

The Justice Issue

FALL 2022

AJS

PERSPECTIVES

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Tintype photograph by Will
Wilson. Adam W. McKinney
stands as Mr. Fred Rouse in
front of the former Ku Klux Klan
Klavern No. 101 Auditorium.

Back Cover

Tintype photograph by Will
Wilson. Adam W. McKinney
stands as Mr. Fred Rouse at the
site of the racial terror lynching
where Mr. Fred Rouse was
lynched on December 11, 1921,
at 11:20 pm.

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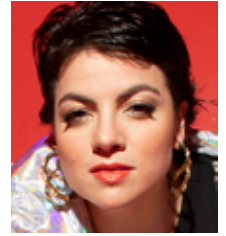
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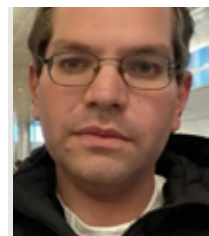
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Avner Shavit



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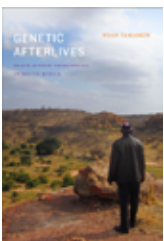
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The financial support from this [travel] grant enabled me to present at the AJS Annual Conference for the first time. Without it, presenting at the conference would have been extremely difficult for me, given my financial situation as a graduate student. Speaking at the AJS Annual Conference helped me forge connections between my research and other developments in the field, which will considerably strengthen my own work and foster my career.

—Hannah Zaves-Green, *visiting professor, Sarah Lawrence College*



At this stage in my career, the AJS gives me the chance to discover young, talented scholars and the newest frontiers of research. I also have the privilege of paying it forward both figuratively and literally, by mentoring others as well as by contributing financially to help ensure the AJS's future.

—Shuly Rubin Schwartz,
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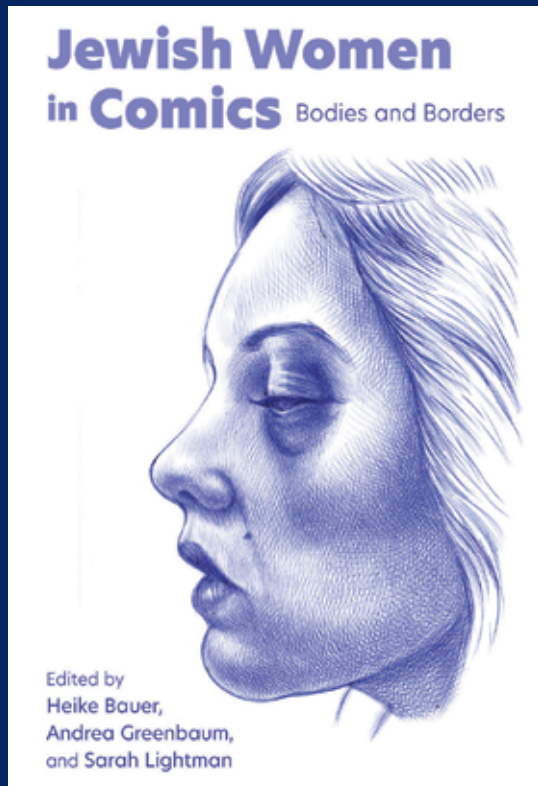
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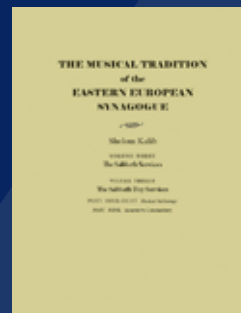
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From the Editors

Mira Sucharov & Chaya Halberstam



For our final issue as coeditors, we chose a theme that is close to both of our hearts and a frequent topic of our research: justice. Justice is often seen as the Jewish value par excellence—“justice, justice, you shall pursue!” Those who want to change the world, from the biblical prophets to contemporary Israel-Palestine activists, insistently call upon it. But, as the articles in this issue show, the word is often invoked as a vague ideal: it can encompass concepts such as retribution and punishment, wealth redistribution, and social equity; it can also refer to theological imaginaries in which justice is a key attribute of an omnipotent deity or a foundational concept of the afterlife. When we call for justice we tend to want to restore balance to a world that has tipped out of alignment. We imagine a paradise that brings forth enough resources and good will to beget universal concordance and contentment.

This issue features a variety of approaches to justice within Jewish Studies: social justice activism in North America and Israel-Palestine; questions of Jews and Judaism in the American court system, climate justice, reproductive justice, and religious freedom; the vision of justice in medieval judicial treatises; Jewish comedy and justice; Jewish approaches to the war in Ukraine; and accountability for war crimes.

The issue also features a robust section about justice and pedagogy—how concerns for equity in our classrooms and in society inform both what we teach and how we teach it. This section, which includes our roundtable on teaching social justice, covers a range of issues from decentering whiteness in Biblical Studies to teaching about reproductive justice and the Holocaust.

When we began our term as coeditors of *AJS Perspectives* we launched “The Patriarchy Issue,” which provided a forum to air and think through some of the most pressing problems in our profession—and for many of our research subjects. We then offered a mix of playful and somber thematic issues: hate, the body, travel, and protest. Two of our issues boasted themes more about form than content: the Unfinished Issue, and the Art Issue, which was steered by our talented guest editor, Samantha Baskind, who, soon after, completed her term as our wonderful inaugural art editor. In the process, we brought on a new art editor, Douglas Rosenberg, who is spotlighting new and provocative art across a range of contemporary media; a teaching with film and media editor, Olga Gershenson, who gathers ideas for thematic films and TV episodes that can be taught in Jewish Studies classrooms; and a new roundtable editor, Jason Schulman, who has begun to capture some of the serendipitous insights of conference roundtables which emerge only in dialogue with others. We now conclude our term with the Justice Issue: an acknowledgment that while few of the problems we began with in the Patriarchy Issue have been resolved, our diverse membership, with its shared expertise, creativity, and thoughtfulness, is itself a vision of a better future.

Chaya Halberstam
King's University College

Mira Sucharov
Carleton University

From the Executive Director

What is Justice?

In Hebrew, the word for justice is *tzedek*, which connotes a sense of righteousness and fairness. In English, at least in the United States, we perhaps think of justice as it's connected to the legal system: "Justice shall be done," indicating that past wrongs will be righted, victims vindicated, and criminals punished.

More recently, I've been thinking about justice, vis-à-vis the AJS, in terms of equity, the E part, in the now common acronym DEI (Diversity, Equity, and Inclusion). When the AJS first began its work in earnest around diversity four years ago, it established a diversity and inclusion taskforce. Out of their work, the taskforce developed a Scholars of Color fellowship program, which will help create an initial sense of community for scholars of color in the organization; helped us introduce a number of important accommodations around accessibility at our annual conference; and encouraged us to develop a standing DEI committee, which we have done. For the third year, the AJS has also offered a summer writing group geared toward women, transmen, and nonbinary folks to help increase the number of submissions individuals from these demographics make to scholarly publications.

Since we first created the DEI taskforce in 2018, the discourse around diversity has shifted to better understand the equity piece of the justice equation. We need to do more than simply make our spaces more diverse. We need to account for various societal inequities that have made such

diversity and inclusion difficult—if not impossible—in the first place. The AJS's newly formed DEI standing committee, chaired by Julia Watts Belser, is helping AJS leadership think through and act on this issue of equity. This involves thinking about groups that may have not felt included by our initial DEI work.

In addition to considering wider representation, we also have begun to think about equity in financial terms. As we look to 2023, the AJS board has made the decision not to raise conference fees for members who make the least amount of money. We recognize that conference costs have risen in all areas due to inflation, and we will be looking to scholars who have the means—whether through their institutional funding or their own personal finances—to help us make up the difference. We know too that funding for conference attendance is increasingly hard to come by for early-career scholars and contingent faculty. This year, the AJS received close to 200 requests for travel grant support, the most applications we have ever received. The AJS board originally aimed to allocate \$46,000 for individual travel grants, which includes money from outside funders. Because of the high number of applications, in August the board authorized an additional \$6,000 of spending from the AJS's own reserves so that we could help nearly every applicant with a grant of some size. Being equitable has a real financial component and the AJS is committed to investing its resources into helping its members.



Warren Hoffman

Going forward, you will see a renewed call for donations from me and AJS President Robin Judd. For 2023, we're looking to nearly double our donations from \$40,000 a year to \$70,000. We fundraise not simply because it's what nonprofits do. We fundraise precisely to help bring about more equity and justice in the AJS. It's with these funds that we can support more travel grants and other

programs that enable inclusion. If you are able to do so, we hope you'll join us in this campaign so that the AJS can do its share to make the world of Jewish Studies a more just and equitable place.

Warren Hoffman
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Tzedek, tzedek tirdof:

“Justice, justice, shall you pursue”

— From parashat Shoftim

In the summer after the murder of George Floyd, I was at a Black Lives Matter march in Madison, Wisconsin. My son was painting a mural on a street-level building which, along with others, had been covered in plywood in anticipation of what was to come. However, as the crowds surged and the marchers moved past me on their way to the capitol, I saw my rabbi surrounded by pandenominational clergy directly in the center of the group. For some reason, the sight of Rabbi Biatch standing up so publicly for justice within the context of all that had happened in the days preceding, and in the larger context of the political moment we were experiencing, brought on an unexpected wave of emotion. I found myself gesturing to him so as to say, thank you for representing us, the Jews who believe in justice for ALL people, especially for those people who are not Jews. We are citizens, humanists, and allies who, in applying the laws that guide us to the wider world beyond our own institutions and communities, perform mitzvot and instantiate the very things we affirm for the benefit of many causes outside of those that only affect us as Jews. For artists, especially Jewish artists from the twentieth century forward, this has been something of a clandestine practice that only in recent years has become legible as the art of social justice, or art as social practice.

I recently had a conversation with Ori Soltes, Georgetown professor of Theology and Art History, about *tikkun 'olam* and the idea of a particularly Jewish social practice in the arts. Soltes noted that as far back as the late 1800s, the French Jewish

painter Camille Pissaro stated that artists had an obligation “to use the knowledge that they gained to benefit the world at large: that art has a social and not only an aesthetic purpose.” He went on to say that “Pissaro’s idea of art as an instrument of secular *tikkun 'olam* was taken to a particularly intense level two generations and an ocean away by the American sociopolitical realist painter, Ben Shahn.” Moreover, he remarked, “Shahn and a growing array of Jewish artists—particularly in America and with ever-increasing passion in the decades after the Holocaust—began to ask the question of where they fit in as artists, in Western art.”

As we move into the current era, the trend that Soltes observed is deeply rooted in the work of the artists included in these pages. For this issue about JUSTICE, I am thinking broadly about the ways in which contemporary Jewish artists look to social justice as a means of repair and regeneration. This is most certainly a contemporary method or modality for blending art, politics, and faith that seems in direct contradiction to what the (largely) Jewish modernist critics seemed to put in motion, at mid-century: a winnowing away of the personal to achieve the formal. Here, in the postmodern era, we find that, once again, the personal is political.

In a moment in which we are experiencing a generational shift among Jewish-identifying artists to a more inclusive and polyvocal, fluid understanding of Jewish identity, the politics and visual culture of Jewishness are foregrounded in astounding new ways. From graphic novels to digital art and highly charged dance and performance, to theater, music, and literature, we see both a return to ritual and a search for new narratives of the contemporary Jewish experience. Thus, the field is expanded even while acknowledging its own histories.



Douglas Rosenberg

Vanessa Hidary, a New York poet who was featured on HBO's Def Poetry Jam and who performs under the stage name The Hebrew Mamita, has a signature poem in which she addresses an experience that includes a sort of insult-as-compliment. She describes an experience with a stranger who, upon meeting her, noted, "Funny, you don't look Jewish." I think about that poem often, and especially in the context of creative work made from the experience of Jewishness, that does not always read as "Jewish" or by artists who "don't look Jewish."

In this moment of change, how do we speak about and acknowledge work by Jewish artists that strays from what we can readily or comfortably identify as "Jewish" subject matter? As artists and scholars seek to stretch the formal constructions of Jewishness and its relationship to the arts writ large, we can observe the gestalt of Jewish experience being recast in ways that may seem on the surface to be unlike any historical models. We see the metaphors of Jewishness being applied to performative or materially ephemeral gestures of faith or identity in ways that may be discomfiting or require deep conversation to fully embody the author's intentions. We can see the tools of art making deployed to create an embodied experience of Jewishness in this moment in history, in ways that we have only seen hints of since the earliest days of modernism; in other words, art that does not "look Jewish" in the traditional sense. How do we communicate that which is ineffable, that which is at the core of our being, yet that which may have no form or materiality that resonates in the visual world usually associated with "Jewish"? How do we make, circulate, and analyze art practice across all media, made with a distinct acknowledgment of Jewishness in all its permutations, that speaks to the nuances of Jewishness in contemporary life? How do we

simultaneously support and critique work that is intentionally Jewish, but does not, again, "look Jewish" ... work that questions and deconstructs the histories of Jewishness that may not welcome all of us or that no longer feels inclusive or righteous, and do so with respect to all forms and levels of observance that may not conform to our own ways of practicing or observing?

In this issue of *Perspectives*, the Justice Issue, I want to consider how we make space for work that both restates ancient ideas about Jewishness, but also work that seeks to repair the world, to deploy the tools that Jewishness gives us to be social justice workers, to perform mitzvot in the materiality of the arts and to hold space for all that we may not understand in the generational shift toward new models of self-expression, models that do not "look Jewish" or as Vanessa Hidary goes on to say, "do not sound Jewish." Jewishness, seen through the frame of contemporary art, dance, theater, literature, and more, is a rich and diverse space. It is a space that asks us to consider who we represent and who we do not and with whom we seek to create community. It asks us to expand our understandings of what art may look like, what it might do in the world and who may do it in the name of Jewishness, in a fluid space in which issues of gender, sexuality, ethnicity, class, politics, history, and nationality are transposed into a new visual culture that is often both performative and conceptually thick with meaning.

Perhaps for the mid-century art critics Clement Greenberg, Harold Rosenberg, Meyer Shapiro (for instance), and others, justice was a feature of assimilation; the ability to blend in, to assimilate to the dominant American culture of modernism. However social justice confers its labors to the

group outside oneself and perhaps even outside one's own communities. Social justice requires the individual pursuing it to name themselves first, to commit to their own trauma, history of oppression, or other signifying event so as to be able to speak to individuals for whom such life experience is also the norm rather than the exception. For Jewish artists at this moment in history, undertaking social justice as a set of formal constraints for art making puts them squarely within the dialogue and the prescriptions of the most sacred Jewish texts. The writer and scholar Ori Soltes and others have identified *tikkun 'olam* as a way in which contemporary Jews / Jewish artists can apply the lived experience of their own Jewishness toward solving greater cultural challenges. However, there are multiple ways to practice *tikkun 'olam*; there is a clandestine version which is done under the radar so to speak, without outing oneself or one's political ideologies, and another in which social practice is foregrounded and named, a process in which artists, Jewish artists, leverage the expectations of what it is to be Jewish in the most biblical sense to accomplish bringing healing or personhood or humanity to groups of people for whom such things have been denied or deferred. As such, the visual culture of Jewishness and Jewish identity in the twenty-first century is in flux, extending the representations of Jewishness in all its forms, beyond the dominant Ashkenormative visual language that often omits or erases the experience of Jews who live outside of that experience. The work featured in the Justice Issue is not a picture of justice or about justice, but rather enacts justice, extending the wisdom of Jewish texts into practice. It is work that inscribes the act of being just and the practice of striving for justice outside of one's own personal sphere into the world at large. It is work by artists who may not "look Jewish" or who make work that does not "look Jewish," but who strive to create works of art within a social justice practice that speak to the texts that most closely align with their own politics and with the real-life events that in some cases keep them from the fullness of participation in Jewish life or that celebrate life in just and humane ways for broader populations. As in parashat Shoftim's *Tzedek, tzedek tirdof*—"Justice, justice, shall you pursue," the work in this issue is actively in service of justice as restorative, and as a means of repair.

ADAM MCKINNEY is a choreographer, a dancer, and a visual artist who describes himself thusly:

I am a QueerBlackNativeJew. I was born into and am a product of the American Civil Rights movement. My parents (one of African, Native American, and Northern European heritages and the other of Eastern European heritages, both of whom are Jewish) were married in July 1965—two years before *Loving v. Virginia* when the Supreme Court of the United States struck down state laws banning interracial marriage, thirteen months after the signing of the Civil Rights Act, which outlawed discrimination based on race, color, religion, sex, and national origin, and exactly one week before racial discrimination in voting was outlawed with the signing of the Voting Rights Act.

He attended Orthodox Jewish Day school in Milwaukee, Wisconsin, and lives and teaches in Fort Worth, Texas, where he researches the city's history of racism and instances of racial terror and violence. It is through this lens that McKinney began his Fred Rouse Memorial Project with the photographer Will Wilson. The project honors the legacy of Rouse, a butcher in Fort Worth, Texas, who was lynched in 1921. Through choreography and the historical form of tintype photography, McKinney inserts his own image into historical sites in Fort Worth "to remember Mr. Rouse by transporting my body across space and time, linking the anti-Black racial terror violence enacted upon Mr. Rouse to all the ways my own body has been, and is, targeted by racism." This strategy of empathetic embodiment (which is shared among the artists in this issue) amplifies the very idea of the pursuit of justice found in parashat Shoftim; it deploys the tools that Jewishness gives us to do the work we are asked to do, to repair the world and to seek justice and renewal.

Artists such as McKinney live within a liminal space between multiple identities, all coexisting simultaneously; they are constantly the other, perennial outsiders in some community to which they belong. For many artists, intersectional, hyphenated, mixed race, or otherwise at the margins of one or more identities, justice is a very real, almost daily struggle. Justice in one aspect of such individuals' sense of self may at the same time be in competition with justice in another identity group of which they are a member. Personhood, then, is in constant flux, and in the work of such artists we often see these frictions manifest as a kind of protest.



Tintype photograph by Will Wilson. Adam W. McKinney stands as Mr. Fred Rouse in New Trinity Cemetery where Mr. Fred Rouse was buried on December 12, 1921.



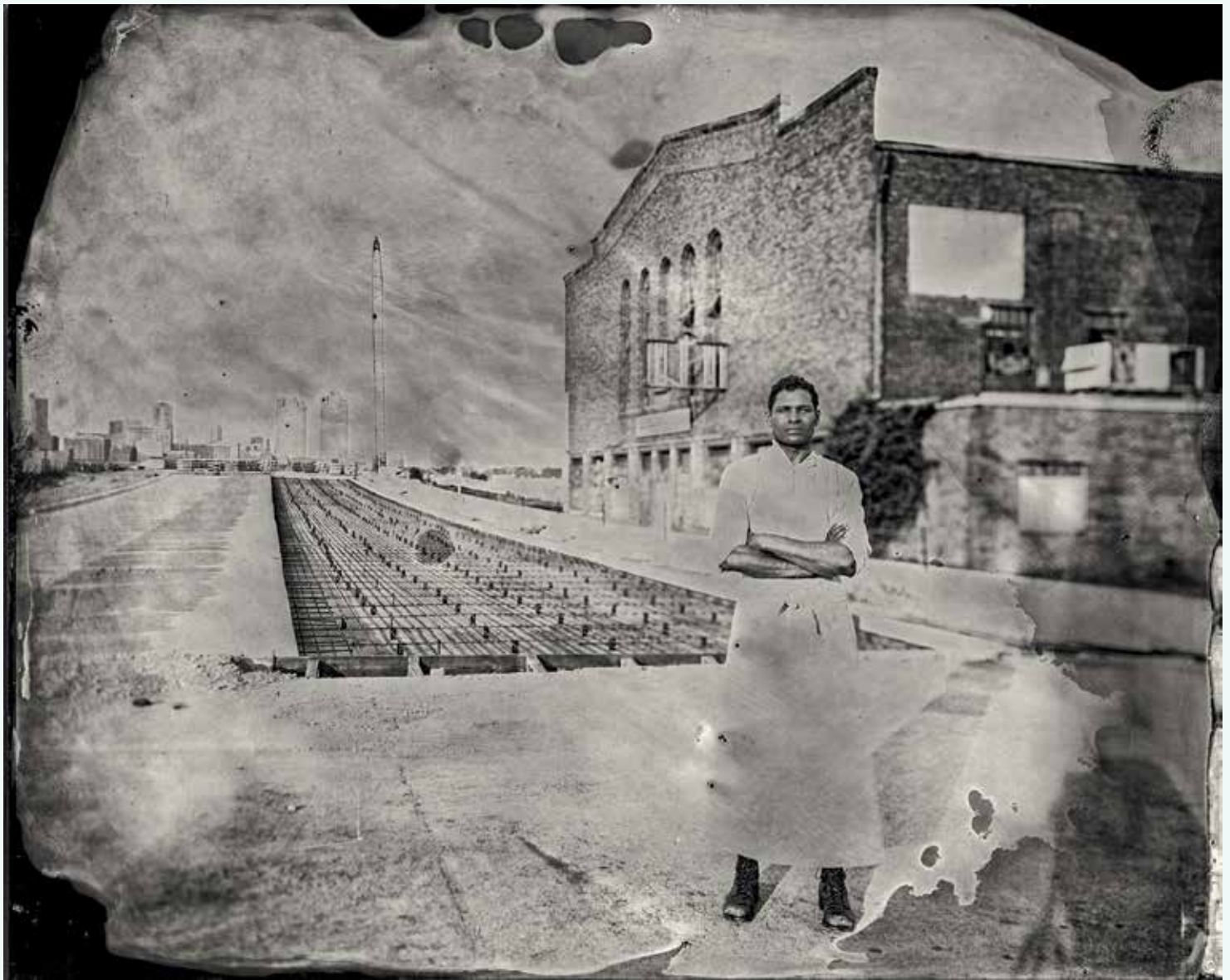
Tintype photograph by Will Wilson. Adam W. McKinney stands as Mr. Fred Rouse at the site of the racial terror lynching where Mr. Fred Rouse was lynched on December 11, 1921, at 11:20 pm.



