



## Human Rights Shabbat Israel

*Rabbi Debora Gordon*

Universal Declaration of Human Rights, Preamble

“Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”

Pirkei Avot 3:14:

Beloved is all humankind for they were made *b'tzelem Elohim* (in the image of God). Doubly beloved are they, for they were told that they were made in the image of God. As it says: "In the image of God was humankind made." (Genesis 9:6)

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As Jews and as human beings, there are values that we hold dear. Four of them can be found in a single verse in the book of the prophet Hosea:

*V'eyrastich li b'tzedek uv'mishpat uv'chesed uv'rachamim.* God says to the Jewish people, "I betroth you to me in *tzedek* and in *mishpat* and in *chesed* and in *rachamim*." These words are recited daily by Jews who wrap themselves in *tefillin*, symbolically binding themselves to the fulfillment of these four values. They are:

*Tzedek.* Justice. The abstract ideal to which we aspire, but which, being human beings with limits and flaws, we can't ever totally reach.

*Mishpat:* The rule of law. *Mishpat* is the legislature and the court system and the enforcement. It's the way that we put our ideal of *tzedek*, of justice, into effect in our human society. *Mishpat* without *tzedek* is arbitrary and capricious and usually discriminatory; *tzedek* without *mishpat* is just a rosy ideal without real-world application. Together, though, they form the foundation for a just and livable society.

*Chesed* can stand for *g'milut chasadim*, deeds of loving kindness. These are the good things that we do for each other, from holding open a door to comforting a mourner, from bringing a tuna-noodle casserole to volunteering in all the myriad ways that we do.

And *rachamim*, usually translated "compassion," is really wider than that: *Rachamim* is empathy, feeling other's feelings as if they were your own. It includes rejoicing with another's joys as well as mourning their sorrows.

Note that *chesed* is listed before *rachamim* -- first the deeds of loving kindness, then the empathy. And isn't that so often necessary? We are reminded to go out and do those deeds of loving kindness, whether or not we're feeling empathic. One's own internal emotional response is just not as important as getting out there and making a difference; in fact, we often come to feel connected to "the other" through our actions. So the actions take precedence over the feelings: "Just do it!" as the phrase so famously says.

Jews who lay *tefillin* symbolically bind these words--and many others from our tradition--onto their weaker arm, across from their heart, to strengthen their resolve to live up to the ideals and values of our tradition. But you don't have to lay *tefillin* to have that same commitment to put justice and compassion into practice. This phrase reminds us that in order to do so, we have to have strong and just legal and political structures.

We have to do our own caring actions as well. Some people may be drawn more naturally to political work, others to personal acts of caring service, but together, as a Jewish and human community, these are some of our fundamental responsibilities.

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When I was in Israel in October, I saw these values in action. And they made me very proud. But I am sorry to tell you that I saw them against a backdrop of their opposites: of laws skewed against minority groups, of individual deeds of violence and harassment, by Jews, against Arabs. And it broke my heart.

I'm passionate about Israel. I love Israel, I care about her well-being, and I absolutely affirm her right to exist as a free, independent, and democratic Jewish state.

It is important to make this affirmation. Because there are people, here and elsewhere, who do not affirm Israel's right to exist, who criticize in order to de-legitimize, in order to undermine, who wish to erase Israel's existence. Their motives and mine are diametrically opposed. When I criticize Israel, it is in order to "utz" her to be better; because it tears my heart when she is not living up to the best Jewish and human values.

These are the values of our Bible, which are also enshrined in Israel's own Declaration of Independence. To be specific, Israel's Declaration of Independence includes the following paragraph:

*THE STATE OF ISRAEL will be open for Jewish immigration and for the Ingathering of the Exiles; it will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations.*

You know as well as I do that no country, not Israel and not the United States, does a perfect job of living up to all these commitments of equality. But we do try, both there and here, and that's a source of pride.

And for the places where we fall short? Every organization needs the "loyal opposition," those dedicated to its welfare and well-being, who nevertheless challenge it to live up to its best. There are many ways to love Israel, and one of them is to encourage it to be its best, to live up to the Jewish and human values that we hold dear. Everything I say comes from that framework and that commitment.

