Dear Friends

Over two hundred years ago our spiritual ancestors fought the battles of modernity, bringing Jewish practice into the modern world. Who knew that we would have to repeat the process two centuries later?

While all of us, as rabbis, emphasize the importance of halakhah in our lives and the lives of our constituencies, we also recognize the importance, authority and power of the secular state. But modern Israel has not yet concluded that the sovereignty of the State is paramount in all areas, and that fight is now being waged.

In the column on the right, in the linked Hebrew article by Prof. Motti Arad [click here for Prof. Arad's background and publications] we see the

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'The Danger of Interpretation' by Prof. Motti Arad

English summary by Rabbi Mark H. Levin

[Click for Prof. Motti Arad's full article in Hebrew]

In this article, published in September 2015, Prof. Motti Arad writes about the use of Jewish Law (Halakhah) to justify murder against Arabs in Israel, and what needs to be done to counter it. The Jewish terrorists, like members of Tag Mehir, as well as Yishai Schlissel, Meir Ettinger, and Yigal Amir, are being encouraged and justified by some rabbis' interpretations of Jewish law that are inciting murder.

He writes: "I have come to say that we are not speaking of people who are mentally incompetent, to point out a common denominator for all of the deeds, to explain a legal mechanism that justifies and even encourages the murderers, and to suggest a way to take care of the phenomenon."

"There are three commonalities to Schlissel and the inciters:"

1. "We are speaking of religious people who believe in Halakhah;
2. They believe that 'all that which is holy to Israel' is being attacked from inside (Jews) and from outside (non-Jews);
3. They are ready to suffer damage to themselves for the sake
legal basis that the murderers claim for themselves. Prof. Arad also suggests a means around the problem: a hora'at sha'ah that will annul the rulings of the Mishneh Torah and Shulchan Aruch that he claims permit such murders.

This Haaretz article [click here] about the arrest of the West Bank bombers displays the perfect case. The man charged with the murders refuses to recognize the state’s authority. Rather, the accused says that he accepts only Jewish law. The problem is obviously both that the State has not been clear in imposing its authority, and there are rabbis who are in favor of the absolute sovereignty of halakhah.

Do we have a role to play in this discussion? What is your opinion? Should we be speaking to a halakhic approach to this issue of the relationship between Jewish law and democracy in the Jewish State? What is your approach?

For me, this is specifically an area in which we should insist on being heard. Just as last week Aaron Leibowitz published his approach to solving the problem of kashrut, and as next week we will hear from Chuck Davidson about his of 'all that which is holy to Israel' because we perceive us to be in a state of emergency."

"... all hate crimes done by Jews in recent times have been done, apparently, by religious people, and in contradiction to the opinion of Daniel Oz, in these instances Halakhah is of decisive importance in their decisions to commit these crimes."

"It is incumbent on the rabbis to prohibit [the transgressors] with a temporary order (hora'at sha'ah -- an order by a Jewish court that can change Talmudic law according to current circumstances). It's incumbent on the families to prohibit their children from committing these [murders that they read as permitted by the Jewish codes of law], and it's incumbent on the communities to cooperate with the governmental authorities to clarify the plague, before all of us go up in flames. The Schlissels will obey."

Snippets from Prof. Arad's article:

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 horas beinenu bein chevrat shel Yisrael – קבוצות דתיות שבעבר קיבלו דעות ומשמעויות שונות, והן קיבלו שמות שונים, מסדרות שונות, דעות שונות etc.

Do we have a role to play in this discussion? What is your opinion? Should we be speaking to a halakhic approach to this issue of the relationship between Jewish law and democracy in the Jewish State? What is your approach?

For me, this is specifically an area in which we should insist on being heard. Just as last week Aaron Leibowitz published his approach to solving the problem of kashrut, and as next week we will hear from Chuck Davidson about his
research on the criteria for gerut, so, in my judgment, the interplay between Jewish law and State sovereignty should be a subject for the expert judgment of those who take a modern approach to halakhah.

Currently our efforts at Hiddush are focused, with other Jewish agencies like the AJC and JFNA, on marriage in Israel. Yet, I believe that there are those among us whose opinions and research must be heard in order for Israel to fulfill its mandate as the home of a modern Judaism.

Please contact me at organizers@RRFEI.org with your opinion, and also let me know if you’d like to help on the newsletter’s editorial board.

B’yedidut,
Mark

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Response to Prof. Arad: Halakha does not permit murder
by Rabbi Shmuel Ariel

[Click for Rabbi Ariel's full response in Hebrew]

resources
- Chief Rabbi Lau attacks Bennett over pluralism
- J-REC / AJC Mission to Israel
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Response to Rabbi Ariel: The rabbis say otherwise

by Prof. Motti Arad

[Click for Prof. Arad's full response, below Rabbi Ariel's response]

Rabbis for Religious Freedom and Equality in Israel represents a broad spectrum of Jewish belief and practice, and champions the values of religious freedom and equality fundamental to World Jewry, in partnership with Hiddush for the realization of these principles in Israel and the Diaspora.

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