Tintype photograph by Will Wilson. Adam W. McKinney stands as Mr. Fred Rouse in front of the former City & County Hospital from where Mr. Fred Rouse was abducted on December 11, 1921, at 11:00 pm.



Tintype photograph by Will Wilson. Adam W. McKinney stands as Mr. Fred Rouse in the Fort Worth Stockyards where Mr. Rouse was first attacked on December 6, 1921, at 4:30 pm.



Tintype photograph by Will Wilson. Adam W. McKinney stands as Mr. Fred Rouse in front of the former City & County Hospital from where Mr. Fred Rouse was abducted on December 11, 1921, at 11:00 pm.

ADAM W. MCKINNEY is a dancer, choreographer, activist, and installation artist. He is a former dancer with Alvin Ailey American Dance Theater, Béjart Ballet Lausanne, Alonzo King LINES Ballet, Cedar Lake Contemporary Ballet, and Milwaukee Ballet Company. His work sits at the intersection of dance and performance studies, trauma studies, community, healing, and technology. His recent work, *Fort Worth Lynching Tour: Honoring the Memory of Mr. Fred Rouse*, a community-based augmented reality bike and car tour, was lauded by Mid-America Arts Alliance with an Interchange grant award.

McKinney is Co-Artistic Director of DNAWORKS, an arts and service organization committed to healing through the arts and dialogue. He co-convened the 1012 Leadership Coalition to acquire and transform Fort Worth's former KKK auditorium into The Fred Rouse Center for Arts and Community Healing. McKinney is associate professor of Dance at Texas Christian University in Fort Worth.

In the work of both **LAURENCE MYERS REESE** and Jessica Valoris, we see a recurring theme of the Sukkah, reimagined as contemporary spaces of recovery and refuge. For younger Jewish and/or queer artists the Sukkah is a kind of talisman or imaginary for the embodiment of a spiritual home. Art historian Lucy Lippard writes of “the lure of the local,” that place that accepts us and calls us back to where we feel most ourselves, a home and a healing space. Reese, whose work “examines Jewish paradigms of gender through a transgender lens,” set out to build a Sukkah made from handmade, discarded shipping pallets while reading from Isaiah 58, “a psalm

that decries those who fast without making proper changes and repentance.” He notes that “that real return (Teshuvah) happens when we have fed the hungry and clothed the naked.” The site where Reese created this Sukkah was in Las Vegas, where temperatures reach 110+ degrees at times. Yet, the policy at the university where he was doing his MFA instructed those on campus to call the police anytime they encountered a “suspicious” individual. Reese notes that “in a climate (and economy) so inhospitable, we have criminalized poverty and disability, and further put our neighbors in danger. We cannot claim to be acting in righteousness (by making art, or doing research) without working for major systemic change.”



Photos from Laurence Myers Reese. *The Dwelling I Desire*, 2021/5782. Performance with amulet shoes, hand-built pine pallets, palm leaves, Sukkah.

Torah is white
fire and black
fire. The ink
is revelation.
And the space
between the ink
is revelation.

Today, for
the first time
in history,
Queer Jews are
learning Talmud
as Queer Jews
and seeing in it
things that our
teachers never
taught us.

-Binyu Koatz

-Rabbi Benny Lappe,
Rosh Yeshiva of Suara,
a queer yeshiva

Page from Laurence Myers Reese and Monet Green *In the Image of: Towards a Trans Talmud. (Las Vegas: Vegas Institute of Contemporary Engagement, 2022).*

It is known that when Isaac was born, he was born with the soul of a female, as it is written in Or Hachaim, and through the akedah (binding of Issac) he got a male soul that can impregnate... But, this is known according to the Sod (Secret/Mysticism) of they cycling of souls - that at times, a female would be in a male body, because in the reasons of gilgal (the cycling of souls) the soul of a female would come to be in a male. ...

-18th c. Chassidus,
Translation by Abby Stein,
edited by Joseph Meszler

-Gabriel Stein- Bodenheimer
 Wrapped warmly in my tallis, I prayed along with the congregation. During the Grand Aleinu, I lowered myself to all fours, touched my forehead to the floor. Silently, I pleaded, "Please, give me the strength to give myself permission to change. Please, give me the strength to commit to my journey."

Details from Laurence Myers Reese and Monet Green In the Image of: Towards a Trans Talmud. (Las Vegas: Vegas Institute of Contemporary Engagement, 2022).

Psalm 139:15
 my frame was not concealed from You when I was shaped in a hidden place, knit together in the recesses of the earth.
 And when doing so he ought to direct his prayer to the Holy One that this may be, and in this way the male and female will always be associated in union with oneself.
 In silent prayer, no one may knowingly and intentionally refer to themselves as the wrong gender, for concealing one's true self in silent prayer is an abomination to G-D.
 I struggle to find God in choices that cause physical pain to my body.
 How can I make my gender sacted?
 How can I make my gender a sign of my covenant with God?

-Zohar 1:49b:7
(Translation by Abby Stein)

-Ari Lev Fornari

Jordan Lounsdale

LAURENCE MYERS REESE (he/they) works in performance, installation, painting, and video. He lives on occupied Southern Paiute lands, in Paradise, Nevada. He received his MFA from the University of Nevada, Las Vegas (UNLV) in 2022 and his BFA from the University of Oklahoma, Norman in 2012. He is the cofounder of the Vegas Institute for Contemporary Engagement, a research lab for art and experimentation and assistant to the chair at the Department of Interdisciplinary, Gender, and Ethnic Studies at UNLV. Reese's writings are found in *Art Focus Oklahoma*, *Southwest Contemporary*, and *Settlers + Nomads*.

JESSICA VALORIS frames *The Black Fugitive Sukkan* as “inspired by the Judaic tradition of sukkan-building and the African American tradition of the hush harbor, traditionally a place where enslaved people would gather in secret to practice religious traditions. She says, *The Black Fugitive*

Sukkan “is a temporary tabernacle, that creates space for deep listening and reflecting on the lessons that emerge from honoring legacies of Black fugitivity.” For Valoris, such community-based projects and collective care are rooted in the sacred traditions of both her Black and Jewish ancestors.



Jessica Valoris sets up the sukkan to honor self-liberating ancestors and histories of Black fugitivity. Photo by Imogen Blue

JESSICA VALORIS is a Washington, DC-based artist and community facilitator. Weaving together mixed media painting, sound collage, and ritual performance, Jessica creates sacred spaces that activate ancestral wisdom, personal reflection, and community care.

Inspired by the earth-based traditions of her Black American and Jewish ancestry, Jessica explores ideas through the lens of metaphysics, spirituality, and

Afrofuturism. Using art as a catalyst for collective healing, Valoris affirms the joy and vitality of Black people, complicating flattened histories of oppression, and creating space for affirmative celebration and redefinition. Jessica values collaboration with community-based cultural workers and collectives, and her work supports culturally relevant wellness and resilience.



Community member Juanita Bazemore reading runaway slave ads that cover the sukkah.



Stones placed at each corner of the sukkah honoring self-liberating ancestors.

Neither Jews nor Jewishness are monolithic and representation matters; inclusion is a particular kind of justice. Lack of representation and inclusion in matters of faith or belief could most certainly be considered a kind of injustice. I am writing from Madison, Wisconsin, in the United States of America, and here in the United States we have a tendency to portray Jewishness in a very narrow bandwidth of experience. Ashkenormative representations of Jewish life and Jewish culture are ubiquitous and that extends into the arts historically as well. However, within the generational shift and conversations about Jewish identity we begin to see Jewishness performed as a part of the fabric of a larger, more inclusive social justice movement. We are gay and straight, BIPOC, LGBTQ+, out married, Jewish by birth or by choice, secular or observant, Ashkenazic, Sephardic, Mizrahi, but still we pursue justice either individually or collectively. Many contemporary Jewish artists reflect that spirit of intersectionality in their art as a means of celebration or as a corrective

that may extend a certain degree of participatory rights to individuals at the margins of Jewish community.

MEIRAV ONG's work is rooted in ritual, often addressing grief or trauma through object-making, community-based social justice work, and performance. *Mourner's Kaddish (My Mother's Yahrzeit)* blurs the boundaries between art and life as Ong addresses the Orthodox law governing who can recite Kaddish and how. In her community, she was unable to recite Kaddish within the prescribed all-male minyan or without a male voice present. In this piece, Ong publicly recites Kaddish for her mother for fifty-six minutes, thus, she notes, "My mourning taught me that as a woman, a Jewish woman, to speak my full voice is a radical act." She recalls that as she repeated the prayer over and over on the anniversary of her mother's deathday, "I let myself feel rage, softness, and all the shadows in between as if to make up for lost experiences of reciting this prayer." She observes that the performance ended when she realized that "no length of time would give me back my silenced voice from my first year in grief."





Left:

Meirav Ong. *Mourner's Kaddish (My Mother's Yartzheit)*, 2018. Still from performance 00:56:00.

Mourner's Kaddish was performed in Syracuse, New York, on December 8, 2018, Rosh Hodesh Tevet, the night of my mother's z"l fourth Yahrzeit. It was the first time I recited Kaddish alone and without a minyan. I repeated the prayer over and over as an offering to my voice. Reciting Kaddish while "performing" for an audience triggered memories from my year of mourning reciting Kaddish in a minyan that ignored my voice. The audience, unaware they had an active role to respond "amen," left my voice continuing to be unanswered, heightening my feelings of loneliness. For an hour, I let myself feel rage, softness, and everything in between as if to make up for lost experiences reciting this prayer. The performance ended when I realized no length of time would give me back my silenced voice from my first year in grief.

MEIRAV ONG (she/they) creates sanctuaries for listening to elevate voices marginalized within patriarchal systems of religion through textiles, clay, sound recordings, and body-based performances. Ong has exhibited at *The Everson Museum in Syracuse, New York*, *Mana Contemporary in Jersey City, New Jersey*, *the Fowler-Kellogg Art Center in Chautauqua, New York*, *Women Made Gallery in Chicago, Illinois*, and *The Cranbrook Art Museum in Bloomfield Hills,*

Above:

Meirav Ong. *Wrapping I*, 2020. Still from performance.

These ritual sketches are adaptations of an existing language of ritual objects—like the knots of tzitzit and the wrapping patterns for tefillin—testing how they feel in my body, wondering if it will ever not feel foreign. I realized in these initial sketches that I'm not interested in feminizing practices intended for male-identifying bodies.

But I yearn to be adorned and wrapped in spiritual garments. I feel both exposed and unseen without a set of spiritual armor.

Ritual sketches are adaptations of an existing language of ritual objects: "tzitzit" knots and "tefillin" wrapping patterns. I am testing how they feel in my body, wondering if it will ever not feel foreign, and learning from these sketches that I'm not interested in feminizing practices intended for male-identifying bodies.

Michigan, among others. She's the recipient of grants to the Vermont Studio Center, Penland School of Craft, Arrowmont School of Arts and Crafts, and Chautauqua School of Art, among others. Ong holds an MFA in Fiber from Cranbrook Academy of Art and a BFA from the University of Michigan and is currently based on Canarsie and Munsee Lenape lands (Ridgewood, New York). Her work can be viewed at www.meiravong.com and on Instagram @meiravi.



Photo by Ileana Montalvo

RUTH SERGEL is a Jewish American artist living and working in Berlin. In projects such as *Chalk* and *Gaza Ghetto*, Sergel investigates the degree to which she is “living in alignment” with her own values. Sergel’s work often takes the form of memorial and of bearing witness to the inequities of power. Both *Chalk* and *Gaza Ghetto* embody the ideals of Jewish teaching at its most humanitarian core. Sergel’s embodied, empathetic, and performative projects test both her faith and her sense of righteousness, as she asks herself questions of what is morally right or justifiable and makes herself accountable to the answers via her social justice-focused artwork. *Chalk* was prompted by the Triangle Shirtwaist Factory fire in New York, where, on March 25, 1911, 146 young workers, most of them immigrants, most of them women and girls, perished in the fire.

Since 2004, on each anniversary of the infamous blaze, participants fan out across New York City to inscribe in chalk the names and ages of the Triangle dead in front of their former homes. A flier describing the history of the fire is posted in English, Chinese, and Spanish. Sergel states that “*Chalk* is a purposely ephemeral memorial. If we do not remember, if we are not willing to take action in the streets, then the memorial will not exist.”



Photo by Maribeth Whitehouse,
Bronx Middle School teacher



Photo by Rob Linne



Photo by Lisa Merrill

The impetus for *Gaza Ghetto* came in 2014, when, Sergel notes, "Israel's Operation Protective Edge (the Gaza War) was in full swing." Sergel recalls thinking that "there is no way forward if we cannot recognize the fundamental humanity of the

Palestinian people." In response, she wrote the name of each Palestinian killed in Gaza on her arm, made a photograph, and posted the image to social media. Sergel states that "art requires the participant to risk. In an immediate and physical manner, the individual



May 24, 2021



June 28, 2021



June 29, 2021



July 5, 2021

has to choose to act. It is the risk we are warned against: transforming our imagination into substantive action in the physical world." Yet, this is the task of both artists and Jews; to make difficult statements of conscience in the face of extreme political climates of any kind.

RUTH SERGEL is an artist who lives between NYC + Berlin. For more on her work, please visit her website at www.streetpictures.org.



December 6, 2021



April 16, 2022



May 11, 2022



August 8, 2022

CHELSEA STEINBERG GAY is a sculptor and performance artist whose work often addresses “the universal experience of remembering, identifying, and protecting.” Her disparate projects lean heavily on her Brooklyn Jewish upbringing

and a strong sense of justice. A number of her projects address the trauma of failed social policies with materials that evoke the body—food, emergency blankets, diapers—“drawing policy and statistic into an uncomfortably intimate context.”



Chelsea Gay Steinberg. Help Yourself (Processed II), 2020. Cake pops molded into internment camp tents, graham cracker crumbs, photo tent. 48 in. x 48 x 48 in.



Chelsea Gay Steinberg. In Process, 2019. Plastilene clay. 6 in. x 2.5 in. x 2.5 in.

Chelsea Steinberg Gay.

HELP YOURSELF (PROCESSED II), 2020.

Cake pops molded into internment camp tents, graham cracker crumbs, photo tent. 48 in. x 48 x 48 in.

Does genocide have a rhythm? A pendulum we can feel swinging from pole to pole? Can we sense it coming?

From the BBC:ⁱ

The term was coined in 1943 by the Jewish Polish lawyer Raphael Lemkin who combined the Greek word "genos" (race or tribe) with the Latin word "cide" (to kill).

After witnessing the horrors of the Holocaust, in which every member of his family except his brother was killed, Dr. Lemkin campaigned to have genocide recognized as a crime under international law.

His efforts gave way to the adoption of the UN Convention on Genocide in December 1948, which came into effect in January 1951.

Article 2 of the convention defines genocide as "any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such":

- Killing members of the group
- Causing serious bodily or mental harm to members of the group
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part
- Imposing measures intended to prevent births within the group
- Forcibly transferring children of the group to another group

ⁱ <https://www.bbc.com/news/world-11108059>

Chelsea Steinberg Gay.

IN PROCESS, 2019. Plastilene clay.

6 in. x 2.5 in. x 2.5 in.

Model of dormitory tent from one of the Trump administration's Tent City internment camps, model for artist multiples cast from cake pop embedded with fiberglass strands.

Process, processed

To alter or modify

To cognitively absorb

Processed ingredients

Processed information

Does processing precede consumption or do we consume mindlessly?

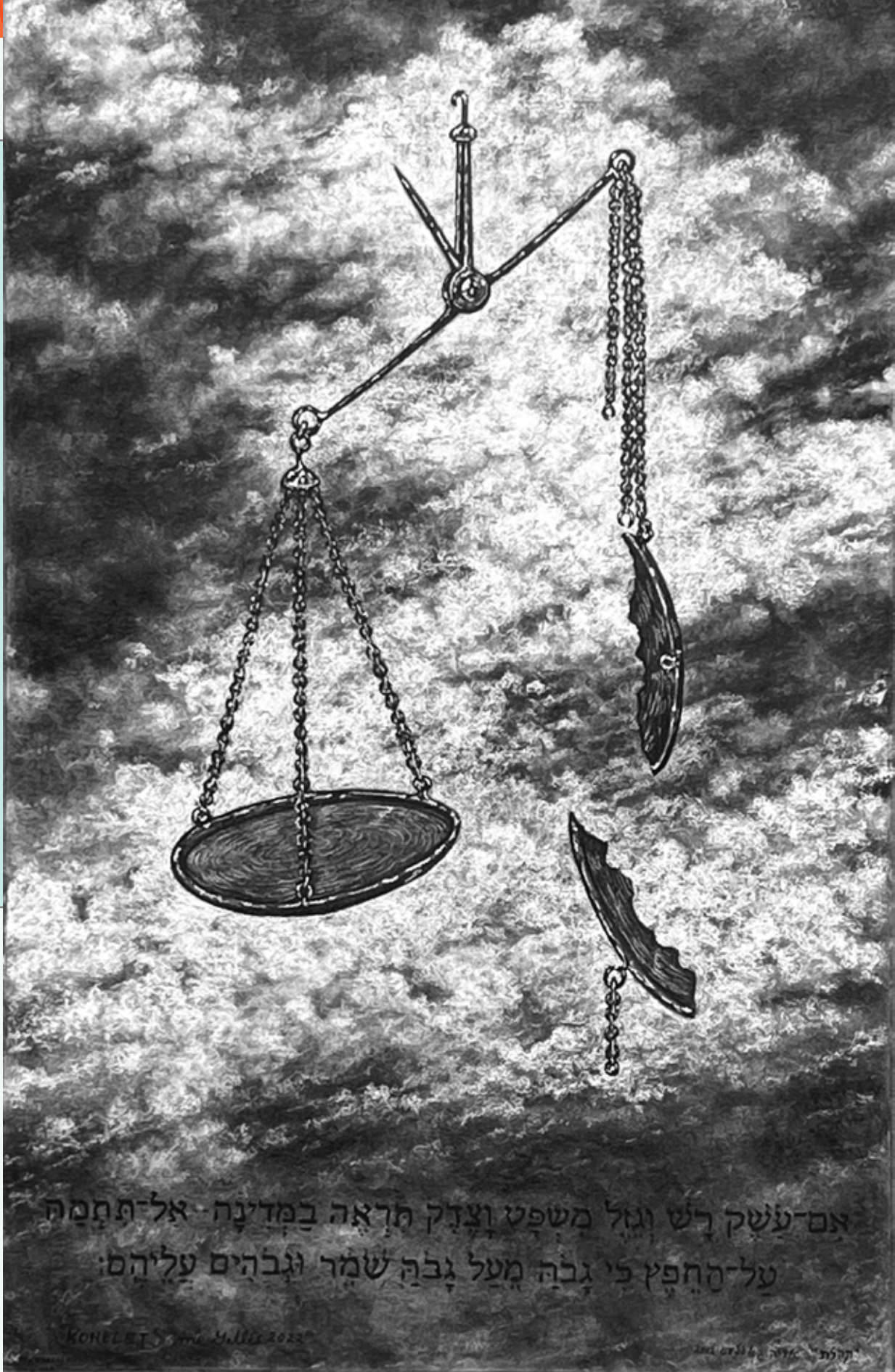
Families "processed" in DHS facilities.

Is genocide a process we can see?

A process we can acclimate to?

CHELSEA STEINBERG GAY (*she / her / hers*)

(*b. 1986, Brooklyn, New York*) is a sculptor and performance artist whose works look at how displaced or marginalized communities create, alter, or mobilize folklore, legends, and the occult as a means of protection and perseverance. A multidisciplinary artist, her works involve drawing, photography, video, sound, and performance, fabricated in whatever materials most appropriately realize each piece. She holds an MA in Jewish Art and Visual Culture from the Jewish Theological Seminary of America, a BFA in Sculpture from SUNY Purchase College, and is an MFA Fine Arts candidate in Parsons School of Design's class of 2023. Her work has been included in numerous domestic and international exhibitions and private collections.



