic; I do not live an "inside/outside" existence, as do many Jews and most Orthodox Jews, even in the open and welcoming United States. Indeed, for many of those who do not experience an invisible wall or even a difference between their Jewish self and their American self, there are increasingly pronounced issues relating to Jewish identity and identification, but that is a somewhat different subject.

Despite all of the frustrations I mentioned and more, I frequently sit on my *mirpeset*, porch, and think how incredibly fortunate I am. I cannot believe that I am actually living in Israel, in Jerusalem no less, and how wonderful it is to be here. Despite the harshness and intolerance we too often see, there is also simultaneously a beautiful sense of oneness here, of giving, of sacrifice for others and the society. There is also a sense of informality rooted in the understanding that we are all family, and, therefore, we can do away with artificial facades.

For Chaya and me, *aliya* was a "no-brainer." All of our children and grandchildren are here. I am fortunate to have a career from which I never actually have to retire. I am no longer salaried, but do not have any prob-

lems of not having anything to do. Quite the contrary, if I have a problem it is not having enough time to accomplish everything that I want.

As far as the material aspects of daily life, I find living in Israel easier in many respects. The image of impossible bureaucracy is no longer applicable; Israel is in many ways much more technologically advanced than the United States, and many things can be done online or in other ways with relatively little hassle.

The range and quality of medical care available to all, not only to the very wealthy, is very satisfying and reassuring. Whenever I have needed medicals exams and procedures, I have found the entire process to be much more efficient, quantitatively and qualitatively, than my medical experiences in the United States

Even if I were looking for an "easier" life, I am not sure that I would not have come on *aliya*. Perhaps in some ways it is "easier" to live in the United States; but, in much the same way, it is "easier" not to have children than to have them. I chose to live here in part because I want to be a participant in what I view as the most significant development in the past 2,000 years of Jewish history. I love *Erets Yisrael* and I love *Am Yisrael*, and I want to live among my people in the land of my people, even though they sometimes frustrate me and even though I have many interests beyond both the land and the people.

All of the ideas presented here are my personal thoughts and feelings, relating to me alone, and are in no way meant to preach to others. I don't tell others that they should make *aliya* because it's just not part of my personality to tell others what they should or shouldn't be doing. That is probably one of the major reasons I never considered entering the rabbinate. Nor do I think that *aliya* is for everyone. Quite the contrary, there are some people whom I think should definitely not make *aliya*. I think that successful *aliya* requires not only resources but flexibility, tolerance, and a sense of humor. If someone is inflexible and intolerant, they probably won't last too long in Israel; and besides, Israel has enough intolerance and inflexibility.

"To Everything There Is a Time"

STANLEY M. DAVIDS

(Rabbi Davids is a Reform rabbi, who made aliya from Atlanta, Georgia, on February 22, 2004 with his wife Resa. He is the immediate past president of the Association of Reform Zionists of America (ARZA) and a past chair of the National Rabbinic Cabinet of State of Israel Bonds. Currently he sits on the Board of Governors of the Jewish Agency, the Hanhallah of the World Zionist Organization, and the Board of Overseers of the Jerusalem Campus of the Hebrew Union College. Resa is on the Board of ARZENU and on the Board of the Women of Reform Judaism, where she holds the Israel portfolio; she has created more than 22 affiliates of the Women of Reform Judaism in Israel over the past two years.)

When Rabbi Marc Angel asked me to write an article for this issue of *Conversations*, an issue dedicated to a consideration of Orthodoxy and the State of Israel, I saw both challenge and opportunity.

Having watched and quietly cheered on Rabbi Angel's efforts over the past several decades to help guide the world of the Orthodox rabbinate back toward its historic embrace of halakha as a dynamic, living, foundational force in Jewish life, and having established in my personal observance an approach toward praxis,[1] which some might consider post-denominational, I approached this article with a degree of trepidation, coupled with respect and anticipation. I spent several months consulting with friends and colleagues who share with me a liberal Jewish religious perspective and who have also made the sacred choice of *aliya*. These individuals are listed for informational purposes at the close of the article,[2] but none of them bear any responsibility for the thoughts that I

express or the conclusions that I reach. Such thoughts and such conclusions are solely my own.

A moment in time: Several years ago, I was sitting with two colleagues in the lobby of Jerusalem's Crowne Plaza Hotel. We were tasked with putting together a tri-denominational program about life in Israel for a community event back in the United States. There we sat, drinking coffee, discussing our shared passion for the Atlanta Braves, crafting our approach to a program that would necessarily allow our religious differences to be visible. We determined that we would be honest, even as we would choose not to be confrontational. An Orthodox, a Conservative, and a Reform rabbi, all *olim*, could publicly demonstrate our love for *Medinat Yisrael* without making our conversation a zero sum game.

One of us mused: "If only a photographer from *Yediot* could capture this moment." Three veteran rabbis with clearly different and strongly held religious convictions, sitting together in public, were comfortably discussing a community event in which we would respectfully and honestly enter into a public dialogue. And we felt that we were doing nothing extraordinary, because we all had come from an American culture in which such encounters are not all that unusual. But in Israel, our meeting might well have warranted front page coverage simply because local expectations here have become so vastly different.

A moment in time: On Rosh haShanah 5771, we attended services with our family in suburban Westchester County, New York. The rabbi of our daughter's Reform congregation announced that just one week ago he had received a call from the rabbi of a neighboring Young Israel congregation, with a warm invitation for the two communities to come together for a shared *Tashlih* service. Later that afternoon, the two rabbis conducted a beautiful joint sacred occasion in the presence of large representations from both communities, an occasion within which *ahdut* (unity) was embraced as an aspect of *teshuvah* (repentance). We all understood that such moments did not occur regularly anywhere in the world. But the relaxed atmosphere testified eloquently to the reality that our worshiping together fit the broad parameters of that which is possible, acceptable, and even desirable within American expectations.

One of the most daunting challenges confronting many liberal Jews living in the State of Israel today is the overwhelming feeling that we share the most dismal of expectations about relationships between and among the various Jewish religious communities. Of course there are exceptions, but

far too often we find negative expectations validated and reconfirmed by deeply troubling personal or public encounters. Those events unavoidably color and shape the manner in which we perceive and interact with each other; they become the fuel for self-fulfilling prophecies which cannot help but threaten the health of Israeli society and the viability of the Jewish state.

A moment in time: On the very day of our *aliya*, my wife Resa and I sat before the desk of the final *pakkid* on the second floor of the old terminal at Ben Gurion airport. Due to the intifada that still raged, we were the only *olim* being processed that day. The official, as he stamped our documents, conversationally asked Resa about her profession. She told him of her advanced degree in statistics and he nodded his head in appreciation. Then it was my turn. I told him in Hebrew that I was a Reform rabbi. He stopped, adjusted his *kippah*, and literally spat as he said: "You are no rabbi." Welcome home to Israel, the paradigmatic setting for the pain and beauty of Jewish life.

Even as I write this essay (in October 2010), the Knesset remains embroiled in a bitter debate over the future of MK Rotem's conversion bill. Most of us are profoundly concerned about the fate of the religious identities of some 350,000 Russian *olim* (and now their more than 90,000 children born in Israel). The Rotem bill as originally proposed probably would have offered some small degree of relief to what I view as the obstructionism and insularity of the Chief Rabbinate and of the bloated religious establishment regarding conversion, but amendments to the bill had introduced elements that managed to outrage members of the Diaspora Jewish community, including a number of key Orthodox leaders living outside of Israel. The Rotem bill has become yet another setting within which ties among various Orthodox and Hareidi establishments and those who wield political power in the state are being used to severely disadvantage the clear majority of Israelis who choose not to see themselves as part of those establishments. Inevitably, the dangerous psychological and spiritual distancing between Diaspora Jewry and Israel is intensified.

Expectations grow ever bleaker.

Other moments in time: I stood as a witness to the Shabbat afternoon parking lot battles near the Jaffa Gate. I personally heard the racist slurs crudely hurled by some Hareidi men at uniformed Ethiopian *olim*. I seethed as young Israeli police were called grotesque epithets dredged up from out of our people's Shoah nightmare. I marched in protest over the arrest of women who dared to treat the plaza fronting the Kotel as a nation-

al shrine open to all Israelis, rather than as an exclusionary ultra-Orthodox synagogue. I counseled my kibbutz cousin's children who had invited me to officiate at their weddings to "do the right thing" by going to Europe first to get "legally" married, since my more than 45 years of service to the Jewish people as a rabbi mean nothing in an Israel that has chosen to trade true pluralistic democracy for political expediency and religious hegemony, principle for power and funding. I comforted a woman colleague who had been slapped across the face by a *dati* woman who sought to punish her for raising her voice during Hallel as she stood near the Kotel.

Expectations.

The descriptors (more often privately than publicly expressed) that emerge out of such declining expectations are, not surprisingly, bitter. Those descriptors, as expressed to me by most of those with whom I consulted, include but are not limited to words and phrases such as "abomination," "nightmare," "anachronistic," "ridiculous," "moral violence," "absurd and grotesque," "medieval," "*sinat hinam*," and "extortion." These are responses to how some of us in Israel see our lives impacted by those Orthodoxies politically empowered and fundamentally corrupted by government.

The pain is real. Many of us who lovingly and out of deep ideological conviction chose *aliya* find ourselves emotionally torn. Not one would even consider abandoning our dream of being part of our people's national re-birth, but the price—a serious price that we had originally reckoned in terms of family separation and financial limitation—now far too often also includes emotionally draining battles against efforts to delegitimize us, to marginalize us, to exclude us from mainstream communal life.

Research and advocacy groups such as "HIDDUSH—Freedom of Religion for Israel"[3] regularly demonstrate with verifiable accuracy wide dissatisfaction among a broad spectrum of the Israeli electorate with the current status of formal and informal state/synagogue ties in Israel. Tension between so-called secular Israelis and the various Orthodox establishments in Israel are viewed by many today as the single most serious source of societal dis-ease.

A. B. Yehoshua's writings often portray contemporary Jews as living permanently with a kind of divided personality. We Jews whose homes are in Israel are pathologically unable to be comfortable in Zion, yearning instead for the openness of a non-coercive, expansive, anonymous

Diaspora. But those of us who dwell in the Diaspora are equally unable to be comfortable there, yearning instead for the richness and integrity of Jewish communal and personal life in Israel. Wherever we Jews are, there is always somewhere else where we would rather be. My personal psychological imbalance is somewhat different: I am comfortable in Israel, relishing the opportunity to live a full and wonderfully rich and satisfying Jewish life here, even as I work hard with so many others to try to disestablish the Chief Rabbinate, to separate out all formal ties linking the religious councils with government, to grant to all religious streams the right to conduct life-cycle events for those who are their adherents, and to permit and encourage those who embrace that unique phenomenon known as Israeli secularism to create their own meaningful rituals and celebrations without coercion or discrimination.

Resa and I have chosen to live in Jerusalem not just because most of the major international Reform organizations are represented here, but because our souls feel firmly rooted and nourished by Jerusalem's air, by its history, by its promise. We have chosen to live in Jerusalem because of its endless opportunities to study with great scholars and to immerse ourselves in a richly variegated Jewish culture. But we are forced to confront daily and to struggle endlessly with those who would drain from that air the soul-sustaining oxygen of choice, who opt for coercion over conversation, who view loyalty to Torah as requiring an end to that *eilu veEilu* wrestling with text that had previously endowed the Jewish people with a vast storehouse of spiritual richness, who prefer fossilization to diversity within the halakhic process, and who have intentionally diverged from 2,000 years of religious teachers who had trusted the Jewish people in its pursuit of fidelity to the One.

One colleague pointed out that many of us are "anomalies" within Israeli society. We consider ourselves to be religious; but we are not *dati'im*. We maintain kosher homes; we observe festivals; we attend worship regularly; so we cannot be considered by others as *hilonim*. We feel that our chosen presence in Israel as citizens-by-choice is the result of a sacred act of *aliya*; but most of us are willing to support those who would cede sovereignty over parts of *Erets Yisrael*, if by so doing we insure the security and domestic well-being of *Medinat Yisrael*. Are we then religious Zionists, or are we not? Many of us are strong advocates of church/state separation in the United States, but accept the rationale calling for equi-

table state funding of ALL Jewish religious streams in Israel. Are we then religious liberals or conservatives? Many of us oppose what appears to be the ever-increasing Kotel-olatry that strongly interferes with our Jewish efforts (as per Heschel) to create palaces in time but not in space; yet we will battle ceaselessly against those who deny women the right to worship and to read Torah at the Kotel.

I know that all of the above means that we Israeli Jews must now struggle to create a polity that has never before existed: a truly democratic, pluralistic Jewish state strongly protective of the rights of all its minorities (including but not restricted to women, Arabs, immigrants, foreign workers, refugees, Jews by Choice, Reform and Conservative and Reconstructionist and secular/humanist Jews, gays and lesbians), infused with profound respect for and support of Jewish life in the Diaspora. Those personal inner divisions require me to strongly respect the achievements of Israel's Orthodoxies as they rebuild a world of study and observance that was almost annihilated, that has produced great Rabbis and Hakhamim such as Rav A. I. Kook and Rabbi Ben Zion Uziel, and that made certain that Israel's founders would not succeed in diminishing the presence of Shabbat and Hagim in the public sphere—even as I battle against government funding for private Torah-based schools that refuse to teach *tokhnit haLiba* in their curriculum (the government-mandated core secular curriculum, compliance with which impacts the degree of direct government funding for various school systems. The evolving content of this curriculum is a source of ongoing political and ideological struggle), who inculcate within their students the view that Torah law trumps civil law when it comes to national defense, who speak of those who disagree with their teachings as lacking in full Jewish identity, who regard tolerance of diversity as an intolerable sign of weakness, or who embrace *mitzvoth bein adam laMakom* to the often total exclusion of *mitzvoth bein adam leHaveiro.*

The future is not fixed, but then again neither is the past.[4] As we make those choices that will define our present and texture our future, we come to shape, understand and validate our past. As for me, I am in love with Zion, but I am most certainly not at ease with Zion. I embrace the *zekhut* of living at such a time that I might contribute to the shaping of Israeli society, to help complete the process of the rebirth of the Jewish state. It is still possible to reverse the spiraling descent of our expectations regarding relationships among all of Israel's religious streams and thus it is still pos-

sible to bring into the Israeli mainstream expectations of cooperation and mutual respect. It is still possible to strengthen the voices of the Israeli majority interested in crafting a pluralistic Jewish democracy. And it is still possible to build a Jewish homeland which will be compellingly attractive to my American grandchildren.

To everything there is a time. That time is now.

NOTES

1. Typically, for example, I pray Erev Shabbat at Kol HaNeshama (Reform) and on Shabbat morning at Shira Hadasha (egalitarian modern Orthodox). Twice monthly I study the *Sfat Emet* on Shabbat before Shaharit. I am drawn to the Kotel on Tisha B'Av, but only then. I regularly study at the Shalom Hartman Institute. I cannot imagine a more personally satisfying arrangement.
2. I express my gratitude to the following colleagues and friends whose thoughtful comments were of enormous benefit to me in the writing of this article. As noted above, I bear sole and complete responsibility for all of the views expressed: Rabbi Stacey Blank; Rabbi Shelton Donnell; Rabbi Shaul Feinberg; Rabbi Stuart Geller; Rabbi Miri Gold; Terry Cohen Hendin; Rabbi Richard Hirsch; Rabbi Naamah Kelman; Rabbi Richard Kirschen; Michael Nitzan; Dr. Barry Knishkowy, Rabbi Joel Oseran; Rabbi Henry Skirball; Matthew Sperber.
3. For the sake of full disclosure, I sit on the HIDDUSH steering committee.
4. Alan Watts and others.

Eve-Olution: An Overview of the Dramatic Progress in Educational Opportunities for Girls and Women in Israel

JUDITH LANDAU

(Judith Landau was born in London and made aliya in 1976. She lives and works in Jerusalem and has five children and seven grandchildren.)

The empowerment of women today in Modern Orthodox society in Israel is a direct result of the number and range of education opportunities now available—and a very welcome and necessary development considering the multiple halakhic issues affecting them. The emergence of Batei Midrash for women and the courses provided at all levels—from the high school to midrasha to adult education—have bred a new generation of learned women who have become active members in the community and participants in the halakhic decision-making framework in issues pertaining to them.

When I was growing up in London in the 1960s, the Jewish education available for girls was limited. Girls could attend either a Jewish school that provided a mediocre secular education, or a quality public school supplemented by attendance at after-school Hebrew School classes. This spurred the trend to obtain additional Jewish education with a year at

"seminary"—in Gateshead or Israel—but those girls who chose the latter option soon discovered the vast gulf between the level of their Jewish knowledge and that of their American-educated peers.

Thus education became a major motive for our *aliya* in 1976, and it was our intention to secure a good Jewish education for our children. Since we were ultimately blessed with four daughters, this proved to be a wise decision. Yet no one at that time could have envisaged the power of the dynamic forces that have driven the growth and evolution of educational opportunities for girls and women over the last three decades.

People today have forgotten—and many may not be aware at all—how narrow the range of options was when looking for a high-quality religious girls' school in Jerusalem in the early 1980s. Without quite realizing it, but feeding off the obvious and painful inadequacy of the *mamlakhti-dati* (state religious) school system (as Esther Lapian described in her article in *Conversations* issue 7, p. 133) to provide both a good secular education together with a broad Jewish education, we were sucked into the elitist trend that came to dominate the education scene. "Private schools" (not in the American sense, but with a large financial input from parents to boost the quantity and quality of education) such as Horev and Noam at the primary level, and Horev, Peleh, and Tsvia at the secondary level, attracted the "good kids" from the "good homes," creating a vicious circle of decline in the mainstream state schools.

After considering the options, we chose to send our children to Horev; but over the years, we became increasingly disturbed and irritated by the emerging trend—away from the school's original *Torah im Derekh Erets* philosophy toward narrow, quasi-Hareidi attitudes—that came to dominate the school. This was, of course, an expression of the wider trend toward Hareidism sweeping throughout the Orthodox world. One of its primary manifestations was the sense of constraint felt by students and their reluctance to pose the most basic questions regarding personal and philosophical issues, for fear of being penalized—so detrimental in the critical teenage years. This inevitably led to frustration and conflict. In addition, the school's attitude toward Zionist values and particularly the stance toward army service became exceedingly discouraging.

Fortunately, in tandem with (or as a counterbalance to) the trend toward greater Hareidism, other processes were at work. The massive increase in the overall student body, together with the growing diversity of

views among their parents—and the greater financial resources available—led to a steady increase in both the number of educational institutions at all levels and also, and more importantly, a greater diversification of the kinds of education, the values, emphases, and so forth.

A major contribution to this educational scene, especially in the Greater Jerusalem area, was the Ohr Torah Stone network of high schools founded in 1983 by Rabbi Riskin—who personally placed great emphasis on girls' education (and on women's issues in general)—and which succeeded in attracting and training top-quality young educators with strong ideals and commitments. The schools' mandate was to provide education for the Modern Orthodox woman, and the curricula provided intensive Jewish studies emphasizing the relevance of Torah to modern life together with a high level of secular studies.

At the post-high school level there has also been significant and dramatic progress. Catering to the prevailing global trend of interest in higher education, midrashot have sprung up throughout the country. Girls voluntarily choose to attend midrashot, where they can now develop their Torah learning and are provided with the tools to delve into independent study. Teaching standards are high, thanks to the emergence of a cadre of charismatic and gifted educators with broad vision.

A landmark event within this field was the creation of a *hesder* program for girls within the midrasha. This answered the desire of religious girls who wished to serve in the army in a Torah-based framework rather than the National Service—hitherto the only option acceptable for religious girls. A leading example of these was Midreshet Ein haNatsiv, established in 1986 by Kibbutz Hadati to parallel the existing yeshiva in Kibbutz Ein Tsurim. Girls today are able to devote two years, before, during, and following full army service, to intensive and deep study of Jewish sources, and during their period of army service they receive spiritual support and regular shiurim from the staff of the midrasha who visit their girls on their respective army bases.

Midreshet Ein haNatsiv has grown in popularity and acceptance, also providing pre- and post-army courses and also attracting overseas students to its unique style of open-minded learning. Headed by top-quality educators such as Rabbi Eli Kahan *z"l* and Mrs. Rachel Keren, Midreshet Ein haNatsiv has cultivated a cadre of learned women with a deep commitment to Judaism who take active roles contributing to the advance-

ment of Jewish society and the State of Israel. Other *hesder* progams, similar to that at Ein haNatsiv, also exist at Midreshet Bruria/Lindenbaum and Be'er in Yeruham, proving the need for such a framework.

Thus, in our case, two of our four daughters chose to do *sherut le'umi* while the other two were able to opt for the progam at Ein haNatsiv and served in the IDF education corps—one subsequently becoming an officer.

We have therefore had the privilege to be part of this evolution, which, while developing steadily over years and decades, represents a far-reaching revolution within the Jewish world.

Meanwhile, in the more academically focused, quasi-yeshiva style framework and beyond into adult education, things were moving at even greater speed.

