

Lessons from Ferguson, For Us and For Israel
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This has been a very difficult, dismaying, unsettled and unsettling season for our country. It all started back in August, with the shooting in Ferguson, MO, of an unarmed black teenager named Michael Brown by Darren Wilson, a white police officer. That death was greeted with suspicion, concern and anger by many African-Americans and many others, in Ferguson and beyond. And this past week, in the wake of the decision by the grand jury in Ferguson not to bring charges against Mr. Wilson, there were demonstrations throughout our country. Most were peaceful; some were not. Rioters looted and burned many stores in Ferguson. Hundreds were arrested across the country. Streets and highways were blocked all over the country, even in New York City. It's as if people seized upon this particular circumstance—whether the facts did or did not support their interpretations—to express their concerns, their frustrations and their dissatisfactions regarding a whole range of issues.

And this has created great polarization in our country. Some people took to wearing T-shirts, with the slogan, “I am Michael Brown.” In response, some police officers in Ferguson were seen wearing bracelets that read, “I am Darren Wilson.” Other officers posted that slogan on their Facebook pages. The Justice Department banned the former, and the police department banned the latter.

We've learned, yet again, that the criminal justice system is a notoriously clumsy way for a society to address communal alienation. When, in 1994, the actor and former football star, O.J. Simpson, was acquitted on the charge of murdering his wife and a friend of hers, Ron Goldman, some people (mainly whites) were left scratching their heads; others (mainly blacks) were relieved. Most whites believed that O.J. Simpson was a murderer who was wrongly acquitted. Most blacks focused on the systemic prejudice against blacks in the L.A. police department and were grateful for, if not delighted with, the verdict.



It seems as though we have a need to have our values played out and affirmed before us theatrically in a court of law—but sometimes the criminal justice system doesn't comply with our expectations.

If there's one thing that Ferguson teaches us, it is that we aren't yet a color-blind country. Ours is a country that stands for equal opportunity and equal treatment under the law, but the perception among many is that there is a structural prejudice built into the system, a prejudice that results in the disproportionate arrest of black men, and the disproportionate incarceration of black men. It's a prejudice that has created the crime of "DWB", that is, "Driving While Black." Again, this is a phenomenon that tends to be dismissed by some (mainly white) folks, yet seems obvious and of deep concern to others.

When that happens—that is, when people feel that "the system" is rigged, or is fixed, or is not going to treat them properly—that is a prescription for unrest. When people believe that they will be treated differently based on their religion or ethnicity or race or national origin, then discord follows, and freedom for all is threatened.

Let me give you an example from what might seem a totally different arena.

This has also been an unsettled and an unsettling season in Israel. As we all know, hostilities erupted this past summer. Three yeshiva boys were kidnapped and killed. A Palestinian boy was kidnapped and murdered in response. Thousands of rockets were fired from Gaza. An intensive Israeli bombing campaign pulverized block after block of buildings in Gaza; thousands were killed.

Fast forward. During the past month, there has been a series of attacks by Arabs against Jews. Cars have driven into crowds; others have pulled knives or attacked Jews in other ways. Just last week, as we all know, a particularly vicious, brutal attack took place. Four worshippers and a policeman were killed before the two attackers, Arab residents of East Jerusalem, were killed.

In the wake of these disturbing events, the Israeli cabinet has just proposed a law that declares that Israel is the nation state of the Jewish people. This law states what many of us know and take for granted: that Israel was established to be the nation state of the Jewish people. It also re-states that Israel is intended to be a democracy. Both of these principles are firmly enshrined in the Declaration of Independence.¹

But the proposed law goes further: it makes clear that, should there a perceived conflict between the state's Jewish character and its democratic character, then Jewishness should prevail, and should *trump* the democratic nature of the state.

Some people support this law. Just the other day, I got an email from The Religious Zionists of America, entitled, "The Jewish State Law – A Ray of Hope."

The email details how, in the view of its author, only this law will give Israel:

the capability of fighting against suicidal Islamic terrorism. Only lowering democracy and legalism, the roots of *the religion of individual rights* [sic; emphasis added], from their exalted positions can put us on track to eradicate terrorism. . . . Only a Jewish State Law will allow us to destroy homes of *shahidim* and not to destroy homes of Jews which were built on national land. There are other benefits of such a law, which the anti-Jewish leftists so violently oppose, no doubt for reasons that they know very well

But this proposed law has also been condemned by many, including the present and former presidents of the state, Reuven Rivlin and Shimon Peres. They come from very different political parties (in fact, Reuven Rivlin comes from Likud, the party of the Prime Minister), so I think it's fair to say that opposition to the law is fairly broadly based.²

Opposition to the law comes down to this: Yes, Israel is the nation-state of the Jewish people. It was pursued as such, and it was established as such. But Israel is also a democracy. That's intrinsic and critical to its legitimacy and character—as intrinsic and as critical as its Jewishness. Anything that threatens the democratic character of the state therefore threatens and strikes at the heart of the state. And that's what this law does; by rendering the democratic character of the state secondary, it threatens the state.

