

# Reasonable Judaism from Rabbi Tobin

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## Rosh Hashanah 1 - Civil Discourse, Civil Rights in America and Israel

### “Civil Discourse, Civil Rights in America and Israel”

Rabbi Robert L. Tobin

Rosh Hashanah 1

B'nai Shalom, West Orange NJ, 5779/2018

Shanah Tovah. Are we listening to each other? Are we able to be in relationship with people with whom we disagree? Do we value differences? Are we trying to create a world of subtlety and variety? Or do we want it simple, even if that means the destruction of the rare or the minority? Do we inevitably turn the news to the station we agree with, feeling secure in the validation of our own opinions and rendering the purpose of news moot. Or will we read and watch a variety of sources, and believe that there is truth in each for me to discern?

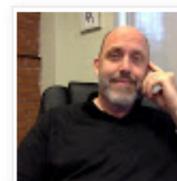
Ted Cruz said, “You often see in Washington those who disagree you described as stupid or evil. It's one of the most unfortunate trends of modern political discourse. Portraying opponents as too dumb to know the truth but smart enough and wanting people to suffer.” While I am not sure that this lament is new, it certainly is felt as more extreme in our day. We live in a time of profound polarization. This synagogue is not to be a place of polarization, yet it is also not a place to ignore reality. Our most important room and our most important role are one and the same: a sanctuary. In one sense, it is a refuge from the outside tumult.

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A Masorti Rabbi, student of philosophy, lover of astronomy, husband and

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But in a more important way it is sacred. This is holy ground, and war may not be fought here. All may speak, knowing that they will be heard and respected. NO one will be called stupid or evil for their views.

This morning I do want to talk about civil discourse, and look at the example of the Conservative movement in the Land of Israel, where we are the besieged minority.

Before I tackle that, however, there is an elephant in the room regarding American Jews and the State of Israel that comes from this past Tuesday's speech by Deputy Minister Michael Oren. First, I have made a real point to only speak politics from the bima when a core Torah topic is active. It is not my role, nor is it the role of the synagogue to adopt a political stance on 99% of the debate that surrounds us.

For example, The Torah commands that the widow and the orphan and the stranger be treated with dignity, and that they follow one law with the citizen of the land. Clearly taking children from parents for being strangers is a gross violation of Torah law. Judaism clearly speaks to that policy. But it would be wrong for us to say Judaism has a view on the border wall. What Torah value is in play? So I don't speak about the wall. Judaism does have a view on people in society. Those are different.

But is it possible for the synagogue to be apolitical? We are all politically minded and our Judaism helps to define our politics as individuals. But it is politically possible to believe that one path or its opposite is the best way to reach a Jewish value. We'll teach the values, and you pursue your politics. We'll expose you to people and ideas, and you will hopefully engage those ideas in both speech and in listening with the people in our community.

So, to be clear, the speech by Deputy Minister Michael Oren does not set the policy for B'nai Shalom, and does not represent B'nai Shalom. He is, however, and entirely valid voice, and represents a majority coalition in a democratically elected government in Israel and his analysis and opinion are important for us and for everyone to hear and to know. Should anyone be

interested in pursuing a Labor or Meretz Member of Knesset to come and present their own passion for and Love of Israel, I welcome it. I don't endorse it, and they, too, would not represent us. But civil discourse must be based on the ability to hear.

However, as Senator Moynihan often said, you have a right to your own opinions, you don't have a right to your own facts.

Political pundits can spin truth and create stereotypes that essential degrade facts into talking points which destroy discourse.

Look at the talking heads on cable news and remember what John Locke wrote: "There cannot be greater rudeness than to interrupt another in the current of his discourse." Demand truth, and speak truth.

Basic words, such as Liberal and Conservative, have very real and specific definitions, reflecting sincere approaches to the role of government, the place of civil rights in relation to public authority, and the policies of any white house. Unfortunately, these words have become pejorative words when spoken by the opposite side. You liberals. You conservatives. Using either word now presumes avarice and creates a stereotype of simplified thinking that only further polarizes debate. While that may be the tools of politics, it should not be the tools we turn to when speaking with each other. Talk about specific policies, specific actions, and be open to each conversation like a new beginning with each other.