Thus there are now a multitude of institutions providing higher education for women. Rav Yehuda Amital and Rav Aharon Lichtenstein, founders of Yeshivat Har Etzion, saw the need to provide yeshiva-style Torah education for women at a high academic level, and in 1997 they established the Women's Bet Midrash in Migdal Oz, headed by Mrs. Estie Rosenberg (Rav Lichtenstein's daughter.) Migdal Oz provides a full-time learning curriculum together with the option of obtaining an academic qualification.

Beyond the tertiary education level, there has been a dramatic awakening in the field of adult education for women with a proliferation of Batei Midrash. Matan, founded by Rabbanit Malka Bina in 1988, is a prime example of a dynamic institution that today provides a myriad of diverse courses in Torah study. From havruta learning in Daf Yomi, through Bat Mitzvah courses for mothers and daughters, to a packed weekly schedule of classes, Matan attracts students aged 12 to 80. Its success has led to the establishment of eight branches throughout the country from Bet Shemesh to Zichron Yaakov—and has also expanded into internet courses and seminars. Thirst for learning among women seems boundless. Matan's vibrant Bet Midrash has paved the way for women to learn Torah at the highest levels, and its courses prepare them to assume leadership and educational positions. It thus provides the link between study per se*, lilmod u'lelamed*, and translating that knowledge into action—*lishmor vela'asot*.

This link is essential because the new generation of educated Jewish women see far beyond the "mere" study of texts and teaching. They are intent on becoming active participants in key areas of Jewish life—first and foremost, those issues affecting women.

A trailblazing institution in this area is Nishmat, founded in 1997 by Rabbanit Chana Henkin. Not just another midrasha providing advanced Torah study for all ages, Nishmat pioneered a course for *Yo'atsot Halakha* (halakhic advisors), wherein women devote two years to intensive study with rabbinic authorities of the laws of family purity as well as training in allied issues of modern medicine, such as gynecology, infertility, psychology, and sexuality.

This development is unprecedented, marking the first time in Jewish history that women have been trained to address women's halakhic issues—and have succeeded in obtaining widespread rabbinic support. Nishmat's Women's Halakhic Hotline, staffed by the *Yo'atsot Halakha*, receive thousands of calls from women in Israel and abroad, on issues in family purity, intimate personal and family matters, as well as fertility and women's health. This is a far cry from the traditional procedure in which women, or their husbands, were obliged to consult a male rabbi about the most intimate female and marital issues, and it must surely serve to encourage greater adherence to the mitzvoth of family purity.

Another area in which women have turned their halakhic studies to effective practical use is that of *To'enot Rabbaniot* (rabbinical adjudicates). This course was initiated and run by Mrs. Nurit Fried at Midreshet Lindenbaum, and provided its students with intensive training to qualify them as rabbinical advocates—whose aim is to help women required to appear before rabbinical courts. It marks another major step in the empowerment of women and testifies to the tremendous determination on the part of Orthodox women to become active partners in religious life.

A study of this eve-olution of education and allied subjects would not be complete without mention of Koleh, the first Orthodox Jewish feminist organization in Israel. Founded in 1998 and initially led by Chana Kehat, it has grown into a flourishing religious women's forum that is active in a multitude of spheres, addressing such issues as *agunot*; prenuptial agreements; mobilization of religious leadership in fighting sexual harassment, domestic violence, and sexual abuse; and creating appropriate curricula for schools. Its national two-day conferences attract thousands of participants from throughout the Jewish world and across the full religious spectrum to learn about and discuss contemporary halakhic and social issues.

One final observation must be made—albeit not a positive one. It would seem that the advance in the education and empowerment of this

generation of young women has had a detrimental effect on their ability to find marriage partners. Singlehood is indeed a global epidemic but in Orthodox religious circles this is an issue of enormous concern and a subject that demands great attention.

In summary, if we look back over the last three decades we have witnessed phenomenal growth in the provision and scope of religious education available in Israel to the Modern Orthodox woman. It can also be noted that the majority of the personalities in the forefront of this revolution have been American *olim*: Rabbi Aharon Lichtenstein, Rabbi Shlomo Riskin, Rabbanit Malka Bina, Rabbanit Chana Henkin, Rabbi David Bigman, Chana Kahat, and so forth. Such individuals have served to encourage their Israeli counterparts to eagerly jump on board to create a new cadre of Israeli educators.

This is not at all the end of the story, but it is very much the story so far. There can be no doubt that the process I have described—and that we have experienced and benefited from—is still in its early stages, from an historic point of view.

Rabbanit Chana Henkin, who has been in the forefront of so many of the developments noted here, envisions the process moving forward in the direction of women kollel students and ultimately, women rabbis (although they will not be called by that title—the subject of a discussion at a recent Koleh forum). But the reality will exist before the name. I expect—and hope and pray—that my granddaughters will become part of this ongoing process. They will take for granted all the achievements noted above, having been born and educated in a world where they were all well established. The front line of the campaign for women's education will be further advanced. Each of us can enunciate his or her own vision of how this might be achieved, but the bottom line is that women will be full, largely equal, and highly active partners in all spheres of Jewish studies and the Orthodox community.

Ears that Can Hear: Israel Education for the Twenty-First Century

Yigal Ariha and Laura Shaw Frank

(For the past three years, Yigal Ariha has served as the Israeli shaliah *and Tanakh teacher at the Beth Tfiloh Dahan Community High School in Baltimore, MD. Laura Shaw Frank, a doctoral student in Modern Jewish History at the University of Maryland, College Park, is a Jewish History and Judaic Studies teacher at Beth Tfiloh. Additionally, both Yigal and Laura serve as Israel Program Advisors at the school, advising students about gap-year programs.)*

When we decided to write an article about Israel education, we began by processing the way we ourselves think about Israel. We challenged each other to think of an image of Israel that was meaningful to us. The stories we thought of were very telling, and they helped us to understand why we do not see things the same way our students do. Here are our images:

Yigal: I came to Baltimore on *shlihut* to work at the Beth Tfiloh Dahan Community High School in Baltimore in 2008. This past December, my family and I returned to Israel for a family *simha*. It had been two years since I had stepped foot on Israeli soil. In honor of the occasion, my father, three brothers, and I decided to go on a "*tiyul*"—a trip. We decided to go to Emek Ha'Ela. When we hiked up to Tel Adullam, I wasn't able to stop my excitement. I had missed this modest and unassuming landscape, with its gentle rolling hills, rocky and barren, dotted with oak and pine trees. As we hiked up, I noticed the absence of the green fuzz that should have been covering the hills in the winter rainy season were Israel not suffering

from such a terrible lack of rain. At the top of the mountain, between the sabra cactuses that testify to the existence of an Arab settlement there at some point, we found archeological ruins, some of which date to the First Temple Period. As we gazed down into the valley to the east we saw the security fence slicing the landscape between us and the mountains of Hevron. It was a perfect day and the first thought that came to my mind was how I wish I could bring my American students here. But, almost immediately, I thought, "Really? Would they be impressed by this?" When you come from a country that has the Rocky Mountains, it is hard to be impressed by a few barren hills. When you have a country with the Redwood forests and the Grand Canyon, a few scrubby pine trees overlooking a small dry valley are not so exciting. To be honest, if I brought them to see this view that so touched my heart, their response would probably be "What are we doing here?"

At that moment, a sentence came into my head. "Israel speaks to those who listen to it." This view meant something to me because it is *nof yalduti*, the landscape of my childhood. Those ruins spoke to me because I remembered learning about Tel Adullam in the stories of the Tanakh (in *Sefer Bereishith* it is the setteing of the story of Yehuda and Tamar, and in *Sefer Shmuel* it is mentioned as a place in which King David dwelled when fighting against the Philistines). Even the difficult aspects of the view—the obvious drought and the security fence marring the beautiful landscape—touched me because these are problems that touch my deepest soul; they are *my* problems.

Laura: Once, on a trip to Israel, I was driving from Tel Aviv to Jerusalem with my cousin. It was *Shavuoth* time, and the fields abutting the highway were dotted with bales of golden hay. My cousin exclaimed, "Look, just like in *Megillat Ruth*!" I remember my eyes filled with tears, because I could almost imagine a beautiful young woman trailing along after the harvesters, gleaning grain to eat. This modern-day farm touched something very ancient and deep within me, something that was cultivated by years of Jewish and Zionist education, which I absorbed through the very air that I breathed in the environments in which I grew up.

I am a proud American, and I love this country very much, but there are pieces of it that are simply not mine. While I love looking at rolling American farmland, I feel no personal connection to it. It is not a part of my identity; it is not part of my core. Somehow, even though I do not cur-

rently live in Israel, and I have no plans to do so in the near future, the farmland in Israel touches my heart in a way that farmland in my home state of Maryland never will.

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Our connection to Israel, although different because one of us is Israeli and will be living in Israel again in a few months and one of us is American and has chosen, at least for the time being to live in America, still leads us to one conclusion:

Israel speaks to those who have ears to listen to it.

In other words, without proper emotional infrastructure, all of our efforts to teach about Israel through history, culture, art, food, and so forth, will go in one ear and out the other.

The problem is that this infrastructure is vanishing quickly.

There is no lack of research on the increasing indifference American Jews have toward Israel.[1] Indeed, as renowned sociologist Steven M. Cohen points out, scholars and researchers have documented this ebb in connection to Israel going back at least 25 years. Cohen posits a number of theories for this decline. First he notes that that the current population of young adult American Jews grew up with a very different Israel than their parents. Previous generations, who grew up in the wake of the Holocaust, the founding of the State of Israel, and the Six Day War saw Israel as a burning necessity for protection of Jews. Israel, to them, was "socially progressive, tolerant, peace-seeking, efficient, democratic and proudly Jewish, a society that has successfully withstood mortal threats from malevolent, hostile and fanatical enemies."[2] Today's young adult American Jews grew up after the Yom Kippur War, and, as Cohen points out, "draw upon memories and impressions less likely to cast Israel in a positive, let alone heroic light."[3] The Lebanon Wars and the Intifadas "are all perceived as far more morally and politically complex than the wars Israel fought between 1948 and 1974, casting Israel in a more troubling light."[4] Another possible contributing factor to the increased alienation of American Jews from Israel according to Cohen is the changing character of American Jewish identity. Cohen writes:

> The loci of Jewish identity have shifted from the public to the private, from ethnicity and politics to religion, culture and spirituality. Jews are more thor-

> oughly integrated with non-Jews . . . in a direction that makes attachment to Israel specifically, and identification with collective loyalties generally, less intuitively obvious. Many American Jews are claiming or reclaiming their identities as proud, equal, Diaspora Jews who do not necessarily believe that Israel is the center and America the periphery of a global Judaism.[5]

A third aspect of this increased distance between American Jews and Israel is articulated by sociologist Theodore Sasson, who argues that liberal American Jews have difficulty identifying with Israel because of what they perceive as Israel's anti-liberal stances with respect to both religion and politics.[6]

But we don't need fancy studies to tell us all of this. As an Israeli *shaliah* and a Jewish history teacher, both of whom are Israel Programs Advisors, we see it in our students every day. For example, last year we held a focus group about Israel education at our school with our 11th-grade students. The students were instructed to speak freely and openly about Israel education at Beth Tfiloh. One student commented, "Sometimes we feel the school shoves Israel down our throats." Another stated, "We're not even connected to *our* country. How do you expect us to be connected to Israel?" Perhaps the most damning comment came from an articulate young woman who said, "You keep on assuming that we're supposed to have a connection to Israel, but you never told us why."

The direction of Israel education is lagging woefully behind the changes that have taken place among American Jewish youth. Although substantive changes are slowly taking place through the efforts of various institutions such as the Jewish Agency, the I-Center and others, it takes a long time to effect change in the field. In the end, people stick to what they are used to. Most of the teachers in today's classrooms grew up and were educated themselves in the era of post-1967 knee-jerk connection to and support of Israel. Too often, we enter the classroom with the same falafel, Herzl, and "they-want-to-kill-us-but-they-can't" narrative. Most of our students are simply not in this place.[7]

So what is to be done?

The first step is to be aware of the problem. Teachers must be cognizant of our own biases and backgrounds. The Israel we grew up with is not the Israel of our students' consciousness. We must respect the differences in generational thinking patterns. We need fewer exclamation marks and more question marks. Our students are products of a post-

modernist way of thinking; they automatically see both sides of every coin. If we approach them with truisms and simplistic answers, they will close their ears and their hearts.

Second, we must articulate relevance. We are not the first to acknowledge the critical importance of establishing relevance for our students. However Israel education creates a unique challenge when it comes to establishing relevance. The gestalt regarding Israel has changed between the educator and the student—and therefore the entire mode of determining relevance must change as well. With this awareness in mind, we must consciously evaluate every Israel-related educational effort, whether curricular or co-curricular. We must ask ourselves, "Why should our students care?" We like to use an acronym: Before every lesson, you must "LISHOL"—*Lama sheyihyeh ekhpat lahem*? If we cannot answer that question, we cannot proceed.

This idea seems so simple as to be almost pedantic; however it is all too easy to slip into the patterns that feel comfortable to us as educators. For example, we have been on the receiving end of numerous well-meaning phone calls from Jewish Federations and community Zionist organizations who offer us a "fascinating (free!) lecture" by "a very important Knesset member/Ethiopian immigrant/lone soldier." When we were in our teenage years, such speakers would have inspired us to greater heights of Zionism and connection to Israel; however our students too often see these events as efforts to "shove Israel down their throats."

Third, we must contextualize. We have noticed a tendency in Israel education to teach anecdotally and informally. Perhaps this is due to our deep desire to share with our students the particular events and stories that sowed seeds of connectedness in ourselves and our own experiences as young Zionists. Not only are we unable to approach the subject with academic dispassion, but we identify with our students, seeing in them the young adults we once were, and we want to elicit in them the feelings that were so important to us at that time in our lives. Also, the nature of events in Israel lend themselves to anecdotal education. We want our students to understand current events in Israel so we drop the daily lesson plan to discuss the "Flotilla," or the Kinneret black line, subjects we both understand and care about passionately. Our students though, have neither the educational or emotional infrastructure to contextualize such anecdotal lesson plans. Therefore, each piece of our Israel education must be supported with context. Informal education must be supported by formal, and with-

in the structure of the formal classroom, students must be able to access ideas and material fully and deeply. It is only with context that our students can make the emotional connection we seek.

Fourth, we are at a crossroads in Israel education. Crossroads moments are times that require constant evaluation. We must learn to ask our students for their feedback; they can help teach us how to teach them. We must also work together and connect ourselves with the resources available to us. As we noted above, there are national organizations as well as other educational institutions that are creating new, effective, and innovative ways of teaching about Israel. A community of educators can create much more effective curriculum than individual educators each reinventing the wheel in his or her own classroom.

The situation may seem dire. Certainly the press, the academic scholars, and even much of our own anecdotal research indicate a serious problem. However, we see that our students desire a connection with Israel; they just do not always know how to make that connection—and we cannot make it for them. Education must be a constant process of reinvention. If we continue to strive to teach Israel in a way that allows our students to hear us, we can create an effective model for Israel education for the twenty-first century.

NOTES

1. Steven M. Cohen & Ari Y. Kelman, "Beyond Distancing: Young Adult American Jews and their Alienation from israel" (New York: Andrea and Charles Bronfman Philanthropies, 2007); Theodore Sasson, "The New Realism: American Jews' Views About Israel," (New York: American Jewish Committee, 2009); Jack Wertheimer, "The Truth About American Jews and Israel," *Commentary*, June 2009; Natasha Mozgovaya, "Israel's Relationship with American Jews has Changed," *Haaretz*, 11/16/09. These studies acknowledge that varying age groups and religious affiliations have significant impact on individual connection to Israel. This article is meant to address what we see as challenges facing educators of primarily non-Orthodox members of "millennial" generation of American Jews.
2. Cohen, 4. For a memoir that captures the mindset of young American Jews growing up during this era, see Jeffrey Goldberg, *Prisoners: A Story of Friendship and Terror* (New York: Vintage Books, 2008).
3. *Ibid.*
4. Cohen, 4.
5. *Ibid.*
6. Theodore Sasson, "The New Realism: American Jews' Views about Israel, "AJC Global Jewish Advocacy, June 2009.
7. See Gary Rosenblatt, "Day Schools Need New Israel Ed Approach," *The New York Jewish Week*, 2/16/2011.

Israelis, Jews, Palestinians: Reflections of an American Student

Kaitlin Wachsberger

(Kaitlin Wachsberger is a 19-year-old Ramaz High School graduate. She is currently spending her gap year before attending Wellesley College at Mechinat Beit Yisrael in Gilo, Jerusalem. Her experience with and connection to Zionism have included her schooling, her community in New York, her summers spent in the Galil with Israeli family, Seeds of Peace camp, her involvement with AIPAC, and her participation in the Israeli Pre-Army prep program.)

"Jewish, not Israeli" is a phrase I found myself repeating to many a Palestinian this summer (the summer of May 2010, following my senior year of high school) at Seeds of Peace international conflict resolution camp. Although I was part of the American delegation, and by definition not an Israeli, I was often identified by Palestinian campers as the "other side." But Israel is neither my birthplace nor my current home, so one need not have expected my beliefs to oppose Palestinian existence.

Seeds of Peace is a nonprofit organization that brings together young adults from conflict areas in the Middle East and Southeast Asia to share their personal stories from the conflicts that often shape their lives. Two hours of every day at camp, a dialogue was facilitated among a group of about four Israelis, four Palestinians, two Egyptians, two Jordanians, and two or three Americans, when the campers had a unique opportunity to discuss the conflict on both a political and personal level. The rest of each day, the campers played sports and games or participated in lighthearted

activities that allowed them to get to know one another outside their national identities.

As a Jewish American, I often found it difficult to define my role in the dialogue sessions, as well as at other times among my peers. My connection to Israel had thus far been solely a religious one, and I had never explored the idea that perhaps I have an obligation to defend the land as a political state. I found that many of the Palestinians' stories resonated with me on a personal human level. And while I did not necessarily always agree with their presentations, I had a deeper historical and national connection with the Israeli narrative. I felt that as a Jew I have some obligation to the State of Israel, although I could not define what that obligation is or whether the State of Israel has an obligation to me as Jew.

The tension I felt between the identities "Jewish" and "Israeli" led me to explore the perspective and self-identification of my Israeli friends who were at the camp. None of them practiced mitzvoth or Jewish customs; none had been educated at religious schools; their familiarity with Jewish texts, practice, and religious history was extremely minimal. Except for one or two Israelis in the program, the only defining characteristic of their Jewishness was is the fact that they live in the Land of Israel. To most of them, being Jewish was not part of their *national* identity; rather, it is a religious heritage, and one hardly relevant to their lives. To these secular Israelis, to be a Jew means something different than to be part of the Israeli nation, the former being an abstract, religious identity and the latter being a tangible, definable political identity. When the dialogues would turn to the legitimacy of the State of Israel, Judaism was not factored into the equation by secular Israelis, because in their minds the two identities are separate. This tension between Zionism and Judaism can largely be explained by the fact that Zionism is an ideology that emphasizes a land with borders and a government, whereas Judaism was originally defined first and foremost by an event that took place outside the land of Israel, and for the past 2,000 years has been about a relationship between a nation and God—whether that nation lives in the land of Israel or not.

The Jewish nation is unique in its definition and establishment, and especially in its relationship to land. It began as a family, descended from Abraham, Isaac, and Jacob—defined primarily by blood—united by the events that took place after the Exodus from Egypt and ultimately forming a sovereign state following the conquest of the land of Canaan. Although

the Jews became an autonomous nation within physical borders, the status of an Israelite was defined by descent. Therefore, the Jewish nation is a family that belongs in a land but is not reliant on a land in order to exist. There is no other case in which a nation is defined as a nation before it enters a land; every other nation unites as a nation as a result of geographical commonness. Philosopher Michael Wyschogrod, in his book *The Body of Faith,* articulates this unique quality of the Jewish nation.

> The land had to be conquered. The result has been that Jewish consciousness has vividly retained the memory of the land as having belonged to others before it came to belong to Israel. Other nations do not retain such memories. Their memory does not go back to a time when they did not occupy their land. In fact, the national identities of other nations are land-bound identities. The nation is defined by the territory it occupies. But [the Jewish nation] comes into national existence before it occupies the land. It becomes a nation on the basis of a promise delivered to it when it is a stranger in the land of others. This awareness of being a stranger is burned into Jewish consciousness. The God of Israel is not a God whose jurisdiction is defined by territorial boundaries. (Wyschogrod, 220–221)

Wyschogrod further explains that what unites Jews is their familial descent from Abraham. As such, Jews do not internalize the common Western division between faith and nationality. To be a Jew is not merely to have religious obligations; it is first and foremost to be part of a family and nation.

> Judaism is not a set of beliefs, however broadly that term be interpreted. A full definition of Judaism does, of course, involve a whole complex of ideas, beliefs, values and obligations posed by Judaism. The whole of the immense literary output of Judaism consists of the elaboration of just these ideas. But however crucial these are, they are, in a sense, superstructure rather than foundation. The foundation of Judaism is the family identity of the Jewish people as the descendants of Abraham, Isaac and Jacob. Whatever else is added to this must be seen as growing out of and related to the basic identity of the Jewish people as the seed of Abraham elected by God through descent from Abraham. (Wyschogrod, 57)

Because the Jewish nation is not defined by a geographical area but by a familial bond, it has been able to survive in exile for the past 2,000 years. Rabbi Meir Soloveichik has noted that "after they were exiled from the land with the destruction of the Temple in 70 C.E., [Jewish] nationhood

remained intact for millennia, enabling a Jew born in 19th-century Morocco to consider himself a member of the same nation as a Jew born in 19th-century Poland." The memory of—and the longing to return to—the land has also played a vital role in sustaining the cohesiveness of the Jewish nation through prayer and a collective ultimate goal, but it has never been the defining characteristic. As Rabbi Jonathan Sacks puts it, "there is a difference between where we are and who we are. Judaism is not wrong to see identity as a matter of birth" (Sacks, *A Letter in the Scroll,* 46).

