

Central Conference of American Rabbis Responsa Concerning Zionism

The Central Conference of American Rabbis, or CCAR, a body of all the Reform rabbis in America, regularly passes responsa, or answers to questions of Jewish living and Reform Judaism. Each responsum begins with a *she'elah*, or question, which also serves as a summary of the topic covered by the responsum itself. The *she'elah* is followed by a *teshuvah*, or answer, which explores the question in relation to Jewish history, teachings from Jewish texts, and the like. Below are responsa related to Zionism. Again, reading just the *she'elah* will be useful to determine with what type of topics the responsa deal.

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Loyalty to One's Company Versus Love for Israel

5751.1 Year?

***She'elah* (Question)**

A congregant works for a company which is developing some technology systems with military applications for Arab countries which do not have peace treaties with Israel. He is torn between loyalty to the company for which he works and his devotion to the Jewish people and the State of Israel. He would like to inform discreetly someone in the Israeli consulate, but he is also concerned about his job security: he has a wife and three children, and he would clearly lose his job were it discovered that he leaked information.

***Teshuvah* (Answer)**

Our *sho'el* seeks to draw a proper balance between conflicting loyalties and loves. In his concern for the State of Israel, he expresses a feeling that is central to our religious consciousness as Jews and as Reform Jews. The history of modern Zionism in general and of our own movement's relation to it has been a complex one, but there is no question of our love for the State of Israel and of our full acceptance of its essential and pivotal role in the life of the Jewish people and in the minds and hearts of its members.[1]The issue is whether this love for Israel enjoys a kind of absolute status in the life of the Jew, taking precedence over other legitimate commitments.

Our *she'elah* suggests at least two of these "other commitments."

1. *Citizenship and The Law of the Land.* The *sho'el* wishes to "inform discreetly someone in the Israeli consulate" about his employer's business dealings. Since it is not illegal under normal circumstances to do business with countries with which one's government maintains diplomatic relations, we presume that the company is acting within the limits of American law. On the other hand, it is possible that the *sho'el* himself would violate the law of the United States or of his local jurisdiction by revealing company secrets. This possibility raises the element of our duty to obey the laws of the land in which we live. Does this duty supersede or give way to our obligation to care for Israel?

Both the Bible ("seek the peace of the city to which I have exiled you")[2] and the rabbis ("pray for the welfare of the government, since but for the fear of it people would swallow each other alive")[3] discuss the need to show respect to the state within which we live. Yet these statements do not take us very far. The "city" and the "government" of which they speak refer to the Babylonian and Roman conquerors of the Jewish state, and the attitude they recommend is one of prudence, a recognition of the realities of power, rather than that sense of positive loyalty which the citizen is supposed to feel toward his or her political community. The more appropriate citation for our context is the classic talmudic principle *dina demalkhuta dina*, "the law of the state is the law," binding upon us as well as upon its non-Jewish inhabitants.[4] Whatever its specific historical origin,[5] this principle asserts the legal validity, under Jewish law, of a wide range of acts taken by a Gentile government in the field of civil or monetary law (*dinim* or *diney mammonot*). At first glance, this notion is somewhat surprising. Jews, after all, have their own legal system, whose integrity and autonomy they are forbidden to undermine by submitting their disputes to Gentile jurisdiction.[6] For this reason, although the Talmud does not offer a legal theory to justify the principle, we find several explanations of it among the medieval authorities. The most important of these are the following:

1. Rashi writes that since Gentiles are obligated, under the doctrine of the "Noachide laws," to establish courts and to administer justice, our own courts can recognize as valid the legal acts undertaken by non-Jewish authorities in fulfillment of this duty.[7]

2. Several Ashkenazic scholars advance the theory that the land is the personal property of the king or prince, who is therefore empowered to make whatever laws he wishes.[8]

3. Sages of the "Nachmanidean school" in northern Spain, 13th-14th centuries, draw a comparison between Gentile kings and the king of Israel. Just as the latter are bestowed by God with certain powers necessary for the proper functioning of the state, so too do the former exercise all appropriate royal authority.[9]

4. R. Shmuel ben Meir (Rashbam), a grandson of Rashi, holds that the law of the state is valid in our eyes because "all those who dwell in the kingdom willingly accept the king's laws and statutes." [10]

This latter explanation accords with the political theory, current in early medieval Europe, that the power of the ruler emanates from the people and is effectively controlled and limited by their agreement to recognize him as ruler. [11] It also corresponds quite closely to our own understanding of our contemporary political situation. Those of us who live in democratic states in the Diaspora [12] regard ourselves as *citizens*, as fully participating members of the political community. We, together with our fellow citizens, constitute the state; the government is our agent, put in place to give effect to our political will. The law of the state is therefore a law of our own making, because in contracting together with our fellow citizens we imply our acceptance of that law and its binding authority. This does not mean, of course, that we are in agreement with every decision made by our governments or that we believe that every law enacted is a good one. It means rather that the *malkhut* itself is legitimate and its law *is* law, not because these have been imposed upon us against our will but because we ourselves, the citizens of the state, are the *malkhut* and the legislators who make our political decisions through a process upon which we have agreed beforehand. Our consent to the outcome of this process – that is, to the laws duly enacted by the state – is thereby implied in advance.