Today I will speak about ways that Israel is not being its best, in fulfilling its responsibilities to the Palestinians who live in the West Bank -- because I passionately believe that Israel can do better, and that the better informed \*we\* are, the more we can help. While some of the generalities may apply to Gaza as well, I didn't visit there and I'm not familiar with the situation on the ground; and the political and military situation isn't the same as in the West Bank, so I don't feel equipped to comment on it directly.

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Israel of course has responsibility for her own citizens and residents who live inside the Green Line, which represents the armistice line in 1949 at the end of Israel's War of Independence. This includes Jews of many backgrounds, including Jews from Arab countries who are by culture Arab Jews; Arabs who are Muslim and Christian, who if they lived on the other side of the Green Line would be called Palestinian; and this includes Arabs known as Bedouin, who were formerly nomadic but are generally settled these days; other, smaller groups such as Druze and Baha'i; and immigrants, workers, and refugees from all over the world.

Israel also has direct responsibility for hundreds of thousands of Israeli Jewish citizens who have moved over the Green Line into the West Bank. And Israel also has responsibility, direct and/or indirect, for at least two and a half million Palestinian Arabs who live and own property in the West Bank. (This number is from the CIA's website: <https://www.cia.gov/library/publications/the-world-factbook/geos/we.html>) That responsibility began in 1967, at the end of the Six Day War. According to Ya'el Dayan, daughter of IDF (Israeli Army) General Moshe Dayan, and herself a former IDF soldier, the hope after the Six Day War was to use the captured territories as bargaining cards, trading them back to Arab control in exchange for peace agreements. But that hasn't happened: Sinai was returned to Egypt, but Gaza remained Israel's responsibility. And peace was signed with Jordan without any territorial concessions. This has left the West Bank in Israeli hands for 43 years now. And I am sorry to tell you that the word that describes how Israel is administering that territory is "occupation."

This is a very sensitive word, for those of us who care passionately about Israel and its well-being; because it is used as an attack by people who intend to de-legitimize, undermine, and ultimately destroy her off the face of the earth.

The reality of such attacks, though, does not mean that the word isn't accurate. It tears the heart to find out that some things you may have heard flung at Israel as accusations are, also, statements of fact. 3 weeks ago, even 2 weeks ago at the beginning of my trip to Israel, the word "occupation" shocked me. But over the last two weeks I've gotten used to it as a simple statement of fact. Here's why:

Israel has neither annexed nor released the West Bank. The land is under military rule, but the populations are ruled by different sets of laws. The Israelis who live there vote in Israeli elections, are protected by the Army, and are subject to Israeli civil law. The Palestinians living in the West Bank vote for the Palestinian Authority, and in some places are subject to Palestinian civil law, but in over 60% of the West Bank the Palestinian Authority has no civil authority, in what's called "Area C"; there, Palestinians cannot vote for anyone who is in authority over them. And Palestinians everywhere in the West Bank are subject to Israeli military authority, without the right to vote for the

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civilian commanders of the military; though in the places of densest population, "Area A," the Palestinian Authority has day-to-day responsibility. Israel has a measure of control over the disbursement of tax revenue to the PA; and my Palestinian host mother, with whom I stayed for 2 days in the town of Beit Sahur (next door to Bethlehem), was to me surprisingly bitter about the fact that her family's Palestinian Authority passports have on them the same ID number as is on their Israeli-issued identity cards. Clearly there is no autonomy here. It is not a democratic system. The West Bank is not a normal, integrated part of Israel, in terms of politics nor civil law nor military rule.

If Israel is serious about claiming the post-1967 borders as its international borders, then it has to extend civilian rule to \*all\* the land inside those borders, and grant some kind of civilian status (including the right to vote) to \*all\* people who live there. (It has not done this, and it might be the end of Israel as a Jewish state if it did, unless birthrates changed.) To hold a population without the right to vote for the leaders who are in charge of both civil authority and the Army -- that's an occupation. I do not use this name to demonize Israel. It's just a statement of fact.

And situations like this are too often rife with abuses of power. While obviously that's not good for us -- Israel, and by extension Jews -- in terms of what we look like in the eyes of the world, more importantly, it's not good for our own beloved Israel's moral health. Palestinian residents of the West Bank are subject to personal harassment, economic deprivation, and restrictive zoning -- I just got back from Israel last Thursday and witnessed some of this myself.