In the book of Exodus, Moses is one of the first Jews to struggle with his identity and with what it means to be a Jew. When God comes to him at the burning bush and assigns him his task of leading the Jews out of Egypt, Moses' first question is "Who am I?" Moses is questioning the fundamental identity of nationhood. Who is he—what is his identity—that makes *him* qualified for such a job? He did not live among the rest of the Jews, was not brought up as they were, nor was he even considered one of them for most of his life. The only connection he had to his people was a familial one, and at this turning point in his life he questions the legitimacy or sufficiency of that connection. God answers him by explaining that He is the God of Moses' ancestors, and, as Rabbi Sacks puts it, "Moses' crisis is resolved and never reappears in that form. He now knows that he is part of an unfinished story that began with the patriarchs and continues through him. He may wear the clothes and speak the language of an Egyptian, but he is a Jew because that is who his ancestors were, and their hopes now rest on him" (Sacks, *A Letter in the Scroll,* 46). The Jewish nation is defined by ancestry, not by culture or location, and Moses' return to his nation shows how strong the familial tie can be in holding a nation together. The Jewish nation has stayed alive without the bonds of language or homeland for hundreds of years, and Moses was the very first to demonstrate how powerful the bond of family can be in reuniting a people.

That Judaism is defined by a familial rather than a racial or geographical bond is evident in the conversion process. When one becomes a Jew, he or she severs all previous familial ties—her siblings are no longer her siblings, and he has neither a mother nor father; for he or she has joined a new family. Rabbi Meir Soloveichik, in his essay on conversion, "How Not to Become a Jew," explains that "just like a born Jew, a convert is not only a coreligionist, not only a fellow citizen, but also a new brother or sister. In reciting Jewish liturgy, the convert joins all other Jews in referring to the Almighty as 'the God of my fathers'; he means it, and he is meant to

mean it, in more than a metaphorical sense." For this reason, Rabbi Aaron Lichtenstein explains, conversion to Judaism is not a private religious baptism; it takes place in a Jewish court, because it is a citizenship hearing. Thus, Rabbi Lichtenstein notes, the biblical Ruth only informs Naomi that "your God will be my God," after she first declared, "your nation will be my nation." Because the Jews are a family, a child born to a Jewish mother will be a Jew from the moment of birth (unlike a child born to a Christian mother who becomes Christian upon baptism) until his death, regardless of his actions or beliefs. The Jewish people is the only people that is considered both a religion and a nation, and is not defined conventionally like any other faith or nation. This uniqueness gives the Jews a special role in both of mankind's religious and nationalistic spheres.

This familial connection, which overrides differences in language, culture, appearance, location, and even denomination, has allowed the Jews to remain a nation even while dispersed over the globe. And interestingly, as Michael Wyschogrod writes, it is the Jews' definition of themselves as a nation without a land that allowed the land-based State of Israel to come into existence in the first place.

> Modern Israel could not have come into being without it. Out of people of the most diverse cultural and national traditions, Israel created one people. To be more accurate, it did not create such a people but found one in existence. In the early stages of the Zionist movement, European Jews had little acquaintance with non-European, Sephardic Jews…Yet the viability of a state made up of such diverse elements was never brought into question. There was a bond among Jews that was deeper than all the differences, which turned out to be far more superficial than would have been thought. (Wyschogrod, 240)

But the nation that arose, the modern State of Israel, relies on borders and government and judicial systems. For 2,000 years, the Jewish nation was not defined by geography, but with the rise of the State of Israel, the two identities became intertwined and often confused. Jewishness had for ages provided the bond of family, religion, and nationality to Jews everywhere, but Israeli nationality, if not defined properly, can create a new set of definitions for what it means to be Jewish and create divisions among Jews. The elements of Jewishness that allowed the Jews to remain a nation without a land also enabled the birth of the State of Israel to succeed. But this new state by its existence invites Israelis to redefine their nationhood as

land-based, and the nation to which they belong as Israeli rather than Jewish. This new identity and definition carries the danger that Jewishness will no longer be about nationality, and will be redefined solely as a religious vocation.

This is precisely the tension I witnessed at Seeds of Peace among my secular Israeli friends. Several months after camp had ended, I went to Israel to investigate this dialectic that exists between the Jewish and Israeli identities. I interviewed several of my secular Israeli friends, to hear in their own words how this tension played out in their self-identification and their identification with their state and of their faith. Among the questions I asked were: What is Israel? What does it mean to be part of the nation of Israel? What does it mean to be part of the Jewish nation? And what nations did your ancestors belong to?

When asked to define the State of Israel, Nili, a self-defined secular Israeli from Petah Tikvah who attended Seeds of Peace, explained that it is "my home. The place I was born," and went on to say that being part of the nation of Israel means "you belong to somewhere, you have a place that you live and you have a place that is it for you, because I'm a Jew, it's my country so [I] belong to it." For Nili, being Israeli is her nationality that she says is connected to the fact that she is Jewish; but when asked what it means to be part of the Jewish nation, she responded by saying (translated from Hebrew), "I am not so connected to my faith because I don't really do mitzvoth and all of that." In other words, for Nili, her Jewishness is a religious matter rather than a national one; she added, however, that she understands that other Jews, as they travel all over the world, "feel as if they have a community, that they have people to rely on." She understands the connection that Jews have, but does not include herself in it, because, to Nili, Judaism is separate from her national self-identity. She defines herself as Israeli, and although she acknowledges that being Jewish contributes to that identity—along with the fact that she was physically born in the state—she does not recognize that the identities are intertwined, and that the State of Israel's existence is a result of the fact that the Jewish nation was able to stay strong and proud and connected throughout the centuries.

To Nili, nationality is her primary identity, and she does not feel as if she is part of another community other than the State of Israel. She sees nationality as being bound by land. I then asked Nili,

"Where are your ancestors from, and what nation did they belong to?"
"My grandparents are from Russia, and they were Russians, on both sides."
"But what nation did they belong to?"
"Russian."

She did not say they are part of the Jewish nation or of an ultimately larger community not defined by borders; her grandparents would have certainly defined themselves as Jews first and foremost, and would have been shocked to be referred to as Russians. Before 1948, Jews had a hard time being faithful countrymen because often their countries betrayed them, and they also had to struggle to hold on to their Jewish identities. Identifying with the Jewish nation was important for survival. My experience is that "Israeli" easily replaces "Jewish" for people who live in Israel who do not practice Judaism or make it a prominent part of their existence. Nili acknowledges that Judaism plays a role in her overall sense of self, but it is not center stage, and is just a component of her nationality. When asked what the purpose of the State of Israel is, Nili said, "To bring all the Jews to one place because there has always been anti-Semitism, and I think that they should all live in one place so that they can have a government and an army and so that they can protect themselves." For Nili, Israel is a Jewish State so that the Jewish people can live peacefully. To her, the Jews need to create for themselves a nationality with government and autonomy like every other nation so that they can define themselves as every other nation does, with borders and a government. The irony is that the existence of the State of Israel, a testament to Jewish resilience, also enables non-practicing Jews in Israel to forget the long-standing uniqueness of the Jewish definition of nationhood, which does not rely on geographical commonness, into a land-based nationalistic one.

Many of the other self-defined secular Israeli friends I interviewed came to conclusions similar to Nili's. Nadav, a secular Israeli living in Tel Aviv, who did not attend Seeds of Peace, said that being part of the Israeli nation means "living and being part of the Israeli life, living in Israel," and that being part of the Jewish nation means "living among other Jews and participating in life with other Jews," with no mention of history or ancestry. Nadav very clearly separates the two identities on a very technical level; neither identity is reliant on the other. Like Nili, Nadav said that the purpose of the State of Israel is to create a solution to anti-Semitism and to bring all the Jews to one place so that they can "express themselves as a

nation." He acknowledges the role that the Jewish nation plays in the establishment of Israel, but still his national identity takes precedence over his Jewish identity. He describes his ancestors as belonging to the nations of Poland, Russia, and Hungary, in the same way that he belongs to the nation of Israel. "The same way the French are connected with France because it's the land of their ancestors, a territory that they have an emotional connection with, that's Israel for me." Nadav views nationality as being strictly land-based and, although he sees a connection between his ancestors and his nationality, he is referring to his ancestors who actually inhabited the same land that he does now, not the ones who may not have necessarily lived in Israel; they do not provide for him a reason to be Israeli.

Nadav goes on on to create a divide between his religion and nationality, explaining that government and statehood should only be influenced by religion "as long as it does not interfere with democracy. The existence of Israel as a modern nation-state separate from the Jewish identity ultimately leaves my friends with a contradiction: why should they be allowed to form a new nation in this specific land? If Jews are not defined by descent from Abraham, with whom God formed a covenant and to whom He promised the Holy Land, then by what right do modern Israelis in this century lay claim to this land with these borders?

The contradiction that the secular Israelis pose for themselves became evident to me during my visit when I interviewed my fellow Palestinian campers from Seeds. As I noted, secular Israelis create a divide between their identity as Jews and their identity as Israelis when asked about how they define themselves and what it means to be part of each nation—but to some extent the Israeli identity requires Judaism for its legitimacy, and here these Israelis either contradict themselves or remain answerless. In contrast, my Palestinian friends ironically understand that Zionism is intimately bound up with the fact that all Jews share a national status, and that their claim to the land lies in Jewish history and in the religious longings of Judaism. I asked Fadi, a Palestinian living in the West Bank who attended Seeds of Peace, how he thinks the Israeli nation defines and legitimizes itself. When asked to define the Jewish nation, Fadi hesitantly answered "Israel," because to him the identities "Jewish" and "Israeli" go hand in hand, and, although he knows that fundamentally they are different, he also knows that the Israeli identity relies on components of Judaism. When asked what Israelis say to defend their

right to be in Israel and to what extent he thinks their claim is legitimate, Fadi answered that "their excuse is that the country was promised to them by God, I can't deny or agree or say [it's legitimate] . . . I don't mind living with Jews, but not in this kind of way." Fadi sees the connection that Judaism has to the State of Israel and refers to the people that he lives among as Jews, not Israelis. Similarly, Jalal, a Palestinian from East Jerusalem who also attended Seeds of Peace, defined the Jewish nation as "Israel" and said (partly translated from Arabic), "I think Israelis say, almost all of them, that it is the land that they are promised to be in by the Bible, that it's written that it's the promised land and that they have to be in it and protect it. . . ."

The Palestinians acknowledge the interconnected relationship between the Jewish nation and the Israeli nation, more so than my secular Israeli friends, because they know that it explains why Jews all over the world are allowed instant Israeli citizenship and why Israel was ultimately formed in the Middle East, and not in Uganda. Judaism has answers to all the arguments that question the State's existence, even though they are not the only answers. The State was established for many reasons, such as to create a haven from anti-Semitism, as Nili and Nadav said, but the other reasons do not answer the questions that only a historical and religious claim to the land of Israel can.

The Palestinian definition of nationhood is similar to that of secular Israelis—a definition that allows there to be a situation in which the nation could no longer exist. When I asked Fadi what it means to be part of the Palestinian nation, he corrected me and said that Palestine is not a nation:

> "If Palestine was a nation, it would be nice."
> "Why isn't Palestine a nation?"
> "Because it's under occupation."
> "What does that mean that it's under occupation?"
> "That a country under occupation is a country that is ruled by a different power other than its own people, including water resources, land, freedom of transportation."
> "So it's not a nation if it doesn't have a country?"
> "It's people . . . but it's not a nation because it's not a country."

This definition of nationhood is completely based on land and statehood, a definition that the Jewish nation has never applied to itself until now. According to this definition, one that secular Israelis adhere to,

nationhood is bound up with statehood, which 2,000 years in exile has proven not to be the case for the Jewish nation.

What emerged in my interviews of secular Israelis is that at times, the inability to account for the link between Jewish nationhood and Zionism causes the most secular Israelis to completely redefine the State of Israel and its purpose. Shahar, a secular Israeli from Jerusalem who did not attend Seeds of Peace, is a young woman who believes that being part of the Israeli nation means to "be ready to sacrifice yourself for others, to be ready to give up some of what you have so that others will be in a better situation." Shahar completely separates her religious identity from her nationalistic identity. She said in her interview that she needs Israel for the same reason that the French need France and that the English need England—for reasons solely dependent on geographical circumstances. After Shahar explained that government should not be influenced by religion, I asked her how there could possibly be a Jewish state, and she answered that Israel is not a Jewish state but an Israeli state and that the Jewish religion is an entirely separate entity: "It began as a Jewish state but in my opinion [it changed], I don't see it as a Jewish state anymore, it can't stay like that . . . especially when the population changes so much." Shahar completely redefines the State of Israel in a way that would not please most Jews around the world and even many of her fellow Israelis. When asked what is significant about the State's location, Shahar explained that it is the perfect place to build a country—due to the "diversity of terrain, the location of Israel is so special. We have deserts and mountains and everything…the greenery in the North and the emptiness in the South it shows all the amazing things that can happen here." This redefinition does not provide answers to the most difficult questions that face the young country today. According to Shahar, her immigrant grandparents should not be allowed citizenship anymore than a non-Jew from Asia. She could not answer the question of "why not Uganda?"

Before the end of my trip, I had a chance to interview my self-defined religious Israeli friend Daniella from Jerusalem, who did not attend Seeds of Peace, and ask her the same questions that I had asked the secular Israelis. She immediately defined herself as "a religious, Jewish, Israeli" and as belonging to the "Jewish and Israeli nations, but more importantly the Jewish nation." She explained that being part of the Israeli nation means (translated from Hebrew) "to care about the existence of the

nation. . . . To me to be Israeli feels like everything is on your shoulders, not every day, but we are always fighting to exist." When asked what it means to be part of the Jewish nation, Daniella immediately responded that it is "the same thing. Jewish and Israeli isn't the same thing but they have the same idea that we are united and in danger all the time and we always have to protect ourselves in order to preserve our nation." To Daniella, Judaism requires as much protection as the State of Israel because they are both nations viewed in the eyes of the world as being intertwined. She views the two identities as needing protection from the same threats, acknowledging the close bond between the two and the fact that many components of the Israeli nation rely on the Jewish nation. She went on to explain that "I think all Jews should live in the State of Israel because all Jews should live together . . . in the Land of Israel because I believe in the Tanakh and this is the state for the Jews. . . . I know that we also need the state for [protection from anti-Semitism], but I don't think that this is the main reason." Daniella's opinion regarding the Jewish presence in Israel poses no contradiction when asked what is significant about the State's location: "I know it has to be here and not in Uganda, to me it is because the Tanakh says so." Daniella also remains consistent in her opinion that all Jews have the right to live in Israel as she explains that her grandparents, although they are from Hungary, South Africa, Syria, and Romania, "they all share the Jewish nationality," and so they all have an equal right to Israeli citizenship in the Land of Israel. She does not see the Jewish nation as a land-based one, but as a nation that wants to be based in a certain land.

In May of 2009, Binyamin Netanyahu, the current Prime Minister of Israel, addressed the country and acknowledged the problem that many Israelis have with associating their heritage with their current way of life. He explained that the maintenance of historical ties can have a profound effect on the modern nation-state.

> In the Book of Books—in the Bible—a subject that is close to my heart these days. It starts there. It moves through the history of our people: the Second Temple, the Middle Ages, the Enlightenment, leaving the ghettos, the rise of Zionism, the modern era, the wars fought for Israel's existence—the history of Zionism and of Israel. A people must know its past in order to ensure its future . . . our existence depends not only on a weapons system, our military strength, the strength of our economy, our innovation, our

> exports, or on all these forces that are indeed essential. It depends, first and foremost, on the knowledge and national sentiment we as parents bestow on our children, and as a state to its education system. It depends on our culture; it depends on our cultural heroes; it depends on our ability to explain the justness of our path and demonstrate our affinity for our land—first to ourselves and then to others.

Netanyahu acknowledges the fact that in order for Israel to sustain its identity as a nation as well as its legitimacy it must take initiative to strengthen the ties between the heritage of the Israeli nation—the Jewish nation—and the new generation of Israelis.

When reflecting on this experience, I was struck by differences between the opinions of the secular and religious Israelis. Although the visions and goals of both groups may be very similar, their approaches to fulfilling them are drastically different and can have many different consequences. For example, the secular Israelis who view Judaism solely as a religion and Israel solely as a land-based nation—two identities that are not fundamentally intertwined— may never be able to defend their presence in the Middle East, while religious Israelis who believe that the purpose of the State of Israel is primarily to provide the opportunity for Jews to live in the Land of Israel may wind up being insensitive to the claims and rights of non-Jewish Israelis who live in the land. Both identities are important and represent realities that the State of Israel must deal with and reconcile. Both categories of people feel strongly about their presence and the justifications for it, and although they present an array of arguments as well as contradictions, to quote Daniella, "we are all Jews and ultimately want the same things." Although both approaches to Zionism have positive and negative aspects, the fact that the two cannot reconcile their lack of unity regarding self-identity poses a threat. A society that cannot explain itself cannot ensure its survival. The secular Israelis' contradictory answers to my questions make me nervous that ultimately they will not be able to answer the larger questions that the world will ask: Why there? Why you? Who are you?

By the end of the experience, I realized that the conflict that Seeds of Peace sets out to settle is just one of many problems that the State of Israel faces. The fact that there is such a large divide in both opinion and practice between secular and religious Israelis poses a problem regarding identity, self-defense, and self-sustenance. As someone who is good friends

with both, I have come to the conclusion that both secular and religious Israeli Jews can learn from one another how to value the different approaches to nationality and create a more cohesive society, one better able to protect the land in the present and plant the real seeds of peace for the future.

NOTES

Note from the author: I have been spending the 2010/2011 academic year studying in an Israeli Pre-Army Mehina (preparation year), and have come to understand that the problems Israel faces are much more complicated than I had realized when I first wrote this article. This article is an extremely accurate reflection of my thinking at the time it was written, but I have since developed a more nuanced awareness of the complexities of the current realities. I hope, though, that this article will help readers gain insight into some of the problems facing Israelis and Palestinians; religious and secular Jews; liberals and conservatives.

I Am in the West, and My Heart Is in the East: Ashkenazi Religious-Zionist Education—Is There an Alternative?

Hezi Cohen

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Religious Zionism is Ashkenazi. Even if it accepts Sephardim, it does not include Sephardism as a culture. In almost all the high school and advanced yeshivot, Gemara is learned in the Ashkenazi style; the teachings of the Sephardi/Mizrahi sages are barely mentioned. Nevertheless, the Sephardi culture offers a rich and relevant religious civilization and a worldview that could make a great contribution to Religious Zionism. An alternative is needed: a Religious-Zionist-Sephardi-Modern yeshiva.

One of the most dramatic turns in my life took place when I entered yeshiva high school. Until then I thought that we were all Sephardim—although there were a few Georgians and a few from Tripoli, I knew that most of the people of Israel were Iraqi. The move from Or Yehuda to the yeshiva high school changed my life; suddenly I felt like a member of a

minority group that was not a part of the general cultural and religious discourse. At the yeshiva high school everything was in"Ashkenazi": the prayers, the halakha (Jewish Law) lessons, the meditation lessons, the dress code, etc. The rabbinic world changed its visage; and the leader of the sages, Rabbi Yosef Haim, the "Ben Ish Hai," was summarily replaced by Rabbi Abraham HaCohen Kook. Before I entered the yeshiva, I did not know of Rabbi Kook and his son, Rabbi Zvi Yehuda, and I had never heard of Rabbi Neria. I was especially surprised by the dichotomy that characterized the general dialogue: the religious versus the non-observant, the return to religion and departure from religion. In Or Yehuda I was used to seeing the religious, the less religious, the traditional of various degrees; and the passage from traditional to religious was called "strengthening."

With the exception of one person who treated all Sephardim with brutal contempt, I had almost never felt personal and open discrimination. At the yeshiva almost all the teachers and rabbis treated the Sephardi pupils (about 20%, and they were careful not to increase this amount) with respect. However, the reality was very problematic: the yeshiva world was conducted in Ashkenazi tradition. So I went to war. In class I was expected to recite Jewish laws that were not relevant for me, but in examinations I meticulously wrote the rulings of Ben Ish Hai and not those of Rabbi Moshe Isserlish (HaRama); I had to pray daily in a version and with melodies unfamiliar to me, but privately I prayed in my version and hummed my forefathers' melodies; I sat demonstratively during Kaddish and stood up for the whole of "*Lekha Dodi*" facing west (contrary to everyone else), a lone figure opposite four hundred pupils, asserting my uniqueness; I also punctiliously spoke Iraqi Arabic with my mother on the public phone.