We are a community, bound by common love of Israel as a whole, dedicated to the strengthening and building of the Israel that we love. Among us in America and in Israeli politics there are sincere differences. But we will not, must not, vilify each other in the process. We - as Conservative Jews - are dedicated to facts and history as the lens through which we interpret and understand Judaism and our lives. That is the hallmark of Conservative Judaism: positive historical Judaism. Fact based tradition.

On Yom Kippur I will be talking about truth or consequences. Not the game show, but what are the consequences of truth in our lives. I will speak more about civil discourse, hearing and listening. But for now, I will leave this past Tuesday's political comments to

the side, and look at our own piece of the puzzle.

As Conservative Jews, we have a few historical facts that we need to accept. First, in America we are a movement in demographic decline. In Israel, we are a movement experiencing demographic growth. But the numbers are not comparable. Whereas we count Conservative Jews here in millions, we count them there in bare thousands.

Our approach is to care deeply for both the *halakhah* (Classical Jewish Law), and truths that derive from modernity. I believe that truth is truth, whether it comes from Sinai or the laboratory. Truth will always matter, and will always win out in the end. So when we need to know the numbers and act accordingly.

As a movement in decline, it is the local synagogue and the local community that carries the burden of purpose and meaning. It is at the local level that we counter the trend, reach out and offer our unique strengths and purpose in Judaism. And in Israel, we need to know that we will always be a tiny minority compared to the broad spectrum of Orthodoxies. And there, no less than here, the answer is at the local level. It is in individual communities, their relationships, their lived lives. And the bottom line is that we are a fact, we are real, we are legitimate, and our numbers or demographic trend do not determine our legitimacy.

It has been said that non-Orthodox Judaism will diminish and disappear, so Israel doesn't need to care about us. That is false on both counts. First, non-Orthodox Judaism will not disappear. The cat's out of the bag and **a variety of Judaisms** will forever be the future of our people. Second, the fact that we may or may not be a growing demographic does not diminish our civil rights here and should not determine religious civil rights in Israel. A democracy is judged by its treatment of its elderly, its young and its minorities. A democracy where the majority votes to oppress the minority's rights is not a fully legitimate democracy.

We decry our status in Israel as a minority. The government empowers a religious hegemony of Orthodoxy and we have fewer religious rights than any other religious group. Freedom of religion

in Israel is for Muslims, Christians and Orthodox Jews. A Conservative/Masorti rabbi in Israel can not perform a marriage, or a conversion, and the moment we seek any official public role representing a Conservative community, we are blackballed and excluded.

For example, (from SRS website) [Rabbi Dubi Hayoun](#), director of Midreshet Yerushalayim and a Schechter Rabbinical Seminary (SRS) graduate, was detained by Israeli police recently in Haifa at 5:30am. Crime committed? Conducting a wedding according to the laws of Moses and Israel – in Israel. Rabbi Avi Novis-Deutsch, Dean of SRS, stated: “The Rabbinical Seminary ordains Masorti/Conservative rabbis who will officiate at weddings in Israel even though it is “forbidden according to the law.” According to the law, a wedding must be officiated by the chief rabbinate and anyone who does not want to register with a religious council is at risk. The paradox is that in order to accuse someone of having a wedding outside the rabbinate, they have to admit that what we did was indeed a wedding. And if they do not recognize our weddings then on what is this accusation based?”

The Chief Rabbinate of Haifa refused to perform the wedding of a young couple because the young woman was a “safek mamzeret,” might have been conceived by a man other than her father. After the rabbinate refused to perform the wedding, the couple came to Rabbi Hayoun. After a thorough investigation during the course of one week, he concluded that the problem was invented by her father who wanted revenge against her mother. A year and a half after Rabbi Hayoun performed the halakhic wedding, the Chief Rabbinate of Haifa came to the exact same conclusion and issued an official document that the young woman may marry! In other words, It took them 18 months to conclude what Rabbi Hayoun concluded in one week! And to top off their incompetence, they asked the police to arrest Rabbi Hayoun!