This hurts the heart, because we love Israel. And we can do better than that.

The usual argument, "Security," just doesn't justify everything I saw. How does it help Israel's security to forbid a tiny village of 4 Arab families (in the Negev) from building outhouses? How does it help Israel's security when Jewish settlers come down from their hilltops in the West Bank and steal olives off the trees of Palestinian farmers at harvest time? With the Army often doing nothing to prevent it, even when the respected Israeli Jewish Human Rights Group, Rabbis for Human Rights, repeatedly warns the IDF of likely trouble spots ahead of time? How does it help and promote Israel's security when Palestinian towns in the West Bank have to go through a planning process that can take between 5 and 15 years just to build a wastewater treatment plant? How does the conspicuous consumption of water in this water-poor country, exemplified by the big green lawns I saw in the West Bank settlement of Ofra, contribute to Israel's security? (Families inside the Green Line don't even lawns like that!)

As Rabbi Arik Ascherman said to our group, policies like these don't give his young children security. They actually endanger them.

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Rabbis for Human Rights in just one of literally \*hundreds\* of groups, some Jewish, some cooperatively Jewish and Palestinian, who are trying to right these wrongs. Some are doing education, especially with young people and the Army; some are bringing legal challenges and then pushing for implementation of court decisions. Many are doing on-the-ground interventions, such as helping Palestinian farmers to be able to harvest their olives or providing Jewish drivers and supporters to accompany Palestinians to hospitals inside the Separation Barrier. They are protesting the proposed destruction of Palestinian houses in East Jerusalem or the route of the Separation Barrier when it cuts across Palestinian olive groves and cemeteries. (By the way, every Israeli to whom I spoke affirmed the necessity of the Security Barrier to protect Israeli lives. The criticism is that if you build a fence, you don't build it down your neighbor's driveway and through his rose garden, but on the edge of your own property.)

Ya'el Dayan is very passionate about the need to "re-partition." In modern times, the only Israeli borders that have international sanction are those of the UN's Partition Plan of 1947. In the last 40 years, there has been a huge Jewish emotional investment made in the hills of "Judea and Samaria" -- another name for the West Bank. And it is true that those hills were the heart of our historic and ancient homeland.

But if we continue to claim those hills simply by moving more and more Jews onto hilltop settlements and outposts -- usually expropriating Palestinian land, rather than even respecting the rule of law and attempting to buy -- then we will end up with a historic heartland with a subjugated population of disenfranchised and disposed non-citizens kept subdued by force, by walls and barbed wire, roads they are forbidden to drive on, and by the guard posts that are springing up in the West Bank. And we will have neither *tzedek* nor *mishpat*, neither *chesed* nor *rachamim*. Not justice, not the just rule of law; neither deeds of loving kindness nor the ability to celebrate and mourn with our neighbors.

Letting go of those areas, giving them to Palestinian political and military control, may mean that Jews don't have the right to go there for a while. Or, optimist that I am, it may not prevent us from visiting. Either way, it will feel like amputating an arm and a leg.

But if that's what we need to do to survive, we'd better get ready to do it. Or we will not like what we are becoming.

Please remember that I love Israel. I am passionate about Israel. I believe in the absolute and complete right for the existence of a free, democratic, and Jewish state. But for me, it must be in PART OF our historic homeland. Like it or not, we have to share. The Palestinians aren't going away. Neither are we.

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And like it or not, we have to face up to the fact that our beloved Israel is sometimes behaving in unacceptable ways, and I feel the need to stand up to change this. Calling a spade a spade, or an occupation an occupation, is part of doing it.

I understand that there are plenty of Palestinian abuses and violations of a decent moral code. I do not excuse that for one minute.

But Palestinian behavior isn't my problem to solve. Israel's security is my responsibility; and Israel's pursuit of basic Jewish and human values -- as defined in our Bible and as explicitly enshrined in Israel's Declaration of Independence -- is my responsibility.

Those are *\*my\** problems to solve. And the sooner we stop using Palestinian misbehavior as an excuse for our own, the sooner we will be living up to the Jewish and human values that we -- and Israel herself -- hold dear.

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