After I reached the yeshiva high school, my life changed, and I was in a never ending dialogue about my identity—with my surroundings and particularly with myself. I knew how to pray in three traditions (since my marriage I have learnt a fourth version—Yemenite), and I am familiar with the world of the East European rabbis, as well as those further west, and the Ashkenazi customs. But the sages said that a person only learns in the place his heart desires, and I feel that a person only really prays in the version and with the melodies that his heart yearns for. Although I can sing Hassidic songs and melodies, they do not touch my heart and I often find myself quietly singing my own melodies in the synagogue.

Ashkenazi Religious Zionism

The description of my studies at the yeshiva high school is mainly true also today. Both in the higher yeshiva at which I studied and the advanced institutions at which I presently teach, there is no substantial change. It cannot be denied that awareness of Sephardi sages has risen, the sensitivity toward the needs of the pupils has increased, and many institutions have Sephardi teachers. The notion that Ashkenazi condescension must end is gradually trickling down. But the changes are too little and too slow.

Of course, our situation is far better than in the Hareidi community; in the religious Zionist community, we have almost no personal discrimination; everyone marries everyone, we learn together, everyone sings Sephardi melodies and knows about the Sephardi sages such as Rabbi Mordechai Eliyahu, who was one of the leaders of the National Religious community. However, Sephardism has no place as a culture in religious Zionism. Almost all the yeshiva high schools and advanced yeshivot are headed by Ashkenazi rabbis (or Sephardi rabbis who have distanced themselves from their own culture), who teach according to what they learned in Ashkenazi yeshivot, thus continuing the closed circle. Most yeshivot do not mention the doctrines of the Sephardi sages and almost without exception learn Gemara in the Ashkenazi style.

Prayers in the religious Zionist community are conducted, of course, in the Ashkenazi or Hassidic Nussah Sephard versions, even in yeshivot and communities where there is a substantial Sephardi presence. I can attest that after my army service in a Nahal unit with 18 friends, 11 of whom were Sephardim, hardly any of them pray in their own traditions; they all adopted the religious Zionist Ashkenazi version.

There are discussions in the settlement where I live on whether it is appropriate to set up a Sephardi Minyan on Shabbat, because of a desire not to damage the community's harmony, since it has only one *minyan* (Hassidic Nussah Sephard version). Although the residents are very sensitive and are prepared occasionally to hold Sephardic prayers in the main synagogue, this is only a partial solution for my needs and those of the Sephardi community members there.

I very often see this tension as a teacher in the advanced yeshiva. Over the past few years I have been teaching the doctrine of Ben Ish Hai, which deals at length with prayer and improvement of character. My feel-

ing is that the religious Zionist community and its rabbis lack not only knowledge of the Sephardic sages but also knowledge of the Sephardic wisdom: the desire for internal change to be made with sensitivity, without obsession; the understanding that there is a difference between the everyday and the holy but no tension leading to a different way of dealing with the sins and the sinners, i.e. an inclusiveness and tolerance for others. All these and more are missing from the National Religious discourse.

I am also worried about the internal world of values. In my community's synagogue, the seating is Ashkenazi: in rows. All face the Holy Ark with their backs to fellow congregants. This sight saddens me. I am used to seating in the synagogue in the Sephardic tradition, where the congregants face each other and the Reader's Desk is in the center. Is this only a technical arrangement? I doubt it. There is a difference in outlook regarding both the synagogue and the nature of the prayers.

Some years ago, one of the rabbis at the yeshiva at which I teach spoke at a Sephardic Minyan which we held on the High Holy Days. The rabbi, for whom I hold great respect, stated that in the prayers on the New Year, we do not make any requests for livelihood; we leave all material matters for other occasions and concentrate on the spiritual. His words were intense and inspiring, but anyone who knows the Sephardic version of the New Year prayers knows that at the end of each prayer we recite Psalm No. 24 and afterwards a special request for livelihood. The dissonance between the words of the rabbi and the Sephardic customs was enormous. And this is not just a technical difference but one of substance. In the Sephardic prayers on the New Year, the meeting with God takes place exactly where humans needs it most—actually in the most material way that one needs the Lord's compassion at the opening of the New Year.

From Parent to Child—The Educational Question

As a parent I feel the problematic aspect of this worsening situation. My eldest son is five years old, my daughter is three—and questions of identity will arise. Like many others, I want my children to recognize my tradition and chant the prayer melodies I learned from my parents; but in kindergarten the children learn Hassidic melodies instead of the liturgical tunes we chant in our home. The Blessing after Meals my son learns

in school is different from mine; he has hardly ever seen a Sephardic scroll of the Torah, with the exception of the toy one I bought him, and has almost never heard the Sephardic version of bible readings. Unless he hears the Sephardim chanting the opening prayers together, each section chanted by one of the congregants, he will only learn to mumble the opening and closing verses of each section, as he will be taught in school.

How are we to cope with these differences? If I want my children to become familiar with my traditions, I cannot suffice with quiet humming of the melodies in the synagogue while the cantor is praying; or by quickly reading psalms which are not part of the Ashkenazi version.

Should I speak to my children explicitly about the differences between the two cultures? How should I present this to them? I do not have the answer; there may not be one explanation and there may be diverse possibilities suitable for the various aspects of the dilemma. Either way, the educational predicament remains and often worries me.

Sephardism as an Alternative Spiritual Language

In light of these difficulties, do I regret the educational path of studies at yeshiva high school, which led me to the world of Religious Zionism? Would it have been preferable to continue my life in a Sephardic environment? An emphatic no. I am happy that I studied at a yeshiva high school and was exposed to Religious Zionism, with which I significantly identify. I am happy with the spiritual and cultural language I met and the encounter with Rabbi Kook's doctrine which presents a profound new response to acute questions. I am devoted to various aspects of the Ashkenazi culture and happily adopt them.

Nevertheless, any amalgamation of different worlds requires delicacy. The encounter can be conducted differently. Time can be devoted for education on Sephardic culture. Prayers can be chanted in various versions (according to the congregant leading prayers) or a combined version can be developed. The teachings of Sephardic sages can be taught alongside those of Ashkenazi sages, halakha can be taught with a broader approach, philosophy in a wider context and Jewish thought in a more multifaceted way. In my opinion, the key to a meaningful change depends on absorbing the fact that the Sephardic culture does not simply offer nostalgia but

a rich religious world consisting of unique customs, diverse halakhic rulings, and in particular a meaningful world outlook which is relevant here and now. In recent years there has been an awakening on the part of the public to Sephardic culture from various directions.

There appears to be a growing interest in engaging in multicultural discourse and discussions such as those in "*De'ot*" or the stormy debate held on the pages of "*Olam Katan*" on the negligible number of Sephardic yeshiva heads. For example, the little known liturgy and poetry have, in recent years, become relevant to the general public. Traditional melodies set to new arrangements have captivated a wide range of Israeli audiences. I maintain that the change in the status of the Sephardic liturgical melodies is the prototype of additional traditions waiting to burst out.

I believe that it is the responsibility of us, the religious Sephardim, to open a window into the Sephardic culture for the general public. The doctrines of the Sephardic sages are relevant to the people of Israel and we are their cultural ambassadors. For example, we should become ambassadors of Sephardic prayer—if we lead the congregation in prayer and bring into the synagogues the melodies of our youth, the glass ceiling will break and the melodies will slowly enter the hearts of the congregants until they become a natural part of prayer services.

I try to do this in the places where I am active. This week, when giving a Torah talk in the community where I live, I included a story on Rabbi Ovadia Hadaya. In addition to the idea that I wished to convey, I felt I was bringing the world of the Sephardic sages of Jerusalem to the attention of the audience, which is predominantly Ashkenazi. In the places where I teach, Ben Ish Hai has become familiar and respected, due to his style and content. In our community we even marked the anniversary of his death and the (Ashkenazi) Rabbi spoke of him as a brilliant, humane authority on halakha.

However, we require an institutional alternative. Currently, there are almost no religious Zionist yeshivot that seriously include the spirit of Sephardism, in spite of the large and significant Sephardic religious Zionist community. Let me outline an alternative.

Sephardic Yeshiva: Basic Principles

It is difficult to define how a Sephardic yeshiva should look. According to which Sephardic model should it be built? That which existed in Iraq, or North Africa, or somewhere else? Various Sephardic yeshivot were set up in different periods. The yeshivot of the Babylonian scholars had different characteristics and learning methods from those of Bagdad in the nineteenth century. Moreover, some yeshivot emphasized study of the Gemara while in others the kabbala had a central place. For example, Ben Ish Hai directed the establishment of two yeshivot in Jerusalem: one orientated to Talmud (Yeshiva Porat Yosef) and the other to kabbala. In addition to these dilemmas, the approach to modern literature and the contemporary reality in the State of Israel makes the issue more complicated. Nevertheless I will attempt to outline basic principles for the establishment of a Sephardic-Zionist-Religious-Modern yeshiva (the large number of hyphens shows the complexity of the combinations and the options available), which will create a suitable model for our times, with its feet in the Sephardic world and its head in the present.

Students in the Sephardic yeshiva will study Gemara according to "*aliba dihilkhata*" in the classic Sephardic tradition, with the stress on arriving at the correct halakha. The study of the Gemara will be according to "familiarity tests," first according to the literal meaning and then the study of classical commentaries and religious rulings. Study will not be based on the in-depth study system and will be directly influenced by the multi-levels of the Gemara, with emphasis on the changes in commentators and periods. During the year, the pupils will learn a larger number of Gemara pages (not about ten pages, as is customary in many yeshivot) and there will be a program on knowledge of the Mishna. The aim will be a broad scope of learning which does not concentrate too long on one problem and its theoretical aspects, so that study of biblical doctrine will include a wider community and will not only be the purview of the few who are closed inside a world of in-depth study among themselves. In addition, the *Minha* and *Arbith* prayers will be united, with a lesson period in between, instead of being completely separate as is the present practice. Congregants living in the area will be invited to participate in the yeshiva's prayers so that yeshiva students will pray with the general public, including working men, the elderly, and youngsters.

Halakha will have a significant place. Students will be guided to write solutions to halakhic problems, and the goal will be for each student to take the rabbinic ordination examinations and become a community rabbi. Most of the halakhic solutions will be according to Sephardic commentators, moderate and attentive to human needs, in accordance with the approach of Rabbi Yosef Mashash who presented the "Three Pillars of Education" of rulings: the law, the intellect and the time paraphrasing, of course, the three pillars of education: Rabbi Yitzhak Alfasi (HaRif), Maimonides (Rambam), and Rabbi Asher Ben Yehiel (HaRosh). (See David Biton, "The Law, the Intellect and the Time—Rabbi Yosef Mashash: Decision making in a time of change," paper for a master's degree at the Hebrew University, Jerusalem, 2001, from page 3.)

Bible studies will have an important place in the yeshiva, as was customary for generations of Sephardim—each student will end the year with proficiency tests. Studies will begin with the literary meaning and only afterward continue with the study of commentators. I would like to make clear that modern and literary devices will be used in Bible studies; one cannot apply the learning systems used by the Sephardim without awareness of important discoveries on Bible studies.

Kabbala studies will have an important place in the yeshiva, since its influence in Middle Eastern countries was substantial; students should have basic knowledge of the terms and different kabbalistic approaches. Nevertheless, kabbala studies will not take up a great amount of learning time; intensive studies will be reserved for older students who are found suitable and will not be part of the central study program of the yeshiva. The study program in the sphere of reflection and spiritual endeavors will, of course, contain Hassidic literature and Rabbi Kook's letters but also writings of Sephardic sages. The works of Ben Ish Hai are filled with ideas and methods for improvement of character traits and prayers, as are those of Rabbi Sasson Mordechai, Rabbi Sasson Majami (Baal "Kol Simha"), and other authors from Sephardic communities.

Regarding holidays, I should mention that the "yeshiva holiday calendar" of today is based on the holidays and train schedules at the beginning of the twentieth century in Europe, as I was told by one of my rabbis. In the yeshiva outlined here, the summer holiday will be extended and in the middle of winter there will be a holiday for invigoration, but the Succoth and Pessah holidays will be shortened. The students will

celebrate Rosh HaShanah at home in their communities with their families, and Yom Kippur will be spent at the yeshiva. On Hoshaana Raba and Shavuot, the yeshiva will hold study nights that will include different subjects (in the Ashkenazi tradition) as well as the reading of Deuteronomy and the 613 commandments (in the Sephardic tradition). The combination of reading and studying is intended to create the perfect combination of intellect and emotion.

The yeshiva will not be only for Sephardim but will include Ashkenazi students. Obviously, methods, ideas, customs, and melodies from Ashkenazi sources will be integrated. But the spirit will be Sephardic (the opposite, though unstated, situation from our yeshivot today). The prayers and their melodies will be in various Sephardic traditions; the third meal on Shabbat will be festive and joyful. Instead of melancholy melodies, rhythmic and joyful tunes will be sung to take leave from Shabbat the queen.

The Sephardic yeshiva will have a deep attachment to Zionism and the State of Israel, like the approach of Chief Rabbis Yaacov Meir and Benzion Uziel, as well as Rabbi Haim David Halevy and the Jerba sages—Rabbi Moshe Kalphon HaCohen and many others (not all). It is difficult to precisely describe the affinity because we must take into consideration the dramatic changes in our life in Israel and the new challenges we face today. Studies at the yeshiva will include general enrichment and secular studies but will take place in different rooms and not in the Bet Midrash. This was the custom of Rabbi Eliyahu Behor Hazan and also Ben Ish Hai's ruling (see *Rav Pe'alim* #2, *Orah Haim*, *Siman Kaf Bet*). The responsibility to be knowledgeable about the world and receive a general education is most important, as well as the obligation to distinguish between holy and secular.

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During 2,000 years of exile, the Jews all over the world prayed for the ingathering of the exiles; and like dreams that are fulfilled, the reality is complicated and difficult. The "melting pot" approach is giving way to solutions for a more complex world that includes diverse voices. The National Religious public is ready for change and is prepared to accept in its ranks not only the Sephardim but also Sephardism.

Instead of waiting for others to do the job, we have the obligation to initiate and bring about a change. Each can make a contribution in his/her own place, each in his/her own way: whether in halakha, prayer, melodies, Bible commentaries, and other areas. Instead of remaining in the past, I suggest we look forward. The prerequisite for change is not to become nostalgic but to look at the current reality and incorporate the Sephardic tradition because it is relevant—here and now.

A Sephardic Perspective: Addressing Social and Religious Divides within Israeli Society

Isaac Chouraqui and David Zenou

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Social gaps between different groups and populations are a fundamental problem with which the State of Israel grapples today. In many cases these divisions are physical—as seen in many Israeli neighborhoods and communities where diverse populations live separately, refusing to integrate and live together. These rifts are evident in many walks of Israeli life, and what is common among all of these social gaps is that they cause extreme isolation and social alienation among people living in the same society.

Thus we find a strong divide between religious and non-religious, as well as a plethora of identities on the spectrum between Hareidi and secular: Nationalist-Hareidi (Hardal), National Religious, Traditionalist, Reform, those who see Judaism as a culture, and a small group of those considered strictly secular.

In addition to this, other aspects of identity complicate these social divides. For instance, there are divisions based on ethnicity in Israeli soci-

ety. Sadly, more than 60 years after the inception of the State of Israel, country of origin is still sociologically meaningful when trying to understand divisions within Israeli society. Two different groups can be distinguished among Israelis: those whose roots originate in Europe and the United States and those whose roots are found in Asia and Africa. Even for those who are second- and third-generation Israelis, ethnic origin plays a significant role. One might expect religious identity to function as a unifying force for the Jewish people, because this identity might bring Jews of different ethnic backgrounds together, despite diverse countries of origin. Ironically, the religious element in Israeli society is the cause of an extreme conservatism in this realm. We have made great progress regarding these social gaps in civil society, while in religious society, especially in Hareidi circles, the situation is catastrophic; it seems that the more strict you are with regard to ritual religious observance, the harsher the ethnic constructs are.

These gaps are also evident and equally serious in Israel's socio-economic and class divides. Every year we are informed of the deepening gap between groups based on their economic background. Traditionally, society was divided into three groups: the upper, middle and lower classes, a third of the population in each class; however, we now see a gradual polarization of society into two groups, the rich and the poor. The middle class is slowly shrinking to approximately one quarter of the population.

There are other areas where these gaps are apparent (for example the distribution of populations in Israel's peripheries and centers). But here we will discuss an important and currently relevant element of the Sephardic tradition that should be instrumental in addressing these social challenges: the ability to be inclusive and the strength of a worldview that rises above classifications and social barriers, resulting in communal unity, a force that is dwindling in modern society.

Three Kinds of Religious Commitment

Initially, it is important to note that in Sephardic communities in the Diaspora, there were never divisions between Hareidi, secular, or Reform Jews; everyone was considered Jewish, some observed many of the mitzvoth and some performed fewer mitzvoth—but all were seen as working toward becoming better people and better Jews. In many areas of today's Israel, we can find communities such as these, groups with a typi-

cal Sephardic character. These communities can be found in cities and settlements where there are large concentrations of Sephardic populations.

In these communities, you can divide the population into three groups, according to their commitment to a Jewish lifestyle: a. Those who keep what is written in the *Shulhan Arukh* to the best of their ability; b. Those who keep some of the mitzvoth, usually the more experiential aspects of the Jewish faith such as Shabbat services at the synagogue; Shabbat dinner with the family or Jewish holidays; and lifecycle events, including those specific to the Sephardic Jews such as public celebrations in memory of a saintly rabbis, *Ta'anit Dibur* (abstention from speech), *Yom Shekulo Torah* (A day of Torah Study), *Berit Yitzhak* (Pre-circumcision ceremony in honor of a newborn son), and so forth; and c. Those who practice Judaism from afar, i.e., those who are satisfied with keeping kasher and attending synagogue on Yom Kippur.

The common denominator among these groups is that they respectfully interact with ease during communal events and other occasions. The connection between these groups is not artificial because the people themselves do not see each other as belonging to different worlds. Instead, they see themselves as one family, while recognizing the fact that there are those who keep this or that mitzvah with more or less dedication, and they value those who keep more of the mitzvoth. Each of these groups feels connected to God in different ways and no one excludes any community members based on observance level or religious devotion.

The second group is made up of people who feel close to Orthodoxy even though they are not considered full Sabbath observers. Nevertheless, they respect the tradition and feel a strong connection to the rabbinical world and to the figure of the Rabbi, especially those Rabbis who take part in the communal events we described above.

It is interesting to understand how such a large population of people and their families, who do not keep the *Shulhan Arukh*, and who have no intention of doing so, feel so connected to those with a higher level of religious observance. It can be said that the rabbinic world is connected to these communities, and to those who feel a strong obligation towards religious observance. These rabbis also have a special wisdom that guides those who have blatant "religious shortcomings" to make sure that no matter how a person keeps the mitzvoth, he or she still has a place within the community, a place where one can feel at home in synagogue and not like a visitor. This Masorti or Traditional Jew can even participate in

the prayers by reading some of the psalms during the service. He will not hesitate to have a Torah *shiur* held at his house as a way of honoring a sick relative; he will not consider this hypocritical or insincere. He will never hear from the rabbinic circle to which he is obligated "Who are you kidding?" or "Stop being such a hypocrite!" or "Where are your true loyalties?" Absolutely not! In our communities we know many people such as these and we make them feel welcome, as they are an integral part of our community.

How do you create this feeling of belonging? First of all, it is important to make sure that the more observant people in the communities do not dominate the synagogue and community events. One group is not better than the other and instead there should show respect for all of those who wake up early and take the time to get to synagogue for *Shaharit*.

For example, there was a man within our community who did not attend synagogue on a regular basis but did know how to pray. He would lay *tefillin* every morning at home before going to work, and we would see him at community events and sometimes on Shabbat. When this man's father's memorial (*hazkara*) was coming up, he prepared for the reading of the Haftarah and the synagogue community was very supportive of this. He read the Haftarah beautifully.

The Network and the Ladder

In order to understand how a community is able to function with such diversity, it is important to understand how our spiritual world is designed. There are two ways to understand the development of community: the ladder model and the network model.

In a ladder community, it is clear to each member who is "above" him or her, with regard to spiritual efforts and ability to speak his mind within the community. Below the Rabbi, who is the highest religious leader of the community (*Mara d'atra*), are those considered more Torah observant (*Torani'im*), those that are scrupulously devout. The person at the bottom of the ladder will have a hard time participating in communal events or expressing his opinions within the group; he will feel like a visitor in his own community as compared to his friends who are higher up on the ladder. The person on the lower levels of the ladder feels that the fact that he is accepted into this community despite his low ranking on the ladder is

already an act of benevolence on the part of those higher up and he will always feel like a guest. He will never feel truly part of the community.

On the other hand, in the network model, everyone lives together in a close-knit community, connected together in one group. There are some areas of the network that are weaker and some that are stronger but everyone is interconnected within the network. An example of this is when a rabbi plays a central role within this network, and using his esteemed position, he is able to significantly influence community processes. On the other hand, even those who have very little connection with those in the network do not feel out of place or lesser than anyone else within the network. They are equal to other members of the community. As we mentioned in the previous example, these individuals are aware of the unique power they have within the community, as compared to other more prominent community members with regard to mitzvoth. This outlook, even if it is not considered a method, is very similar to communities of the Sephardic traditions, and this perspective is advantageous because everyone fits in, and at the same time, communal leadership is preserved. Sometimes we will find a mix of these two models, with the rabbi of the community above the community as a neutral unifying force and the rest of the community an equal part of the network.