That's of concern, of course, to those of us who care about democracy. But we shouldn't assume that caring about democracy is simply a political matter. For the state's *democratic* character also impacts on its *Jewish* character.

This point was made recently by Rabbi Michael Melchior, a former member of the Knesset.³ To Rabbi Melchior, the state's commitment to the protection of the rights and freedoms of the minority is a reflection of the state's Jewish character. For from where does that concern spring? From the heart of Judaism. Melchior quotes Hillel the Elder, who summarized the entire Torah with the statement, "That which

is hateful to you, do not do to your fellow human being.” “The attempt,” he argues, to exclude “the other,” the Arab minority, from Israeli democracy” is inappropriate, unseemly, and un-Jewish. Period.

Were this matter simply an internal Israeli political dispute, it would be inappropriate for me to comment on it, since I am not an Israeli. But inasmuch as this law, if enacted, will have a deep impact on Israel’s Jewish character, it becomes a source of concern to all Jews everywhere.

One of those who has recently criticized inequality in Israeli society happens to be a justice of the Israeli Supreme Court. His name is Salim Joubran. He happens not to be Jewish; he’s a Christian Arab. (See: <http://tinyurl.com/ozx5gof>.)

The fact that Justice Joubran sits on the highest court of the land in Israel says a lot about Israel’s commitment to democracy, but the fact that he recognizes and is willing to criticize inequality in practice testifies to the challenges that Israel faces. Those challenges will not be addressed by this proposed law. In fact, those challenges will only be increased. As we have seen here in America, only when people feel that there is truly equal opportunity can they be truly loyal to the state. When they feel disenfranchised, when they feel alienated, distrust flourishes, and discord is sowed.

My hope is that the kinds of conversations that the crisis in Ferguson has spawned will continue, and that all of us will look long and hard at the alienation and the skepticism that still exist in this country. I also hope that we Jews, even though we may not necessarily perceive ourselves to be prospective victims of discrimination or police brutality, will see it as our duty to address these dangers, and to change the situation. I hope that both here and in Israel we will try to reach beyond our natural ethnic and religious groups, beyond race and color and national origin, and seek to renew our commitment to the principles of equality that are at the heart of America—and are at the heart of Judaism.

Shabbat shalom.

¹ The simultaneous commitment to both the State’s democratic and Jewish character may seem contradictory. However, among others, the great Israeli jurisprudential scholar, Ruth Gavison, has argued forcefully for their compatibility. See: http://iengage.org.il/Fck_Uploads/file/iEngage.7.B.12.Gavison.pdf .

² Opposition to the proposed law is widespread. Here is an essay published in the Wall Street Journal by Professors Deborah Lipstadt and David Ellenson: <http://online.wsj.com/articles/david-ellenson-and-deborah-lipstadt-you-need-a-law-to-affirm-israels-jewish-identity-1417478036?KEYWORDS=Lipstadt> . The following statement was recently issued by the Jewish Council for Public Affairs:

“The Jewish community has justifiably taken great pride in the founding values of the State of Israel, enshrined

in its 1948 declaration of independence. Israel was established as a Jewish state that assured the full rights of all its citizens, Jews, Arabs and others alike, as well as freedom of religion, conscience, language, education and culture.

“We recognize that the proposed legislation codifying Israel’s status as a nation state of the Jewish people has led to some confusion and controversy in Israel and abroad. This is a situation that calls for clarity so there is no confusion surrounding its effects if passed. The debate regarding this legislation presents an opportunity to remind the world that a country can be both an ethnic homeland, as Israel is for the Jewish people, and a vibrant democracy, as Israel is for all its citizens.

“We are heartened by statements from Israeli political leaders who have said that they will not support any measure that alters the status of any group of Israelis regarding language or other critical issues. We join Israeli leaders like President Reuven Rivlin in questioning the timing of this legislation and hope that its consideration can be further postponed.

"However, if the bill does move forward, we urge that any final version be unquestionable in its commitment to the democratic nature of Israel as a state for all of its citizens. No Israeli, regardless of religion or nationality, should ever feel like an outsider. We pledge our support to efforts to solidify the commitments made at Israel’s founding: that Israel will guarantee the social and political rights of all its inhabitants, irrespective of religion, race or gender; that it will guarantee freedom of religion, conscience, language, education and culture; that it will safeguard the Holy Places of all religions; and that it will be faithful to the principles of the Charter of the United Nations. These are values that the worldwide Jewish community has justifiably taken pride in for the past 66 years and they will continue to be a source of pride forever.”

³ See: <http://blogs.timesofisrael.com/jewish-state-bill-is-precisely-what-makes-the-prophets-weep/> .