Our *sho'el* is a citizen of the United States. As such, according to our understanding of the principle *dina demalkhuta dina*, the laws concerning espionage are laws of *his* own making; he is bound to obey them because in theory he has enacted them through his participation in the political life of his country. In other words, if by "discreetly informing" the Israeli consulate he would violate American law, he would also transgress against Jewish legal teaching concerning the law of the state.

2. *Limitations On the Validity of the Law of the State.* The principle *dina demalkhuta dina* does not confer absolute recognition upon any and every "law of the state." In order to count as legitimate under the *halakhah*, the "law" must be a legitimate one: that is, it must apply equally to all, drawing no unfair distinctions among the residents of that political community, [13] and it must be accepted as flowing from the established, previously recognized powers of the regime. [14] In addition, Jewish law traditionally limits the application of this principle to monetary law and does not accept as valid state legislation touching upon the realm of ritual practice (*issur veheter*). [15]

None of these limitations are applicable to our case. Laws which prohibit the unauthorized transfer of confidential information to representatives of foreign governments are not inherently unfair or discriminatory. They are not unjustly and specifically directed against Jews or the state of Israel. They are based upon the

desire of a state to protect itself, its people and its institutions from external threat. Since this desire is surely a legitimate one, expressing the "established, previously recognized powers" reserved to all governments, then so long as it has been enacted through the accepted and recognized legislative processes the citizens of the state can be said to acquiesce in the adoption of such laws. To be sure, one might well criticize the wisdom of any particular law or governmental act. It might arguably be better to exempt the government of Israel or of other friendly states from anti-espionage statutes. Yet this is beside the point. The fact that a state might have enacted a better law does not necessarily mean that the law it *has* enacted is "invalid" from the viewpoint of the Jewish legal tradition. Laws banning espionage, should they be involved in this case, are indeed a legitimate exercise of a state's authority, and the *halakhah* would therefore regard them as binding upon Jews as they are upon all other citizens.[16]

3. *Concern for Israel vs. Concern for One's Family.* Let us suppose, however, that the *sho'el* would violate no laws by informing the Israeli consulate of his company's business activities. At this point, he must draw a balance between his concern for the State of Israel and his duty to provide for his family, since to reveal this information would likely cost him his job.

Clearly, the balance here depends upon a precise measurement of the facts (how threatening are these military applications to Israel's security? to what degree is one's job in jeopardy?), a measurement that we are in no position to make. The *sho'el* can, however, find some guidance in the traditional order of priorities for the distribution of *tzedakah*, which teach that when one must choose between otherwise equally-deserving recipients, one's own relatives take precedence over all others.[17] We might observe, too, that while the *sho'el's* failure to transmit this information may or may not pose a significant degree of danger to Israel, the loss of his job and the fear of poverty constitute real and concrete risks to himself and his family. In this instance, we are on solid ground when we grant priority to real danger (*vada'i sakanah*) over potential or uncertain danger (*safek sakanah*),[18] thus permitting concern for the family's welfare to come first.

Conclusion. One's love for the State of Israel does not necessarily outweigh other vital religious moral responsibilities. As is always the case when our responsibilities conflict, we must arrive at a balance among the priorities they set for us. In this case, the *sho'el* is under no religious or moral obligation to risk his job and the welfare of his family by informing Israeli government officials of his company's business activities with Arab states. And, should such informing violate a statute of American law, his action would transgress the principle of *dina demalkhuta dina*. He is an American citizen, and Jewish tradition permits and expects him to act as such.

Yet nothing we write here should be construed to mean that we hold love for Israel to be a trivial or an insignificant thing. Far from it: the attachment we feel to

the State of Israel and its people is one of the most powerful motivating factors in our Jewish religious lives. The Platform on Reform Religious Zionism, adopted by the CCAR on June 24, 1997, is but the latest in a series of official expressions of Reform Judaism's devotion to Israel,[19] to the security and well-being of its citizens, and to the hope that the building of a just and righteous society in the land of Israel will allow the Jewish state to continue to serve "as the spiritual and cultural focal point of world Jewry." Because "we stand firm in our love of Zion," we should seek ways to express that love that are consonant with our other deeply-held religious and moral commitments. The Platform suggests some of these ways:[20]

1. Lending Israel our continued political support and financial assistance.
2. Promoting the knowledge of Hebrew in all our communal institutions.
3. Implementing educational programs and religious practices that reflect and reinforce the bond between Reform Judaism and Zionism.
4. Studying in Israel and visiting there when we can
5. Facilitating aliyah (immigration to Israel).