Mitzvoth between Humans and God and Interpersonal Mitzvoth

The world of mitzvoth is divided into two categories, those between humans and God and those between people. In the religious world there is a tendency to define one's level of religious observance based on the fulfillment of mitzvoth between God and humans, such as Shabbat, kashruth, family purity, prayer, and so forth. The reason for this is clear: the halakhic boundaries are more defined in this realm, and it is easier to define who is "in" and who is "out."

Although we do not want to disregard the importance of these boundaries, there is a scenario in which we can emphasize the significance of interpersonal mitzvoth, for example, supporting a friend in need financially, spending quality time helping those in need or performing simple acts of *hessed* (benevolence). We should encourage public responsibility for what happens within the community, from helping a neighbor find a job to visiting a sick or elderly person. Mitzvoth related to trade such as *yosher*

(honesty in commerce), *amida beDiburo* (keeping one's word with regard to business transactions), and so forth, do just this. These are mitzvoth that can significantly broaden the number of community members who keep mitzvoth.

For example, there is a man in our community who gets up early to pray at dawn at home and then hurries to work, works all day, comes home to help his family get ready for dinner, does homework with his kids, and helps put them to sleep and then he stops by the synagogue for the *Arbith* service, and participates in the evening Torah lesson where he falls asleep throughout. This man is active in the community *hessed* committee and helps distribute food to the poor and provides homework help for disadvantaged children in the community. This man does not know a lot of Torah; and he even goes to work without a *kippa*.

On what rung of the ladder should we place this man? In some communities he has a good chance of being very low on the ladder because he does not keep enough of the mitzvoth between God and man. Indeed, this Jew still has a long way to go in his spiritual journey (as do we all), but it is essential to recognize the entirety of his actions within the community. When we treat individuals such as this man with respect, it creates a feeling of belonging and can encourage an improvement in mitzvah observance.

There is an interesting example in our community in Southern Israel where teenagers do not come to prayers on a daily basis (instead, they opt to lay *tefillin* at home). We see them in full attendance during Elul for *selihot*. How should we react to such a thing? Someone outside of our community could say to them that they are mistaken if they think they can "blackmail" God, if they think that they can make up for a whole year of not attending services by waking up early for *selihot* around the time of Yom Kippur.

We should view these young men in a different way. We should recognize that during the month of Elul these young men feel a closeness to their Creator, a feeling that is strong in their hearts; this is the feeling that encourages them to come to synagogue and to recite the *selihot*. These boys do not see this as a contradiction to their behavior throughout the year. There is no doubt that we should try to influence these young men to come to services throughout the year, but we should also value what they do now and be aware that it represents the strong connection they maintain with God.

As we review these examples, we realize that what causes gaps between different groups in Israeli society is that we emphasize the differences between us instead of concentrating on the similarities. Using the worldview described in this essay, we can see a future for Israel that is united and not segregated. This is true in religious circles (as we said about valuing all of the mitzvoth—those between God and humans as well as interpersonal mitzvoth), this is true in the human realm (sociological definitions becoming irrelevant or inaccurate—for example, *kippa* wearing as a sociological indicator of faith or within those who wear *kippa*, each *kippa* indicating allegiance to a specific group). And this is true in the connection between life and serving God: do you achieve the desired behavior by severing ties with the professional world and withdrawing into the world of the yeshivot and kollels, or do you achieve this behavior through unifying a professional life with a life of learning, Torah, community and family all guided by a strong belief in God? The idea of *Torat Erets Yisrael* sees the Torah as something open to physical, material life. Paradoxically, this idea was preserved in Sephardic Jewish communities outside of Israel—and we are obligated here in Israel to develop these elements of a Jewish society.

The Future of Israeli Hareidism: The Demise of Welfare-State Judaism and Beyond

PINCHAS LANDAU

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No issue in Israeli public life arouses the range and intensity of emotions as does anything relating to Hareidim and Hareidism—the terms used for the "ultra-Orthodox" and their lifestyle.[1] A typical discussion on any Hareidi-related issue is laden with ideology, dogma, and opinion—but short on facts, let alone hard data.

The sad reality is that most Israelis, including most *dati-leumi* (National Religious/Modern Orthodox) Israelis, relate to Hareidim with a mixture of fear and loathing—and even hatred generated by that potent mixture. Hareidim feel much the same way about secular Israelis and, very often, about religious ones too. The mutual antipathy stems from the concern on each side that the other will seek to impose its views and lifestyle.

Yet this stereotyping tends to break down at the individual level. Thus, although the average Israeli will express strong negative views about Hareidim in general, s/he will often feel warmly toward Hareidi individuals he knows through family, community, or work connections. This is a positive and hopeful feature in a generally bleak picture, which carries

important implications for the future—assuming Hareidim become more involved in, and even integrated into, the wider society.

That assumption is a critical issue—not just for the future of Hareidi society, but for the very existence of the State of Israel. I will argue here that the future is one of greater integration, but that outcome is far from assured. If the Hareidi sector of society adheres to the ideology of separation—which has been one of its bastions and sources of strength and which has, at least in some respects, intensified in recent years—then the tensions between the wider society and the Hareidim will be exacerbated, and the suppressed conflicts will likely become steadily more overt and possibly violent.

That negative scenario is much less likely, but it is essential to understand why. The reason is that the primary source of friction between the Hareidi and non-Hareidi sectors is no longer cultural, let alone ideological. In a postmodern society such as Israel, the acceptance of numerous lifestyles is increasingly the norm (even by Hareidim, as their self-defeating struggle against gay parades in Jerusalem illustrated very clearly). Most non-Hareidim therefore have no problem with Hareidism for Hareidim, although they obviously don't like it or want it in their backyard. However, this acceptance is subject to two important conditions: that the Hareidim do not attempt to impose their values and lifestyles on non-Hareidim, and that the Hareidi community and its lifestyle is not paid for by non-Hareidim.

It is the first of the issues—perceived attempts by Hareidim to impose their mores and values on others—that generates most of the heat popularly associated with "Hareidi/secular" clashes. Travel on Shabbat, gender separation on buses—these are the classic issues that have led to bitter and sometimes violent confrontations. But these are trivial matters in the wider scheme of things. At the macro level, the clash between the Hareidi sector of Israeli society and the non-Hareidi majority has been over resource allocation, which, in plain language, means money—but also manpower (because labor is also a resource, and a critical one at that).

As soon as the Hareidi/non-Hareidi "clash" is put in those terms, it becomes more amenable to resolution. After all, in every country different groups and sectors of the population vie for "shares of the pie." The competition may be between rich and poor, old and young, rural versus urban—each country has its own characteristics, but none is devoid of rivalry. In a democratic society it is the electoral process, which enables citizens to choose between the platforms of political parties, that provides

a mechanism whereby that society decides how to divide up its proverbial pie. Each group's starting point is that it deserves more, for whatever reason—but every group must relate its demand, either implicitly or explicitly, to its contribution to the overall society.

The Hareidi "Problem"—Burden or Blessing?

The singular feature of the Hareidi sector is that it bases its request for a growing share of the national pie on a contribution that the non-Hareidi majority does not recognize. The Hareidim claim, as an article of faith, that their contribution of studying Torah full-time is equal to, if not greater than, that of the majority who serve in the army and work for a living. For reasons that will be explored below, the non-Hareidi majority have acquiesced to an arrangement whereby Hareidi young men are not conscripted into the Israeli Defense Forces, nor do they join the labor force and engage in economic activity. Instead, they remain in a framework of institutions devoted to Torah study, encompassing secondary and tertiary education and developing into open-ended "post-graduate" studies in kollels for married men.

However, this acquiescence on the part of the political leadership of non-Hareidi Israelis does not reflect acceptance by them—let alone by the general public—of the principle that adult Torah study is an equivalent contribution to work and/or army service. Consequently, the growth of Israeli Hareidism has generated a widespread feeling that "the burden"—the financial burden of paying taxes, the economic burden of making the country self-supporting, and, above all, the physical/existential burden of defending the country—is not shared, and that the Hareidim do not pull their weight but rather live a parasitic existence, paid for and defended by their non-Hareidi compatriots.

But since the highly democratic Israeli electoral system allows the Hareidim to express their beliefs and pursue their demands via political parties in the Knesset, and since the political system results in coalitions in which these parties are usually members—and since the Hareidi political parties' primary *raison d'être* is to channel budgetary allocations to its constituency—the result has been that the Israeli public has continued to pay for the maintenance and expansion of Hareidi society.

To suggest that this is going to change is considered by most Israelis today as naive, ridiculous, or proof that the suggestor is detached from Israeli reality—or all of the above. Indeed, it is now universally accepted

by informed and educated Israelis that the Hareidi population poses a major problem, even a threat, to the socio-economic well-being of the State of Israel—and hence to its existence. No serious analysis of the country, its society, economy, and political structure, can or does fail to make this point. Even foreign analysts have "discovered" the Hareidi problem, which now features in analyses produced by the OECD and the IMF, as well as reports in the *Economist* magazine, *The New York Times,* and other important international news media.

The existence of so broad a consensus is a strong indication that the view it presents is very likely to be wrong. To the contrarian analyst, the only time you can be sure of anything is when there is unanimity among the experts about that subject. In particular, if the accepted wisdom is that something is a serious problem that seems intractable, then you can be fairly confident that it's going to be all right. This general rule applies to the problem posed by Israeli Hareidism.

Therefore, if I move straight to the bottom line, my conclusion will be that the Hareidim are going to be integrated into the Israeli economy and, to a lesser extent, into Israeli society. This long and difficult process is already underway and is picking up speed. It is being driven by forces both from within Hareidi society and outside it, so that although the initial impetus for change may have been imposed on the Hareidim, today that is not the case. If anything the opposite is occurring: Change is being driven from within, by a new generation with a new mindset.

Last but not least, this conclusion does not mean that Hareidism is going to disappear, or that the Hareidim are going to become irreligious, or "Modern Orthodox," or anything else. Hareidism of one sort or another is a permanent fixture within the spectrum of views and behavior that comprises Judaism, at least in the modern era. It can and will adjust, as it has done several times—despite the Hareidi mythology that they and their lifestyle are unchanging—and it is in the process of doing so again. This is tremendously good news for the Jewish people as a whole, for the State of Israel, and for the Israeli Hareidi community.

Mythology Meets Reality

Before analyzing the process of change underway, it is essential to review how we arrived at the current state of affairs. Along the way, we will discover how and why the process of change started some years ago.

The Hareidi problem, stripped of its emotional and religious over- and under-tones, boils down to one of demographics and economics and the relationship between these two areas. From an economic point of view, any society can afford—if it so chooses—to provide special privileges to a small group within it. In many societies, ancient and medieval, this group was the priesthood or clergy. The Torah itself adopts this concept by designating the tribe of Levi as the privileged group to be supported by the wider society in return for devoting itself to religious duties, both in the Temple and throughout the nation. Mainstream Hareidi ideology uses the Levites as an example and role-model for the position Hareidim wish to assume within Israeli society.

The concept of a small group of devoted scholars, engaged in keeping the flame of traditional Jewish study alive after the annihilation of the European Torah centers during the Holocaust, was accepted by Ben-Gurion and other secular leaders in the 1950s and provided the justification for the two key privileges granted the then-tiny Hareidi sector, namely the exemption of dedicated yeshiva students (and all religious girls) from army service and, even more importantly, the creation of a separate education stream for the Hareidi sector. At the time, these seemed to be minor concessions and did not attract significant attention; the cost, in social, military, and economic terms, was negligible.

However, two dynamics combined to change the relative position of the Hareidi sector within the wider society, and, consequently, to change the attitude of the silent majority of the population with regard to Hareidi privileges from one of passive acquiescence to increasingly vocal opposition. The first of these was demographic: Over time, the birth rate in the Hareidi sector rose dramatically, as this society adopted early marriage and large families not merely as social mores but rather as key cultural values. At the same time, the birth rate in the general population, especially the Jewish population, was declining as the immigrants from Europe and the Arab world adopted Western mores. The inevitable result was a steady rise in the relative size of the Hareidi sector within the overall Israeli population, from a negligible level at the foundation of the state to a small but noticeable minority by the 1970s.

This period—roughly the first three decades of Israel's existence—is viewed today by many older Hareidim as a "golden age." From their weak and marginal position in society, firmly planted in political opposition to

the ruling Labor-left coalitions, the Hareidim were forced to struggle for anything they needed. Their small numbers and shared goals and needs forced them to work via a single political party—Agudat Yisrael—to protect and expand the privileges they had obtained. Their religious leadership, comprising a handful of outstanding personalities who had survived the Holocaust and were now dedicated to regenerating Hareidi life, focused their efforts on education as the means to produce a new generation committed to living by the old values and verities. Money was scarce, for the country as a whole and especially for the marginalized Hareidim, but—as in the wider Israeli story—much was achieved, thanks to determination, focused efforts, and inspiring leadership.

In 1977, the second dynamic came into play. The "political upheaval" of May 1977 ended the hegemony of the Labor-left and brought to power a Likud-led center-right coalition. The new Prime Minister, Menachem Begin, invited Agudat Yisrael (AY) to join his government—and the invitation was accepted with alacrity. AY maintained that it could not accept ministerial positions because that would require accepting responsibility for government decisions and activities it could not approve of; instead, its representatives took deputy ministerial posts and other positions, notably the chairmanship of the Knesset Finance Committee, through which they became instrumental in making key policy decisions. More importantly, from the narrow sectoral perspective through which AY viewed its involvement in national politics, its entry into government and its prominent position in budgetary affairs allowed it to massively increase its access to funding for its institutions, educational and other.

The common perception is that from this point on, Hareidi power and influence rose steadily. This process was catalyzed by the deadlock between the two main political blocks that characterized Israeli politics through much of the 1980s and 1990s, and that allowed Hareidi parties to hold the balance of power and thereby to extract more concessions in return for their support. These concessions were almost always in the form of larger budgetary allocations, which gradually spread across a range of channels: the Ministry of Education provided budgets for the Hareidi school systems; the Ministry of Religion was the primary source of funding for yeshivot and kollels; the National Insurance Institute (NII), via its child allowances and other social welfare payments, became a critical source of funding for burgeoning Hareidi families; and, over time, a

huge array of NGOs serving the Hareidi sector emerged, most of them reliant on government funding as their primary source of support.

To be fair, the process of tapping into the government budget to finance institutions and NGOs with a sectoral orientation was by no means a Hareidi monopoly. In the period from the late 1980s to the turn of the century, everyone got into the act, but the Hareidi parties were the acknowledged masters of this game—the biggest and the best.

Note that by this point it was necessary to speak of Hareidi parties in the plural. The old alliance of all the Hareidi groups under the AY umbrella broke down, once again under the twin forces of demographics and politics. There were now large numbers of people in each of the main sub-groups of the Hareidi sector—the Hassidim, the Mitnagdim ("Lithuanians") and the Sephardim. The latter group not only broke away to form its own party, but, under the leadership of Rabbi Ovadia Yosef and his chief lieutenant, Aryeh Deri, launched an unprecedented campaign that reversed the secularization process underway among Sephardic Jewry. Shas grew to become a mass movement, led by Sephardi Hareidim but attractive to a much wider public. Its relationship with the other mainstream Hareidi party, Degel Hatorah, is complex and multi-faceted, but the basic fact remains that Shas views itself as a Zionist party and as a full partner in the governing of the state.[2]

The process described above, of financing the growth of Hareidi education, welfare, and other systems from the state budget, was both the cause and the effect of Hareidi demographic and political expansion in the 1990s. It reached its climax in the "Halpert Law" of 1999, named after an AY Knesset member and foisted on another weak coalition in desperate need of Hareidi support in order to cling to power. The law changed the structure of child allowance payments from the NII so that, whereas hitherto the additional allowance for children under the age of 18 rose until the fifth child and then declined, now it would continue rising: each marginal child would bring in a relatively larger stipend. The obvious beneficiaries if this law would be the Hareidim—but also the Bedouin Arabs, where polygamous family structures existed and NII stipends enabled and encouraged high birth-rates.

The Halpert Law proved to be the high-point of Hareidi political power. But it is important to note that even in the late 1990s it was already apparent, both within and outside Hareidi circles, that Lord Acton's dic-

tum that power corrupts applied to Hareidim no less than to others. The most obvious evidence was the number of Hareidi Knesset members sent to jail for various forms of corrupt practices. Although I would tend to accept the Shas argument that its representatives, and Aryeh Deri in particular, were victims of a political witch-hunt inspired by the Ashenazi/left-liberal "elites," that doesn't make them innocent—it just means they were picked on and picked off.

However, with the benefit of hindsight, it is clear that the peccadilloes of specific Knesset members and ministers were only the tip of a much larger iceberg. In effect, Hareidi political power resulted in Hareidi society becoming entirely dependent on the government budget. In other words, Hareidi Judaism—despite its proclaimed ideology of separation, self-sacrifice, and asceticism and its efforts to dissociate itself from Zionist ideology—turned itself into a branch of the Israeli welfare state. Nor did this happen by accident; the process became self-supporting as more and more Hareidi leaders, their entourages, and their institutions, became increasingly dependent on funding whose ultimate source was the government budget—and hence the Israeli taxpayer. True, there was an alternative source of funding, namely foreign donations. But after the fall of the Reichman brothers' empire in the early 1990s, the illusion that one family had been designated by Providence to support the entire edifice of Israeli Hareidism was shattered. Foreign donations remained an ongoing source of support, but its role was increasingly to provide jam, while the bread and butter came from the Israeli government. The lesson of the rise and fall of the Reichmans seemed to be that no wealthy individual, however mind-bogglingly rich, could play the central role. The national budget was larger, more accessible and seemingly more dependable.

But government funding was earmarked for two main areas: education and welfare. As a result, both saw massive expansion. They became the focal points of activity for every entrepreneurially oriented Hareidi so that, sadly and ironically, they became the main "industries" within the Hareidi business sector. Furthermore, since the new generation of Hareidi entrepreneurs had neither experience nor formal education, management of the new entities was characterized by inefficiencies, superfluity, and corruption.

Educational establishments proliferated, each one of which was a business venture in an increasingly competitive market. The more suc-

cessful entities, whether by design or by accident, became involved in real estate, catering and wedding halls, and other legitimate business operations. As for illegitimate activities, the reader is referred to the media and/or Google for more details.

The overall picture was one of rapid, headlong, and unplanned growth, in which the nimble and well-connected came out on top, while a wider class of political *machers*, public relations, marketing, and other consultants, along with the managers of the NGOs, emerged as an embryonic Hareidi upper-middle class. But there was nothing below them, other than a mass of yeshiva/kollel families, dependent on meager stipends and living near or actually in relative poverty, as the cost of feeding, educating, and marrying off their numerous children consumed their small incomes.

The Secular Backlash

The Halpert Law proved to be the proverbial straw that broke the camel's back. By pushing their political power too far, the Hareidim triggered a political backlash on the part of secular, middle-class Israelis, against what was commonly called "Hareidi blackmail." Since the two big parties were unwilling to clash with the Hareidi sector directly, the protest movement found a new outlet in the form of a new party, Shinui, which not only called itself "the secular list" but was openly and stridently anti-Hareidi. Its leaders were indeed anti-religious, but most of its supporters were probably not; they, too, were concerned with money rather than ideology, above all with who paid taxes and who received benefits—as well as with who served in the army and did reserve duty and who didn't.

One of the most remarkable of the many political parties to shoot across the Israeli political firmament, Shinui may arguably be regarded as the most successful. In its first election effort, in 1999, it won six seats, a highly respectable performance, but not enough to change the balance of power. But by the next general election, the country was in a very different position. The hopes of peace and security prevalent in 1999 had been dashed by the second intifada and the suicide bombing campaign, while the prosperity engendered by the high-tech dot.com boom had been expunged by the "tech-wreck" and a global recession. These, coupled with the impact of the suicide bombings on the domestic economy, had plunged Israel into the longest and most severe recession in the country's

history. Tax revenues plummeted—but expenditures continued to rise, as the welfare structure created in the 1990s was impervious to the ups and downs of the economy. The result was a massive budget deficit and a financial crisis in 2002, which occurred against a background of serial suicide bombings and an Israeli counter-offensive against the Palestinian terrorist groups—Operation "Defensive Wall."

There had been serious tensions between Hareidim and secularists in 2000 over Prime Minister Ehud Barak's "secular agenda" and what Hareidim perceived as excessive Supreme Court activism. But the events of 2002 exposed the Hareidi sector to an unprecedented degree: they paid little tax but received a disproportionate share of the government's expenditure, and, as usual, they played no role in the military campaign. All this made Shinui's message resonate widely so that, with the help of a vigorous and nasty election campaign, the party won 15 seats in the election of February 2003, making it the third-biggest party in the Knesset and an obvious coalition partner for the Likud—which, led by Ariel Sharon, had won a tremendous victory, garnering 40 (out of 120) Knesset seats.

