

The Threat to Democracy

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This morning we read these words from Torah: *Atem Nitzavim Hayom Kulchem*....all of you are standing this day before Adonai your God, your tribal heads, elders and officials, every man, woman and child of Israel, the strangers in your camp, from the ones who cut your wood to the ones who draw your water.

For me, this is a very visual picture. Tens of thousands of Israelites, and other peoples who bound their destinies with them at this moment, are camped around the *Mishkan*, the portable ark, each according to their tribe, each under the standard of their clan and tribal flag. Thousands of our ancestors gather to hear Moses words, and to come into a covenant with God and with each other, a pact of Jewish peoplehood. Every voice is part of this covenant- this brit- the voice of women and children alongside the men. The voice of the stranger next to the voice of the citizen. The voice of the water drawer next to the voice of the officials. The Israelites may have been a tribal people but this moment codified that we were more than any one tribe, we were first and foremost, ultimately and eternally, One People.

There is another very visual picture I hold, again of tens of thousands. No longer Israelites, but now Israelis, this is a picture in my mind from these last nine months. The tribal heads are now Heads of corporations; the officials are now former government, Mossad, and military officials, former prime ministers and Presidents; women who are physicists and women who are housekeepers, children who are at university and children on their abba's shoulders; fathers who are plumbers and contractors. Religious Jews and secular Jews- called to this moment of covenant. The covenant is one of statehood, the Israel established 75 years ago as a national homeland for the Jewish people with a Declaration of Independence that reads, Israel "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". The text of the Declaration, penned by David ben Gurion never fails to give me goosebumps. It, like the Declaration of Independence here in the United States, is a vision of people gathering from all over, and rising above hardship and history to lift up the greatest of human values: equality, freedom, justice and peace.

There have surely been times in the last 75 years that the state of Israel has faced existential crisis. Today the existential crisis is not from belligerent states on her borders. The existential crisis Israel is facing is from belligerent actors within her borders, far-right, extremist ideologues, who have chosen to **raise their tribal flag above the value of peoplehood**. Make no mistake- this is an existential crisis that may end Israel as a democratic state. This did not happen overnight. The seeds for this moment have been planted for many years. But the election of a far-right nationalist government that took power last January has unabashedly brought forth legislation and an agenda that dismantles democratic checks and balances, giving a platform to the most right-wing fringes of the religious Zionists. Israel has in place now

Ministers whose radical vision of the state is **not** as a state where the values of equal social, political, religious rights as articulated in the Declaration of Independence are upheld. Their goal is an illiberal state, indeed, a state where religious law is supreme to civil law. And worse- ministers who are avowed racists, who call themselves “proud homophobes”, like Finance Minister Bezalel Smotrich, and Security Minister Itamar ben-Gvir, himself convicted of inciting racism, who models his Jewish Power (Otzma Yehudit) party on the outlawed racist Kach party of Meir Kahane; ben-Gvir, a man whose views are so extreme that he was not allowed to serve in the IDF. They are part of the government, they are influential and they hold positions of great power. Israelis who are protesting *caution us in this moment*, as we try to understand what is at stake, not to hear the words liberal or conservative, left or right, through our American experience. This is not politics as usual for them, and this is not American politics. “If you are a Jew living anywhere other than Israel right now... I'm not sure you fully understand,” says Journalist Mika Almog. “What is happening in Israel is unprecedented and almost impossible to imagine from afar.”

In early January, within days of Netanyahu’s new coalition taking office, Justice Minister Yariv Levin announced his intent to overhaul the Judiciary. Unlike the United States with a system of checks and balances between the Executive, Legislative and Judicial branches, Israel’s Executive- the Prime Minister- is served by a legislature, the Knesset, of which he holds power. This means an independent judiciary is the *only* restraint on the Executive and the Legislative branches. While Israel has no constitution, it is guided by thirteen highly-enshrined Basic Laws, including the Basic Law on Human Dignity and Liberty, which is seen to protect civil liberties. What Israelis understood last January was that Justice Minister Levin intended to dismantle the power of the Supreme Court. The Judicial overhaul was not about improving Israel’s justice system but was a coup to take power away from the independent High Court, and place it in the hands of the Knesset, consolidating all the governing power into the hands of the Prime Minister and his party. Indeed, the Judicial overhaul bill brought before the Knesset did three significant things. It denied judicial review in Basic Law cases. The Court is so often seen as the protector of individual rights against state interests- now there would be no judicial check on majoritarian rule. Second, it gutted the independent nature of appointment of judges, allowing the governing coalition in the Knesset to appoint to the High Court *highly partisan* judges. Third, while rarely used, the Supreme Court had the ability to apply a “reasonableness doctrine” as a check on decisions by the cabinet or ministers who may be motivated by personal or political considerations, rather than public interest. This too, the overhaul proposal stripped away.