The fact is that a Conservative rabbi who performs any wedding (a crime) also can not register it with the town (another crime) and faces up to 7 years in jail. We have never had a secure

legal footing in Israel. Nothing has been taken from us. The 1953 Marriage and Divorce Law in Israel placed these matters under the chief rabbinate. There are, however, status quo problems that are getting very much worse, and are frightening, as Rabbi Hayoun's case points out.

The primary symbolic issue for this conflict has been the Western Wall in Jerusalem. The wall was never segregated male and female in the establishment of the State of Israel, but it slowly fell under the control of Orthodoxy and specific regulations were put into place. NO matter that the halakhah allows women to form a minyan and read from the Torah. Now it is forbidden. Women of the Wall has waged that fight for years and years now, and the truth is that the Supreme court has done what it can, and the solution will have to be political. An egalitarian space does exist, created by Naftali Bennet, Natan Sharansky and others under auspices other than religious affairs. But it is the source of a huge fight.

Women of the Wall want three sections in the main plaza, men women and egalitarian. The Orthodox want the status quo with no women's minyan ever taking place. Many Conservative Jews are happy with the area in Robinson's arch, but would like better access in the form of ramps and signs and so on. Two years ago, PM Netanyahu made an historic agreement with the Orthodox authorities in his cabinet and the leaders of the non-Orthodox movements in Israel and America to create an expanded area at Robinson's arch and common access and entry points. Eventually this was abandoned last summer and he had to appoint a committee to deal with finding a better deal. We were furious. And in the meantime two of his own people quit the committee publicly as the Rabbinate claimed that Reform and Conservative were contrary to all Torah law and the entire Temple mount wall through Robinson's Arch was sacred and under their sole control. What's a PM to do?

Netanyahu side stepped the rabbinate and invoked a municipal code allowing construction to be implemented with out permits if it is to provide equal access for people with disabilities.

He is trying to move ahead in the expansion of Robinson's arch without Orthodox approval on the city council for a permit. Like Bennet before him, he is using a non-religious loop hole to try to do what is right. While I applaud the maneuver, it is not an answer.

Our place in Israel can not be guaranteed by slight of hand. It must be protected and assured as a value of the state. Our rights can not be bargained by an authority that rejects our Jewishness, or legitimacy, our identity. Israel must either protect its religious minorities overtly, or separate church and state, or admit that it is not a genuine democracy when it comes to Judaism.

But this is where the idea of civility in discourse returns. The truth is that the Orthodox authorities in Israel do not engage in discourse with us. It is easier to lump, to stereotype, to vilify and disregard. They talk about us, but not with us. And when that happens, a true democratic system protects the rights of all equally.

But we also need to be a reality on the ground in Israel to have legitimacy, and the Masorti movement has been doing that for decades. We now have dozens of small communities throughout the land, and the demand for weddings and bar mitzvahs with our kind of Judaism is high. We are an inclusive form of Judaism, legitimate in our norms and recognizable as a traditional form. So many are excluded or turned off by the stricture of the religious status quo today there, that our form of Judaism will continue to be attractive over time. But it needs help. And that is where we can build ourselves up and have an impact. Our Israel efforts in this community need to include a Masorti education process beyond just our sister synagogue in Arad. We need to engage the Masorti movement, learn about it, support it, and advocate for it. We are a minority, and need to recognize that fact. The truths are clear, and the need is real.

In the end of the day, in Israel as in the United States, minorities in a democracy must speak for themselves and must work for their own needs. But the playing field needs to be equal, and the powerful must respect and welcome their place in the greater whole. Democracy takes patience, it takes knowledge, it

takes truth based in facts, it takes compassion, it takes respect, it takes tolerance, it takes effort. In this synagogue, all are welcome. All voices and opinions that will eschew labels and name calling, stereotyping and prejudice, and who want to engage in real civil discourse about our Torah values, our Jewish Lives, and our pursuit of a Just Society.

Come together, work together, pray together, live together. It is our differences that justify our individual existence. It is our variety that God loves most of all.

*L'shanah Tovah Tikateivu*

Posted by [Rob Tobin](#) at 6:16 AM



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