אם-עשק רש וגול משפט וצדק תראה במדינה אל-תחמה
על-החפץ כי גבה מעל גבה שמר וגבהים עליהם:

KOHELET by Arie Galles 2022

קולות "קולות" אריה גלס 2022

Arie Galles. KOHELET/ECCLESIASTES 5:7, 2022.
Charcoal and conte arches. 30 in. x 19 in.

In the whole of the Tanakh I find the book of Ecclesiastes a profoundly empirical Jewish exegesis on the concept of justice. Quotes from that book are often repeated in literature and song. The phrase that intrigues me the most is Kohelet 5:7.

If you see in a province oppression of the poor and suppression of righteousness and justice, don't be shocked at the fact; for one high official is protected by a higher one, and both of them by still higher ones.

Many hackneyed representations of a skewed scale of justice exist, presenting an unbalance tipped against justice, blind as it may be. As a Jewish artist, I envision the scale not merely unbalanced, but completely broken, floating, like the Flying Dutchman in the sky. Humans murder humans, turn cities into blood-soaked rubble. While their mouths speak of justice, their hands are busy killing.

— Arie Galles

ARIE GALLES was born in 1944 in Tashkent, Uzbekistan. He received his BFA in 1968 from the Tyler School of Fine Arts, Philadelphia, and MFA in 1971, from the University of Wisconsin–Madison. He taught at UW-Madison, Southern Methodist University, the School of Visual Arts in New York, University of California, San Diego, and Fairleigh Dickinson University, in Madison, New Jersey. His works have been widely exhibited, including solo multiple shows at the O.K. Harris Gallery, in New York, and the Zolla / Lieberman Gallery, in Chicago. He has also exhibited and lectured in Canada, England, and Poland. Notable works are his *Reflected-Light Paintings* and the drawing suite, *Fourteen Stations/Hey Yud Dalet*. Arie has completed his book, *Drawing with Ashes*, based on ten years of journal entries during the creation of this suite. Galles is at work on his latest series of paintings, *Chromatic Modulation*, and is currently artist-in-residence and professor emeritus of *Painting / Drawing* at Soka University of America, Aliso Viejo, California.

Susan Sontag was a pioneering art critic and writer who helped to define the mid-century modern era. Sontag was among the only women among the 1960s world of New York Jewish intellectuals that included the powerhouse critics Clement Greenberg and Harold Rosenberg. In her seminal book from 1966, *Against Interpretation*, she observed that "The aim of all commentary on art should be to make works of art—and by analogy, our own experience—more, rather than less, real to us."

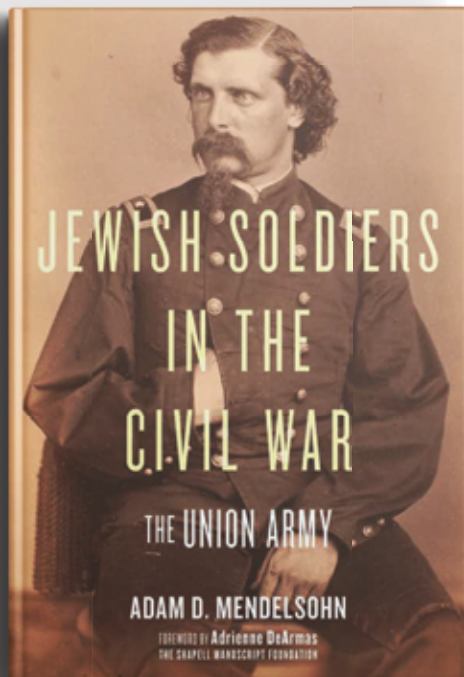
As we think about how art can speak to the most important issues of the day, as it is framed within a

commitment to justice, Sontag's words take on a deeply important task; she asks us to let art do its work, to make life as real as possible, and to apply our sense of ethics to all that artists might ask us to consider. This is the difficult work that we are asked to do as artists and Jews seeking justice, to stand by our beliefs. As parashat Shoftim implores, "Justice, justice, shall you pursue," and I would add, even when it may be difficult.

Douglas Rosenberg
University of Wisconsin–Madison

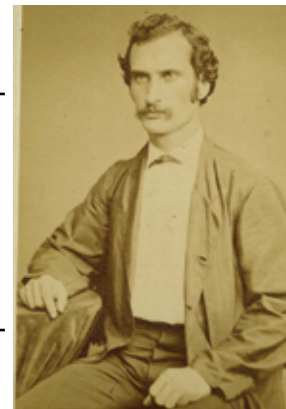
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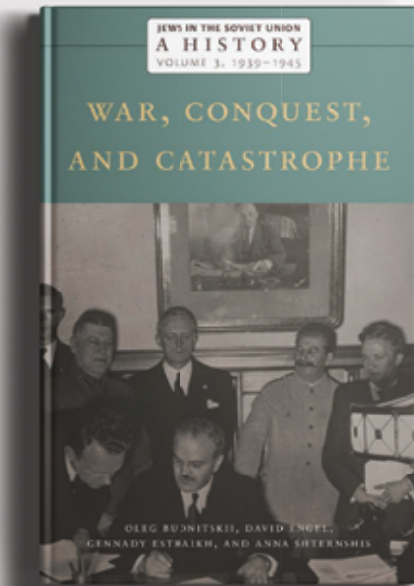


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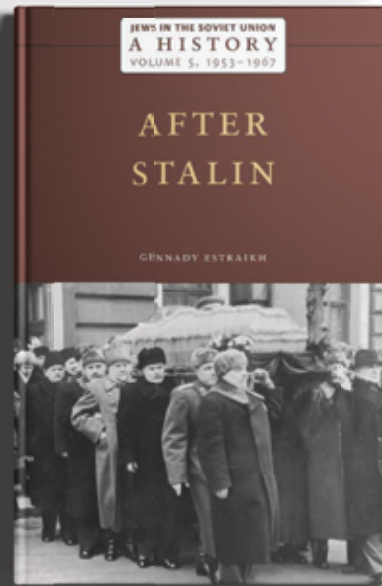
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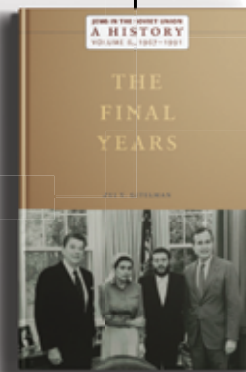
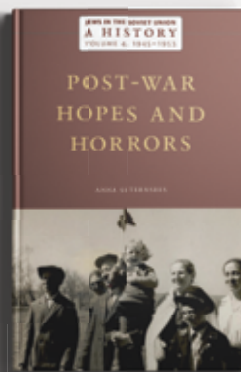
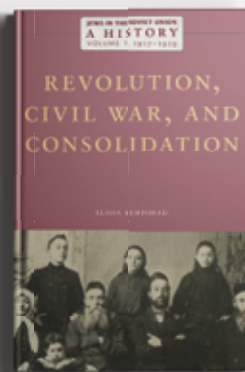
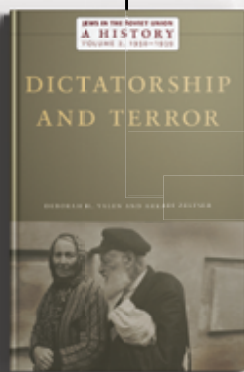


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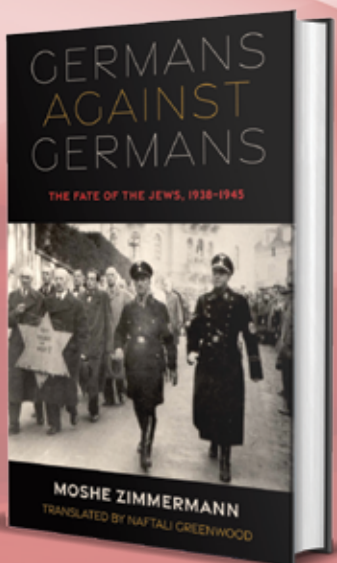
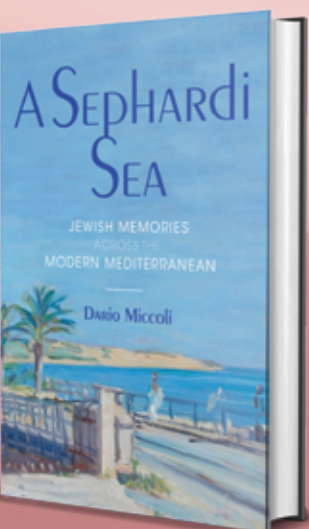
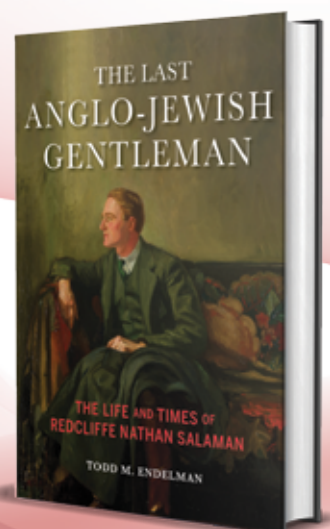
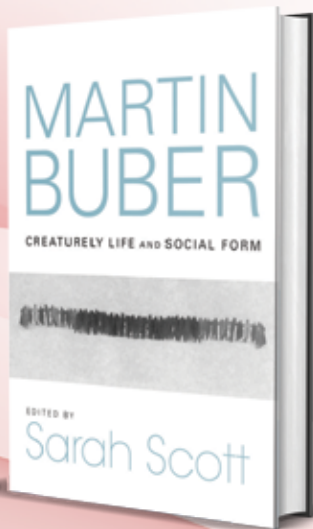
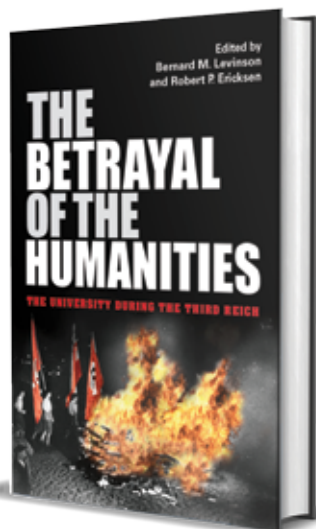
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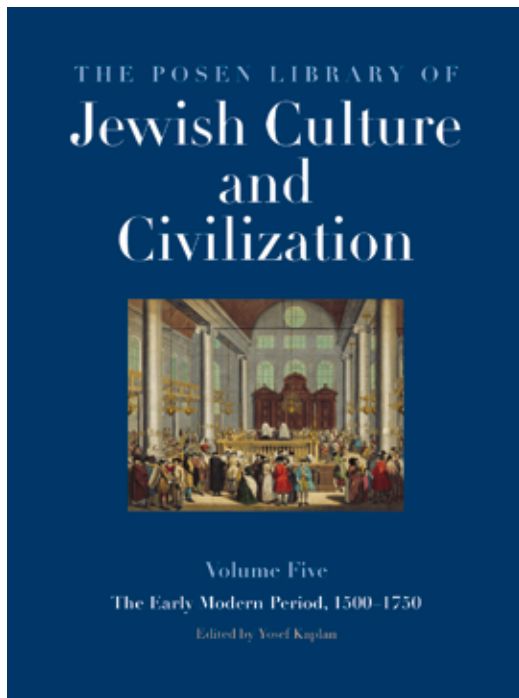
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Contemporary In/Justice

Responding to *Dobbs*: The Price of Jewish Religious Freedom

Meirav Jones, Isaac Weiner,
and Alexander Kaye

A common Jewish response to *Dobbs v. Jackson*, the Supreme Court decision overturning *Roe v. Wade*, has been the claim that abortion bans violate the religious freedom of Jews, whose religion sometimes mandates abortion. What makes this claim so alluring is that in recent years, the same Supreme Court that upheld abortion bans has been overwhelmingly sympathetic to religious freedom claims, leaning on the 1993 Religious Freedom Restoration Act (RFRA) that allows religious exemptions from generally applicable laws. The group that has benefited most from this has been the Christian Right; the same group for whom the annulment of *Roe v. Wade* was a momentous victory. On religious-freedom grounds, private corporations have been exempted from providing contraceptive coverage to employees, a baker received an exemption from discrimination laws allowing him to refuse to serve wedding cakes to same-sex couples, and the Supreme Court ruled in favor of a Catholic adoption agency that refused to serve same-sex couples. Considering the sensitivity to religion in today's legal climate, Jews may in fact be able to rely on religious freedom to receive exemptions from state abortion bans. For Jews wanting to preserve the availability of legal abortions, tapping into the sensitivities of the Christian Right may seem a more promising strategy than promoting liberal ideals.

But is claiming religious freedom the best way for Jews to respond to this recent Supreme Court decision? Certainly, individual women in need of an abortion, Jewish or otherwise, should pursue whatever strategies necessary to obtain safe access to essential medical procedures. For some, this may very well include the legal strategy of claiming exception from abortion bans on the basis of religious freedom. On a communal level, however, Jewish groups who oppose the *Dobbs* decision should pause before making religious freedom claims into a leading normative position. That is because such a position, despite its potential tactical value in the short term, comes with costs that deserve serious consideration.

While "religious freedom" means and has meant different things in different contexts, it has come to mean something quite specific in US law since the RFRA: freedom to live according to one's sincerely held religious beliefs despite laws that would otherwise burden religion. This is the religious freedom that Jews seek in petitions such as that filed in Florida, which asks for religious exemption from abortion bans. Prior to the legislation of the RFRA, the Supreme Court ruled in *Division v. Smith* that there were no grounds for religious exemption from neutral, generally applicable laws, and hence the use of sacramental peyote use by Indigenous



*Jewish Rally for Abortion Justice, National Mall, May 2022.
Photo by Gili Getz, via the National Council of Jewish Women.*

people carried the same legal consequences as any illicit drug use. The RFRA passed with overwhelming bipartisan support to provide a framework for courts to grant religious exemptions. Liberals appreciated the protection the RFRA offered minorities, while conservatives appreciated the protection it offered Christians and their allies in an increasingly secular society. In recent years, however, it is Christians who have enjoyed the greatest success in using the RFRA to advance religious freedom claims by portraying Christianity as vulnerable to liberal agendas. Indeed, the RFRA discourse consistently understands religion through a Protestant Christian lens, as a matter of individual belief, rather than community oriented or practice based. Non-Christians who have availed themselves of RFRA exemptions in the courts—such as Jews seeking kosher food in jail, Muslims seeking dress-code exemptions for beards, and Sikhs seeking exemptions to carry a kirpan—must concede these terms.

To be sure, there are compelling normative reasons to pursue religious freedom claims against abortion bans.

Such claims, for example, disrupt the widespread presumption that religion necessarily supports conservative positions. Yet Jewish religious freedom claims against abortion bans—even if they were to succeed—come at a cost. Because the RFRA provides religionists relief from neutral generally applicable laws that interfere with religion, a win for the Jews on RFRA premises will implicitly endorse the position that abortion bans are, otherwise, neutral and generally applicable. While abortion bans are not framed in religious terms, they are undeniably motivated by Christian understandings of human life beginning at conception, and are openly championed as a triumph for Christianity in the public sphere. *Paradoxically, therefore, Jewish religious freedom claims, if successful, could result in an affirmation of Christian hegemony under the guise of neutrality.* This would be an enormous victory for the Christian Right that will have found itself powerful enough to shape its religious position into “neutral” law, while simultaneously reinforcing the apparatus that allows it to demand protections from liberal laws.

This outcome would have a detrimental effect on both American political discourse, and on the Jewish community. Since the RFRA, religious freedom has rested on the assumption that powerful hegemonic groups govern the public sphere, so weaker parties must find relief in exemption. Christian conservatives have long claimed liberalism to be the most powerful hegemony. Now, Jews and others claiming religious exemption from abortion bans implicitly claim that conservative Christianity is taking up that mantle. This approach incentivizes those who dislike the direction of American law and politics to withdraw from the public conversation, to define themselves as the exception. To be sure, this is often a necessary legal strategy in individual cases, but it is not a healthy direction for American democracy. Thinkers such as the seventeenth-century Protestant founder of Rhode Island, Roger Williams, drew on his Christian convictions and evangelical concerns to advocate for a wall of separation between church and state precisely so that the public sphere could become an agonistic space where different positions are argued freely without civil gain or penalty. What we need now, more than ever, is a recommitment of religionists and secularists alike to this idea of the public as an inclusive space, to develop political strategies of coalition building and organizing, or productively—even if fiercely—disagreeing. In other words, we need stronger incentives for public engagement, not withdrawal or exceptionalism.

Unreflectively giving primacy to religious freedom claims as a normative position of Jewish communities also comes at a price to Jews themselves. In the recent impassioned debates among Jews on whether or not they require religious exemption from abortion bans, Jews have frequently adopted the language cultivated by Christian conservatives on the one hand, and liberal jurisprudence on the other. Even as they engage their own tradition, they are ceding the distinctive legal and moral framings that it provides. Of course, Jewish thought has never been hermetically sealed; Jews have always engaged in mutual interaction with the thought and practices of other groups. Nonetheless, there are rich and varied Jewish cultural, legal, and moral traditions, continually evolving in the many diverse Jewish communities, on questions related to

Jewish religious freedom claims, if successful, could result in an affirmation of Christian hegemony under the guise of neutrality.

abortion that are not reflected in the larger American conversation. Ceding the terms of that conversation by making RFRA considerations the focus of Jewish thought on abortion would divest Jews of such practical and theoretical wisdom. Conversely, introducing Jewish terms into the public conversation would allow Jews to bring a distinct perspective to the public debate and strengthen the fraying fabric of American political life. It would also present American society with a new lens through which to look at a fraught topic, perhaps opening small gaps in long-hardened and uncompromising positions. There are certainly pragmatic reasons for Jews to engage American law on RFRA terms, particularly when it comes to matters of such urgency as abortion. However, for the sake of the long-term vitality of both American society and the Jewish communities within it, those should not be the only terms of the conversation. Jews should also hang on to their own.

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Jones and Kaye are also fellows of the Kogod Research Center at the Shalom Hartman Institute of North America.

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STATUT DE KALISZ

Szyk, Arthur. 1932, Paris: Éditions de la Table Ronde

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Justice in Ukraine: Lessons from the Jewish Past

Jeffrey Veidlinger

Russian war crimes and atrocities in Ukraine demand some type of justice. Humanitarian and legal experts have been collecting evidence since the day the war began, and several organizations, including the International Criminal Court, have opened formal investigations. At least three low-ranking Russian soldiers have already pled guilty to war crimes in Ukrainian courts and Ukrainian prosecutors have opened thousands of cases. As elusive as the pursuit of justice may be, though, we can look back at other attempts in Ukraine's history to seek retribution, restitution, and rehabilitation for crimes committed on Ukrainian soil.

Tragically, the Jewish population has often been the victim of these crimes.

There was little chance for Jews to obtain justice when the land was under tsarist rule between the eighteenth century and the Russian revolutions of 1917. During this period, crimes against Jews often took the form of pogroms, or anti-Jewish riots. Local Jewish activists, particularly those with legal training, carefully documented the crimes, going door to door to take witness testimonies and record damages, in the vain hope of obtaining justice. While the state authorities inevitably sided with the perpetrators, the documentary collections these trials and investigations produced helped convince foreign governments that the tsarist government was oppressing its Jewish subjects and, at times, encouraged those governments to welcome Jewish refugees and protest Russian governmental action against the Jews.

After the overthrow of the tsar, a new wave of pogroms swept the region, this time perpetrated on a far more massive scale—over one hundred thousand Jews would perish in the region between 1918 and 1921. Again,

lawyer activists combed the towns in the immediate aftermath of the violence to document it for posterity, carefully taking thousands of testimonies and recording the damage.

But it wasn't until the Bolsheviks and the Red Army took control that justice for the Jews began to prevail. It was, however, a strict justice—*midas ha-din*, as the Soviet Yiddish writer Dovid Bergelson titled his novel about that period. (This work was translated into English by Sasha Senderovich and Harriet Murav under the title *Judgment*.) The Bolsheviks established thousands of revolutionary tribunals in which those accused of perpetrating pogroms were hastily tried by field tribunals and often sentenced to death on the charges of "banditry" and "counterrevolutionary activity." Since, in many cases, these tribunals were led by individuals with recognizably Jewish last names and swept up many low-level peasant offenders as well as insurgent ringleaders, they fostered new waves of interethnic resentment rather than reconciliation.

In addition, outside of the official legal system, vigilantes sometimes took justice into their own hands, executing those they believed to be responsible for anti-Jewish

As elusive as the pursuit of justice may be, though, we can look back at other attempts in Ukraine's history to seek retribution, restitution, and rehabilitation for crimes committed on Ukrainian soil.

atrocities. The Yiddish writer Itsik Kipnis tells of the extrajudicial shooting of the perpetrators of the Slovechno pogrom in his chronicle, *Months and Days*: “In the middle of the day, three shots could be heard behind the town,” he wrote, “Marko killed the Jews and the Jews killed Marko.” Famously, in Paris, the Yiddish poet Sholem Schwarzbard assassinated Symon Petliura, the leader of the independent Ukrainian state who he believed was responsible for the worst of the pogroms.