This judicial overhaul was the reality Israelis awoke to, in January. With ultranationalists and ultra-Orthodox in the Knesset dismantling the Supreme Court’s power to stop them, Israelis understood the ultra-right wing was intent on pushing forward its political agenda. What is that agenda? Annexing the West Bank and displacing the Palestinians who live there. Preventing Israeli Arab citizens from holding Knesset office. Expanding the exemption of ultra-Orthodox men from army service. Curtailing freedom of non-Orthodox Jews- Reform, Conservative, and secular Jews. Abandoning anti-discrimination laws against women, the LGBTQ community, and Arabs. Gone would be any legal recourse for the personal rights of thousands of immigrants, refugees, and foreign workers who live in Israel. The Religious Zionists, who dreamed of

creating a messianic, autocratic theocracy, were not interested in governing a diverse, country committed to the ideals of a democracy. And so Israelis took to the streets.

What we have seen in the last 37 weeks is unprecedented at any time in Israel's 75-year history. It is estimated that 20% of Israelis have been to at least one protest in the last 6 months- that is 2.5 million Israelis. Every Saturday night, in Tel Aviv, in Jerusalem, in cities around the country, tens of thousands of our brothers and sisters are showing up, flags in hand, crying out, *democratia!* They are fighting for democracy! They cross the religious, political and ideological spectrum. For many, they agree on nothing else with the people they are marching with. Men in kippot, and 1000's of army reservists who refuse to serve this government. The son of Menachem Begin, and the granddaughter of Shimon Peres. Former President Reuven Rivlin. *Every* living ex-Attorney General, *every* ex-Mossad leader, *every* ex-Chief of Staff of the IDF, *reflecting both right-wing and left-wing administrations*, has spoken out against this government. Banking and Tech leaders have talked about how the behaviors of this government have been undermining the economy, and that a brain drain has started from this "start-up" nation. There is a deep understanding that the very nature of the state of Israel as a Jewish and a democratic state is in peril.

For seven months, Israelis protested. 200,000 Israelis showing up across the country as dark descended after Shabbat. 100,000 alone on Kaplan Street at Rabin Square in Tel Aviv. Weekly protests became nightly protests. There were strikes by doctors, days of disruption, of roads blocked, slowdowns to the Airport. At the end of March, President Herzog of Israel called on PMN to halt the JO process, for the govt to "put the citizens of the nation above all for the sake of the unity of the people of Israel, for the sake of responsibility." Yet, on July 26, this ultranationalist Knesset passed the Judicial Overhaul bill. There are now 225 bills before the Knesset, when it resumes meeting after Sukkot break; these are bills that fundamentally alter Israel, that consolidate political power with this coalition, that curtail individual rights, and expand religious rights. Bills created to be passed because the Judiciary has been stripped of legal powers to challenge them. Aside from those that impact the judiciary, let me mention a few more. There are **bills specific to the ongoing criminal charges** against Benjamin Netanyahu, the Prime Minister:

One that says the sitting PM is immune from any criminal investigation, and one that annuls the criminal offense of fraud, and breach of trust- coincidentally an offense for which the PM is on trial.

There are multiple Bills that are designed to give the ruling coalition outsized-power, by taking independent civil servant positions and making political appointees of legal positions like the Attorney General. And unabashedly, a law actually called the "Permanent Majority" Law, that gives the winning coalition an additional 12 Knesset seats, creating a supermajority. These are laws that are not in the interest of a vibrant democracy; they are created to thwart future opposition, consolidate power and create an autocracy for people who have no interest in sharing power again.

The Knesset will consider bills this Fall that restrict any kind of political opposition, and that curtail the power of the media. Bills that allow religious courts to take on civil court cases-

and apply religious law. An Israeli woman would not find the same protections of equality under halakha as under Israeli's civil law. A bill that exempts all yeshiva students from military service, but grants them the same benefits as those who risk their safety by serving in the IDF. There is one more bill that must be mentioned: **Bill 3171- that amends the Law of Return**, allowing the Orthodox to define who is a Jew. Having one Jewish grandparent will no longer suffice for automatic citizenship under the Law of Return. The grandparent criterion was enacted because under Nazi law, one Jewish grandparent was sufficient to be marked for persecution. This law would say that only those who have a halakhically recognized Jewish mother are Jewish. While this will make a large portion of Jewish communities abroad ineligible to make aliyah under the Law of Return and receive government support, I can't help believe that this is a shot across the bow for the American Jewish community whose Jewish credentials they have long sought to discredit.