The election outcome enabled Sharon to turn Israeli politics on its head and build a coalition in which all the Hareidi parties—including Shas, to its amazement and horror—were excluded. Sharon appointed Binyamin Netanyahu as Finance Minister, with the seemingly Herculean task of pulling the battered economy into shape, and these two used their parliamentary majority and the atmosphere of dire crisis to rapidly legislate a series of sweeping reforms. In addition to rationalizing the tax system to generate higher revenues, Netanyahu homed in on the expenditure side, which was plainly out of control. Inevitably, justifiably, and predictably, he took a machete to the sprawling welfare system that had been constructed and of which the Hareidim were the prime beneficiaries.

In the course of 2003–2004, the overall amounts of government funding to the Hareidi sector fell drastically, probably by one-third, perhaps even more. The main blow was the slashing of child allowances, but the yeshiva stipends and other elements were also pruned. Not surprisingly, the Hareidim came to call this development "the Netanyahu *gezeros*" (decrees, a term usually applied to anti-Jewish laws by gentile anti-Semitic regimes). The alternative would have been to admit that they and their leadership had, through greed, short-sightedness, and sheer stupidity, set

themselves up for this disaster. But whatever label is used, this was the watershed event that marked the end of the Hareidi welfare-state society that had been constructed over the previous three decades.

The sheer scale of the implosion in funding caused massive distress for many Hareidi families and forced many institutions to merge or close altogether. Objectively—and if the government's aim was indeed to incentivize Hareidim to move from welfare into the workforce, as it claimed—then the cuts should have been phased in gradually, over a period of five to ten years. But the immediate need was to stem the hemorrhaging in the national budget and, in this context, the swollen welfare budgets were the obvious targets. The result was traumatic—and that trauma set Hareidi society on a new path.

From Crisis of Confidence to a New Model of Hareidism

The immediate task facing the Hareidi leadership in the wake of the so-called *gezeros* was to address the crisis as best they could. In practice, beyond an emergency fund-raising campaign, the pain could only be eased gradually, as the Israeli and global economies began to recover. But the situation began to improve perhaps faster than might have been expected. The domestic scene changed: Shinui imploded in a welter of internal feuding and corruption charges, and soon disappeared entirely from the political scene—as far as its voters were concerned, its mission completed. Subsequent governments recognized that the cuts imposed by Netanyahu had been too drastic and allowed some increases in child allowances.

Meanwhile, a new development was sweeping the economies of the main developed countries where large Hareidi centers had developed. The greatest real-estate boom ever seen was minting millionaires seemingly by the minute, and a rich new vein of foreign funding opened up. For five years, from 2004 through 2008, unprecedented sums of money poured into the Israeli Hareidi sector, not just in the form of donations, but also as investments in real-estate and other businesses. The wider Israeli public was largely unaware of this, but anyone walking through the Hareidi quarters of Jerusalem and other Hareidi population centers could hardly fail to notice the surge of construction activity.

Once again, however, as with the Reichman saga 20 years earlier, the hope that foreign sources could replace the Israeli government in whole or part proved illusory. The real-estate crash in the United States and the sub-

sequent financial and economic crisis in the West wiped out many of the new Hareidi tycoons, and, together with a series of scandals within the Hareidi Diaspora, served to eliminate key sources of funds, with the inflow drying up much faster than it had expanded.

Nor was the new money, even when it was available, a true replacement for the funds lost via the "*gezeros*." Donations went via intermediaries, who generally took a hefty cut for themselves, to institutions and organizations, wherein a new Hareidi executive class began to emerge and adopt a lifestyle to match. The government money, or what was left of it, went to individuals and families who desperately needed it—although they then had to turn to the charity organizations to supplement it. Thus the real-estate driven prosperity of 2004–2008 aggravated the existing income and wealth gaps within Hareidi society, with the majority of the Hareidi poor being left steadily further behind.

Meanwhile, even as the chimera of Diaspora real-estate money came and went, far-reaching changes were taking place in Israel, both inside and outside of the Hareidi sector:

➢ Beginning in 2003, the Israeli economy began what was to become its longest-ever period of economic expansion. Although the global crisis of 2008 hit the Israeli economy too, its impact was short and after two tough quarters, the economy bounced back and resumed its growth path. In hindsight, the period 2003–2010 can be seen as "seven fat years" in which Israel surged ahead and prosperity became widespread. However, massive income and wealth gaps developed, with Hareidim and Israeli Arabs standing out as the two main population groups left out of the party.

➢ If the economic success story is well-known, the extraordinary developments in Israeli demography since 2003 are not. Yet the data are official, regularly updated, and clear-cut. They show that a) since the slashing of child allowances the Hareidi birth-rate has trended lower (as has that of the Bedouins); b) the birth-rate among non-Hareidi Israelis has steadily risen; c) the birth-rate among Israeli Arabs continues along its long-term declining trend.

➢ Within the overall economic success story, the single most important datum is not widely known. This is that the participation rate in the labor force has risen steadily and is now at a record-high level of 58 percent. This rate is still extremely low by Western standards, but the upward trend is the critical factor. One of the causes of this improvement, perhaps a cen-

tral one, is the increase in the rate of participation among Hareidim, including Hareidi males.

– Within Hareidi society, major changes are underway. Three, in particular, need to be highlighted, relating to a) politics, b) sociology, and c) psychology. Space only permits presenting these in "headline" form, but each is worthy of close examination.

Hareidi Politics: The evidence of a crisis of leadership in Hareidi society is most evident in the political sphere, where it can actually be measured. The most obvious evidence is the failure of the Hareidi parties to increase their representation in recent elections, despite surging growth in the Hareidi voting population. This suggests that Hareidi votes, especially younger ones, are leaking away to non-Hareidi parties—a suspicion supported by reading of the Hareidi and non-Hareidi media and by anecdotal evidence. In addition to voting patterns in general elections, the faction- and personality-based feuding within the Hareidi political scene—the municipal elections in Betar and Jerusalem in 2008 are outstanding examples—is forcing many young Hareidim to the conclusion that their interests are not being promoted by traditional Hareidi parties. More generally, the shrinking of government support has revealed that Hareidi politics has become entirely focused on obtaining government funding and providing jobs through patronage, and has shed its ideological underpinnings. Now that Hareidi parties are unable to provide sufficient funds or jobs to answer their constituencies' needs, they have lost their validity and with it, increasingly, their support.

Hareidi Sociology: The "*gezeros*" left most Hareidim over the age of 35 with insufficient income to support their large families—and without education, training, or any practical means of finding jobs in the wider economy. Overnight, they became a "wilderness generation"—and the Hareidi leadership has not been able to provide systemic solutions to the crisis. The conclusion drawn by many younger Hareidim—especially those who are, for one reason or another, uncomfortable with or unsuitable to the yeshiva/kollel lifestyle—is that they must look out for themselves. Specifically, they must be able to earn a living. This is fuelling a steady increase in the number of young Hareidim attending colleges and even universities, as well as vocational courses, in a broad range of fields. These efforts are being funded and guided by, inter alia, the Joint Distribution

Committee, numerous individual philanthropists, and institutional philanthropies from overseas, as well as various Israeli government ministries and agencies—including most branches of the IDF.

This means that the front line of Hareidi integration into Israeli society is now the labor market—but also that serving in the IDF, after yeshiva and perhaps some kollel study, is acceptable. The envelope is being pushed steadily outward, both in quantitative terms—the number of people involved—and in qualitative terms, meaning the kinds of things they do.

As this process moves forward, it is creating a genuine Hareidi bourgeoisie—people with real jobs and businesses that create income and wealth, rather than party apparatchiks and "welfare entrepreneurs" whose business arena is the Hareidi "hessed" empires that are the hallmarks of the sector's poverty and welfare-dependence.

Hareidi psychology: This point is based more on subjective impressions than hard data, but it seems to me both correct and a logical accompaniment to and outcome of the preceding points. In Kennedy-style terms, we can speak of the torch being passed—more correctly, seized—by a new generation of Hareidim, who have come of age in the twenty-first century, tempered by terror and war, disciplined by a severe financial but also spiritual crisis, proud of its ancient heritage, and unwilling to impose on the next generation the ideals of genteel poverty on which it was brought up. Furthermore, this new generation sees and feels itself to be entirely Israeli, an integral part of the multi-cultural mosaic that is the State of Israel today. Unlike their grandparents, they feel no need to molder on the margins of society, and unlike their parents, they do not carry an inbuilt inferiority complex vis-à-vis secular or religious Israelis. Many of them are beginning to realize that they have much to give to the wider society and also much to learn from it, because—contrary to what they were told in school—they and their leaders do not have all the answers. Above all they are convinced, on the basis of what they have seen both in Israel and among their peers in the Diaspora, that it is possible to live a Hareidi lifestyle and yet interact, where necessary, with the wider society.

These new trends are the antithesis of the old-style welfare-state Hareidism. The battle between the two is ongoing and will take time to resolve, but the global reversal of the welfare state model ensures that the old system is doomed. The future of Hareidism lies with the new genera-

tion, which is engaged in a live experiment of adapting its lifestyle to a new socio-economic reality.

The track record of Hareidim in adapting to new circumstances is a good one. Furthermore, the overwhelming majority of the wider Israeli society, including the government and the main institutions of the state, are strongly supportive of this effort. How exactly it will turn out cannot be known—because the future is unknown. But too much hangs on the outcome of this effort, for the Hareidim, for the strength and cohesion of the State of Israel, and for the future of the Jewish people, for it to fail.

NOTES

1. Social scientists have expended much energy in the effort to define "Hareidi" and "Hareidism." One reason they have met with limited success is because of the growing differences between Israeli Hareidim and their Diaspora counterparts. This article is concerned solely with Israeli Hareidism and assumes the reader understands the terminology, even without formal definitions: you know it when you see it.

2. In the 1988 general election, Shas followed up its stunning 1984 debut when it captured four seats, by winning six seats. I was then a reporter for the *Jerusalem Post* and covered Shas on election night. When I asked Rabbi Yitzhak Peretz, then leader of Shas' parliamentary faction, what portfolios it would seek, he said, "We view ourselves as potential candidates for every portfolio, including defense." Nothing could better illustrate the gulf between the inclusionist pro-Zionist attitude of Shas and the exclusionist anti-Zionist line of AY and Degel.)

From Periphery to Core

Zvi Zohar
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In this article, I survey and analyze major stages in the fascinating growth of extremist positions on conversion to Judaism (*giyyur*) within Israeli rabbinic circles in recent years, up to September 2010. (The current hot-spot of controversy, relating to *giyyur* within the Israeli Defense Forces, is still "in process" and thus not covered here.) Throughout the article I make some general observations, and toward the end I also make draw some conclusions as to what all this reveals. Hopefully, the reader will gain some insights into interesting aspects of the history and the contemporary reality of the Orthodox rabbinic world in Israel.

Background: The Appearance of Novel Views within Hareidi Halakha Before the 1980s

The Shulhan Arukh explains (*Yoreh De'ah* 268:3) that acceptance of the commandments is a stage of the *giyyur* process that should take place in the presence of three (i.e., a Bet Din). This might be taken to mean that if there was no discrete segment of the ceremony called "*kabbalat haMitzvoth*" (acceptance of the commandments), then, even if all other parts of the ceremony took place, the candidate—who entered the ceremony as a non-Jew—remains a non-Jew as before. This interpretation of *Yoreh De'ah* 268:3 was hotly debated by leading rabbis (see, for example, Avi Sagi and Zvi Zohar, *Transforming Identity*, 2007, ch. 11). In addition,

even those rabbis who agreed that *kabbalat haMitzvoth* is absolutely required did not agree upon what this requirement means (see ibid., ch. 12–13. More recently, Rabbi Hayyim Amsallem has discussed and analyzed all these views in his magisterial *Zer'a Yisrael*, 2010, ch. 1–2).

In the late nineteeth century there developed within proto-Hareidi halakha a novel view of the requirement of *kabbalat haMitzvoth*. First formulated by Rabbi Yitzhak Schmelkes in 1876, this view held that the main event in any *giyyur* is an internal one: acceptance of the commandments means internal, subjective commitment by the candidate at the time of *giyyur* to practice all the commandments after becoming a Jew. This definition gave rise to an epistemological problem, which had not existed when acceptance was defined as a performative act: the event had to occur in the presence of the court. But—how could the court ascertain the occurrence of a completely internal and subjective intent?

Rabbi Hayyim Ozer Grodzinski (1863–1940) attempted to mitigate the problem by noting its limited scope. In general, he points out, halakha assumes correlation between a proselyte's declaration of commitment to praxis and her internal intent. Thus, prima facie any proselyte who makes such a declaration is considered to have the appropriate internal intent. Only in specific cases might this general rule be suspended, by the principle of confirmed presumption (*umdena deMukhah*). Since the event of *kabbalat haMitzvoth* must be part and parcel of the *giyyur* ceremony, such a confirmed presumption that during her declaration of *kabbalat haMitzvoth* the proselyte lacked proper internal commitment to do so, could applied by the court only if at the time of *giyyur* clear dissonance was apparent between the proselyte's life-context and her declaration of commitment (Responsa *Ahiezer*, vol. 3, #26). Non-performance of mitzvoth after the completion of the ceremony was completely irrelevant. In addition, toward the end of his Responsum, Rabbi Grodzinski stated that courts have discretion on such matters, and that if a court decided to rely upon the position of the great Rabbi Shlomo Kluger and to conduct a *giyyur* procedure to resolve a situation of intermarriage, this was halakhically sound.

In fact, it was extremely rare even for rabbis of this school to invalidate a proselyte who had already undergone *giyyur*. This is not surprising, for as Menachem Finkelstein points out (in his book *Conversion: Halakha and Practice*, 2006), ex post facto invalidation of *giyyur* is in contradiction to the basic principle of the finality of *giyyur* once the proselyte has "immersed and come up" (see *Yebamoth* 47b).

The Axelrod Innovation: A Transformative Halakhic Development

However, in the latter part of the twentieth century, a revolutionary development took place (the following section is heavily indebted to ch. 14 of *Transforming Identity*). Several rabbis developed an innovative method to overcome the hypothetical character of the evaluation of the proselyte's inner intent. They argued that the proselyte's inner intent at the time of *giyyur* is reflected in her subsequent actual praxis. If after *giyyur* the convert does not observe the commandments, this serves as unimpeachable proof with regard to her original (defective) intent.

Available evidence indicates that the first rabbi to publish this position was Rabbi Yitzchak Brand, who wrote:

> Due to lack of acceptance the *giyyur* is totally annulled. This shall become clear over the course of time: if she subsequently fails to observe the commandments, she is considered an absolute Gentile. (*Briti Yitzhak*, 1982, p. 26)

Brand's analytical innovation does not seem to have had any public effect. However, such effect was achieved by Rabbi Gedalya Axelrod, son of a leading Chabad rabbi, who in the early 1980s was a member of a rabbinical court in the city of Haifa, then served as Av Bet Din until retiring in 2001, and currently is a leading proponent of Chabad messianism. He, along with other Hareidi judges serving on rabbinical courts, was outraged by what they perceived to be the infringement of their jurisdiction in the realm of *giyyur* by Chief Rabbi Shlomo Goren, who in the late 1970s had established special courts to conduct ceremonies of *giyyur*. At the beginning of 1983, Rabbi Axelrod addressed a halakhic query to Rabbi Yosef Shalom Elyashiv. Born in Jerusalem 1910, Elyashiv served as a judge in the Israeli rabbinic court system until 1974, and then established himself as a major leader of the ultra-Orthodox "Lithuanian" public in Israel. (Rabbi Axelrod's query and Rabbi Elyashiv's Responsum appear in a photocopy appendix to a booklet titled *The Halakhic Value of a Certificate of Giyyur* (*Te'udat HaGiyyur beMivhan haHalakha*), edited by three rabbis (H. Pardes, A. Atlas, and G. Axelrod), and distributed to Israeli rabbinic marriage registrars on 24 Ellul 5743 (2 September 1983). In 1995 Rabbi Axelrod published a volume of his collected *Responsa* under the title *Migdal Tzofim* (Haifa, self-published), and in sections 29–31 therein printed much of the above material]. Rabbi Axelrod wrote:

> It is known to me, that there are many persons who underwent a procedure of *giyyur* (*ma'aseh gerut*) in the Holy Land, by an Orthodox rabbi, but had no intent whatsoever to accept upon themselves the yoke of Torah and commandments. It is clear, that their declaration made in the presence of the rabbi overseeing the *giyyur* that they accept upon themselves to observe, to perform, and to uphold [the commandments]—was merely lip-service. Is it the duty of a rabbi registering them for marriage to investigate and to interrogate the proselyte who applies for marriage with a [born] Jew or Jewess, if they indeed intended to accept upon themselves Torah and commandments?

Although Axelrod provided no evidence for his contentions, Rabbi Elyashiv responded as follows:

> It is very simple, that there is no [valid] *giyyur* without acceptance of Torah and commandments. And if the proselyte has no intention to really become a Jew, to take shelter under the wings of the *Shekhinah*, to observe the Sabbath without transgression, and to uphold the covenant, and his only objective is to attain his material goals and to fulfil his desires, the *giyyur* lacks all validity . . . and since—according to your question—many of the proselytes are of this type, there is a duty incumbent upon the rabbi registering the marriage to investigate and to interrogate before he issues a marriage permit for them. "So that Gentiles will not mix in with the Holy Seed" [a clear allusion to Ezra 9:2].

The very existence of such an interchange is worthy of note: Rabbi Axelrod, a hard-core Chabad believer, addresses a halakhic query to Rabbi Elyashiv, a leading "Lithuanian" rabbi, at the same time that tensions between Rabbi Shakh (then the greatest Lithuanian authority) and Chabad were at their highest ever (leading to the 1983 split within Agudat Yisrael)! Axelrod brings no proof for his contention that Orthodox rabbis accept for *giyyur* persons who blithely lie about their intention to observe the commandments but simply states that this is "known to him," He proposes a plan of action: placing the responsibility for the validation of these proselytes' Jewishness upon the marriage registrars, who should check whether the proselyte had the proper internal positive intention—commitment to observe the commandments—at the time of *giyyur*.

However, unlike what Rabbi Axelrod suggested, what Rabbi Elyashiv ruled was that the registrars must check, if at the time of *giyyur* there had existed external circumstances that indicated internal *negative* intent of the proselyte invalidating her declared commitment to praxis (i.e.,

whether there were sufficient grounds for an "presumed assumption" at the time of *giyyur*, negating the validity of the acceptance of commandments). Eliashiv's ruling was thus still within the conceptual framework proposed by Rabbis Grodzinsky et al., and he did not accept the more radical innovation proposed by Axelrod.

Nevertheless, the historical significance of Axelrod's initiative and Eliashiv's response is tremendous. From earliest times, the members of the court of *giyyur* were entrusted with the function of guardians of the threshold of Jewishness: only if they accepted a non-Jew as a worthy candidate could he undergo *giyyur*. However, if they decided that a non-Jew was indeed worthy, and he underwent a process of *giyyur* under their auspices, he had irrevocably crossed the threshold into Jewishness and had become a Jew once and for all. Rabbi Axelrod—himself receiving a salary from the State of Israel—casts aspersion upon the Orthodox Batei Din of Israel. He claims that they were worse than all previous courts, had betrayed their responsibility, and had failed to prevent the infiltration of Gentiles into the Jewish ranks. Since the courts of *giyyur* had fallen into the hands of the Zionists, a new line of defence was required. This line would be manned by the (presumably Hareidi) marriage registrars, who would deny the possibility of marriage to "false" proselytes. This shifting of responsibility to the registrars was endorsed by Rabbi Eliashiv—until his retirement as dayan in the Israeli rabbinic system, but now acting as an overtly Hareidi authority.

Indefatigable Zealotry

Although Elyashiv did not agree with Axelrod that the criterion for determining such insincerity could be (non-) observance of the norms of halakha at the time of registration for marriage, this did not deter Axelrod. In 1983 he composed a halakhic treatise (later included in *The Scandal of the Forged Giyyurim* [*Sha'aruriyat haGiyyurim haMezuyyafim*], Jerusalem, The World Committee of Rabbis for Matters of *Giyyur*, 1989) in which he took a major step beyond previous positions. He argued that the criterion the registrars should apply was observance of a halakhic lifestyle at the time of registration. If a proselyte came to register for marriage but did not seem to be observing the commandments, the registrar should interpret this as reflecting lack of sincere *kabbalat haMitzvoth*. If so, the certificate

of *giyyur* in the (so-called) proselyte's possession had been obtained fraudulently, and he should not be considered a Jew. In this treatise, Rabbi Axelrod claimed that *ex post facto* invalidation of *giyyur* when the proselyte failed to consistently maintain a religious lifestyle is explicitly supported by the entire halakhic tradition, including the Talmud, Maimonides, the *Arba'ah Turim*, and the *Shulhan Arukh*.