Jews again sought justice after the Holocaust, during which about one and a half million Jews were murdered on Ukrainian soil. The Soviet government was surprisingly active in investigating Nazi crimes on Soviet soil. Between 1943 and 1945, “Extraordinary State Commissions on Reporting and Investigating the Atrocities of the German Fascist Occupants and Their Henchmen” were established throughout the Soviet Union. Made up of government officials, police, and ordinary citizens, these local commissions collected testimonies while they were still fresh in witnesses’ minds. In contrast to the perfunctory inquiries of the revolutionary tribunals, these investigations were thorough and comprehensive.

The reports they produced, however, eluded real justice for the Jews by eliding the distinct fate they suffered under the Nazis. As a result, Jewish victims were unable to obtain restitution or acknowledgment. For instance, in Berdychiv, the witness Mikhail Pekelis told the commission of several “mass murders of Jews” that took place under the Germans and provided specific dates and number of victims. Yet, when the Extraordinary Commission delivered its report, the victims were identified only as “peaceful Soviet citizens,” 38,536 of them, to be precise. The report also named seventeen German perpetrators, several of whom were subsequently prosecuted in Germany: in a 1966 trial, Fritz Sievert was acquitted for unclear reasons, and in a 1960 trial Fritz Knop was sentenced to seven years in prison (GARF 7021/66/285).

But in Soviet Ukraine, an estimated 100,000 people were tried after the war as “homeland traitors and accomplices,” mostly in secret trials. In fact, it is likely that more Ukrainians than Germans were tried and convicted of war crimes, many of whom were low-level collaborators

*The pursuit of justice
in Ukraine must be
comprehensive,
thorough, fair, open,
and proportional.*

and many of whom were singled out for punishment for political reasons. Most received prison terms of ten to twenty-five years, although about 3 percent seem to have received death sentences and about the same number were acquitted. Material from these trials, which have only recently become available to scholars and many of which are now digitally available through the United States Holocaust Memorial Museum, include witness statements, interviews, and even forensic evidence obtained from the killing sites. They provide powerful evidence of a communal search for justice in the wake of the Holocaust, but also reveal the flaws of a criminal justice system subordinated to political expediency.

Today, prosecutors can learn from the mistakes of the past. The pursuit of justice in Ukraine must be comprehensive, thorough, fair, open, and proportional. Justice should not become an excuse to pursue political enemies or to reap a victor’s vengeance. We cannot allow an overzealous pursuit of justice in this conflict to fuel the flames of the next. On the other hand, neither those who masterminded the invasion from the safety of the Kremlin nor the foot soldiers who committed atrocities on Ukrainian soil should evade responsibility for their role in these crimes.

JEFFREY VEIDLINGER is *Joseph Brodsky Collegiate Professor of History and Judaic Studies at the University of Michigan*. He is the author, most recently, of *In the Midst of Civilized Europe: The 1918-1921 Pogroms in Ukraine and the Onset of the Holocaust* (Metropolitan Books, 2021).

More than War Songs: What Ukraine's Poets Teach Us about Language and Community

Amelia M. Glaser

In April 2022, the poet Ilya Kiva sent me a poem about a humanitarian aid kit.

we've packed a contraband humanitarian aid kit of
war songs
and shipped it to Europe America India and China
paving the silk road with great Ukrainian literature

створили з пісень про війну підпільну гуманітарку
вантажимо її у Європу Америку Індію та Китай
торуємо шовковий шлях великої української
літератури

Ilya wrote this poem a month into Russia's full-scale invasion of Ukraine, and it captured something I had begun to feel while anxiously following the news about the place that had given me Nikolai Gogol, Lesya Ukrainka, Isaac Babel, and Sholem Aleichem, a place where I drafted my dissertation nearly two decades ago, a place where I became close to native speakers of Ukrainian, Russian, and Yiddish. Ukraine—not just poets, but the country—has been sending a humanitarian aid kit to the rest of the world in its impavid struggle to defend its democracy. In the spring of 2022, the rest of the world watched as Ukraine made clear what matters: the ability to choose one's own leaders, to defend truth with a small "t," a civic society that can accommodate multiple languages, histories, religions. As Ukraine's volunteers defend the country against the largest army in Europe, its poets have articulated this in words.

I met Ilya Kiva in a café at the center of Kyiv in September of 2019. The café was near Golden Gate—the remains of the medieval structure that once protected the capital of Kyivan Rus'. She had left her native Donetsk five years

earlier when war broke out against Russian-backed separatists. My friend and colleague Yuliya Ilchuk and I had begun translating Ukrainian poetry together and invited several poets to meet us in this bright, multileveled locale that served everything from cappuccinos to cognac to vegetable smoothies. Ilya slipped into the booth. She was tall and thin with light brown hair and wore a stylish oversized sweatshirt and an A-line skirt. She gifted us copies of her second book of poems, *Persha storinka zimy* (The first page of winter), which was her first in Ukrainian—she had previously written poems in her native Russian. Ilya's poems sometimes unfold in allegories. Layers of group tragedies that make up Ukraine's history unfold like a map:

I live between Babyn Yar and the Syrets
concentration camp
every day, returning home along this road of death
I wind up in prewar Berdichev

Poster art by Khrystyna Valko, 2022.
Reproduced with permission from the artist.



я живу между Бабьим Яром и Сырецким
концлагерем
каждый день, возвращаясь домой дорогой
смерти
я оказываюсь в довоенном Бердичеве

Iya had been exploring her eclectic Jewish, Russian, and Ukrainian ancestry. She had taken some Hebrew classes, she told me, and was interested in Yiddish. She has written about the historical accidents that led some of her ancestors to their death in Berdichev during World War II, and others to seek shelter in Donbas.

Gradually others arrived: Natalia Beltchenko, who had just won a major prize at the Lviv Book Forum, had shifted, like Iya, from writing in her native Russian to Ukrainian. Beltchenko posts photographs of birds and animals from the parks of Kyiv to social media alongside her many poems about the environment. She had visited Chernobyl, and wrote a cycle about that nuclear time capsule of nature and farmland sixty miles north of Kyiv.

in the village of Lubianka
the wooded Polesia
I scrambled through brambles
to the zone
through that creepy typeface
and there, filled to the brim
was the wind of before

в луб'янці
полісся
по ліс я поліз
в зону
крізь моторошний шрифт
а там по-вітря колишнього
по вінця

Anton Polunin arrived, bearded and with rock-star eyeliner, and Slanislav Belsky, a Russian-language poet who translates from Ukrainian. The conversation meandered between Russian and Ukrainian; we spoke of Oleh Sentsov, the filmmaker from Crimea who was recently released from custody in a prisoner exchange with Russia, the ongoing war, and the way Russian and Ukrainian grammar accommodated nonbinary gender categories.

Collectively, since 2014, Ukraine's poets have been describing an emerging identity that is distinct from both the rising tides of authoritarianism in its neighboring Russia and the polarizing nationalism of Eastern Europe in the 1990s. They are authors of what many have called Ukraine's "civic turn"—a shift from an ethnically defined idea of nationhood toward one defined by citizenship.

I began to study Ukraine because of my study of Yiddish. Ukrainian and Yiddish literature have striking parallels, both because of their long coexistence as marginal imperial subjects, and also because Ukraine, like the proverbial Yiddishland, has been mapped by poets more than military borders. "When I die, let me rest / Buried in a grave," wrote the Romantic bard, Taras Shevchenko, in 1845, "On the wide steppe / In my dear Ukraine." When Ukrainian-language literature was outlawed in the nineteenth-century tsarist empire, writers published in the Habsburg lands and smuggled their work East. The February 2022 invasion came at a time when Ukraine was at last experiencing the meaning of sovereignty.

Not long after my coffee date in Kyiv I found myself sipping tea with the poets Boris and Ludmila Khersonsky in Odessa. "We've been at war for five years," Ludmila said, "and yet we've experienced freedom like never before." Since 2014, Ukraine has also experienced a poetic explosion. Online journals and poetry festivals have multiplied. Ukrainian poets have used social media to extend these forums. A week after the recent invasion, Kateryna Kalytko posted a poem to Facebook that reasserted the power of language:

On the seventh day of observing uninterrupted
the destructive power of weapons
I began to marvel at our language again.

На сьомий день прямих спостережень
за нищівною потужністю зброї
я знов почала дивуватися мові.

The following day, Stanislav Belsky posted his Russian translation, defying the Kremlin's claim that Russian speakers in Ukraine must be rescued from Ukrainian nationalists. Through their words, Kalytko, Belsky, and their colleagues have sought to revisit the meaning of their nation's identity, history, and language. The poet Ostap Slyvynsky has begun compiling a series of overheard phrases that define the new uses of ordinary

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terms like “shower” and “plum” and posting them to social media under #DictionaryOfWar. “I do not recommend taking a shower during heavy shelling,” begins one post, narrated by Alexander of Bucha.

The poets of contemporary Ukraine are at the current front line of a struggle between Russia’s ideology of strength and the emerging possibility, in their young state, of a civic-based democracy. Collectively, they have taught me, a professor of comparative literature at a California university, a new reason to value literature in an age of global communication. Amid relentless air raids, amid horrific assaults in Mariupol, Bucha, and Irpin, Ukrainian poets have packed their own humanitarian aid kits made up of language—the ultimate vessel of hope. They have sent this, not only to one another, but to the readers beyond their borders.

—Amelia M. Glaser, San Diego, July 2022

Notes: A version of this article appeared in German in *Geschichte der Gegenwart*. All poems cited here were cotranslated by the author and Dr. Yuliya Ilchuk.

AMELIA M. GLASER is professor of Literature and Chair in Judaic Studies at the University of California – San Diego. She is the author of *Jews and Ukrainians in Russia’s Literary Borderlands* (Northwestern University Press, 2012) and *Songs in Dark Times: Yiddish Poetry of Struggle from Scottsboro to Palestine* (Harvard University Press, 2020). She is currently writing a book, provisionally titled *Nation of Poets, about contemporary poetry in Ukraine*.

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Crowd watches Australian Prime Minister Kevin Rudd deliver “National Apology to the Stolen Generations.” Photo by Virginia Murdoch February 13, 2008 via Flickr, CC BY-SA 2.0..

Indigenous Justice and Jewish Studies

Aaron J. Hahn Tapper

In January 2014, I moved to Melbourne, Australia, for six months. My goal was to conduct research on the political apology that former Australian Prime Minister Kevin Rudd gave on his first day in office, February 13, 2008. Addressing the entire country, he apologized to Aboriginal and Torres Strait Islander people for their historical maltreatment. I wanted to know what Indigenous and non-Indigenous people thought about Rudd’s act of contrition, both back in 2008 and now, a few years later. Over the course of my time in the land “Down Under,” including a return trip made the following summer, in 2015, I was able to visit people in four of Australia’s six states and two federal territories, including stops in the national capital, Canberra; Sydney, New South Wales; Brisbane and Cairns, Queensland; Darwin, Katherine, and Arnhem Land, Northern Territory; Broome, Western Australia—and beyond.

I attended the Barunga Festival and the Garma Festival of Traditional Cultures, which are both held annually in the Northern Territory to celebrate Australia’s Indigenous cultures and bring attention to the most important twenty-first-century challenges facing these marginalized communities. I spoke with thousands of people, fifty of whom I interviewed formally and at length. Running the gamut from ultraconservative to moderate to über-liberal, they included activists, educators, journalists, community leaders, media pundits, organizers, politicians, and scholars. Many are among the most prominent people on issues linked to Aboriginal and Torres Strait Islander communities in Australia; most identify as Indigenous themselves.

When I began writing up my research, in fall 2015, I intended to focus on Australia exclusively. It soon became

*For me and my colleagues
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clear to me, however, that as a white, Ashkenazi Jewish American I needed to expand my project. As a citizen of the United States who, like most Americans, was socialized to accept the invisibility of American Indians in contemporary American society and in dominant narratives of American history, I felt I needed to draw connections between the histories and current realities of Indigenous Peoples in Australia with those in the United States. In the end, they are tellingly similar stories. Although this certainly complicated the writing process, I believe that this project is that much richer for having utilized a comparative approach.

On face value, this research seems to fit squarely into an academic field such as Indigenous Studies, International Studies, or Peace and Conflict Studies, to name but a few possibilities. But for me and my colleagues in the Swig Program in Jewish Studies and Social Justice at the University of San Francisco, where I've been since 2007, it is imperative that our research adds to our collective understanding of marginalized communities within the context of social justice. I am part of a faculty team whose research explores how subordinated groups interact within dominant structures, looking at social relations between and among the privileged and oppressed.

Although Jews certainly have social privilege today in ways that are different from centuries past, we study and teach about the Jewish community within the much larger context of social identities, delving into how individuals and collectives perform their identities and how this manifests in terms of larger societal frameworks. We also commonly use a comparative lens in our research. To give but a few examples: we investigate (non-Jewish) twenty-first-century refugees in the United States in relation to previous generations of Jewish immigrants arriving here; we study the Holocaust within the framework of other twentieth- and twenty-first-century genocides; and we de-exceptionalize the Israeli-Palestinian conflict by teasing out similarities and differences between this conflict and others, such as the Balkan conflicts or the North/ern Ireland "Troubles."

My current research about Aboriginal and Torres Strait Islanders in Australia and American Indians in the United States undoubtedly aligns with the approach of my Jewish Studies colleagues at USF. But the quest for justice for Indigenous Peoples in Australia and the United States is directly related to Jewish Studies for yet another reason. As some know, as early as 1949, less than one year after

the State of Israel was established, West Germany began discussions with leaders of the nascent Jewish state about giving the latter significant financial support as compensation for their role in the genocide of Jews during World War II as well as the creation of a new Jewish refugee population.

Many maintain that the debate in Israeli society at the time as to whether or not to accept fiscal reparations from West Germany was as heated as it has ever been in the country's almost seventy-five-year history. Although Prime Minister David Ben-Gurion and his ruling party, Mapai, led the charge in the parliament's passing of an eventual agreement, those on the political Left and political Right (e.g., Mapam and Herut, respectively) were adamantly opposed. In the days following the government vote, tens of thousands participated in protests that rocked the emerging country. Mapam's Yaakov Hazan referred to the parliament's decision as having put Jewish Israelis in negotiations with Nazis, whereas Herut's Menachem Begin famously referred to the offer the country received as "blood money." Eventually, in 1952, an agreement was officially made between the two countries; additional monies were given subsequently. As of today, Germany has paid the State of Israel billions of dollars in recompense.

The notion of reparations—whether embodied in financial restitution or another effort—continues to be central to twenty-first-century countries. All nation-states, said renowned French Algerian philosopher and intellectual Jacques Derrida, were founded upon violence. Continuing this thesis, if a country wants to move toward a future rooted in justice it must confront its violent record, whether or not this involves facing the genocide of Indigenous Peoples, as is necessary in both Australia and the United States. A central path in the

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process of reconciling with one's past is compensating aggrieved parties with reparations. Perhaps even those in the field of Jewish Studies whose scholarship treats the Shoah and the genocide of Jews during World War II as a sui generis event can understand the desire for Indigenous Peoples to move their communities toward justice in this way, arguably the same path that Ben-Gurion took in the early days of Israel's founding. Maybe such Jewish Studies scholars can also hold the Australian and United States governments responsible for the decimation of Indigenous Peoples as they do Germany in relation to Jews.

Jewish Studies is a wide-reaching interdisciplinary field. Its overlap with Indigenous Studies, as described in this piece, is but one example of how seemingly disparate academic fields overlap. As for the notion of justice, aside from teaching students critical thinking skills, I believe a learning outcome for humanities courses should be an

Maybe such Jewish Studies scholars can also hold the Australian and United States governments responsible for the decimation of Indigenous Peoples as they do Germany in relation to Jews.

unveiling of social inequality and inequity in order to change the status quo. Perhaps, as Derrida writes, this pursuit can move society closer to justice, even in an infinitesimal way.

AARON J. HAHN TAPPER is Mae and Benjamin Swig Professor in Jewish Studies and founding director of the Swig Program in Jewish Studies and Social Justice at the University of San Francisco, where he is privileged to work with a team of like-minded educator-activists.



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Reading Jewish Texts in an Age of Climate Change

Julia Watts Belser

Can ancient Jewish texts help us grapple with climate change? Spiritual leaders often look to sacred texts to make a compelling case for the power of religion to reshape our environmental consciousness, to catalyze new forms of ecological practice. As a scholar of rabbinic literature, I've written about biblical and rabbinic texts that are suffused with ecological concern: for the coming of the rain and the nurture of soil, for the sowing of seed and the rhythms of harvest, for the tending of goats and the health of the herds. Rabbinic Jews faced their share of environmental challenges. While drought and rain crisis loom largest in my own work, rabbinic sources speak to a wide range of concerns we recognize today as central to environmental justice: concerns about trash and toilets, about waste and water; about the differential impact that mining, tanning, and industry have upon vulnerable human and animal bodies; about the poisons that spread so easily in the air we breathe.

These sources matter to me, as a Jew and as an activist. But I confess, I'm not convinced that Jewish tradition offers us a pragmatic blueprint for effective environmental action in the Anthropocene. The classical sources could not anticipate the scale and scope of the current crisis, or foresee that human action would affect ecological systems in such a comprehensive and catastrophic way. Rabbinic legal paradigms emerge within a vastly different political economy, and the means through which they negotiate conflicts rarely translate in straightforward ways to an intensely globalized world. While traditional Jewish law and liturgy can offer some significant resources for more sustainable choices, I find myself frustrated by the limits baked into these paradigms, by commitments they hold that I myself do not share. My own instincts align with the insights of Mara Benjamin, who argues that Jewish theology needs a deep revision in order to speak to our contemporary climate emergency—that we must let go of our tendency to want to keep human concern

and human desire at the center of Jewish prayer, Jewish thought, Jewish ethics.ⁱ

Across the Jewish world today, there are potent clusters of Jewish eco-practitioners revivifying ancient Jewish practices as a way to ground and sanctify their environmental commitments, from traditional practices for farming and raising animals to new-old ways of honoring Jewish holidays and celebrating the seasons. This is powerful work, work that speaks to my own heart. But I also know this: Jewish ritual creativity isn't singlehandedly able to transform the raw politics of the present. It's not just about the numbers. It's also about the power most of us modern souls are prepared to grant religious values. To speak in moral language today is to speak most powerfully to those who already hear the call. A Jewish case for solar power seems unlikely to sway the hearts of Jews who profit from fossil fuel industries, from Jews invested in the status quo.

What draws me most to Jewish tradition is the way it can aid us in doing the inner work that climate change demands. Rabbinic Jewish stories in particular grapple with power in ways that I find deeply resonant for the present moment: with the long, complex legacies of empire and exile, with the ravages of political conquest and the lash of despair. Because these stories are often self-critical, because the rabbis often tell these stories in ways that lay plain their own faults and failings, I find them a powerful, if oblique mirror for examining the chasms that confront us today. I lay them out as an invitation: to think more deeply about the social and political effects of climate change, to confront the problems of power and privilege that contour our world and intensify climate inequity. Through the telling, I hope we find companionship for grappling more forthrightly with fear and loss and guilt and pain.

May I tell you a story?

It's a story from the Babylonian Talmud, a story that unfolds after the destruction of the Temple, during the Roman occupation of Judea. One day, while Roman soldiers stalked the streets, they saw a crowd gather for a wedding feast—and they mistook it for an uprising, a great Jewish rebellion. They tell their commander, who tells his commander, who reports rebellion all the way up the line. Caesar arrives with the full force of his army, ready to put down the revolt of the Jews.

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for the present moment.*

As the talmudic story unfolds, it telescopes the conflict between Rome and the Jews to a battle between two men. Bar Droma, the Jewish hero, summons miraculous strength and very nearly defeats Caesar's vast army. Caesar withdraws and the Jews rejoice with extravagant feasting and celebration. The Talmud says, They ate and they drank and they lit lamps so abundant "that the seal of a signet ring could be seen at a great distance" (B. Gittin 57a). The opulent feast leads Caesar to revoke his decision. He feels the Jews are rejoicing too greatly, and he returns to annihilate them. The story closes with Rav Ashi's words:

Three hundred thousand swordsmen
ascended Tur Malka
and they slaughtered them there
for three days and three nights—
while on the other side of the mountain,
they celebrated and made merry,
and one side did not know about the other.

The conclusion of the Tur Malka tale gives chilling voice to the moral problem of opulence and ignorance. The revelers at that great party know nothing of the death unfolding just beyond their borders. Caught up in the extravagant celebration, half the people of Tur Malka feast in the midst of disaster—unaware of the slaughter on the other side of the mountain.

In a theme that recurs in many talmudic stories about disaster, the rabbis critique the luxury of the feast, the extravagance of the celebration. The story lingers on the lavish lights that illuminate the celebration, so bright you could see the details of a signet ring. Retelling this tale, I think always of the words of Arundhati Roy, as she describes the way that violence in so many communities is silenced and unseen. Roy says, "I think of globalization like a light which shines brighter and brighter on a few people and the rest are in darkness, wiped out. They simply can't be seen."ⁱⁱ In Rav Ashi's words: "One side did not know about the other."