This is a list, clearly not an exhaustive one, of means by which we can contribute to Israel's strength and insure that the bonds linking us to the Jewish state will never be broken. We encourage the *sho'el*, as we would encourage all Jews, to turn his energies and his Jewish devotion to the fulfillment of these goals.

NOTES

1. This is not the proper venue to rehearse this history, summarized quite well by David Polish, *Renew Our Days: The Zionist Issue in Reform Judaism* (Jerusalem: World Zionist Organization, 1976). Suffice it here to note the language of the great doctrinal statements of our movement. While the Pittsburgh Platform of 1885 renounced any vestige of Jewish nationhood or desire to restore the Jewish state, the Columbus Platform of 1937 affirmed "the obligation of all Jewry to aid in [Palestine's] upbuilding as a Jewish homeland...". The "Centenary Perspective" of 1976 noted that "we are bound to...the newly reborn State of Israel by innumerable religious and ethnic ties...we have both a stake and a responsibility in building the State of Israel, assuring its security and defining its Jewish character." Finally, the document known as "Reform Judaism and Zionism: A Centenary Platform," which will be voted upon by the CCAR but which at this writing exists in draft form, declares that "the restoration of *Am Yisrael* to its ancestral

homeland after nearly two thousand years of statelessness and powerlessness represents an historic triumph of the Jewish people, providing a physical refuge, the possibility of religious and cultural renewal on its own soil, and the realization of God's promise to Abram (Gen. 12:7)...From that distant moment until today, the intense love between *Am Yisrael* and *Eretz Yisrael* has never subsided."

2. Jeremiah 29:7.

3. *M. Avot* 3:2.

4. This principle, enunciated by the amora Shmuel, is found four times in the Babylonian Talmud (*BT Nedarim* 28a; *Gitin* 10b; *Bava Kama* 113a-b; *Bava Batra* 54b-55a). A similar concept is found as well in tanaitic literature, although it is given no explicit legal formulation there; see *M. Gitin* 1:5.

5. Shmuel flourished during the rule of the Sassanian King Shapur I (242 C.E.), who relaxed his government's strictures against the Jews and granted legal and cultural autonomy to the Jewish community. Shmuel was on friendly terms with the king, and his position that *dina demalkhuta dina* may have been part of his attempt to persuade the Jews to come to terms with the regime. See Jacob Neusner, *A History of the Jews in Babylonia* (Leiden: Brill, 1965-1967) 2:16, 27, 30; S. Shilo, *Dina demalkhuta dina* (Jerusalem: Defus Akademi Yerushalayim, 1975), 4-5.

6. *BT Gitin* 88b, from a *midrash* upon Ex. 21:1; *Yad*, *Sanhedrin* 26:7; *SA CM* 26:1. On the other hand, Jewish law does not ignore the realities of our political powerlessness. A litigant is permitted to resort to the Gentile authorities when, due to the defendant's refusal to obey the orders of the *beit din*, justice cannot be achieved in the Jewish court (*Yad loc. cit.*; *SA CM* 26:2).

7. Rashi, *BT Gitin* 9b, s.v. *kesherin* and *chutz migitey nashim*. The latter statement makes clear as well that the principle *dina demalkhuta dina* applies only to *dinim* and not to the realm of Jewish ritual law; see below, in our discussion of the limitations upon the scope of the principle.

8. R. Eliezer of Metz, cited in *Or Zaru`a*, *Bava Batra*, ch. 447; *Resp. Maharam Mirotzburg*, Prague ed., no. 1001; Lemberg ed., no. 313; *Hil. Harosh*, *Nedarim* 3:11; R. Nissim Gerondi to *Nedarim* 28a, s.v. *bemokhes ha`omed me`alav*, quoting "Tosafot.

9. See the novellae (*chidushim*) of Ramban, Rashba, Ritva, and Ran (R. Nissim Gerondi) to Bava Batra 55a; *Resp. Rashba* 2:134 and 3:109; and *Derashot Haran*, no. 11. See *BT Sanhedrin* 20b, where Shmuel declares that "everything mentioned in the description of the king's powers (*parashat melekh*; I Samuel 8:11-17) is permitted to him", and *Yad*, *Melakhim* 4:1.