Axelrod found three lesser rabbis—all serving as rabbinical judges in Israeli state courts!—who supported his novel position: Rabbis Joel Kloft (head of a rabbinical court in Haifa), Shlomo Teneh (head of a court in Tel Aviv), and Shlomo Shimshon Karelitz (a veteran judge from an important rabbinic family). Rabbi Kloft wrote to Axelrod three weeks after Elyashiv's *Responsum*, arguing that since the great Rabbi Elyashiv has ruled on the matter, it is imperative to follow his guidance. According to Kloft the upshot is that "the registrar should investigate if the proselyte fully and completely observes the Torah of Israel, and if he is not observant, he is a complete Gentile." On 15 November 1983, Rabbis Teneh and Karelitz concurred. Karelitz wrote: "It is our duty to investigate and find out if indeed this proselyte who comes before the registrar is a real proselyte and observes what he promised at the time of the *giyyur*." Teneh wrote that since Rabbi Elyashiv had ruled on the matter, it is incumbent upon the marriage registrars "to check at the time of registration if the proselyte is still righteous and observant of Torah and commandments." Failing to notice the disparity between Axelrod's contentions and Elyashiv's responsum, these three rabbis focus on the proselyte's behavior at the time of registration for marriage as the crucial determinant of his Jewishness.

At this point it should be noted that serious knowledge of the halakhot relating to *giyyur* were never part of the classic Lithuanian yeshiva curriculum, nor was such knowledge part of the material that students were required to master in order to receive *semikha* (rabbinic ordination). Thus, it is perfectly possible to become a dayan (rabbinic judge) and even an Av Bet Din (chief justice of a rabbinic court) without any systematic command of the halakhot relating to *giyyur*. In addition, while highly detailed works of halakha proliferated in the latter decades of the twentieth century with regard to almost all areas of religious life (as Haym Soloveitchik noted well in his classic "Rupture and Reconstruction"), no such systematic and rigorous work on *giyyur* was ever written by any rabbi until last year, when Rabbi Amsallem published *Zer'a Yisrael*.

Therefore, rabbis who were ordained without significant knowledge of the realm of *giyyur* had no way to access such knowledge without devoting much independent study to the topic. But who had time for that? This at least partially explains why dayanim such as Kloft, Teneh, and Karelitz were open to accept Axelrod's self-declared expertise on the topic, and unable to note the nuances of difference between him and Elyashiv.

Be that as it may, Axelrod convinced two other rabbinical judges to form an action committee with him, and on 31 August 1983 they sent out copies of the treatise to all the marriage registrars in Israel. The purpose of the action committee was to enlist the registrars as guardians of the threshold of the Jewish people, i.e., even if the proselyte had "fooled" a rabbinical court into enabling him to undergo *giyyur*, his intent to join the Jewish people would be thwarted by his inability to marry a Jewish spouse. Subsequently, the committee conducted a campaign to force the Chief Rabbinate of Israel to disqualify all certificates of *giyyur* that had been issued to proselytes who failed to follow a halakhic lifestyle after undergoing *giyyur*. They convinced 180 rabbis to sign a manifesto phrased as follows:

> We the undersigned, rabbis and rabbinical court judges in Israel, request you to examine the lifestyle of hundreds and hundreds of proselytes in the kibbutzim, in the cities and elsewhere, and to ascertain if they observe the commandments—or if they received certificates of *giyyur* through deceit, and their *giyyur* is false.

The logical ground of Axelrod's innovation, clearly supported by the three rabbis' letters and this manifesto, is the existence of a dichotomy between two possibilities: Either the proselyte observes the commandments at the present time, or his *giyyur* is retroactively "discovered" to have been invalid and he is not Jewish. Now, not only does this not accord with all pre-Hareidi halakhic sources; it does not even accord with the positions of Rabbis Grodzinski et al., who raise the possibility of invalidating a *giyyur* only on the basis of a "confirmed presumption" with regard to the proselyte's mindset at the moment of *giyyur* itself. In brief, Rabbi Axelrod successfully initiated a transformational halakhic change.

Whose Turf?

Although an individual rabbi may come up with a novel interpretation purely as the result of an intellectual speculation, the willingness of many

rabbis to support such an innovation may indicate that beyond halakhic reasoning per se, additional considerations have an effect. A close reading of Axelrod's treatise reveals at least some of these factors. He writes that in the past, *giyyur* had been in the hands of the regular rabbinic courts that could be relied upon to accept only worthy candidates. However, with the establishment of the preparatory schools (*ulpanim*) for *giyyur*, and the removal of a large number of *giyyur* processes from the jurisdiction of the [regular] rabbinic courts, the situation had taken a turn for the worse:

> And the judges of the [regular] rabbinic courts had warned of this praxis in their conventions in 1979, 1980, 1982, 1983. And they had unanimously decided to turn to those responsible for *giyyur* in Israel, calling upon them ensure that *giyyur* would be performed only in the regular rabbinic courts . . . and that the *giyyur* of soldiers be performed not by the Israeli Defence Forces' rabbinate but transferred to the jurisdiction of the regular courts.

Clearly, a central concern expressed in this text is that of jurisdiction. A matter previously under the monopoly of the regular rabbinic courts had been transferred to the jurisdiction of "special" courts established for that purpose. What this text fails to mention is that the "special" courts were established in response to the perception that the regular courts were alienating and/or rejecting most candidates for *giyyur*. The regular courts were predominantly staffed by ultra-Orthodox rabbis, whereas the "special" courts were staffed by relatively moderate Orthodox rabbis. The campaign of the rabbinical judges is thus a campaign to preserve (or fully establish?) the hegemony of the ultra-Orthodox vision of the meaning of Jewish existence.

Significantly, while the Chief Rabbinate did not at that time change its policies on this matter, neither the Chief Rabbis nor the Israeli legal authorities took any disciplinary steps against the signers of the manifesto, nor against Axelrod himself. Such reticence would of course be unimaginable had 180 judges of the secular court system come out with a manifesto against, say, a decision by the Minister of Justice to transfer some legal matters to the jurisdiction of specialized courts. Thus, the case of *giyyur* reflects the general problematic of the Chief Rabbinate and the State authorities' relationship toward rabbinic statements—even when made by rabbis who were themselves civil servants.

Since Israeli law attributes legal validity to certificates of *giyyur* issued on the basis of *giyyur* ceremonies performed by the special rabbinical courts, marriage registrars are required by law to accept these certificates as evidence of Jewishness, and to register the bearers of such documents for marriage with a Jewish partner. This creates a conflict between the novel view of Axelrod et al. requiring the registrars to deny registration to many of these applicants, and the legal obligations of the registrars. Rabbi Axelrod addressed this problem directly:

> When there is a conflict between [Israeli] law and halakha, the rabbi acting as marriage registrar is obligated by halakha and not by law, and he is obligated by halakha to refer the bearer of the certificate to the [regular] rabbinic court, and not to allow him to marry before clarification of his status.

Here, too, one might expect that as a civil servant, Axelrod would have been taken to task for inciting other civil servants to act against their legal obligations—and here, too, this did not occur. Indeed, five years after Rabbi Axelrod initiated his novel move, Rabbi She'ar-Yashuv Cohen, chief rabbi and chief rabbinical judge of Haifa (where Axelrod served as a rabbinical judge), attests (in his article "*Ger sheHazar leSuro veEino Shomer Mitzvot*" [A Proselyte who Retracted and who does not Observe the Commandments], *Torah SheB'al-Peh* 29 (1988), 33–43) to the influence of Axelrod's innovation:

> It is quite common in rabbinical courts, that proselytes who underwent giyyur according to halakha under the auspices of rabbinical courts and outstanding expert rabbis, are interrogated later on by rabbinical judges to check if they are actually observant of the commandments. Some of them admit to the judges that currently they are not observant, and it sometimes happens that the court casts retroactive doubt upon the validity of the *giyyur* and refuses to confirm that they are Jewish even if for a brief period after their *giyyur* they observed the commandments and only later "reverted [to a non-observant lifestyle]."

Rabbi She'ar-Yashuv Cohen argues that this position is halakhically incorrect; but by his own admission it is clear that rabbinic courts—at least those in Haifa—were operating against the express ruling of the city's chief rabbi. This itself demonstrates how quickly Axelrod's innovation was accepted by his peers.

A Vector of Extremism

With the passage of time, Rabbi Axelrod's position became even more extreme. His original formulation was that the marriage registrars are "required" to validate the certificates of *giyyur* on the basis of the proselyte's current religious praxis. However, in 1995 he published a "Responsum" in the official organ of the Israeli Rabbinical Courts ("Observance of Commandments as a Condition for [Valid] *Giyyur*" (Hebrew), in *Shurat haDin* (*The Letter of the Law*), Vol. 3 (Jerusalem, Sha'ar haMishpat Institute of the Directorate of Rabbinical Courts, 1995), pp. 175–190). When compared with his 1983 booklet, one major change that becomes apparent is that he now postulates that marriage registrars are *forbidden* by halakha to arrange *any* marriage for a proselyte, without first validating the *giyyur* on the basis both of current religious observance and of religious observance during the period immediately following the *giyyur* ceremony. The fact that the proselyte presents to the registrar a certificate of *giyyur* signed by the official Chief [Orthodox] Rabbinate of Israel is irrelevant for the purpose of determining her current status:

> The certificate of *giyyur* is not considered by halakha as a certificate of Jewishness, but only as a certificate affirming that the bearer underwent circumcision and immersion in the presence of a court. But s/he nevertheless falls under the law that s/he "should be regarded with reservation until his righteousness becomes apparent."

The last sentence refers to Maimonides' *Mishneh Torah*, Laws of Forbidden Intercourse, 13:17. However, the original meaning of Maimonides' proviso is quite different from the meaning attributed to it by Axelrod, as no disqualification of *giyyur* is implied by this phrase. In addition, Maimonides applies this proviso only to proselytes who were not informed at all about the commandments and who underwent *giyyur* in an unofficial ad hoc court of laymen. Axelrod applies it to all proselytes across the board. Axelrod explains that in the past, the presumption was that a person who underwent the process of *giyyur* would observe commandments, since the entire Jewish society was observant. However:

> All the Responsa that we quoted above, and others that we did not cite, indicate that in our times the presumption is that the intention of those seeking to undergo *giyyur* is to mislead the court when they say that they

> will observe the commandments, while in their heart they are far from such intent . . . and the court has no permission to allow those seeking *giyyur* to fool them.

This paragraph contains two significant statements. One is that the general assumption with regard to all candidates for *giyyur* should be that they are cheaters. This is diametrically opposed to the entire halakhic tradition, including even the views of ultra-Orthodox rabbis from Grodzinsky to Eliashiv, who all hold that a proselyte's declaration is sincere unless proven otherwise. The second significant statement by Axelrod is that (*pace* Grodzinsky) the court has no discretion regarding candidates who are willing to profess commitment to religious praxis but may be misleading the court: all such candidates must be totally refused access to *giyyur*.

Rabbi Axelrod's novel analysis led him to outline unprecedented halakhic guidelines with regard to certificates of *giyyur*:

> The [halakhic] consequence of our discussion is that the following wording must be added to certificates of *giyyur*:
> a. This certificate is valid only if its bearer observes Torah and commandments.
> b. The validity of this certificate is limited […] and must be renewed once a year.

On this view, not only can *giyyur* be retroactively disqualified, but it automatically becomes invalid if it is not renewed or if the proselyte fails to fully observant Orthodox lifestyle. Thus, only a person who was born to a Jewish mother is irrevocably Jewish. All others are on eternal probation, and their Jewishness is always completely contingent. Can one imagine a position more diametrically opposed to that of the Talmud in Tractate *Yebamoth*, which goes out of its way to stress that even if the proselyte reverts to pagan behavior immediately after immersion "he is like a Jew in every respect"?!

Retroactive Annulment of Giyyur by Israeli Rabbinic Courts

State rabbinic authorities in Israel have not officially adopted this position of Axelrod *de jure*. However, they have also never stated that retroactive annulment of *giyyur* is contrary to halakha and out-of-bounds to state-employed dayanim. The ever-present possibility that a rabbinic court might retroactively cast aspersion upon a *giyyur* that happened many

years earlier means that the finality of any specific act of *giyyur* is de facto eternally contingent. In February 2005 the Knesset Committee on Aliyah, Absorption, and the Diaspora was assured that for 15 years there had been no case of retroactive annulment of *giyyur* (Declaration by Rabbi Moshe Klein of the National Authority for *Giyyur* in the transcript of the committee's 207th meeting online at http://www.knesset.gov.il/protocols/data/html/aliyah/2005-02-09-01.html). However, the facts were otherwise. Thus, in 2002 a special rabbinic court for matters of *giyyur* ruled that because of non-observance after becoming a proselyte, the *giyyur* of a certain Mrs X

> is annulled because of doubt. We therefore rule that her status is that of "indeterminate proselyte." The halakhic implication of this ruling is that Mrs X is forbidden to marry a Jew unless she undergoes a new process of *giyyur* and this should be made known to the marriage registrars. Similarly, she is forbidden to marry a Gentile. (The judges of this court were Rabbis Zvi Lifshitz, Judah Pris, and Moshe Ehrenreich. The official decision of the Rabbinical Court was signed by the above on the 17 Tammuz 5762 (27 June 2002) and confirmed by Rabbi David Mamo, Head Clerk, on 11 July 2002.)

On this view, continuous performance of halakha after the *giyyur* ceremony is a sine qua non for the Jewishness of the proselyte. Lack of performance at any subsequent time can be construed as undermining the validity of the *giyyur*. Should this occur the person may find herself in a much inferior position to where she was before: neither Jew nor Gentile, she is forbidden to contract marriage with any human being.

In 1992, a woman of Danish birth went through a yearlong process of *giyyur* under the auspices of the Israeli rabbanut (a result of which her original family disowned her). She then married a Jewish man in an Orthodox Jewish ceremony, and they had three children, all of whom were, of course, Jews by birth. Fifteen years later, in 2007, the couple reached a mutually agreed decision to divorce, and underwent a process of divorce in the Ashdod rabbinical court. When the woman later requested a document confirming that she was a divorcee, Rabbi Avraham Atiyyah of the Ashdod Rabbinical Court suspected that she was not religiously observant, and asked her if she observed halakha with regard to Shabbat and family purity. She replied in the negative, and Atiyyah said that she should go home and would in due course receive the proper document. Several months later, she received a nine-page decision authored

by Atiyyah, from which it transpired that he had (unasked, of course) taken upon himself to determine if her *giyyur* was valid, and decided that it was not. Rabbi Atiyyah stated that since it was now clear that she had never been a Jew, her marriage had never been valid, and no divorce was required to terminate it. In addition, he declared that the children born to the couple were non-Jews. Significantly, the majority of sources quoted by Attiyah were composed by Axelrod.

Inter alia, the document contains a vitriolic attack upon the special courts of *giyyur* operating under the auspices of the Israeli Chief Rabbinate. Arguing that the rabbis serving on those courts are apostates, Attiyah states that in his view they are *ipso facto* halakhically disqualified from serving as judges and therefore, all procedures of *giyyur* conducted under their auspices are invalid, whether or not the converts were religiously observant!

Appeal to the Supreme Rabbinical Court—and the Court's Hard-Line Decision

The woman's lawyers appealed this completely gratuitous decision to the Supreme Rabbinical Court of Israel. Chief Rabbi Amar appointed three of the court's judges to decide the case. Two were in favor of upholding the appeal, i.e., of ruling against Attiyah; one, Rabbi Abraham Sherman, wanted to reject the appeal. Sensing that he was in the minority and that his opponents would carry the day, Sherman declared "I can't make up my mind (*eini yode'a*)." This stymied the procedure. Subsequently, a new panel of three judges was appointed (in a manner contrary to the normal procedures of allocating such cases) with Sherman at its head and another judge, Rabbi Hagai Isirer, who held similar views. Rabbi Amar instructed the panel to withhold decision until he himself could deliberate upon the matter, but this time, Sherman had no difficulty in making up his mind. The court turned down the appeal and ruled (on February 10 2008), that Druckman et al. were illegitimate dayanim. Citing Hareidi rabbis almost exclusively, refraining from citing any sources holding alternate views, receiving no witnesses, and without even hearing what Druckman had to say on the matter, Sherman stated these reasons for disqualifying Druckman and "his" courts:

1. They agreed to accept candidates whom they knew would not follow a religious lifestyle. And this was opposed to the entire halakhic tradition. A rabbi who rules against the entire tradition is ipso facto disqualified from serving as a dayan.

2. By accepting such candidates, they were sinning against the Torah injunction not to place a stumbling block before the blind. Specifically, they intended to turn this person into a Jew, but, since he as a Jew would then not follow the mitzvoth, he would be punished by God, and thus his Jewishness was for him a stumbling block—placed there by the rabbis who "converted" him. Conversely, if the *giyyur* was invalid (due to lack of *kabbalat haMitzvoth*), Druckman et al. were placing a stumbling block before the general public, who would be mislead into thinking the "converts" were Jewish, while in fact they were still Gentiles. Such a sin disqualifies a person from serving as a dayan.

3. In addition, another rabbi had claimed that Druckman signed some conversion certificates despite not having been present at the *giyyur*. This proves that Druckman is a liar—a sin that disqualifies him from serving as a dayan.

4. Furthermore, several halakhic articles written by rabbis associated with the special courts for *giyyur* revealed that they felt motivated to accept candidates for *giyyur* in order to act for the general good of the Jewish People, and to prevent intermarriage and assimilation. But such considerations, wrote Sherman, were foreign and extraneous to halakha: An individual could be accepted for *giyyur* only based on his individual merits, not because of general policy considerations. By employing such considerations, these dayanim were further disqualifying themselves from constituting a valid court.

Since all the courts acting under Druckman's auspices were revealed to have been disqualified from at least 1999, and since there was reason to doubt their qualifications from the inception of their activities even before 1992, all *giyyurim* carried out by them could not be validated. Thus, all persons converted by them were either Gentiles or of doubtful, liminal status—perhaps Jew, perhaps not. The upshot was that none of these people or their descendents could be considered Jewish (see this decision online at http://www.nevo.co.il/Psika_word/rabani/rabani-5489-64-1.doc).

Rabbi Isirer added, in a concurring decision, that even if some of the converts had sincerely intended at the time of *giyyur* to observe some of the mitzvoth—such as Sukkoth, Pessah, fasting on the Day of Atonement, and the like—this had no bearing on their lack of *kabbalat haMitzvoth*. The reason for that is that there is no religious meaning at all to the observance of select mitzvoth; rather, what is required is absolute and unconditional subservience to God's command. Living as a "traditional" Jew has no halakhic value at all.

Common to both Sherman and Isirer was a total disregard of the effect their ruling would have upon the specific woman whose *giyyur* they had undermined after 15 years, upon her three children who were suddenly declared non-Jews, and upon the thousands of persons converted by Druckman, as well as their spouses, children, family relations, and so forth. The main thing was, to get the law right, whatever the consequences: *yiqov haDin et haHar*! Although halakhists in the past would always extend themselves to the utmost to free even one *agunah*, and although Torah tells us that we must demonstrate the utmost kindness toward converts, here we have rabbinic judges on the Supreme Rabbinic Court doing the exactly the opposite: selecting only sources that support an exclusivist agenda, placing thousands of persons in an *agunah*-like limbo, and behaving cruelly toward thousands of converts. Apparently, by the fiat of declaring these persons non-Jews, all norms requiring decency toward them were ipso facto suspended. Upon further consideration one realizes that of course, these poor persons were in fact but pawns in the zealous crusade to discredit Druckman and his Zionist band of apostate accomplices.

Needless to say, this decision, effectively denying the Jewishness of thousands of persons who had gone through the laborious and extended *giyyur* procedure required by the special courts—courts manned by dayanim chosen by the Chief Rabbis themselves—caused an uproar. Rabbi Amar was caught in a bind, between his public position as Chief Rabbi (and Chief Justice of the Supreme Rabbinical Court), his personal relation with his sponsor rabbi Ovadiah Yosef (who did not support Sherman, but did not censure him), and his deep fear of Rabbi Eliashiv, aged 99 and supreme doyen of all Hareidi rabbis in the world, the mentor of Rabbis Sherman and Isirer and fierce critic of the special courts (see rabbi Ben Shim'on's statement, below). Amar's situation was complicated by the fact that most legal minds agreed that according to law, there was no way open

for the Chief Rabbi to overturn a decision of the Supreme Rabbinical Court—i.e., of Sherman and company.

In June 2008, the woman and her lawyers, together with many women's organizations and public organizations, appealed to the Supreme Court of the State of Israel, claiming that the Supreme Rabbinical Court had acted in ways that were opposed to basic equity, to human dignity, to Israeli law, to halakha, and to elementary rules of rabbinic court procedure and jurisdiction, and therefore the decision should be declared void. A most eloquent document, the appeal is available online at www.kitrossky.org/proselytism/Bagatz.doc. At the time of this writing, the Israeli Supreme Court has not yet issued a final verdict on this matter.

Rabbi Nissim Ben Shim'on on the Totalitarian Character of Hareidi Halakhic Discourse

After much procrastination, Rabbi Amar decided to utilize a loophole in the Sherman decision: the fact that the court had not decided conclusively that the woman who appealed Atiyyah's decision was not Jewish, but rather, that her status was "indeterminate." He therefore appointed (two years after the Sherman decision) a "special" court of three rabbis, to determine conclusively if she was Jewish or not. This court, led by Rabbi Nissim Ben Shim'on, focused exclusively on two specific questions: 1. Was the Druckman court disqualified at the time they converted this specific woman? 2. Could it be proven that at the time of *giyyur* the woman had not accepted the mitzvoth?