This is the story I think of when I think of my own place in the global ecology of climate change. This is the mountain in our midst. This is one measure of the mirror I find, when I look to ancient Jewish tradition: a mirror that can help me ground my heart in a difficult but necessary truth. I am a white, well-off woman whose life is lit with a whole lot of light. I'm one of the revelers in

the Talmud's story. I'm one of the ones who eats and drinks and does not count the cost.

As a scholar, ethicist, and spiritual teacher, one of my core commitments is to help communities of relative privilege reckon more deeply with the disparities of power that shape our world. I want us to grapple with the ways we get disconnected from the realities of climate change, the ways we turn away from violence. I want us to interrogate the systems that constrain us, so we begin to dismantle the unjust patterns in which we are enmeshed. I want to help us tune our attention to a hard truth of the present moment: that environmental harm is unevenly distributed. All of us are in danger, but some us live much closer to the storm. I will not speak in platitudes. I will not sell hope cheaply, like a storybook promise or a thin nostalgic fantasy. I find in ancient Jewish stories a different kind of solace: a reminder that we are neither the first nor the last to come face to face with moral failing. We are not the first to take up the work of confronting our own complicity, not the first to take up the task of stitching life anew amid a ravaged world.

JULIA WATTS BELSER (*she / her*) is professor of Jewish Studies in the Department of Theology and Religious Studies at Georgetown University, as well as senior research fellow at the Berkley Center for Religion, Peace, and World Affairs. Her most recent scholarly book is *Rabbinic Tales of Destruction: Gender, Sex, and Disability in the Ruins of Jerusalem* (Oxford University Press, 2018). A rabbi, activist, and longtime advocate for disability and gender justice, she currently directs an initiative on disability and climate change at Georgetown University—and she's a passionate wheelchair hiker.

i Mara H. Benjamin, "Reading Psalms as the Water Rises," *Sources*, Spring 2022. <https://www.sourcesjournal.org/articles/reading-psalms-as-the-water-rises>

ii Quoted in Madeleine Bunting, "Dam Buster," *The Guardian*, Friday 27 July 2001.

Social Justice and Orthodoxy

Joshua Shanes

On June 13, 2018, the Orthodox Union celebrated then-Attorney General Jeff Sessions and handed him a plaque emblazoned with the verse, “Justice, Justice, shall you pursue,” one of the Torah’s most famous admonitions. They snapped a photo of their warm embrace and posted it on social media. This act came days after news of Sessions’s famous “family separation” policy that deliberately ripped children—including babies—from families of immigrants in a draconian policy openly designed to scare refugees from trying to cross the border.

This moment was perhaps the climax of Orthodoxy’s turn toward new values during the Trump era. It is a community—like white evangelicals—that has long claimed “religious values” as a centerpiece of their political worldview. Yet, when offered a candidate (Trump) who seemingly represented the opposite of every one of their values—family, faith, character, personal decency, care for the indigent and distressed—most rushed to his side. Moreover, throughout his term, Orthodox organizations repeatedly celebrated his administration and only very rarely pushed back against its cruelty and racism.

Perhaps this reflects self-serving political calculus, an abandonment of moral values to defend Orthodox (and right-wing Israeli) interests. Yet even now—almost two years past Trump’s electoral defeat and continued revelations of his perfidy—there has been no mass disavowal of that infatuation. On the contrary, the Orthodox vote for him in 2020 rose precipitously, the Orthodox press to this day remains supportive of his party, and recent wins from the Supreme Court Trump and Mitch McConnell constructed are widely celebrated.

To a certain extent, this reflects an inward turn of Orthodox interests. For example, Orthodox groups have long pushed for public funding of Jewish schools—regardless of its impact on the public school system—and so naturally celebrate the Supreme Court’s recent moves in that direction. Equally, as a recent New York Times exposé demonstrated, Orthodox Jews in New York work their political contacts assiduously to maximize public support for their heders and yeshivas.ⁱ

That said, even Orthodoxy’s defense of “religious liberty” betrays its orientation against social justice. For example, in 2014 the Orthodox Union “applauded” the Supreme Court’s ruling in favor of Hobby Lobby that allowed the company’s owners to disregard the Obamacare mandate to provide women’s health services (including birth control) that they claimed violated their religious beliefs. However, in a country in which most women receive healthcare through their employers, this was in fact not a celebration of “religious liberty” generically but rather a celebration of the “rights” of employers over those of their employees, including Orthodox employees.

Similarly, the recent decision overturning *Roe v. Wade* was either celebrated or greeted neutrally by Orthodox organizations, a troubling decision considering that 2014 position. Some Orthodox leaders—Avi Shafran (spokesman for Agudath Israel of America) and J. David Bleich (a rabbi long affiliated with Yeshiva University) come to mind—admitted the danger of absolute bans on abortion in some states but said they were not worried because Orthodox women (their own constituents) will “surely” have access to Jewish charity to reach other states if they require a rabbinically approved abortion. Other women were not their concern.ⁱⁱ

There seems to be widespread consensus, both within and outside of Orthodoxy, that the popularity of the phrase *tikkun ‘olam* by non-Orthodox Jews has led to its dismissal—and the dismissal of the value of social justice more broadly—by most Orthodox Jews, despite its central importance in any reasonable definition of Judaism. Famously, for example, the admonition to protect strangers and the defenseless among us is the most repeated commandment of the Pentateuch. Less famously, rabbinic texts—based in part on Isaiah 1 and Ezekiel 16:49—



Jeff Sessions accepting award from the Orthodox Union, June 13, 2013. Screenshot via C-SPAN YouTube channel.

explained that the sin of Sodom that led to its destruction was cruelty to the poor despite material bounty.

These traditions influenced some non-Orthodox leaders against Trump’s tax law, for example. Orthodoxy, however, for a variety of reasons (right-wing support for West Bank settlements, the impact of talk radio, predisposition against LGBTQ rights and feminism, support for private school vouchers, and others), has moved away from this value in favor of an ethnonationalist worldview committed to the political Right in its entirety. This meant support for the arguably “Sodomite” tax law and opposition to legislation that seeks social or racial justice.

There are exceptions—Moshe Lichtenstein is perhaps the most prestigious example—who push back against this trend. The progressive Orthodox rabbinic group Torat Chayim has likewise stood up consistently for social justice in its statements and programs, though not incidentally, it has been accused of standing outside Orthodoxy by many voices to its right.

None of this is new. One of the most cited exceptions pushing *tikkun ‘olam* among Orthodox voices is Jonathan Sacks’s 1997 speech to the Orthodox Union.ⁱⁱⁱ Sacks acknowledged the Orthodox bias against *tikkun ‘olam* but argued that Orthodox Jews must overcome it and engage in efforts to help the outside world. What he meant by that, however, was not advocating for policies like environmental protection, better worker conditions, or improved health care. Instead, he argued that to improve the outside world Orthodox Jews must share their superior morality—especially superior family values—and live as proud, Orthodox Jews!

“Our task is to become a particular living example of a set of universal truths, and therefore the conflict between the universal and the particular in Judaism is not a conflict at all because it is only by being Orthodox Jews that we are able to *mitaken ha-‘olam*—it is only by being true to ourselves that we can be true to other people. ... That is why *tikkun*

Ultimately, Orthodoxy's claim ... to represent a superior morality to teach the world is undermined by its actual behavior at this critical moment in history.

'*olam* in my view is the special responsibility of we [Orthodox] who are the guardians of Torah."

This perspective was shared by most of the essays in Yeshiva University's 1997 *Orthodox Forum* volume focused on *tikkun 'olam*.^{iv} Most essays focused not on material conditions but rather on the outside world's allegedly broken moral conditions, and whether and how Orthodox Jews should engage in influencing broader society in this way. Overwhelmingly, they focused on sex, gender, and abortion—they were especially concerned about the acceptance of homosexuality—but also discussed the promotion of religion in the public sphere, especially for their own personal benefit. One essay even argued that "Modern Orthodoxy" could only pursue *tikkun 'olam* on issues on which it had consensus, which for the author (Jeffrey Ballabon) meant supporting Israel and advancing Orthodox Jewry's particular interests,

including "pork" (i.e., discretionary spending to grease constituents).

There is a lot of beauty in rituals and texts that shape Orthodox Judaism. This is why I remain committed to living an Orthodox life. Unfortunately, its smug confidence in Orthodox superiority—the cornerstone of Orthodox identity since its inception in Germany—is challenged by its myopic interest in some Jewish values over others. Ultimately, Orthodoxy's claim—like that of the white evangelicals to whom they have drawn so close in recent years—to represent a superior morality to teach the world is undermined by its actual behavior at this critical moment in history.

JOSHUA SHANES is professor of Jewish Studies at the College of Charleston. He is currently completing a history of Orthodoxy from its German origins to today.

i Nathaniel Deutsch and Michael Casper, *A Fortress in Brooklyn: Race, Real Estate, and the Making of Hasidic Williamsburg* (Yale University Press, 2021).

ii Bleich writes that only women with signed permission from an Orthodox rabbi should be helped. <https://torahmusings.com/2022/05/why-reversal-of-roe-v-wade-is-welcome>.

iii <https://www.rabbisacks.org/archive/tikkun-olam-orthodoxys-responsibility-to-perfect-gods-world>.

iv David Shatz, Chaim I. Waxman, Nathan J. Diament, eds., *Tikkun Olam: Social Responsibility in Jewish Thought and Law* (Northvale, NJ: Aronson, 1997).

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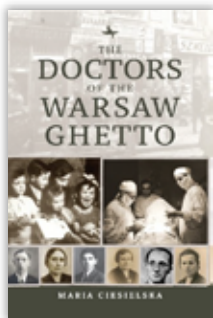
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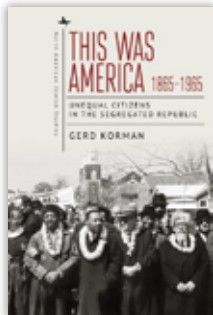
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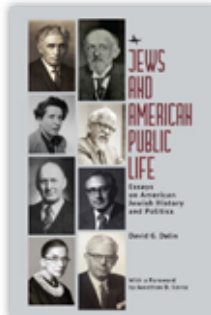
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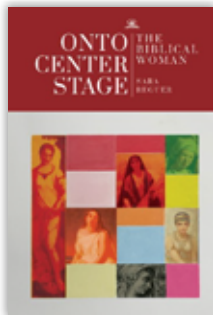
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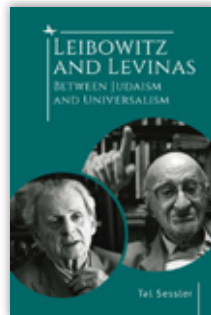
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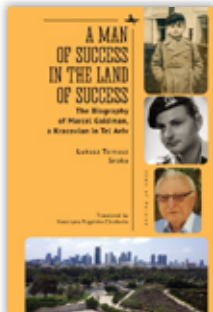
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Justice versus Just Us: Insider/Outsider American Political Satire

Jennifer Caplan

Laughter may be the best medicine, but is it the best engine for justice? Does the fact that humor is seen by many to be, by its nature, silly or frivolous render it a poor choice for trying to advance progressive political positions? History would seem to argue that humor has, in fact, long been seen as an excellent way to push progressive narratives against the hegemony. From the comedies of Aristophanes and the political graffiti of Pompeii we know that people have been making fun of governmental and civic leaders since, well, forever. Satire aimed at pushing the audience toward a more just world is as old as satire itself. Political humor has been and remains a major way that many people engage with American political life. As many people cite *The Daily Show* as their primary news source as cite *USA Today*,ⁱ and among younger people upward of a quarter say that shows like *The Daily Show* or *Last Week Tonight with John Oliver* are their primary news source.ⁱⁱ Despite winning multiple Peabody Awards, *The Daily Show* never claimed to be journalism and Jon Stewart (and Trevor Noah after him) always made a point of reminding viewers that they were not news anchors, which implies that they feel their interest is not in being impartial, but in exposing the ridiculous wherever they find it.

If comedy news programs are not bound by journalistic integrity, comedians are even less required or expected to present any sort of “fair and balanced” approach to politics, current events, or news stories. Comedians exist to push boundaries and speak uncomfortable truths. Sometimes those truths land, sometimes they don’t, but the risk of failing at being funny has not stopped some politically minded comedians, including some very high-profile ones, from continuing to express their critiques of American culture and politics through their comedy. Jewish comedians in the first half of the

twentieth century occupied a sort of liminal space in which they could make critiques of perceived American injustices based on being not quite part of the hegemony. As Jews have become less and less minoritized in the United States their political comedy has become that of insiders. They are part of the American social fabric and critique the government and American policies from within the system. One could argue that Jewish comedians shifted from “this doesn’t apply to me so I can get away with saying it” to “this applies to me, so I am allowed to say it.” This sense of “I can say that about my folks, but you can’t” is seemingly instinctive, and Freud devoted significant portions of *Jokes and Their Relation to the Unconscious* to it. The exact same joke can be fine, or offensive, based entirely on who is telling it and who is hearing it. If it’s “just us” in the room there are often different limitations on satire and critique.

This insider/outsider dichotomy is very apparent in the way that two contemporary comedians approached comedy and injustice in Trump-era America. From 2017–2019 Sarah Silverman produced and starred in *I Love You, America with Sarah Silverman*. Silverman is a notably left-wing figure who supported Bernie Sanders in both the 2016 and 2020 presidential elections and the show was premised on her desire to go meet Americans who politically disagreed with her. In the first episode, for example, she visits with a Republican family in Louisiana. On subsequent episodes she visited other conservative states, met with a doomsday prepper, talked to an anti-choice group, refereed a game of HORSE with leaders of different religious groups, and even went on a blind date with a self-described conservative.

The show, unsurprisingly, retained Silverman’s left-wing sensibilities; while she traveled the country to encounter and speak with Americans who were unlike her, nearly all of her in-studio guests were liberal political figures. One could certainly argue there was a voyeuristic quality to the show that treated both conservative people and conservative areas of the country as exotic. The show could function almost like a zoo in which politically liberal Americans get to observe their conservative counterparts from the safety of their living room, but Silverman approached the project with a sense of honest—if sometimes naïve appearing—interest in engaging with people. The very title of the show expresses her sincere



Promotional photo via Hulu.

sense that through comedy and personal interaction she could help heal rifts in the country she loves.

Sasha Baron Cohen's *Who Is America* bears many superficial similarities to Silverman's show, and yet could not be more different. Baron Cohen was already well known in his native Great Britain when he achieved breakout success in the United States with his film *Borat*. Baron Cohen's shtick was to assume various alter egos, interact with people, and get them to express views that could be filmed and presented for comedic effect. After the immense success of *Borat* some speculated that he could not continue his guerilla comedy as people would recognize him or realize they were being led to make themselves look ridiculous, but there seems to be an inexhaustible quantity of people who can be guided (sometimes with extraordinarily little apparent effort) to express outrageous things.

Who Is America aired in 2018, concurrent with Silverman's show. Baron Cohen played several different characters, from a far-right conspiracy theorist to a far-left academic, interacting with people and filming their reactions to his over-the-top characters. The character of Erran Morad became a particular lightning rod as some felt those segments vindicated liberal distrust of conservatives while others saw them as smug liberal manipulation of their political rivals. Morad was an alleged former member of Mossad and he visited American leaders to teach them about fictitious Israeli defense programs. He got American politicians to go on record supporting everything from profiling women in burqas to the "Kinderguardian" program in which children as young as five would be trained to carry firearms in the classroom.

Both shows use the injustices and widening political divisions of the Trump-era United States to generate humor, but where Silverman approached this with a goal of healing and reconciliation, Baron Cohen shone a light on some of the darkest corners of American social and political ideologies. Baron Cohen, who is not American, approached American political divisions with none of Silverman's love or attempts at equanimity. Silverman tried to use humor to humanize the political other while Baron Cohen went full bore on getting them to unmask or even incriminate themselves. Both shows succeeded in finding humor while highlighting American injustices and also demonstrated how different these sorts of critiques look when performed by people with or without a stake in the issue. Whether or not this type of political humor is effective is hard to gauge; the audience is self-selecting so there is a high probability that these shows end up "preaching to the choir," so to speak. Nevertheless, the high visibility of comedians like Silverman and Baron Cohen means that their platforms are large, and merely putting their attempt at progressive ideals out into the world in such a public manner can only be seen as a viable way of advancing the cause of justice.

JENNIFER CAPLAN is assistant professor and The Jewish Foundation of Cincinnati Chair in Judaic Studies at The University of Cincinnati. Her book *Funny, You Don't Look Funny: Judaism and Humor from The Silent Generation to Millennials* will be published by Wayne State University Press in March 2023.

i <https://pewresearch.org/fact-tank/2015/08/06/5-facts-daily-show/>.

ii <https://cbsnews.com/news/young-get-news-from-comedy-central/>.

Is the Bible a Text of Justice?

Emily Filler

In graduate school, I joined up with the student campaign for a living wage for our university's lowest paid employees: those who cooked the food, and cleaned our classrooms and libraries, and tended the beautiful and historic grounds—and were grossly underpaid for their work. I blearily marked student essays before rushing off to another demonstration or antagonistic exchange with university administrators, and arrived at strategy meetings with an armful of books for my comprehensive exams in Judaism and philosophy. What we all lacked in sleep, we made up for with our zeal for wage justice.

The student campaign in question had been going on since the 70s. So exasperating was this exploitative history that we determined it was time for more dramatic political action. Months later, after a series of escalating demonstrations and communications with the administration, we announced that twelve students were on indefinite hunger strike. (By the time we called it off, two weeks later, another fourteen students had joined on). We were very well-organized: daily press releases and rallies, increasing media coverage, a series of speakers and events. I, who wasn't even striking, lost five pounds in two weeks.

On the fourth or fifth day, at our daily morning rally, we invited a series of clergy in the city to speak. It was very cold and the students on hunger strike looked pale and exhausted. The last speaker, a Protestant minister, came up holding only a Bible, and began to read:

Is such the fast that I choose,
a day to humble oneself?
Is it to bow down the head like a bulrush
and to lie in sackcloth and ashes?

It was, of course, the famous words of Isaiah 58, and he read them slowly and with care. And I, a traditional Jew and a student of Judaism, steeped in texts and

commandments, felt as though I had never heard them before. The ancient words seemed to hover in the cold, and I thought that across an infinite distance, Isaiah was speaking to these students on strike for a small bit of wage justice, and that he, and the God he served, understood what we were trying to do.

Is not this the fast that I choose:
to loose the bonds of injustice,
to undo the straps of the yoke,
to let the oppressed go free,
and to break every yoke?

There is no denying the power, even for just a moment, of feeling that you are being held aloft by words like these. There's a reason why biblical passages like this are ubiquitous in contemporary Jewish social justice settings, alongside references to the liberation of the Israelites from Egypt, or the mitzvot regarding the treatment of workers. The assumption of my colleagues and students that my own political work is rooted in texts and traditions like these, is entirely reasonable.

But in fact, I've become a firm critic of "biblical justice" language, unwilling to appeal to the Bible in modern politics even as I became more deeply involved in political work. Frequently invited to speak to university or community groups on themes of religion and political justice, I have inadvertently derailed more than one panel

There is no denying the power, even for just a moment, of feeling that you are being held aloft by Isaiah's words.

*If we can't be honest
with ourselves and
one another about the
inconsistencies and
infelicities in the Bible,
will we necessarily "read"
the world any better?*

discussion by critiquing the selective or decontextualized use of biblical verses in support of the politics and ethics I support, and declining to connect my strong political claims to anything Jewish. Even—or especially—before audiences eager to affirm a left-wing political appeal to classical Jewish texts, I now stubbornly refuse to refer to the Bible at all.

From one perspective, my individual motivations are not centrally important; politics is about building collective power, not curating a personal identity. But I do believe we ought to be far more skeptical of easy appeals to classical Jewish texts like the Bible. My chief critique is that the interpretive methods that make these appeals possible create—or require—intellectual inconsistency and dishonesty: strained attempts to “repair” a difficult text, or unpersuasive semantic gymnastics to explain why a certain passage is politically relevant while other, less edifying ones are not.

The transformation of biblical verses is, of course, constitutive of classical rabbinic literature. But the expectation that the Bible should support a given contemporary politics too often means that we spend little time considering the biblical text “on its own” at all. I am convinced of the tremendous value in simply striving to articulate what we see on the page, wholly distinct from its extrabiblical ethical or political value. This focus on the *peshat*, the plain sense, requires us to thoroughly dwell in the text in question, plumbing its details, subtleties, and literary features, and inviting it to surprise us. But for this to work, we must expect that we will discover things that definitely do not accord with our sense of justice or idea of what the text *should say*, or what we previously thought it said. The more slowly and carefully we read, the more we can be drawn into the verses and experience the distance between the world of the text and our own. The challenge of plain sense reading is in forcing us to sit with what we see instead of immediately moving beyond it in order to

repair or justify or apply the words. It invites us to consider what the text means without immediately assuming it is—for better or worse—“about us.”