10. Rashbam, Bava Batra 54b, s.v. *veha'amar shmuel dina demalkhuta dina*. Compare to Rambam (*Yad*, *Gezeilah* 5:18), who also attributes the validity of the laws to the fact that the people have willingly accepted (*hiskimu alav*) the king's jurisdiction. His language differs from that of Rashbam in that he refers to the people's agreement that "he will be their master (*adoneyhem*) and they will be his servants (*avadav*)."

11. See Walter Ullmann, *A History of Political Thought: The Middle Ages* (Baltimore: Penguin, 1965), 12-13, who contrasts this conception of law, which he terms the "ascending theory," with the competing "descending theory" which posits that all political power originates "at the top" and is bestowed by its possessors upon their chosen representatives. The second of the rabbinic explanations, which describes the king as the "owner" of the kingdom, corresponds quite closely to the "descending theory."

12. Although the principle *dina demalkhuta dina* originally addressed the reality of a Gentile government in the *golah*, there is some controversy in the literature as to whether that conception can serve as the theoretical basis for the powers of a Jewish government in the land of Israel. For examples of recent rabbinical scholars who answer "yes" to this question, see the journal *Hatorah vehamedinah* 1 (1949) 20-26, 27-41, 42-45; 5-6 (1953-1954) 306-330; and 9-10 (1958-1959), 36-44. In general, see Shilo, 99-108.

13. See *Yad*, *Gezeilah ve'aveidah* 5:14: "a law enacted by the king that applies to all and not for one particular person is not to be regarded as theft (i.e., illegal confiscation of property)." See also *Or Zaru'a*, Bava Batra, ch. 447, in the name of Rabbenu Tam.

14. See *Hagahat Mordekhai*, Bava Batra, ch. 659 (fol. 57, col. b, bottom), in the name of R. Tam and R. Yitzchak of Dampierre: "anything instituted by the rulers that is in accordance with the accepted law (*al pi din kedumim*) is valid law (*din gamur hu*)." The point is not that the act of legislation itself must be old or that the legislator is forbidden to enact new statutes. Rather, the enactment must be generally accepted as a legitimate exercise of powers that already enjoy "constitutional" recognition (as measured by *din*

kedumim) in that political community. Compare to *Yad*, Gezeilah ve'aveidah 5:14. And see, in general, Shilo, 191ff.

15. See Shilo, 115ff. For this reason, traditional halakhic authorities have not applied the principle *dina demalkhuta dina* to the area of marital law (one of *issur veheter*) in order to accept the validity of civil divorce. The Reform movement in the United States has indeed accepted civil divorce, but precisely on the grounds that divorce has always been regarded in the *halakhah* as a matter of monetary, rather than ritual law. This argument can be contested, but it does show that Reform thinking on the subject of divorce has followed the lines of the traditional halakhic structure. On the history of Reform and the divorce question see *ARR*, no. 162; Moses Mielziner, *The Jewish Law of Marriage and Divorce in Ancient and Modern Times* (Cincinnati: Bloch, 1884); and R. Solomon Freehof, *Reform Jewish Practice I*, 99-110.

16. This responsum does not discuss the issue of civil disobedience, the right (as justified by appeal to morality, natural law, "higher" law, etc.) to refuse to obey a particular law enacted by the state. The reason is that in this particular case, there appear to be no grounds for "conscientious objection" to a law that would forbid the revelation of business secrets: such a law would not be unfair or discriminatory; it represents an exercise of legitimate (i.e., recognized and accepted) state power; and as it does not violate a fundamental tenet of Jewish ritual law it does not violate a Jew's freedom of religion. For this reason, the *sho'el* as a citizen can be said to have acquiesced in its enactment, thus stipulating his obligation to obey it.

Having said this, we would point out that the subject of civil disobedience in general is worthy of careful consideration. In this context we would note simply that, based on the theory that a Jew is a citizen like all others, there can be no distinctions between Jews and Gentiles in this regard. That is, if civil disobedience is ever justified, it is justified for *all* citizens. The principle *dina demalkhuta dina* cannot be interpreted so as to discriminate against the Jewish citizens of the state, denying to them any right, such as that of civil disobedience, that is enjoyed by all other citizens.

17. *BT* Bava Metzi'a 71a; *Yad*, Matanot Aniyim 7:13; *SA* YD 251:3.

18. See R. Yosef Teomim, *Peri Megadim, Mishbetzot Hazahav* (OC 328, near the beginning): when confronted with two patients, one of whom is in mortal danger (*yesh bo sakanah*) while the other is not,

and we have but enough medicine to treat one of them, we treat first the patient who is in greater danger.