Answering both of these questions in the negative, Rabbi Ben Shim'on determined (in September 2010) that the original *giyyur* remained in force, and the woman was therefore a Jew. Pointedly refraining from taking a more general stand on issues of *giyyur* praxis and policy, Ben Shim'on explicitly stressed another vital matter:

> A leading Av Bet Din recently told me that he supports [a certain interpretation favoring a slightly lenient view]. I do not want to publicize his name, lest his name be added to the list of the "burnt" (*haSerufim*) […] the situation is becoming intolerable: if a rabbi relies upon the Ahiezer [who conceded that a court may rely upon Kluger] he is considered to be the worst […] if a rabbi—who is a rosh yeshiva, a gaon and a great scholar—does not follow "The Line" and does not rule in accordance with the view of that

> rabbi whom "they" decided is "The Posek—there is none other than he (*haPoseq v'Ein Od miLevado*)," then he [the too-independent rosh yeshiva] is no longer called a rabbi and all his rulings are discredited, not only the *giyyurim* that he performed. In addition, "they" threaten rabbis whom they suspect might not rule in accordance with "their" will, that his name will be added to the list of the "burnt." But we, thank God, are immune, and we do not fear the FI"RE (*haE"SH*, an oblique reference to either **E**lya**S**hiv or **A**braham **S**herman) and we follow the rule "Scatter the FIRE yonder" (*v'et haEsh zre hal-ah* [BaMidbar 17:2]).

In this revealing passage, Rabbi Ben Shim'on, Av Bet Din of a District Rabbinic Court, portrays the atmosphere of fear that now pervades Orthodox-Hareidi rabbinic circles. Certain zealots have decided to impose a totalitarian vision of halakha, and to undermine and discredit ("burn") any rabbi who does not toe the line and follow the person crowned as the One-and-Only decisor (posek). Employing the classic rabbinic tool of literary allusion, Ben Shim'on compares these zealots to the 250 rebels who sought to illegitimate the leadership Moses and Aaron and replace them with Korah. So too, these zealots seek to undermine the duly appointed and authorized Chief Rabbinate, and also to force all rabbis to accept the dictates of a self-righteous usurper.

Comments

What can we learn from all this?

One thing that can be seen clearly, in retrospect, is that halakha has not frozen in some pre-modern state. Hareidi rhetoric aside, dramatic changes in the religious positions of completely Orthodox rabbis and in central areas of "Orthodox" halakha have occurred in the past 150 years. Arguably, more dramatic change has occurred within Hareidi halakha than within so-called "centrist" and "Modern Orthodox" halakha—and this may be one reason for (or symptom of) the obvious vitality of the Hareidi world.

Second, these changes did not occur overnight. Seemingly, a single dayan from Ashdod, in a single decision made in 2007, ruled that thousands of *giyyurim* were invalid—and suddenly, due to Sherman and Isirer's ruling in 2008, this became the official position of the Israeli Rabbinic authorities. However, anyone who monitored the discourse, trends, and activities of the Hareidi rabbinic world in Israel could have seen that far

from appearing *ex nihilo*, certain tendencies had been building up steam since 1876, when rabbi Schmelkes first interpreted *kabbalat haMitzvoth* as an internal psychological event. For a hundred years, this school of thought gained vogue in certain Hareidi circles, but had virtually no practical application. This was because other halakhic views were (still) in vogue, and the refusal by Hareidim to convert *gerim* did not preclude acceptance by other Orthodox rabbis worldwide—and in Israel too. At first, true-blue Hareidi rabbis refused to serve in the rabbinate of the Zionist state. But there were many Diaspora-educated rabbis who were not Hareidim, but Orthodox and pragmatic, and when they served in the Israeli rabbinate they realized full well that responsible persons in public office should follow a middle-of-the-road approach. Thus, when the mass immigration in Israel's early years brought many intermarried couples and their children to the shores of the Holy Land, these rabbis did their best, within traditional halakha, to facilitate their *giyyur*. Later, as Hareidi yeshivot in Israel expanded, a double change took place: More and more extreme attitudes became fashionable, and more and more graduates of the yeshivot needed jobs. Many of them—more ideologically extreme than the elder generation of Diaspora-educated rabbis—began to apply for positions within the Israeli rabbinate and rabbinical court system, becoming dayanim, town rabbis, and the like.

As a result of this gradual infiltration of the Israeli state rabbinate, less benign attitudes toward those applying for *giyyur* began to prevail. This led Rabbi Shlomo Goren (chief rabbi from 1973 to 1983) to establish special courts for *giyyur*—thus circumventing the regular courts of "his own" rabbinate. However, his term of office ended in 1983; significantly, it was in 1983 that Axelrod turned to Eliashiv with his innovative proposal. The time was now ripe for the Hareidi rabbis serving within the state rabbinical establishment to assert themselves against the establishment's official policies—and the rest, described above, is history.

Furthermore, Goren—and his Sephardic peer Rabbi Ovadiah Yosef—were both strong and self-confident men, not afraid of any other rabbis. Both of them had been steeled in adversity, branded as mavericks from an early age, and reached their positions despite whatever more conventional rabbis thought of them. In 1983, their term of office ended, and they were replaced by more accommodating men, who were not "into" confronting disarray within the ranks. Thus, when 180 rabbis and dayanim signed a manifesto against official rabbinate policy, or when Axelrod's

1995 article called for placing all *gerim* on eternal probation, or when marriage registrars began to question the validity of the rabbinate's own certificates of *giyyur*—no action was taken against these manifestations, and it became quite clear that a Hareidi dayan or marriage registrar could speak up brashly and/or actively subvert rabbinate policies—and continue to draw an attractive salary from the coffers of the state.

The basically anomalous character of state-rabbinate relations in Israel heavily contributed to the flowering of Hareidi attitudes within the state rabbinate. To a great extent, this is because of the dichotomic character of the way Israelis map attitudes toward religion: either you are secular (*hiloni*) or religious (*dati*). In the eyes of the conventional Israeli secularist, religion is a matter for the *datiyyim*: Let them do their own thing in the realm allocated to them, as long as they don't bother us too much. The *datiyyim*, for their part, including the Zionist Mizrahi movement when it was in the ascendant, encouraged this attitude: don't you secularists mix in on our turf. Thus, civil service functionaries and secular political leaders bent over backwards to avoid taking a position on "internal" religious matters, and state authorities were much more reticent in disciplining state functionaries who were rabbis, than in disciplining any other state-employed personnel.

Finally, while rabbis serving on the "special" courts for *giyyur* were (and are) at heart in favor of encouraging *giyyur*, they never developed a serious *de jure* halakhic foundation for the *de facto* leniency they were practicing. When I tried to understand from them how they justified to themselves acceptance of converts who later would most likely not perform many ritual mitzvot, they tended to reply that "perhaps at the time of *giyyur* their intention was sincere" or that "over time they will come to observe many more mitzvoth." In other words, these rabbis themselves were (and are) not at all sure, that the (historically novel) halakhic position of their Hareidi antagonists is mistaken. This is no less true of Rabbi Amar (not to speak of Rabbi Metzger, who was appointed as a placeholder by Eliashiv). How then could they convincingly rebut the Axelrod/Eliashiv damning critique of their leniency? Of course, as Rabbi Hayyim Amsallem has powerfully demonstrated in *Zer'a Yisrael*, the lenient position in *giyyur* is halakhically much stronger than the Hareidi construct invented in modern times—but to write such a megaesterial work of halakha one has to be a serious *talmid hakham* and—in addition—has to have independence of mind and the courage of one's convictions.

The Place of Orthodoxy in the State of Israel

Susan Weiss

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As the head of the Center for Women's Justice, I encounter on a daily basis the intractable entanglement—the "Gordian knot"—of State and (Orthodox) religion in Israel. This union of religion and state supports a gendered society, infringes on the basic rights of women, challenges the democratic values of the State, and threatens to undermine Israel's integrity as the political expression of the Jewish nation.

Using some of the cases that have come my way at CWJ, I will illustrate the above and argue that the place of "Orthodoxy" in Israel should not be within the coercive sphere of the "state," but within the voluntary sphere of "civil society," alongside other expressions of Jewishness.

An Intrinsically Gendered Society

In Israel, the Chief Rabbinate Law of 1980 states that the Chief Rabbinate is authorized to give answers and opinions regarding Jewish law, to bring the public closer to the values of the Torah and its commandments, to issue kashruth certificates, and to decide who shall sit as rabbinic judges and as official city and community rabbis. The Rabbinic Courts Jurisdiction Law of 1953 (Marriage and Divorce) gives rabbinic courts sole jurisdiction over matters of marriage and divorce.[1] The Chief Rabbinate and the Rabbinic Courts are exclusively Orthodox, and they are gendered. Men and woman are not equal.

No woman serves on the Chief Rabbinate Council, or as an official rabbi of any city in Israel. No woman is permitted to sit on rabbinic courts as a judge.[2] The Chief Rabbinate and its Rabbinic Courts are run by men. The Rabbinic Court Administration Office has tried to bar women from applying for positions as law clerks.[3] In the Petah Tikvah Rabbinic Court, until recently, no woman sat in any position, even an administrative one.

Rabbinic Courts apply religious laws that discriminate between men and women. Women appearing before rabbinic courts have little say in their attempts to divorce their husbands. Grounds for divorce for women are few, if any, and are not mutual.[4] If a woman refuses to accept a Jewish divorce (a *get*), the state has an specific exception to its bigamy laws[5] to allow him to marry another woman and continue with his life (*hetermeah rebbanim*). If a man refuses to give his wife a *get*, she can be bound to him forever.[6]

This taken-for-granted gendered, and discriminatory, world of the Orthodox rabbinic courts trickles down into other parts of Israeli society in the name of pluralism and tolerance. So, for example, Egged, the state bus company, had (until recently) allowed, facilitated, and enforced "separate" buses in which women were expected to sit at the back of the bus, separate, apart, and unequal to men.[7] The Supreme Court of the State of Israel has barred women from praying at the Western Wall in prayer shawls and phylacteries and has, instead, delegated the women to a separate, but not quite equal, section of the wall.[8]

The Infringement on the Bodies—and Basic Rights—of Women

In Israel, the state authorizes the Chief (Orthodox) Rabbinate and its (Orthodox) Rabbinic Courts to "discipline and punish"[9] the bodies of women.

The Chief Rabbinate Office is responsible for monitoring, registering, and conducting all marriages between Jews in Israel. It requires all Jewish women, as a precondition to their marriage, to immerse in a ritual bath (*mikvah*); to undergo a course on when and how to conduct their sexual lives with their husbands; and to set a date of their wedding in accordance with their menstrual cycle.[10] The Chief Rabbinate issues directives that determine the way to operate the (state built) ritual baths that service (the bodies of) Jewish women, and has recommended that attendants refuse access to women who are single or divorced.[11]

The Rabbinic Courts set and interpret all laws regarding divorce between Jews in Israel. According to those courts, adultery on the part of a woman is absolute grounds for divorce; whereas adultery on the part of a husband can be forgiven.[12] The court sometimes conduct "sex" trials to try to bar a woman from engaging in sexual relations after marriage with a man who may have been her lover; and, should the trial prove the allegations true, the rabbinic court can direct the Ministry of Interior to note the fact on the woman's divorce ruling, thus literally branding her with a letter "A" and "outing" her lover on official state documents.[13] Should a Jewish woman commit adultery and bear a child of that illicit relationship, the court can conduct a hearing that will put such child on a blacklist that prevents the child from marrying another Jew.[14] Moreover, under Jewish law as applied by Israeli Rabbinic Courts, a man can withhold a divorce from his wife indefinitely, infringing on her autonomy and freedom.[15]

Challenges to the Values of a Liberal, Democratic State

By deferring to the (Orthodox) Chief Rabbinate and its Rabbinic Courts in all matters relating to marriage and divorce, the state infringe directly on the freedom of conscience of Israelis by subjecting them to religion irrespective of their religious beliefs, or lack thereof.

Israelis are not free to marry in the religious ceremony of their choice. Only Orthodox ceremonies are recognized by the state. Conservative and Reform ceremonies are not allowed, though many non-Orthodox rabbis conduct such ceremonies for their constituents despite the fact that those marriages will not be registered by the Ministry of Interior. (Members of Parliament have proposed to make such ceremonies specifically illegal.)[16] No civil marriage or intermarriage is conducted in Israel.

Israelis are also not free to divorce in a manner of their choice. Even if they married abroad in a wedding recognized by the state under the rules of reciprocity (thus managing to bypass religious coercion at the wedding stage), if both husband and wife are Jewish, the couple will find themselves back on the steps of the rabbinate at the time of divorce. Recently, a rabbinic court held that such a couple must undergo the religious *get* ceremony in order to be divorced, and even incarcerated the husband until he gave the *get*.[17] Such order was a gross infringement on the husband's freedom of conscience, not to mention his physical free-

dom, and ironically, in direct contradiction of halakhic decisors, both in Israel and the Diaspora, who have held that Jewish couples who marry in a civil ceremony do not need a *get*. The husband had agreed to the divorce and simply wanted a decision of the court declaring that he was no longer married.

Israelis are not free to follow their conscience when going to the mikveh. Recently a young high school woman studying at a well-respected Jerusalem High School asked CWJ to petition the High Court of Justice to order the attendants at the *mikvah* to allow her to use the facilities when the attendant refused her access because she was single.

A Threat to the Viability of the Jewish Nation-State

One can argue that the Israeli state has effectively, and perhaps inadvertently, rendered "Orthodoxy" as the established "church" of the state of Israel[18] or as its official state religion.[19] This gives voice, authority, and validation to "Orthodoxy" as a reflection of the "Jewishness" of the Israeli nation state, while in reality the (Orthodox) Rabbinate and Rabbinic Courts are not at all concerned with the values and interests of the state, but rather with what they feel are the values and interests of the pan-national, or trans-national, Jewish people/religion. And the two are not necessarily in sync.

Thus, for the sake of the integrity of both the Jewish people and the Jewish nation, I posit that it is necessary to separate the Jewish "nation" from the Jewish "people," and leave the imagining of the Jewish nation to its own separate sphere and consideration. This separation is not an easy feat, conceptually or practically, and it is one that has challenged the mighty and great. In 1970, Judge Moshe Zilberg, pondering the question whether one could be a Jew by nationality but not by religion,[20] could not find a way to separate the two conceptions. He wrote: "Nation (*leum*) and People (*am*) are synonyms and have the same meaning."[21]

Judge Haim Cohen, on the other hand, understood that one's Jewishness from a religious perspective is not necessarily the same as ones Jewishness from a national perspective and that, when imagining what is a Jewish nation, the courts or whoever else is doing such imagining, must be guided by considerations such as human rights and freedoms. He wrote:

> The halakha has its place of honor. . . . I can imagine other purely legal considerations, with basic constitutional consideration at the fore, among them basic freedoms and human rights, that must guide a court's steps when it will, in the future, have to decide the question of a persons "nationality." All of these considerations are legitimate and must move the court, and even obligate it, to decide the issue in a way that is not consonant with laws of religion.[22]

A Jewish nation, Cohen seems to be saying, must, first and foremost, be one that is consonant with and sensitive to human rights and freedoms.

The Need for a Place in "Civil Society"

While I have made a strong argument to take the Jewish (Orthodox) "religion" out of the Jewish state and its coercive state apparatuses, I would also like to make a strong argument for nurturing and sustaining Jewishness in the "nation" sense as a reflection of the morals and values of the Jewish state. To do this I would not relegate the Jewish religion to the very private sphere of the individual and family. Instead, I would place Jewishness in all its manifestation, as culture/tradition/religion, in the very public sphere of civil society—the space inhabited by voluntary civic, social, and religious organizations and institutions.

I would like Jewish culture/tradition/religion to flourish in the state of Israel, thus sustaining the Jewish nation. I would even suggest that the state support the various activities of the various civic and social expressions of Jewish culture/tradition/religion without preferring one expression of Jewishness over the other. Israel should become the Mecca for Jewish learning, writing, art, music, and religious denominations of all sorts, including of course Orthodoxy in all its permutations. In the public sphere, and subject to human rights and religious freedom, Judaism would be the cultural capital of all Jews, Israeli and otherwise.[23]

No religion—whether the current Orthodox, or any other variation thereof, be it benevolent Orthodox, Open Orthodox, Reform, or Conservative—should be thrust on the citizen of a democratic state. Today's benevolent Orthodox is tomorrows fundamentalist. The democratic and liberal values of a modern state must allow for freedom of conscience, or reflections of Judaism that may not be the ones that we personally espouse. Only such pluralism and tolerance with keep us

together. Forcing all of us into one narrow, square hole for the sake of supposed unity and uniformity, is not working. Instead, it is alienating the great majority of us Jews from both the state and the religion.

Haval, what a shame. We Israelis and Jews of all denominations, including the ultra-Orthodox, deserve a more hopeful, pluralistic, and tolerant reality.

NOTES

1. Rabbinic Courts Jurisdiction Law (Marriage and Divorce). 1953.
2. See, for example, Convention for the Elimination of Discrimination Against Women (Israel expressly notes its reservations to section 7(b) of the law stating: "1. The State of Israel hereby expresses its reservation with regard to article 7(b) of the Convention concerning the appointment of women to serve as judges of religious courts where this is prohibited by the laws of any of the religious communities in Israel. Otherwise, the said article is fully implemented in Israel, in view of the fact that women take a prominent part in all aspect of public life.")
3. Jerusalem Labor Court File 3252/08, Center for Women's Justice vs Rabbinic Administration (2008) (holding that tender for law clerks issued by rabbinic courts administration was discriminatory and void) (unpublished).
4. For example, if a woman has committed adultery, this is grounds for her husband to divorce her. It is not absolute grounds for ordering a man to divorce his wife, especially if he expresses remorse for his waywardness. Multiple wives were permitted in the Torah. Moreover, under Jewish law, men do the divorcing, not women. Women can, at best, ask for rabbinic intervention to convince their husbands to divorce them.
5. § 179 Israel Penal Code (1977).
6. Talmud Bavli *Yebamoth* 112b.
7. In October 2010, the Ministry of Transportation adopted the recommendations of a committee set up in 2009 to deal with the legality of "separate" buses (http://img2.timg.co.il/forums/1_138417519.pdf). The ministry agreed that a person cannot be prevented from sitting in his or her seat of choice on the bus, thus overturning the policy that Egged had adopted regarding this buses since the beginning of the 1990s.
8. Dan Gat'z 4128/00 Prime Minister's Office vs Anat Hoffman (2003).
9. Cf. Michelle Foucault, *Discipline and Punish* (1975) (describing how the state has used its power to discipline and punish the bodies of criminals).
10. One rabbi recently refused to perform a wedding when the bride could not present a *mikvah* attendant's certification that she had undergone the required ritual immersion
11. Apparently a recent directive of Chief Rabbi Metzger disallows the use of the *mikvah* by unmarried women. The Chief Rabbi's office has refused our requests to see the directives in writing.

12. See note 4.
13. See, e.g., Bagatz File 982/04 citing Bagatz File 212/74 P'D 29 (2) 433 (2004) (describing under what circumstances reference can be made to the *boel* on official documents).
14. The Rabbinate has a "black list" of "*mamzerim*" who were born of illicit relationships. See http://www.justice.gov.il/NR/rdonlyres/EC880D06-9620-44AC-9CC2-3A1ED52643F8/0/lineage.pdf (directive setting up special courts for minors who are suspected of being *mamzerim*, signed by Rubinstein and Rav Amar) (January 11, 2004).
15. See Jerusalem Family Court File 3950/00, P"M (2001) 29 (2001) (Greenberger, J. BenZion denying motion to dismiss claim for damages for *get* refusal, Judge BenZion Greenberger, an Orthodox rabbi, explains how husbands who refuse to give their wives a *get* are also infringing on their autonomy and freedom). J. Greenberger writes:

    > Every woman, every person, is entitled to write the story of their life as they wish and in accordance with their choice—as long as they do not trespass into the domain of others—and this is the autonomy of free will.… The aspiration of a woman who wants a divorce to fashion her personal condition as a free person determining her own fate merits every defense as an inseparable part of her dignity as a person. (http://2335666652275703265-a-1802744773732722657-s-sites.googlegroups.com/site/centerforwomensjustice/file-cabinet-test/ETortGreenberger2001.pdf)

16. Zevulen Orlev Proposed Amendment of Penal Code (Private Marriages) (2009). www.knesset.gov.il/privatelaw/data/18/1023.rtf.
17. Haifa Rabbinic Court File 587922/5 (Dec. 16, 2010) (ordering incarceration of husband) (unpublished).
18. Jose Casanova, Public Religions and the Modern World (1994), at 47 (defining a national "church" as one whose coercive and monopolistic capacities have the backing of the state).
19. See Chief Rabbinate Law (1980). Wikipedia (in Hebrew) (referring to the Chief Rabbinate as the "highest rabbinic establishment" of the state).
20. Bagat"z 58/68 Shalit, et al. vs Ministry of Interior and Haifa Registration Clerk, P"D 23 (2) 477–608 (1970) (holding that the registration clerk cannot interfere with a person's discretion to register himself as a Jew by nationality, regardless of whether he was considered Jewish under religious law). Six months after the decision, the Knesset amended the Registration Law to overturn the majority holding in Shalit.
21. *Ibid.*, 494.
22. *Ibid.*, 491.
23. See Casanova, supra n. 18 (reaching the conclusion, that, should religion have a public dimension, it must be subject to the values of human rights and freedom of conscience).