But I believe this too is of immense political value. Effective political organizing requires us to take a cold, clear-eyed look at the world around us, and begin to see just how deeply unjust it is. It asks us to recognize how embedded and intractable some problems are, and to recognize that there are few easy solutions. If we can't be honest with ourselves and one another about the inconsistencies and infelicities in this foundational sacred text, will we necessarily “read” the world any better? The skills we build in careful, contextual reading and in long-term political organizing might be more similar than we imagine: both challenge us to move beyond facile conclusions to more difficult and honest conversations.

Seven years after the hunger strike, the university passed a new living wage ordinance, a small but meaningful win in an ongoing fight for labor justice. And when the haftarah is chanted in shul on Yom Kippur, and Isaiah's words come to life again, I cannot help but hear the words the way I heard them the day of the rally, ringing out amid students in the cold. I know well why biblical invocations are so tempting in contemporary appeals for political justice. But thoughtful biblical interpretation and effective political justice both demand something other than momentary comfort or ideological affirmation.

EMILY FILLER is assistant professor in the Study of Judaism at Washington and Lee University and the coeditor-in-chief of the *Journal of Jewish Ethics*.

Justice Delayed: Nadav Lapid's Films and the Rebirth of Individualism

Lincoln Z. Shlensky

Watching the Israeli film director Nadav Lapid's films might be considered a strange way to explore questions of justice. Lapid's four feature films—*Policeman* (2011); *The Kindergarten Teacher* (2014); *Synonyms* (2019); and *Ahed's Knee* (2021)—seem to militate against shared ideologies or concepts, of which justice, widely understood in political philosophy as a concept designating the transcendence of private desires in favor of some broader (if often elusive) notion of social good, would be a central example. Lapid's films only allusively engage with questions of the collective good or moral right, although all of his films can be read as sharp critiques of the social status quo in Israel, including the country's rampant economic disparities, the advent of neoliberal logic in cultural and social domains, and rising ethnonationalism. His films thus seem to accomplish what noted scholar of film and television Yael Munk

Individual freedom asserted in the face of a demanding collective ideology is a necessary but difficult prerequisite for a concept of justice.

recently argued was the promise of Assi Dayan's apocalyptic dramatic film *Life According to Agfa* (1992), which she suggests had singularly, for its era, turned a "critical mirror" on Israeli society.¹ Also comparable to Dayan's film, in Munk's view, the five socially critical films since the 2000s she discusses unfortunately share a "moral discourse" that "is not intended to drive anyone to action, because no action can be taken" and these later films ultimately "manifest greater compliance [in] the face of [Israel's] moral deterioration." It is certainly true that Lapid's films, which Munk does not discuss, suggest no obvious answer to the sense of social decline that they each narrate and implicitly comment upon. But is this absence of a trajectory of action really the "socio-political dead end" that Munk diagnoses?

My argument is that by presenting a series of what only seem like dead-end narratives, Lapid's films do something unexpected, which I think of as the creative effort to show that individual freedom asserted in the face of a demanding collective ideology is a necessary but difficult prerequisite for a concept of justice that begins with the individual's contestation of pervasive social violence.² The protagonist of *Synonyms* adumbrates this encompassing violence at the foundational level of language, ruminating on "words that are hurtful, violent, muscular. Words that dominate other words, humiliate them." This gloss on language should remind us that each of Lapid's four feature films has concluded its narrative with an apocalyptic confrontation of one kind or another in which collectivist ideals are perceived as violent impositions on individual freedom; such pivotal collisions, however, never fall back on romantic notions of individualism. Lapid's films turn the viewer's attention, rather, toward the resource of individual consciousness that is bounded by—yet somehow potentially able to exceed—social structures when it is not suppressed. Individual consciousness offers, for Lapid, the possibility of enacting a broader concept of justice—based in an elusive, never stable, but nevertheless real freedom entailing the flexibility to perceive and understand new contexts—that the strictures of any collective ideology alone cannot offer.

Here I shall discuss only Lapid's third film, *Synonyms*, which won the Golden Bear award at the 2019 Berlin



Scene from Synonyms, courtesy Kino Lorber

International Film Festival (a first for an Israeli film), and which is perhaps the filmmaker's most acerbic commentary on the threat, in Israel or elsewhere, represented by a highly regimented collective identity. In this film, the protagonist Yoav, having finished his army service, seeks to flee to France from everything he despises in Israel but ends up discovering that he cannot easily rid himself of his national identity. He gradually comes to realize that his idealized French elsewhere is essentially no different from—synonymous with—the repressive conditions he had sought to escape. All of this is revealed, as in Lapid's other films, through a series of darkly comical scenes; these tableaux serve as the narrative stations of Yoav's picaresque pilgrimage away from Israel to France and, finally, into a kind of liminal nowhere zone. In this zone, Yoav the outsider has no home, no friends, and no reliable language, but what he does have is the freedom he seeks to see through the veil of ideology. This makes him, like other Lapid protagonists, something of a reprehensible human monster; but also, in the more generative sense that

Michael Hardt and Antonio Negri intend, he comes to embody Western modernity's unnatural or malformed figure of "the monster [which] is not an accident but the ever present possibility that can destroy the natural order of authority in all domains, from the family to the kingdom."ⁱⁱⁱ Implicitly refusing the unjust instruction by his Israeli embassy supervisor in France to racially profile travel visa applicants, Yoav drolly opens the gates to all; but of himself, when asked by his Hebrew-speaking Israeli superior what he is doing there (in France? in the Israeli embassy job? in an existential reality he shares with no one?), he replies in Hebrew-accented French, "Je me suis évadé" (I escaped). Justice, in Lapid's film, unavoidably implies a quixotic attempt to evade or refuse ideological subjection.

So, where does one locate the fulcrum from which both subject and society delicately propend in mutually sustaining balance? How can one conceptualize a fluid equilibrium that permits individual freedom to remain equitably poised against the demanding weight of the

collective? Yaron Ezrahi, the late eminent Israeli scholar of political philosophy, discussed more than a quarter century ago the importance but difficulty of finding such a just balance in the context of what he perceived as a hegemonic collective identity. "In a society like Israel, where until recently a formal commitment to legal and political principles of individual freedom has coexisted with an impoverished culture of selfhood, the liberal-democratic façade often conceals quite an invasive collectivism." He acknowledged that "individuals are not born individuals" and must instead be socially "brought into being," but he argued that "the necessary role of the community in the genealogy of the individual does not foreclose the possibility of a 'second birth' of the individual as a distinct voice, with its own sensibilities and moral agency."^{iv} Such a "second birth" resembles the experience of self-recreation Yoav undergoes and, in a manifest sense, fails to accomplish in Lapid's *Synonyms*. And yet, this frustrated spiritual rebirth can also be described as a *necessary* failure. Such difficult and frequently aborted second births are precisely what offers the possibility of a just relationship to the self that defends individual consciousness and expressive freedom well beyond, and thereby paradoxically also for the sake of, the collective good.

In Lapid's cinematic world, there is no telling in advance if or when such an ethical rebirth may succeed (it typically doesn't); but the inability to systematize ethical outcomes is, as Hannah Arendt understood, the very sign of the irreducibility and necessity of individual judgment. As Sharon Sliwinski has argued, Arendt recognized that Adolf Eichmann's legalistic self-defense relied on the fact that no precedent in law existed for prosecuting his refusal to disobey orders. Only a concept of human rights not solely dependent, therefore, on the logically determined principles of the collective but, rather, endowed with the inventiveness and flexibility of individual judgment could arbitrate the truth of his immorality.^v The "failures" of individual rebirth in Lapid's films reflect, in the uncertainty of their outcomes, the necessary provisionality of idiosyncratic individual judgment as a condition of justice; these "dead ends" can be read as narrative deferrals that open onto the possibility of resuscitated individual agency in a context

"[D]ead ends" can be read as narrative deferrals that open onto the possibility of resuscitated individual agency in a context in which dissent has withered ...

in which dissent has withered because the nonconformist self is devalued. Lapid's films taken together thus surprisingly enact a temporal structure that Judaism has long associated with messianic postponement: an ideal of justice whose value is vested, not weakened, in delay.

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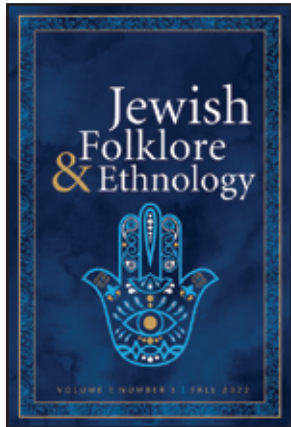
i Yael Munk, "The Catastrophic Horizon: Contemporary Israeli Cinema's Critique of Neo-Liberal Israel," *Comparative Literature and Culture* 21, no. 2 (2019). Munk's account places a very different emphasis on the prescience of Dayan's film than does an analysis by the historian Joel Beinin, who argued in 1998 that *Life According to Agfa* reflected the disaffection or "internal exile" of the Ashkenazic liberal elite, who themselves seem unconscious of the ways their social biases are "reflect[ed] in a common amalgam of benevolent paternalism toward the Palestinian Arab cooks, racialized contempt for Mizrahim, and masculinist exploitation of women." Joel Beinin, "Political Economy and Public Culture in a State of Constant Conflict: 50 Years of Jewish Statehood," *Jewish Social Studies* 4, no. 3 (1998): 96–141.

ii For a convincing reading of the sense of ubiquitous violence in twenty-first century Israeli cinema, see media scholar Neta Alexander's account, also cited in Munk, of the "New Violence" cycle of films. Neta Alexander, "A Body in Every Cellar: The 'New Violence' Movement in Israeli Cinema," *Jewish Film and New Media* 4, no. 1 (2016): 4–24.

iii Hardt, Michael Hardt, and Antonio Negri. *Multitude: War and Democracy in the Age of Empire*. (New York: Penguin Press, 2004), 195.

iv Yaron Ezrahi, Yaron. *Rubber Bullets: Power and Conscience in Modern Israel*. (New York: Farrar Straus & Giroux, 1997), 79.

v Sharon Sliwinski, "The Aesthetics of Human Rights," *Culture, Theory and Critique* 50, no. 1 (April 2009), 33–35.



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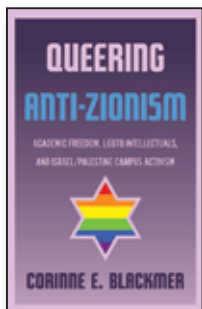


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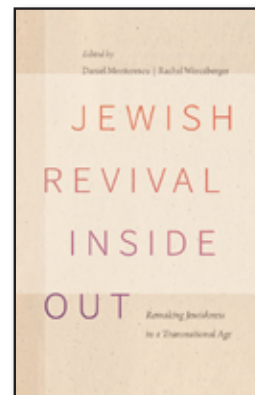


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Jewish Justice as Historical Praxis in Israel/Palestine

Atalia Omer

History versus Ontology

If, for millennia, the Jewish discourse of justice focused on powerlessness as a source of action and ethics for intercultural engagement, the most urgent discussion of Jewish justice today needs to grapple with Jewish power and violence. Justice within a Jewish prism, not unlike other contexts, conjures up contested terms: I will focus on peace, democracy, and restorative accountability for past injustice as a pathway for justice-oriented futures.

The realities of Israel, including its transnational discursive Hasbarah (or public diplomacy), which makes it increasingly difficult to differentiate between Zionism and Judaism, have introduced an ahistorical attitude toward the praxis of Jewish justice. By “ahistorical,” I refer to two interrelated moves. First, antisemitism is foregrounded as an ontological condition, or what Shaul Magid refers to as “Judeo-pessimism,”ⁱ a conception of the hatred against Jews as inscribed in the nature of being, requiring a relentless Manichaeian discourse of “self-defense” or an apocalyptic showdown. Relatedly, the events around the Shoah are read as both proof of Judeo-pessimism and as a redemptive script whereby the establishment of Israel itself constitutes the unfolding of justice in the aftermath of near total annihilation. Now, “never again” would Jews be subject to the genocidal outcome of ontologically inscribed antisemitism. These two discursive moves then function to deny the justice demands of Palestinians on the back of whom Jewish “redemption” from the ashes of Europe occurred. The two moves, interwoven with biblical warrants, have underpinned the denial of Palestinian narrativesⁱⁱ by spinning a history of Palestinian displacement and elimination as “self-defense.”

History is erased when the Jew-qua-victim is interpreted as an essence (always a victim or potentially one unless fully militarized) and not as a product of elastic sets of historical and cultural constellations. Yes, the Jew in

Hitler’s Germany was a victim. She is not a victim in Israel today. (Even the most marginalized Israeli Jew inhabits a privileged position vis-à-vis Palestinians.) History ends when the present moment is interpreted through end-time scenarios, which authorize the suspension of ordinary (historical) morality. Likewise (and treading on Orientalist tropes), the ontological and ahistorical discourse of “self-defense” means that the image of the Palestinian morphs into an Amalek against whom revenge and sheer force become the only “justified” mechanisms to ensure Jewish “redemption” or safety/security. This is an ahistorical and ontological move that posits the Palestinian as the enemy of Jewish safety. Hence, a theo-ontological and ahistorical sense of Jewish insecurity sanctions the security state with its exportable necropolitical instruments of surveillance and domination.ⁱⁱⁱ This discursive ahistoricity denies Palestinian lives and aspirations, thus constituting a form of injustice. For a contemporary interpretation of justice within a Jewish framework, the rhetorical ahistorical spin must be unspun.

Peace & Democracy

When Israel claims that it is justified to dispossess Palestinians from their homes or “bomb Gaza back to the stone age” (as Benny Gantz infamously boasted),^{iv} the logic of Hasbarah is one of self-defense and/or biblical and political entitlement. Violence is “just” because Israel’s safety (and redemption) is purportedly at stake. However, justice, of course, is not a self-evident concept but rather a praxis that requires a deep pluralistic ethos of human dignity and worth. Justice as a historical praxis must be robustly secular and political. A “justice” that values the blood of one group over another is no justice at all, even if members of such supremacist groups interpret their struggles as justified. This is where the spin of self-defense not only transvalues offense as a defense, but also obscures the underlying crime of settler colonial dispossession.

Justice is antithetical to the Oslo peace frame. Recent evidence-based reports by esteemed human rights organizations^v demonstrated what many Palestinians have decried for decades: the entirety of the geopolitical space from the River Jordan to the Mediterranean Sea reveals that Israel commits the crime of apartheid, a comparative category in international law. These reports expose both the illusion and delusion of the Oslo paradigm and the

profundity of injustice that its segregationist peace formula has concealed. At the heart of this injustice is the exclusionary character of “proper Israel,” especially codified in the Nation-State Law of 2018, which enshrines a commitment to Jewish supremacy and thus signals the relinquishing of the delusion of “democracy.” Further pivotal to the injustice of the Oslo frame is the lack of acknowledgment of the Nakba. Hence, in the context of Jewish Zionist discourse, both “peace” and “democracy” have been exposed as ethnoreligious-centric and thus as unjust concepts concealing historical and ongoing injustices. The justness of these concepts, however, can be reconfigured through a praxis of restorative justice, which ought to be historically accountable and relational.

Restorative Justice

It is not acceptable to talk about justice through a Jewish Studies lens without talking about Palestinians and their experiences of displacement and depopulation.^{vi} A relational prism that centers Palestinians and other victims of modern Jewish history, including Mizrahi and Ethiopian Israeli Jews, illuminates a restorative justice approach generative of intersectional solidarity transgressing ethnoreligious national walls. Acknowledging harm done and imagining mechanisms of repair constitute a deeply historical and relational justice praxis demanded by empirical realities.

Judith Butler’s insistence on dismantling Zionism as a precondition for a Jewish praxis of justice exemplifies the principle of relationality central to restorative justice approaches.^{vii} However, Butler remains ahistorical and Eurocentric by insisting on finding keys for reclaimed Jewish (diasporic) ethics of alterity primarily in the, German Jewish canon (Hannah Arendt, Emmanuel Levinas, Martin Buber, and others). While these intellectual giants are worthy interlocutors, conversing only with them stops the clock around 1948. Imagining restorative futures in the land cannot simply rely on what German Jews theorized at one point in time. Nor can it rely on reclaiming the diasporic or the “prophetic tradition” as most “authentically” Jewish, thereby diminishing the history of Israeli Jews.

More historically, sociologically, and politically attuned sites of relational justice can only be found in Palestine/Israel where, for example, people like the Iranian-born journalist, translator, and political activist Orly Noy joined the Palestinian-Israeli political party Balad, which

envisions the space through secular and democratic prisms. For Noy, Balad’s vision will not only redress harm done to Palestinians, but will also enable her to become a Jewish native of the MENA region again by liberating her from a (settler) colonial identity into which she was assimilated upon immigration to Israel in 1979.

To conclude, justice within a Jewish frame needs to interrogate historically the Zionization of Jewishness through ahistorical claims of victimhood (ontological insecurity), expose the discursive mechanisms whereby aggressions are spun as self-defense, and acknowledge historical injustices and their ongoing legacies. Only upon disentangling Jewishness from the “realist” logic of state power and violence can justice be rearticulated through a restorative Jewish prism.

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i Shaul Magid, *Meir Kahane: The Public Life and Political Thought of an American Jewish Radical* (Princeton, NJ: Princeton University Press, 2021).

ii See, for example, Saree Makdisi, *Tolerance Is a Wasteland: Palestine and the Culture of Denial* (Oakland: University of California Press, 2022).

iii See Nadera Shalhoub-Kevorkian, “Necropenology: Conquering New Bodies, Psychics, and Territories of Death in East Jerusalem,” *Global Studies in Culture and Power* 27, no. 3 (2020): 285–301.

iv Tom Mehager, “Why Benny Gantz Is More Dangerous than the Kahanists,” March 10, 2019, *972 Magazine*, <https://www.972mag.com/benny-gantz-dangerous-kahanists/>.

v For example, B’Tselem, “A Regime of Jewish Supremacy from the Jordan River to the Mediterranean Sea: This Is Apartheid,” January 12, 2021, http://www.btselem.org/publications/fulltext/202101_this_is_apartheid.

vi Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology* (London: Continuum, 1988).

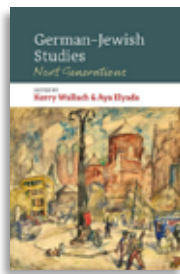
vii Judith Butler, *Parting Ways: Jewishness and the Critique of Zionism* (New York: Columbia University Press, 2013).

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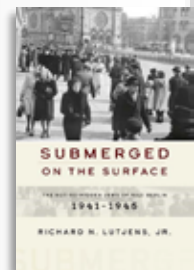
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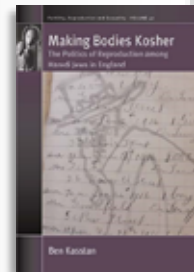
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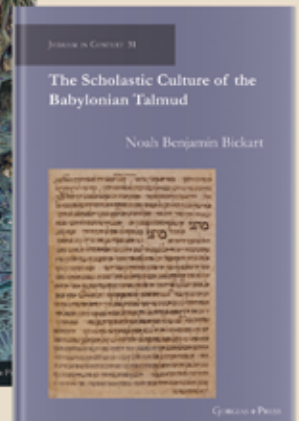
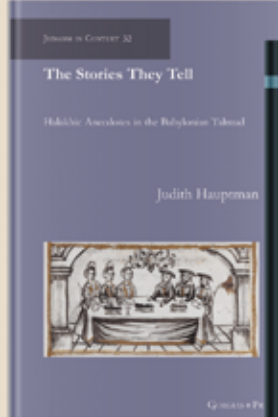
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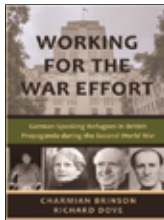
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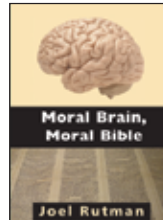
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In/Justice in History

Felix Frankfurter: The Jewish Justice Who Lost Track of Justice and His Heritage

Paul Finkelman

From 1939 to 1962 Felix Frankfurter held the “Jewish seat” on the US Supreme Court. Justices do not “represent” constituencies, but presidents often chose them for geographic, religious, racial, gender, ethnic, and cultural balance. Unfortunately, Frankfurter refused to offer such balance, and in some critical instances harmed Jews and other minorities. When he retired, after a stroke, he was annoyed that President John F. Kennedy appointed his secretary of labor, Arthur Goldberg, to replace him, because, as his most recent biographer notes, “Frankfurter abhorred the idea of a Jewish seat” on the court.¹

A brilliant activist lawyer, Frankfurter worked in the Wilson administration, was the first tenured Jewish professor at Harvard Law School, and was a close advisor to Franklin D. Roosevelt. He worked with Louis Brandeis in the Zionist movement, visited the Yishuv after World War I, and as a sitting justice lobbied President Harry Truman, cabinet members, and the State Department to pressure Britain to increase Jewish immigration to British Palestine and for the United States to support partition to create a Jewish state, and then formally recognize Israel. This lobbying was mostly done through one of his many Jewish protégés, David Niles, who worked in the Roosevelt and Truman administrations. Indeed, throughout his career, Frankfurter was the patron of many young Jewish lawyers. In an age when antisemitism blocked Jews from access to prestigious law firm jobs, Frankfurter guided many to government service, teaching positions at elite law schools, and eventually federal judgeships. While an

Frankfurter. . . supported sending completely innocent [Japanese] American citizens . . . to concentration camps because of their ethnicity, and later went out of his way to justify [Sunday closing] laws that blatantly discriminated against Jews.

advocate for Jews, he eschewed Judaism, marrying the daughter of a Protestant minister at a time when intermarriage was rare for immigrant Jews. His mother refused to attend their civil ceremony. He stopped attending any synagogue at the age of fifteen, but arranged for one of his former students who had attended a yeshiva as a child to say Kaddish at a memorial service in his Washington, DC, apartment, before he was buried in a Protestant cemetery in Cambridge.