19. "The Platform on Reform Religious Zionism," along with its Hebrew text (*Hayahadut hareformit vehatziyonut*) is published in *CCAR Yearbook* 106 (1997), 49-57. The Preamble to the Platform (Hebrew, p. 49; English, p. 54) notes that this is hardly the first official statement by the Conference on the subject of Zionism and Israel. The rigidly anti-Zionist stance of the Pittsburgh Platform of 1885 was decisively rejected in the Columbus Platform of 1937 and the Centenary Perspective of 1976.

20. "Platform," p. 51 (Hebrew) and p. 56 (English).

***Hatikvah* and The Star-Spangled Banner**

5758.10 Year?

***She'elah* (Question)**

It is the custom at our congregation to conclude our Yom Ha'atzma'ut service with the singing of *Hatikvah*. In addition, since this past year was the fiftieth anniversary of the founding of the state of Israel, three *beney mitzvah* as well as our confirmation class requested that *Hatikvah* be sung at their services. The vice-president of the synagogue criticizes this practice on the grounds that *Hatikvah*, as the national anthem of a foreign country, should always be accompanied by *The Star-Spangled Banner*. Is it proper for us to sing *Hatikvah* unaccompanied by our own national anthem? (Rabbi Lance J. Sussman, Binghamton, NY)

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***Teshuvah* (Answer)**

1. *Of Flags and Anthems.* Reform responsa have not spoken to the issue of national anthems at religious services. There does exist, however, a line of decisions with respect to the placement of national flags in the synagogue sanctuary and on the *bimah*. Flags, to be sure, are not a perfect analogy to national anthems. A flag is an item of synagogue ornamentation, usually a permanent presence, while an anthem tends to be sung only on occasion, in connection with a particular religious observance. Still, they are similar to the extent that they raise the issue of our spiritual and emotional attachment to our own country and to the state of Israel, the way in which these attachments can take on religious significance for us, and the potential conflicts that these attachments are said to involve.

Writing in 1954, R. Israel Bettan[1] permitted the placement of the American flag in an American synagogue on the grounds that in Judaism, devotion to the welfare of one's country, as expressed through the prayers we recite on behalf of the government, "has long assumed the character of a religious duty." Far from being a secular intrusion into the world of religion, "the presence of the American flag...may well serve to strengthen in us the spirit of worship... (partaking) of the sanctity of our religious symbols." As the emblem of a foreign state, meanwhile, an Israeli flag would be "quite out of place in an American synagogue." A congregation might display an Israeli flag only on those occasions specified by US Army regulations and civilian practice which govern "the display of any national flag other than our own": to honor a visiting dignitary of a foreign land, or in observance of some notable anniversary (such as Yom Ha'atzma'ut) of that land.

R. Bettan's view contrasts sharply with an Orthodox perspective dating from 1957 by R. Moshe Feinstein,[2] who regards all national flags as purely secular

symbols possessing no religious value whatsoever. Indeed, he calls them "nonsense" (*hevel veshetut*), which by rights should not be placed in the sanctuary. This is particularly true of the flag of Israel, a state founded by nonobservant Jews (*resh'aim*) who in Feinstein's view had abandoned the path of Torah. On the other hand, since the presence of the flags does not violate a ritual prohibition and does not invalidate the synagogue as a place of prayer, the congregation is not required to remove them, especially if to do so would be the cause of needless dissension (*machloket*) among its members.

A 1977 responsum by this Committee,[3] permitting the display of an Israeli flag in an American Reform synagogue, effectively reversed the Bettan decision. It is true, the Committee wrote, that we recite prayers in the synagogue for the welfare of the country in which we live. It is also true, however, that Jews have long prayed for the return to the land of Israel and the re-establishment there of Jewish national life. Thus, "the flags of the United States and Israel on a pulpit might be said to symbolize the prayers which have always been said in the synagogue." The flag of Israel, moreover, is dominated by the six-pointed Star of David, which "is now commonly recognized as a symbol of Jews and Judaism throughout the world." Since "there is no clear distinction between Jews and Judaism, between our religious and our national aspirations," the display of this Jewish national symbol cannot be objectionable on Judaic religious grounds. This does not mean that the flag *must* be displayed. As the responsum noted, our synagogues have varying policies on this matter, so that "in any case, both the loyalty of our communities to the United States and our common concern for Israel are clear with or without the placement or possession of flags."