Let's take a breath because what I am saying is difficult to hear. I am a proud Zionist, and I love the state of Israel. I met Seth there. I lived in Jerusalem for my first year of rabbinic school. I have climbed through ancient tunnels, dug in archeological sites, walked the shores of the Mediterranean with my daughters. Together with TBT families I have floated the Dan River, and read Torah with others of you near the Kotel. I am beyond excited that TBT is leading a trip to Israel in exactly one month. I cannot wait to be there to show support for Israelis at this precarious time. I cannot sit by and watch Israel succumb to fanaticism. Today on the Hebrew calendar is the 50th anniversary of the Yom Kippur War of 1973. Too many soldiers have died to keep Herzl's dream alive, of a homeland for the JEWISH PEOPLE, for us to succumb to a distorted definition of what the Jewish nation is about. The religious speak of Mamlakdiut, Sovereignty. They are dreaming of a sovereign religious state, beholden to God, of a political independence that disconnects them from the world and from Jews across the world. They do not seem to comprehend what the future of Israel might look like without the financial and ideological support of other democratic nations. Israeli writer, Yossi Klein Halevi, not a public critic of Israel's government, writes these unbelievable words: "To treat Israel's present leadership as normative government is to be complicit in the self-destruction of the Jewish state." There is no future for Israel if religious and national extremism become the norm.

Atem Nitzvaim Kulchem, Iefnei Adonai Elohechem. Rabbi Rick Jacobs, head of the Union for Reform Judaism translates these words to mean "all of us are bound together." And we are. One might ask, "Is it my place to get involved? I don't live in Israel." The people of Israel have been reaching out to us, their Jewish sisters and brothers, crying for us to stand with them, to do our part here to help them fight the extremism, the racism, the zealotry and corruption that they are facing down. Says Mika Almog, granddaughter of Shimon Peres, "The ground is burning beneath our feet. History is being written now and the next page is the one our children and grandchildren will live on." We have the bond of peoplehood, forged long ago at Sinai, compelling us to stand as One with all of Israel. For as long as it takes. *Democrati-a*. May we choose a Jewish state, by demanding a democratic state.

Ken Yehi Ratzon- May this be God's will.

Here is what we can do, to support Israelis for Democracy:

ACTIVISM:

Contact your Congressperson:

Inform them about H.R. 61, sponsored by Congresswomen Jan Schakowsky and Annie Kuster on 7/27/23. supports Israeli democracy and opposes moves that threaten Israel's future. Ask congressperson Carbajal to co-sponsor or thank Congressperson Brownley, for co-sponsoring H.R. 61.

Salud Carbajal (24th District):

125 E. De La Guerra Suite 203B
Santa Barbara, CA 93101
(805) 730-1710
<https://carbajal.house.gov>

Julia Brownley (26th District):

201 East Fourth Street, Suite 209B
Oxnard, CA 93030
(805) 379-1779
Thousand Oaks District Offices:
(805) 379-1779
<http://juliabrownley.house.gov>

unXeptable.org One of the newly formed groups to respond, this is one of the largest, with chapters holding marches all over the United States and other countries. Their next L.A. rally is September 24, at 11766 Wilshire Blvd.

American Jewish Organizations- like Federation, AIPAC, American Jewish Committee, Conference of Presidents of Major Jewish Organization like to say they are apolitical, not criticizing the government. Let them know they have a duty to speak out for a democratic Israel and the future wellbeing of Israel, Israelis, and Jews around the world. The ultrareligious do not value their opinion, or presence, they are intent on building a third commonwealth. They must speak out for the Israelis who do value the Jewish American communal partnership, and our clout. Staying "apolitical" is complicity with the extremists.

<https://www.ajc.org/news/ajc-statement-on-israeli-reasonableness-standard-law>

President Biden- met with Prime Minister Netanyahu in New York 9/21/23, not the White House, as a sign of displeasure with the extremes the U.S. is witnessing

in the current government. Netanyahu was not invited to Washington after his re-election. Encourage Pres. Biden to continue to speak out for democracy and not normalize relations until Bib disavows ben Gvir and Smotrich. Only the U.S. is a big enough carrot to get the Prime Minister to choose democracy over these ultra nationalists. <https://www.whitehouse.gov/contact/>; phone: 202-456-1111

INFORMATION:

Feb.2, 2023: Open letter from 3 prominent Israeli, center, center-right authors, Yossi Klein Halevi, Daniel Gordis, Mati Friedman

<https://www.timesofisrael.com/an-open-letter-to-israels-friends-in-north-america/>

For a concise video about what is happening, from the pro-democracy movement, watch <https://www.youtube.com/watch?v=6QMYM3AVOvc>.

Essays, podcasts, from the centrist, well-respected Shalom Hartman Institute in Israel, utilizing multiple scholars <https://www.hartman.org.il/>

Receive emails from ARZA.org (Association of Reform Zionists in America) Rabbi Josh Weinberg; arza.org; <https://reform.org.il/en/campaign-2023/>

Follow the WUPJ: World Union for Progressive Judaism /Sergio Bergman interviews Dr. Shimka Bressler, (particle physicist) leader of the protest movement.

<https://wupj.org/news/2023/09/59401/protesting-for-democracy-prof-shikma-bressler-in-conversation-with-wupj/>

The extremist Itamar ben Gvir:

<https://www.i24news.tv/en/news/israel/politics/1672310520-itamar-ben-gvir-the> <https://www.reuters.com/world/middle-east/israel-approves-national-guard-sought-by-far-right-security-minister-2023-04-02/-controversial>