While Frankfurter advocated for a Jewish homeland for the survivors of the Shoah, his response to the Holocaust itself was problematic. Before he was on the court, Frankfurter urged the administration to stand up to Hitler and increase immigration (which given the mindset of Congress was a lost cause). But, while on the court, he turned a blind eye to the Holocaust, refusing to use his considerable influence to push for whatever rescue might have been possible. In 1943 Jan Karski, a Polish resistance fighter, briefed Frankfurter on the Warsaw Ghetto and the Belzec death camp (which he had infiltrated). Saying, “I do not believe you,” Frankfurter refused to take this information to Roosevelt. It is not clear what the United States could have done to stop the Nazi genocide in 1943, other than quickly winning the war, but ignoring evidence of the Final Solution was hardly useful.



Felix Frankfurter, Supreme Court justice portrait., November 1958.
Library of Congress, Prints and Photographs Division, NYWT&S
Collection, LC-USZ62-134429

On the court, Frankfurter weirdly used his Judaism to defend the oppression of another religious minority, supported sending completely innocent American citizens, including the elderly and children, to concentration camps because of their ethnicity, and later went out of his way to justify laws that blatantly discriminated against Jews.

Frankfurter's majority opinion in *Minersville School District v. Gobitis* (1940) upheld the expulsion of Jehovah's Witness elementary students who refused to salute the American flag because they believed this was the equivalent of idol worship. American Witnesses had stopped saluting the flag in solidarity with German Witnesses, who were sent to concentration camps for refusing to salute the Nazi flag. While Frankfurter's own uncle was incarcerated in Vienna for being Jewish, Frankfurter justified the persecution of members of a minority faith in the United States on the grounds that forcing children to violate their religion (and expelling

them when they did not) would instill patriotism in them. Although not his intention, Frankfurter's decision led to increased discrimination against Witnesses and violent vigilante attacks on them across the nation. In *West Virginia Board of Education v. Barnette* (1943), the Court reversed *Gobitis*, as a number of justices who had supported Frankfurter now acknowledged their error. Justice Robert Jackson (who would later be the chief US prosecutor at Nuremberg) wrote a brilliantly eloquent opinion defending minority rights and free speech. Stubbornly dissenting, and thus continuing to be an advocate for religious discrimination in the face of ongoing violence against Jehovah's Witnesses, Frankfurter used his Jewish heritage to justify legal persecution of Witnesses, writing, "One who belongs to the most vilified and persecuted minority in history is not likely to be insensible to the freedoms guaranteed by our Constitution." Asserting that "as judges we are neither Jew nor Gentile, neither Catholic nor agnostic," he then argued such freedoms did not apply to schoolchildren.ⁱⁱ This use of his Jewish heritage, while Jews were being massacred by the Germans, is shocking.

A year later, in *Korematsu v. United States* (1944), Frankfurter wrote to support incarcerating 120,000 Japanese Americans, mostly US citizens, in remote and desolate camps surrounded by barbed wire and guarded by armed soldiers. Justice Jackson, who wrote the majority opinion in *Barnette*, vigorously dissented against the racism in *Korematsu*. Similarly, Justice Owen Roberts dissented, asserting this was a "case of convicting a citizen as a punishment for not submitting to imprisonment in a concentration camp, based on his ancestry, and solely because of his ancestry, without evidence or inquiry concerning his loyalty and good disposition towards the United States." The Jewish justice did not blink at supporting such "imprisonment in a concentration camp." While not directly affecting Jews, these cases illustrate Frankfurter's blindness to the irony of his own position and racial and religious persecution in his own country.

In 1961 the court upheld Sunday closing laws, which as their name implies, prevented most businesses from

In/Justice in History

operating on the Christian Sabbath. In one case, Abraham Braunfeld asserted he would “be unable to continue in his [retail] business if he may not stay open on Sunday,” because as an observant Jew he could not work on Saturday. Frankfurter had no sympathy for Braunfeld. The Roman Catholic Justice William J. Brennan dissented, noting that the “effect” of such laws “is that no one may at once and the same time be an Orthodox Jew and compete effectively with his Sunday-observing fellow tradesmen.” Brennan argued “this state-imposed burden on Orthodox Judaism” was unconstitutional.

A companion case involved Crown Kosher Supermarket, which Massachusetts authorities fined for opening on Sunday. This case was perhaps more compelling than Braunfeld’s, who could plausibly have hired non-Jews to run his store on Saturday or taken a non-Jewish partner to do so. But that was impossible for Crown Kosher. If it were open on Saturday, it would no longer be “kosher.” Furthermore, if Crown Kosher was closed all weekend, its observant Jewish customers with a traditional Monday to Friday work week would have great difficulty shopping for food.

Not content to merely agree with the majority opinion upholding these laws, Frankfurter wrote a massive eighty-four-page concurrence followed by eighteen pages of appendices to defend his support for a law titled “Observance of the Lord’s Day,” making the Christian Sabbath an “official” holiday, while irreparably harming many Jews. The Catholic Brennan and the Protestants Potter Stewart and William O. Douglas defended the rights of Jews. Frankfurter was over the top supporting their persecution.

So, what can we make of Frankfurter? Born Jewish, never denying his heritage, and constantly helping young Jewish lawyers, as a justice he seemed to go out of his way to distance himself from the legitimate needs of American Jews. During World War II he supported the persecution of American religious and ethnic minorities, even while the nation was fighting Nazi racism and persecution. The only time he invoked his “Jewishness” from the bench was to justify expelling young schoolchildren who refused to violate their religion, while Nazis were murdering Jews in Europe. How do we explain this? One answer may be that for all his work behind the scenes as a Zionist, he was never comfortable with his status as an immigrant and a minority, and consciously tried to prove that he was not

In the face of ongoing violence against Jehovah’s Witnesses, Frankfurter used his Jewish heritage to justify legal persecution of Witnesses, writing, “One who belongs to the most vilified and persecuted minority in history is not likely to be insensible to the freedoms guaranteed by our Constitution.”

“really” Jewish. Alternatively, as someone who rejected any sense of faith or religious belief, he simply had no sympathy for Jews who would not work on Shabbat or Jehovah’s Witnesses who would not salute the flag. His support of the Japanese internment—again while Jews were behind barbed wire in Germany—may again suggest his deep need to be mindlessly patriotic to prove he was really an American. The powerful dissent in *Korematsu* by the Protestant Justice Jackson (two years before he would lead the prosecution at Nuremberg) stands in contrast to Frankfurter’s support for the internment.

PAUL FINKELMAN is Rydell Visiting Professor at Gustavus Adolphus College and research associate in the Max and Tessie Zelikovitz Centre for Jewish Studies at Carleton University in Ottawa, Canada. Among his many publications, his most recent major book, *Supreme Injustice: Slavery in the Nation’s Highest Court*, was published by Harvard University Press in 2018.

i Brad Synder, *Democratic Justice: Felix Frankfurter, the Supreme Court, and the Making of the Liberal Establishment* (New York: W. W. Norton, 2022), 709.

ii Here he is ironically paraphrasing Paul’s letter to the Galatians (3:28: “There is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female; for you are all one in Christ Jesus.”) Given Frankfurter’s incredible education (and the fact that he studied classics at City College of New York), it is not unreasonable to assume that this was deliberate.



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Justice *versus* Revenge, or Justice as Revenge? A Case Study of Holocaust Testimony

Alexandra M. Kramen

Moshe Rutschaisky was twenty years old when he was liberated in Bad Tölz; miraculously he had survived liquidation of the Kovno Ghetto, deportation to Dachau, and a death march. After liberation, he remained “stuck” in postwar occupied Germany, ill and a displaced person (DP). By sheer luck, US occupation authorities arrived at Saint Ottilien Jewish DP Hospital, where Moshe was being treated, to interview potential witnesses for the impending military tribunals at Dachau. He recalled, “They ask voluntarily, who wants to come for an interview to be a witness in Dachau?” Moshe seized the moment. “I said, I was in Dachau. I want to—I would like to be interviewed. It would be my biggest pleasure.” For Moshe, bearing witness to the Germans’ crimes as part of a traditional legal process with the express purpose of serving justice was symbolic revenge. “I hate to say that word, ‘revenge.’ But I must say that would be the best thing in my life if I can meet eye-on-eye with the commandant from Dachau.”

I have uncovered references to symbolic revenge in several dozen testimonies. Moshe’s narrative is particularly interesting, however, for its expression of a variety of nontraditional concepts of revenge. Notably, many were tied to his active role in the traditional legal process. Moshe’s testimony serves as a case study to dissect the artificial dichotomy between justice and revenge that is often an unquestioned assumption in justice-related discourse. Traditionally, society has viewed revenge and justice in juxtaposition to one another: the desirable “moral” vindication of legal “justice” is typically cast as superior to the “shameful” and “dangerous” turn toward “revenge.” For victims like Moshe, however, the boundary is porous, and often the two concepts are one and the same.

The act of testifying provided Moshe with the satisfaction of revenge, as did the procedural aspects of the trial itself. When Moshe took the stand against Dachau Commandant Johann Kirsch, who committed violence against Moshe and countless others, and brutally murdered Moshe’s fellow inmates while he stood witness, Kirsch was required to acknowledge Moshe. And again, when it came time for Moshe to identify him in the courtroom, Moshe recalled that Kirsch’s required recognition of him “was, for me, [one of] the biggest things in my life, that that murderer [had to do this].”

Moshe’s role as a witness in the Dachau Main Trials afforded him opportunities for symbolic revenge beyond the courtroom. He recounted a time when an American colonel involved with the trials asked him if he could wake him up in the middle of the night, as the colonel wanted to show him something that would make him very happy. Moshe agreed, and one night the colonel escorted him to a room holding all forty defendants. The room had a one-way window; Moshe could see and hear everything that was happening inside, but the defendants could not see him. “All the 40 criminals were fighting with each other, not in physically fight, but [by] mouth, cursing each other. ‘But you were the main chief! You told me to do that! So I did it!’ And [one] was saying, ‘You were higher than me! I didn’t want to do it. You forced me to do!’ And I heard terrible things, you know, between the 40 criminals who were big shots before, that to kill a man, a human being for them is like stepping on a—on an ant. And then I see them all of a sudden like babies because they were fighting.” Watching the defendants squabbling and blaming one another, Moshe “was in heaven.” Remembering all those who had been murdered, and

I hate to say that word, “revenge.” But I must say that would be the best thing in my life if I can meet eye-on-eye with the commandant from Dachau.

their wishes to see the perpetrators pay for their deeds, he felt that he was witnessing their desire materializing. “It was morally, for me, such an accomplishment and such a—I must say again that bad word, ‘revenge.’”

Opportunities arose, too, in the mundane activities of day-to-day life where the witnesses and military authorities were quartered during the trials. Moshe stayed onsite in Dachau in a private room that was guarded day and night by a Military Police officer. Moshe recalled that sometimes the MP would bring SS men, those who guarded the fences during his imprisonment, to clean his room. “The satisfaction was big.” Seeing his former guards forced to clean up his messes gave him a sense of revenge greater than any opportunity to commit violence against them. During these cleaning sessions, Moshe remembered, the MP occasionally threw a cigarette on the floor and demanded that the former guard pick it up. The MP then winked at Moshe, signaling to him that it would be a good time to kick the man. But Moshe had little interest in this. He mused, “Moses the killer, me? [Laughs] It’s not in my blood.”

Analysis of testimonies such as Moshe’s offer an opportunity to identify ways in which those involved in the transitional justice process can maximize possibilities for survivors of mass violence to satisfy their justice needs. Very few Jewish survivors were permitted to take the witness stand at the International Military Tribunal at Nuremberg, yet, as Moshe’s testimony demonstrates, for the well over one hundred survivors who testified at the Dachau Main Trials this opportunity afforded chances, both traditional and unexpected, to feel a sense of justice served. Just as importantly, his testimony reveals how the socially constructed dichotomy imposed upon the

concepts of justice and revenge works to further silence survivors who struggled from the outset to make their voices heard. To them, revenge did not necessarily mean violence. Yet the stigma attached to “revenge” continues to haunt survivors and color their testimonies. Moshe Rutschaisky repeatedly reminds us of this fact when he says “I hate to say that word, revenge.” But it is precisely his account that prompts us to question common assumptions about what revenge entails, and push back against rhetoric casting revenge and justice as opposite phenomena.

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i For all quotations, see: Morris Rich, Interview 18626 (1996), Visual History Archive, USC Shoah Foundation, accessible at: <https://vhaonline.usc.edu/viewingPage?testimonyID=19377&returnIndex=0>.

Justice in Judgment: A Comparative Study of Mediaeval Adjudication between Judaism and Islam

Neri Y. Ariel

Treatises on the role of the judge in the early Middle Ages form a jurisprudential genre well known in Islamic law, the *Adab al-Qāḍī*, or “Judges’ Duties.” These treatises touch on everything from correct judicial procedure to the character of the true judge as a transcendental but earthly reflection of the ideal godly justice. Within the framework of “Judges’ Duties” texts, the judge is not merely fulfilling a judicial function as a bureaucrat of the political administration of justice but rather playing an active moral-theological role as a social leader who is ethically involved in the distress of the people, a quasi-healer of the pain of litigants and societal trustee who cares for vulnerable inhabitants, such as orphans and widows.

This genre also resonates with modern legal discourse on the propriety of the judicial process. Within these treatises, while fairness and correctness of legal procedure are needed for a right result, they are not an end in themselves. Rather, procedural rules are essential elements in imparting a deep sense of justice to the entirety of the legal process. This sense of justice may be manifest in the litigants’ and other trial participants’ emotions; it may also provide a standard for the law as a complete and all-embracing system.

Until recently, this genre has not been well attested among Jewish writings. Remnants of this jurisprudential genre have survived in Judeo-Arabic; for example, *Kitāb lawāzim al-ḥukkām* by Samuel ben Ḥofni haKohen Gaon (Sura, d. 1013). It can also be found among Karaite writings, such as, the *Sefer dinin* of Benjamin b. Moses Nahāwandī (Persia, ninth century) and Samuel b. Moses al-Maghribī (ha-Ma’aravi, 15th century). His *Sefer miṣvot* includes a special entry for the leaders, among them the judges as the heads who are trusted for pursuing justice according to Written Torah.

The most well-known, but lost, Jewish work of this genre was the *Kitāb adab al-qāḍā* (Book of judges’ duties) by Rav Hai Gaon (Pumbedita, 939–1038). Despite indirect and dubious medieval citations, no text could previously be identified as belonging to the original book. With assistance of philological tools and modern digital devices, I was able to create an infrastructure for this lost book, and I reconstructed the full work based on fragments pieced together from the Cairo Geniza. Partial colophons from several copies, text parallels between the late medieval translated citations and their original source (!) written in Judeo-Arabic, as well as contextual proximity to known works of the *Adab al-Qāḍī* genre in Islam helped reconstruct the base of this treatise.

In the thematic center of this reconstructed work, as in the other works of this genre, stands the idealized model of adjudication and the ethical-judicial independent discretion (namely *ijtihad*) that the judge should apply in his duty. Therefore, as a foundation for “The Etiquette of Judgeship” (*Adab al-Qāḍī*) stands the concept of divine justice in a human court. One of the reconstructed texts

This genre ... and Jewish law as a whole, should be studied in an intracontextualized, interreligious, and dialogical manner, as a shared legal culture.

toward the end of Hai Gaon's book expresses the following personal demand:

קד דכרנא פי מא מצא מן אלקול אן אלחאכם ליס ינצב
ללפתאוי ואעלאם אלנאס באלואגבאת פקט בל [ה]דה צפאת
אלמפתי וליס יתרתב ללפתי אלא מן קד אחכמהא ואמא
אלקצא ואלחכם פמא אחסן אן יכון אלקאצי כאמלא מחכמא

"We have already mentioned that a judge is not [only] appointed to pronounce a verdict between people and to instruct them on their judicial obligations; rather, these [his duties which have just been mentioned] are judicial characteristics of a mufti (!), and the one who is authorized to judge is the one who is not only informed about the judicial duties but rather masters them perfectly. However, regarding adjudication, it is most appropriate that the qāḏī [magistrate] would be a perfect judge."

This short text expresses a broader attitude toward the judge and his judicial character. The text here relates to the judicial character a holistic mindfulness, which is discussed further in this far-reaching genre, in both Islamic as well as Syro-Christian traditions. This attitude required of the judge creates a parallel between the human and the heavenly court. As such, the judge should try to realize on earth the characteristics of the heavenly adjudicator. In other geonic texts, following rabbinic traditions (see, e.g., B. Mo'ed Katan 17a), the judge (or the learned consultant) is envisaged as an angel whose mouth teaches Torah to the eager learner.

The "Judge's Duties" genre is also well represented in special treatises, incorporated as a subgenre of the Islamic principles of jurisprudence (*uṣūl al-fiqh*). However, these texts appear in surprising contexts. One example of such treatises may be found in the chapter on the Good Manners of Judges (Faṣl fī ādāb al-dayyanin) from *Hygiene of the Souls* (*Tibb al-nufūs*). The compiler of this

chapter was a Jewish sage of the Spanish diaspora who immigrated to the Jewish settlement between Algeria and Tunisia, named Rabbi Joseph b. Yehuda Ibn Aknin Albarceloni. He presumably chose to integrate this chapter as an educational guide for a confused nation in the generation of expulsion and religious persecution. Its aim is similar to the prophets of the Hebrew Bible, encouraging the generation to act in justice; in repairing justice (*tikkun ha-mishpat*) one could expect the healing of displacement and estrangement and the repair of the entire world (*tikkun 'olam*).

This study of the reconstructed text in Judeo-Arabic sheds new light on an entire established genre. Correspondingly, the genre helps us understand the importance of what has been newly discovered (on the Jewish side). From now on this genre, particularly, and Jewish law as a whole, should be studied in an intracontextualized, interreligious, and dialogical manner, as a shared legal culture. Treatises on the role of the judge in the early Middle Ages form a jurisprudential genre well known in Islamic law, the *Adab al-Qāḏī*, or "Judges' Duties."

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Visions of Justice across the Mediterranean: North Africans on Equality and Difference, 1878

Jessica M. Marglin

What does it mean for citizens to be equal? For everyone to have access to justice? We typically think of justice as requiring absolute equality—the same laws for all, regardless of class, race, creed, sex, etc. The only exceptions we tend to make concern age (though some disagree on where to draw the line between adults and minors).

But this vision of equality is not timeless; it emerged at a particular place and time. In the late nineteenth century, when only a few countries in Europe and the Americas had put versions of this kind of equality in place, it was still a matter of debate. This was especially so in North Africa, where Jews and non-Jews alike did not think justice required subjecting everyone to the same laws. Some articulated a vision of equality in which Jews and Muslims were under different jurisdictions, but equally entitled to justice.

In the course of a drawn-out lawsuit concerning the estate of Nissim Shamama, a wealthy Jew from Tunis who died in Italy in 1873, North African Jews and Muslims conceived of justice and equality in ways that differed significantly from the European model.ⁱ Two people were particularly strident in defense of what they saw as an Islamic model of equality. Husayn b. 'Abdallah was a *mamluk*, an elite slave in the household of the Bey of Tunis, who had become a high-ranking official in the government of the semi-autonomous Ottoman province.ⁱⁱ He represented the bey in the lawsuit over Shamama's estate, and hired Leon Elmilik (Eliyahu al-Maliah), a Jew originally from Algeria, to help him argue the Tunisian government's case. Husayn and Elmilik each wrote briefs for the lawsuit in 1878; both argued that Tunisia's version of equality was, in fact, a higher form of justice.