In its most recent statement,[4] this Committee reaffirmed the 1977 decision: the national flag serves as an expression of a religiously legitimate devotion which *may* be expressed, should the congregation so choose, by placing the flag in the sanctuary. It also made explicit that our national flag is not a religious symbol and therefore should not be described as such. We therefore put a firm if respectful distance between ourselves and the tone of Rabbi Bettan's responsum: "we are properly suspicious of rhetoric equating 'God and King' or 'God and Country.'" Such talk, we wrote, may not meet the technical definition of "idolatry,"[5] but the historical experience of the last several decades leads us to associate the language of uncritical nationalism with such disturbing phenomena as chauvinism, racism, and ethnic intolerance. In stressing the secular – that is, religiously neutral – nature of political nationhood, the responsum adopts a view resembling that of R. Feinstein on that issue. On the other hand, "our acceptance of the responsibilities and privileges of citizenship,[6] our devotion to the prophetic ideals of social justice, and our love for the state of Israel imply a more positive disposition toward national flags than that assumed by R. Feinstein. We care deeply about the welfare of our societies; their symbolic representations must not be dismissed as 'nonsense.'"

These responsa speak not only to the specific issue of national flags but also to the more general one of patriotism, of our sense of commitment to our own countries and to the state of Israel. Our observations on this larger issue, of which the question of national flags is but a concrete manifestation, may be summarized as follows:

a. Since Jews have always "prayed for the welfare" of the government, it is appropriate for us to express our love and concern for our country in a concrete way as part of our synagogue ritual.

b. The nation, its government, and the symbols representing them are secular rather than religious matters. We are under no obligation to bring these symbols into our synagogues or insert them into our religious practice. In any event, our loyalty to and concern for our country are beyond doubt even should we choose not to incorporate its national rituals into our buildings or services.

c. The state of Israel is the political embodiment of the age-old Jewish dream of national redemption, a dream which we have expressed in our prayers for two millennia. The survival and welfare of the Jewish state are therefore matters of our utmost religious as well as political concern. It follows that the symbols of the Israeli state are not simply Israeli symbols; they reflect and convey a powerful Jewish meaning to us. Should we choose to display the Israeli flag in our synagogues, we do not thereby declare political allegiance to the Israeli state; we rather affirm that the Jewish ideas and ideals which that flag symbolizes are present in the religious life of our community.

2. Hatikvah: The National Anthem of a "Foreign" State? Given the above, we find it entirely permissible for a Reform congregation in the Diaspora to sing *Hatikvah* at a worship service or other event. Like the flag of Israel, *Hatikvah* is not simply the national symbol of the Israeli state but the long-standing anthem of the Jewish national movement. It thus expresses, quite literally, our hope for the restoration of our people to Zion, which we have seen is a central and quite legitimate theme of Reform Jewish worship. And just as our loyalty and love for our own countries are not called into question when we display the Israeli flag, they remain open and obvious as well when we sing *Hatikvah*, whether or not we accompany it with our own national anthem.

The objection raised by the vice-president of this congregation, we might add, seems based upon an ideology which we categorically reject. Yes, it is technically the case that Israel is a "foreign" country and that *Hatikvah* is its anthem. Yet to conceive of Israel solely in this manner is to define our Judaism in a way that is surely foreign to us. Let us consider an illustration. Were our community to host the ambassador of, say, the Czech Republic, it would be proper to honor him or her with the playing of the Czech national anthem, which by common custom would be followed with our own. Such is proper behavior in the presence of a representative of a foreign state. But when we sing *Hatikvah*,

we do not do so in order to show respect for or loyalty to a foreign political entity. We do it because *Hatikvah* celebrates the symbolic role of the state of Israel in defining our religious and cultural identity as Jews, not our political identity as Israelis. As Jews, we are *am yisrael*, the Jewish *people*, rather than simply Americans or Canadians of the Mosaic persuasion. *Eretz yisrael*, the land of Israel, is the homeland of this people. And *medinat yisrael*, the state of Israel, is the political structure through which this people unites to give concrete expression to its national existence. *Hatikvah*, like the flag of Israel, is to us a powerful representation of that nexus of meanings.

The Reform movement in North America has long recognized these facts of contemporary Jewish identity, and we have time and again expressed that recognition through our acknowledgment of the religious significance of the Zionist movement and of the state of Israel. The Columbus Platform of 1937 declared that "in the rehabilitation of Palestine, the land hallowed by memories and hopes, we behold the promise of renewed life for many of our brethren. We affirm the obligation of all Jewry to aid in its upbuilding as a Jewish homeland." The Centenary Perspective of 1976 notes that "we are bound to that land and to the newly reborn State of Israel by innumerable religious and ethnic ties... We see it providing unique opportunities for Jewish self-expression. We have both a stake and a responsibility in building the State of Israel, assuring its security and defining its Jewish character." Our most recent and comprehensive statement is the "Platform on Reform Religious Zionism," adopted by the Central Conference of American Rabbis in 1997.[7] In that document, we proclaim that the establishment of the state of Israel "after nearly two thousand years of statelessness and powerlessness represents an historic triumph of the Jewish people." Israel "is therefore unlike all other states... [serving] uniquely as the spiritual and cultural focal point of world Jewry." *Yom Ha`atzma`ut*, Israel Independence Day, has been established as "a permanent annual festival in the religious calendar of Reform Judaism,"[8] and our prayerbook contains a liturgy for *Yom Ha`atzma`ut*. [9] We consider it "a *mitzvah* for every Jew to mark *Yom Ha`atzma`ut* by participation in public worship services and/or celebrations which affirm the bond between the Jews living in the Land of Israel and those living outside." [10] Those services and celebrations have become the norm, the accepted *minhag* in our congregations and communities.

Israel, in other words, is emphatically not a "foreign" country to us. It may not be the sovereign entity of which we are citizens and to which we owe our political allegiance. But it is, in the most deeply Jewish sense, our *own*, in our devotion to its well-being and in our identification with the history and experience that its national symbols represent.

We may therefore sing *Hatikvah* at our religious services, whether or not we choose to accompany it with our own national anthems.

NOTES

1. *American Reform Responsa (ARR)*, no. 21.
2. *Resp. Igerot Moshe*, OC I, no. 46.
3. *ARR*, no. 22.
4. *Teshuvot for the Nineties (TFN)*, no. 5753.8, 29-34.
5. See *ibid.* at p. 30, citing *BT Rosh Hashanah* 24b.
6. We stress "citizenship" for a reason. It is quite possible that the age-old tradition of praying for the welfare of the government originated not out of love of country and fellow-feeling with its other inhabitants, but rather out of the desire to demonstrate our loyalty to a skeptical regime and to protect ourselves against an all-too-often hostile population. As *citizens* of our countries, we are active and equal participants in its democratic governance. "Our" country today is truly *ours*, in a way that our ancestors could never claim for the nations in whose midst they resided.
7. Published along with its Hebrew text (*Hayahadut hareformit vehatziyonut*) in *CCAR Yearbook* 106 (1997), 49-57.
8. *CCAR Yearbook* 80 (1970), 39.
9. *Gates of Prayer*, 590-611.
10. *Gates of the Seasons* (New York: CCAR, 1983), 102.

May 1986

She'elah (Question)

Should Reform Jews contribute to organizations which advocate changes in the Law of Return in Israel? (Rabbi D. Taylor, Highland Park, IL)

Teshuvah (Answer)

If we begin by asking the broader question, "Who has the right to expect some help from us or any other fellow Jew," we must turn to the Biblical demands which deal with the maintenance of the sanctuary as well as charity toward the poor. The temple in Jerusalem, and the earlier Tent of Meeting, were maintained through a gift of the half-*sheqel* by every adult male. In addition, a tithe, as well as portions of all the sacrifices, were provided for the priests and the Levites. The other gifts mandated by the *Bible*, and later literature are intended to deal with the poor, the widow, the orphan, etc. (Lev. 19, 27.30 ff; Nu. 18.26; Deut. 12.17; II Ch. 31.5 f; Neh. 13.12; see "Priorities in Charitable Distribution").

As Judaism developed, numerous institutions became part of each Jewish community. These included a system of schools, both for the education of the young and advanced scholars, hospitals, as well homes for the aged and destitute (J. Marcus, *Communal Sick-Care in Medieval Germany*; M. Gudemann *Geschichte des Erziehungswesens*; L. Löw, *Die Lebensalter*; Israel Abrahams, *Jewish Life in the Middle Ages*). These institutions served the entire Jewish community despite differences of opinion about interpretations of Jewish law.

When major disagreements appeared on the Jewish communal scene in various periods of Jewish history, such common ventures ceased. We can see this clearly in the century long bitter struggle between Hassidim and Mitnagdim. They not only refused to support each other's institutions, but also fought with every weapon at their command including the intervention of the hostile Czarist government (S. Dubnow, *Geschichte des Chassidismus*, Vol. 2, p. 149 ff). We find a similar situation when we look at the vigorous rising Reform Movement in Germany and Hungary during the last century. In Germany, for example, the Orthodox community fought hard to withhold financial support and to keep the liberal community from obtaining government funds to which all religious communities were entitled. These struggles also led to the secular courts in encounters like the Geiger-Tiktin Affair in which a segment of the community sought to keep the great liberal Jewish scholar, Ludwig Geiger, from the position of rabbi in Breslau (D. Philipson, *The Reform Movement in Judaism*, pp. 51 ff). When the battle was lost by the Orthodox, they successfully sought legislation in Prussia which would permit a segment of the community to withdraw from the general community and still receive government support. This effort was led by

Samson Raphael Hirsch (Ismar Ellbogen, *A Century of Jewish Life*, p. 99 ff; W. G. Plaut, *The Rise of Reform Judaism*, Vol. 1, pp. 63ff; N. H. Rosenbloom, *Tradition in an Age of Reform*).

We see similar hostility when we review the history of the Zionist Movement in Europe and America. Certainly anti-Zionists strongly opposed all financial support for Zionism. The ultra-Orthodox *neturei karta*, as well as various Hassidic anti-Zionist groups, still deny support and do their best to lobby against it both within the Jewish community and with the United States Congress.

We as Reform Jews should *not* contribute to organizations which advocate a change in the "Law of Return" and should do everything within our power to see to it that others do not contribute to them either. This not only represents enlightened self-interest, but also will help maintain some semblance of unity within the broader Jewish community. We must remember that it is militant Orthodoxy which threatens to divide, and thereby, weaken the modern Jewish community. This threat should not be taken lightly, but must be fought with all the vigor and power at our command.

Reform Support for Orthodox Institutions

December 1988

She'elah (Question)

Should the members of a Reform Congregation support an Orthodox congregation in the city or Orthodox institutions elsewhere, which do not recognize Reform and are unwilling to accept the pluralism of American Jewish life? It is the policy of these institutions not to involve themselves in any activities associated with Reform congregations or the Reform movement. What should our attitude be toward providing funds for such organizations and what should our attitude be toward members of such organizations? (Rabbi Morley T. Feinstein, South Bend IN)

Teshuvah (Answer)

Through our long history our people have continually sought unity, although it has often been difficult to attain. Bitter struggle among various segments of the Jewish community have occurred in virtually every century. The battles against Hassidism in the eighteenth century led to the opposing forces demanding intervention by the hostile Polish and Russian governments (S. Dubnow *History of the Jews in Russia and Poland; Geschichte Des Chassidismus*) Eventually, however, the Hassidic movement was recognized as part of Judaism and generally a *modus vivendi* exists although violence occasionally occurs between groups in Brooklyn or Jerusalem. The nineteenth century saw the *herem* invoked against the Reform movement in Germany and Hungary (David Philippson *The Reform Movement in Judaism*; Alexander Guttmann *Struggle over Reform Judaism*; Michael Meyer *Jews of Modernity*). Eventually the Reform movement became dominant in Germany and very strong in Hungary and so it was accepted. We should also remember the hostility against the Zionist movement which was long and bitter. A remnant of that is the *Neturei Karta* which refuse to recognize the Jewish state although its members live in a section of Jerusalem (A. Bein *The History of Zionism*; B. Halpern *Zionism and Anti-Zionism in Orthodox Judaism*). We should, therefore, understand the new Orthodox hostility in the light of history. We should not encourage that position. For forty years since the creation of the State of Israel, we Reform Jews have taken abuse along with the Conservative Movement in Israel in order to avoid rupturing Jewish unity. The worldwide unity, which has existed since the Second World War has prevailed for a longer periods than ever before.

Militant Orthodoxy in Israel, which seeks to change the Law of Return with the support of Orthodox institutions in the United States, threatens this unity in the United States. We must now deal with this new state of affairs and support unity and pluralism. We and our members should not support institutions which are unwilling to recognize pluralism or to work for unity within our community. We

should note that Moshe Feinstein long ago prohibited Orthodox Jews from supporting Reform institutions (*Igrot Mosheh Yoreh Deah #149*) through the United Jewish Federations which have emphasized unity and pluralism. Their resolution on this subject stressed unity and pluralism:

"We reject any effort to divide our people by Israeli state legislation which seeks to amend, directly or indirectly, the Law of Return, which defines who is a Jew.

We associate ourselves with the overwhelming majorities of the Jews of Israel and the Diaspora who oppose any such legislation.

While only a few people would be personally affected by this political action, millions would suffer a deep symbolic wound from this insult to our religious traditions and sense of peoplehood.

Any such initiative threatens our community at a time when unity is essential to support Israel, still besieged by external foes, facing new internal uprising and fresh world-wide propaganda assaults."

They and we intend to reconstitute pluralism and unity in the worldwide Jewish community. We should not support institutions or congregations who are unwilling to recognize us or our Movement. We should discourage any individual from offering such support and we should insist that Federations and other joint fund raising agencies refuse such support. We must distinguish between friendly and unfriendly Orthodox institutions. We will continue to labor for the unity of the Jewish community and will do everything possible to bring it about. Orthodox institutions which disrupt such efforts should not be rewarded. We and our members should not support them.