Husayn and Elmilik first set about disproving the common assumption that Jews occupied a status inferior to that of

Muslims in the Islamic world. Husayn explained that Jews and Muslims were, in fact, equal, because they were equally entitled to justice. There was no question that the two confessions lived under distinct legal regimes; Jews were subject to the jurisdiction of rabbinic courts for most noncriminal matters, while Muslims were under the jurisdiction of Shari'a courts. But both Jews and Muslims had the same right to pursue justice before the law. Elmilik echoed Husayn in his own brief: he asserted that "Jews and Muslims were equal before the law."ⁱⁱⁱ One might dismiss Elmilik's statement as an example of Jewish Stockholm syndrome, or perhaps as opportunism. But his other writings make it clear that Elmilik's assertion of equality between Jews and Muslims was part of a broader agenda: on multiple occasions, he aimed to defend the Tunisian government as a guarantor of Jews' rights.^{iv} In so doing, Elmilik joined other Jews across North Africa and the Middle East who expressed confidence in the ability of Muslim sovereigns to ensure equal treatment before the law.^v

Husayn explained that Jews and Muslims were, in fact, equal, because they were equally entitled to justice.

Shamama Coat of Arms (Archivio Centrale dello Stato, Presidenza del consiglio dei ministri, consulta araldica, fascicoli nobiliari e araldici delle singole famiglie, Busta 9, Semama, Nissim e Moisé)



Husayn and Elmilik further argued that the kind of equality that characterized Tunisia was in fact *more* just than the so-called emancipation of Jews in Europe. North African law preserved Jewish legal autonomy, thus allowing Jews to continue to live according to Halakhah. Husayn lauded the bey for his tolerance, noting that he appointed Jewish judges to adjudicate among his Jewish subjects—all “according to the recommendations of the rabbis.” Husayn contrasted the autonomy of Tunisian Jews with the restrictions on religion in France, where the state kept a tight rein on religious personnel. “According to your logic,” Husayn explained, “France is a hundred times more fanatical and intolerant—France, where the King, Emperor, or President of the Republic nominates the bishops and archbishops by decree! Tunisian Jews,” he concluded, “live in our country with greater liberty than anywhere else.”^{vi}

The claim that Jews in Tunisia had more liberty than their coreligionists in Europe might strike us as far-fetched. But it was clearly intuitive to North African Jews. Once again, Elmilik echoed Husayn, emphasizing Jews’ access to a range of judicial options when going to court; they could choose a Jewish judge who applied Jewish law, a Muslim judge who ruled “according to the Quran,” or a court presided over by a Muslim state official. Jews in Europe, Elmilik asserted, could not claim “greater liberty than this.”^{vii} Like Husayn, Elmilik invoked a distinct model of tolerance from that in Western Europe, where to be equal meant to have exactly the same rights as everyone else. Instead, Husayn and Elmilik insisted that true equality meant the right to have different rights according to one’s religion. Together, they refused Europe’s exclusive claim to equality, countering with an alternative vision that they saw as rooted in Islamic law and culture.

In the nineteenth century, progressive Europeans were largely convinced that they had a monopoly on the question of equality. The model of Napoleonic France, which entitled Jews to the same rights and duties as Christian citizens, seemed the only just path forward. Equality—and therefore justice—could only mean a radical flattening of difference among all citizens. Scholars of Jewish history often tacitly adopt this narrative, presuming that emancipation, in its European sense, was an absolute good.

Jews and Muslims in North Africa were articulating a different vision of justice, one that preserved the possibility of difference among religious groups.

But across the Mediterranean, Jews and Muslims in North Africa were articulating a different vision of justice, one that preserved the possibility of difference among religious groups. The arguments made in the course of the Shamama case suggest that for some Jews and Muslims in North Africa, true equality meant the right to have different rights. Justice looked different from the other side of the Mediterranean.

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i The following is drawn from Jessica M. Marglin, *The Shamama Case: Contesting Citizenship across the Modern Mediterranean* (Princeton, NJ: Princeton University Press, 2022).

ii M’hamed Qualdi, *A Slave between Empires: A Transimperial History of North Africa* (New York: Columbia University Press, 2020).

iii “Ha-yehudim shavim hemah lifnei ha-mishpat ‘im ha-yishma’elim” (Leon Elmelich, *Megilah ‘amukot minei ḥoshekh* [Livorno: Shelomoh Belforte, 1878], 16).

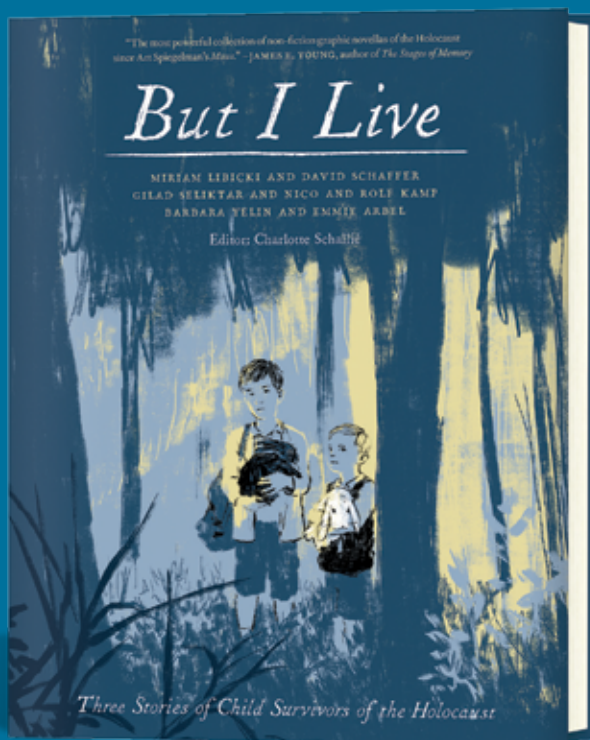
iv Jessica M. Marglin, “Jews, Rights, and Belonging in Tunisia: Léon Elmilik, 1861–1881,” *L’Année du Maghreb* 23 (2020).

v See, e.g., Julia Phillips Cohen, *Becoming Ottomans: Sephardi Jews and Imperial Citizenship in the Modern Era* (Oxford: Oxford University Press, 2014).

vi Generale Heusséin, *Lettera del Generale Heusséin all’onorevole avvocato Comm. Adriano Mari* (Livorno: Tipografia di Francesco Vigo, 1880), 20.

vii “Ha-yesh ... ḥofshit yoter gedolah mi-zot” (Elmelich, *Megilah ‘amukot*, 16). On the range of legal options available to Jews in Morocco, see Jessica M. Marglin, *Across Legal Lines: Jews and Muslims in Modern Morocco* (New Haven CT: Yale University Press, 2016).

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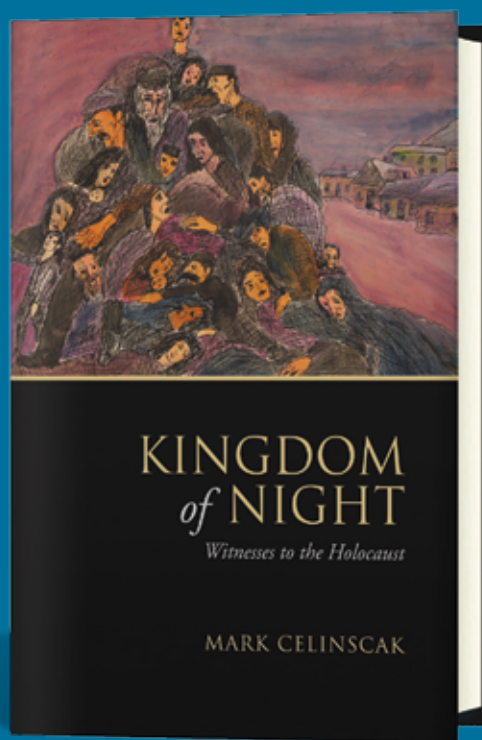


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Refashioning Academic Biblical Studies

Marc Zvi Brettler

Take a look at the typical syllabus for an Introduction to Hebrew Bible / Old Testament course. The odds are high that the secondary readings are mostly written by white men. This complements nicely, but problematically, the Bible itself, which is largely, if not totally, a male composition, transmitted by male scribes.

Introductory Bible courses typically highlight historical-critical perspectives, emphasizing what the text meant in its original context to its earliest readers. Recently in *The Journal of Biblical Literature*, Adele Reinhartz and Wongi Park suggested that this approach is tainted because it was developed by European white males. But I do not believe that an idea is wrong because of how it originated. Others have criticized the historical-critical approach because many of the most central practitioners of historical-critical study, such as Wilhelm Martin Leberecht de Wette and Julius Wellhausen, show a strong Protestant, anti-Jewish bias; this has continued well into the twentieth century, if not beyond. This is true, but unlike some of my colleagues, my training and personal predilections do not allow me to exclude historical-critical methodologies from the classroom, and most of my research is based on historical-critical tools and questions. But we need to think carefully about how much space these take up in the classroom, and how we present these to our students; as instructors, we should not teach these methods as absolutely true—instead, we should explain them within the historical contexts that engendered them. In addition, we must broaden historical criticism to incorporate newer perspectives from disciplines such as feminism and postcolonial studies.

Twenty years ago, in *Textual Knowledge: Teaching the Bible in Theory and Practice*, Barry Holtz noted a variety of orientations (a better term than “methods” or “theories”) that can be used when teaching the Bible. These include historical criticism, which he calls the “contextual orientation,” but this is only one of eight orientations. His

exact typology of orientations is not important here, but his notion that different orientations are appropriate for different contexts is crucial, and applicable well beyond the study of the Bible.

Many of us who teach biblical studies at colleges and universities emphasize historical-critical methods since that is how we were taught by our teachers, and that is how our teachers were taught. Though not harking back to Sinai, this tradition has several generations of weight behind it. Others defend the appropriateness of this method with the claim that it is value neutral, not fostering any particular religion or religious perspective. But is it? It certainly does not comport well with typical Orthodox Jewish or evangelical Christian beliefs. Furthermore, can any stance be purely neutral?

I believe that some of the other methods or orientations used by biblical scholars are appropriate for supplementing the historical-critical approach in the college classroom. One of these, reception history, or history of interpretation, instead of focusing on what the text originally meant, explores what it means in later contexts, and even (!) on what it means now. This approach has become especially popular within biblical studies in the last few decades. These interpretations, found already in the latest books of the Bible, can be in prose and poetic texts, art (from ancient mosaics to the medieval masters to the cartoon *The Book of Genesis Illustrated* by Robert Crumb), music (“even” in pop music in Hebrew and English), film, and many other media. Some of these interpretations are from particular religious or antireligious perspectives or traditions, while others are more religiously neutral. They show how different people, of different types, in different times, have engaged with the text.

Engagement is key. Many if not most of our college students are seekers, looking to engage with the text—that is why they are taking our courses. (I wonder how many students would enroll in a course called “The Bible for Atheists”?) I have heard (horror) stories about professors of biblical studies telling their students as soon as they walk into the classroom on day one: “Leave

everything you heard in religious school on the other side of the door.” Many religious students immediately turn around, or never come back for the second class, and thus never have the opportunity to learn the variety of orientations we should be teaching. We then add another nail into the coffin representing the death of the humanities, as we insist that our texts can only be understood as dead, distant documents, unrelated to current life or interests.

Showing a wide variety of receptions of the Bible encourages students to develop, I would hope in a sophisticated fashion, their own receptions. And I believe that including (the tainted?) historical-critical model among these orientations actually helps students work out their own interpretations by thoughtfully negotiating between what the text meant and what it now means.

At a minimum, we should present the Bible through bifocals, the Bible as *a text in history*, and *through history*. The historical-critical methods can show what the text, or even the *Urtext*, meant in its early contexts. That is what I mean by “in history.” Some, but not I, would deny that this is possible. But what makes the Bible such an amazing text is how protean it is—through interpretation, it keeps changing shape over time, in different religious traditions, in different locations. This should be celebrated. In the classroom, when I teach a tradition representing a group of students in the class (e.g., Bernard of Clairvaux to Christians, or Gale Yee’s perspective on Ruth to Asian students), their ears perk up, and they feel included and recognized.

The membership of the Society of Biblical Literature is about 75 percent male and 85 percent white. Teaching the Bible through history offers us an opportunity to move beyond these majority scholars. Women and nonwhites have interpreted the Bible in a variety of genres, and I now try consciously to include their voices in all of my syllabi. Sometimes this is easy, as when I taught a text course on the Song of Songs; many women have written on it over the last half-century. When I taught Deuteronomy recently, this was harder, but I did integrate more women and minoritized scholars, while keeping many of the traditional

We then add another nail into the coffin representing the death of the humanities, as we insist that our texts can only be understood as dead, distant documents, unrelated to current life or interests.

important studies by white Protestant men—these should not be automatically canceled. We must always remember: How can we hope that a wide variety of our students will study our material, and enter the field, if they cannot see themselves in the assigned readings?

We should stop complaining about the diminishing interest in the humanities, and must act. In the case of biblical studies, I suggest a two-pronged approach that I only began to outline above: while maintaining historical-critical approaches, broadly conceived, as part of what we teach, we must also expand our purview to include studies that incorporate the history of interpretation, highlighting the rich variety of meanings the biblical text has garnered through the diverse people who have interpreted it over time. I see this as a Jewish venture, open to everyone: after all, Jewish biblical interpretations, as represented by the pages of the Mikra’ot Gedolot (rabbinic Bible), celebrate diverse, and even conflicting, biblical interpretations.

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Gustavus Adolphus College production of Endgame by Samuel Beckett, 2016. Directed by Amy Seham. Actors in photo: Thomas Buan and Samuel Keillor. Photo by Wikimedia Commons user Aberbic94, CC BY-SA 4.0

In the Shadow of No Future

Daniel J. Levine

I have taught the Israel-Palestine conflict every year since coming to the University of Alabama in 2011. Justice claims loom large in this course—more than in any other. Partly, this is because the conflict itself is thoroughly saturated with competing claims of right. Partly because my students bring a host of moral, historical, and theopolitical imaginaries to it. Nearly all of these involve transcendent claims of right. While not all of my students explicitly expect the course to ratify those imaginaries, most are not fully aware of the extent to which their views are structured by them. Others have served in the armed forces for extended periods, including lengthy tours in the Middle East, or are preparing to do so. They bring these experiences, in all their rawness and urgency, to class.

In one sense, this is a gift. Such concerns—and their associated justice claims—lend immediacy to what otherwise might be airless historical discussions. One

cannot talk about British anxiety over imperial decline, or the limits of their counter-insurgency policy in the 1930s, without inviting certain obvious comparisons to the present. These become opportunities to interrogate the present from a safe distance.

That felt immediacy, however, comes at a price. Specifically, it makes arguments about the conflict's essential strangeness harder to sustain—and with it, the claim that perhaps judgment should be deferred until one knows more. The temptation is to turn the conflict into a familiar set-piece drama. A student anxious about debt and postgraduation employment prospects may link this to a broader narrative of American decline, to “special interests” that have hijacked the national interest from whom the country must be rescued, or to racialized or gendered narratives about a “loss of national will.” Another student might see the conflict in terms of a neat division between progressive and reactionary forces—whether parsed through “whiggish” sensibilities, or “Fabian” ones. These are but two examples.

All of these bear sustained critical reflection. Yet there are limits to what history—or historically inflected social science—can do here. As Ivan Jablonka and David Myers—and before them, a line of historians going all

the way back to Burckhardt—have noted, the past is enormously complex and variegated. It supports a great many conflicting interpretations and appropriations. Grains of truth can be found to support any number of sensibilities, from *Mother Jones* to Alex Jones.

This is not to level the distinction between good history and bad history. It is only to say that any claim of the past's role in structuring the present is indebted to an implicit set of assumptions about each. These cannot be wholly subjected to critical examination since there is no way to think outside of them.

Justice claims complicate this conversation because they rely on similarly implicit claims. Such claims may invoke values or ideals that the student presumes to be universal, without considering that the very emergence of "the universal" as a category of thought is itself historically contingent. Further, those ideals have proven utterly insufficient. Their legacy weaves through the conflict like a scarlet thread: from ideals of civilization and progress to conventions on minority rights, statelessness, genocide, refugee repatriation, and the laws of armed conflict.

The complications which these claims pose can be broken down into several parts. One is the gap between any set of transcendent ideals, and the banal, everyday means by which politics is transacted: a world of horse-trades and plea bargains, of agenda-setting, shifting goalposts, bureaucratic logrolling, and persistent inequality. Second, there is the sheer enormity of the everyday violence bound up in global politics. To overlook this is to judge the actions of others without considering the extremity and constraint which those deciding upon them believed they faced. That said, to insist on this too strongly risks rationalizing such actions.

Third, and most important, justice claims often overlook their own dependence on a shared belief in both present and future. For claims of justice to make sense, those making them must believe that they are part of a stable moral and/or political order—one that can deliver meaningfully on claims now and for some time to come. There would be no point in making such claims otherwise. But what if one cannot quite believe this?

Many of my students seem guarded on this point. For some, this skepticism is expressed in purely personal

terms—there is no future *for them* on terms they can imagine or accept, given mounting student debt, growing underemployment, and a host of other considerations. Or alternatively, that success will to them come only if they successfully outcompete their peers for a share of a shrinking "pie." Correct or otherwise, such beliefs make broad, horizontal solidarities and collective action much harder.

For others, this disbelief might be both more diffuse and more existential: that climate change, the pandemic, and/or a shifting geopolitical order point to some sort of cataclysmic "end of days," whether drawn from the pages of Revelation or the *Mad Max* film franchise.

One can point out that such notions of "end" are entirely the fruit of our own narrative imaginaries—no less an imposition onto events than comparing Donald Trump to Cyrus the Great.ⁱ For Joseph Roth and Stefan Zweig, the passing of Austria-Hungary was the end of the world—"another fall of man"—to say nothing of a host of literatures mourning the passing of the British Empire. But this does not detract from the future's radical indeterminacy. Nor does it change the fact that claims of justice require a degree of affirmative hope commensurate with that indeterminacy. To separate the two would require rethinking what justice is—easier said than done. This is why I have taken to studying fear.ⁱⁱ

What I have suggested as an interim position draws on the work of the philosopher Jonathan Lear and the political theorist Bonnie Honig: hope for the future can be separated from hope for a *specific, knowable future*. But this, I confess, is a less satisfying answer than I would like—not just for my students, but also for myself.

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i <https://www.jta.org/2018/03/07/culture/king-cyrus-netanyahu-comparing-trump>, last accessed 1 August 2022.

ii For my work on this, see Daniel J. Levine: "He Knew of a Surety": Realism, Zionist National-Security Discourse, and the Absent Sublime," *Global Studies Quarterly* (2:3) July 2022, <https://doi.org/10.1093/isagsq/ksac037>; and "Threat Inflation as Political Melodrama: ISIS and the Politics of Late Modern Fear" *Critical Studies in Security* 6:1 (2018), 136-54.

“Justice, (Reproductive) Justice Shall You Pursue”: Reflections on Jewish Studies and Reproductive Justiceⁱ

Jennifer M. Shaw

Imagine this: you're less than two weeks from the start of a spring semester class on Women and the Holocaust. As you frantically try to write the syllabus, construct the lectures, and devise the marking scheme, there's a sudden announcement of a leak from the Supreme Court of the United States regarding the potential ending of *Roe v. Wade*. And you just happen to be writing a lecture on reproduction, abortion, and forced sterilization in Nazi Germany.

This was the situation in which I found myself in early May, just two days after the leak. It was a surreal moment for me: knowing that people in the United States were being stripped of their rights to control their own reproduction just as some women in Germany were stripped of theirs. “Aryan” women were denied access to abortion to ensure births of solid German children. Jewish women, Roma women, and other “antisocial” or “undesirable” women, while still able to access abortion more or less on demand (one less Jew, Roma, or undesirable to deal with, after all), were subject to forced sterilization, or used as test subjects as Nazis explored new ways of controlling reproduction. As a Jewish History professor who is also a Jewish woman committed to justice, this moment of history has hit particularly hard. At the same time, I'm keenly aware of the importance of Jewish History and Jewish Studies more broadly in helping students to understand and address the moment in which we find ourselves. And perhaps more importantly, I understand that many of us, as Jewish Studies educators, have a particular role to play in helping our students navigate the current political climate.

Eminent Black theorist bell hooks, in her thought-provoking book on pedagogy, *Teaching to Transgress: Education as the Practice of Freedom*, offered us radical new ways to think about teaching and our roles as educators. Her pedagogical approach has been at the core of my own pedagogy since I first read her book several years ago. For hooks, true teaching means caring not only that students learn the material you've deemed important, but also involves “respect[ing] and car[ing] for the souls of our students.”ⁱⁱ I think hooks would agree that it's about respecting and caring about our own souls too. We and our students are living through a difficult time. For many of those we teach who can get pregnant and give birth, and for those who love them, the thought of not being able to access the care they need is a terrifying one.

On a more personal level, my own embodied experience as a Jewish woman who has experienced pregnancy and its complications informs my approach to students and how I teach them. Between my second and third children I, like so many others, experienced an ectopic pregnancy. Unlike most, I had no warning signs that something was wrong until the morning I woke up, promptly passed out, and ended up in the hospital for four days after my fallopian tube ruptured. I was rushed into surgery, where four liters of blood were found in my abdomen. I was told later I had a 50/50 chance of making it. This experience sat heavy with me as I wrote my lectures on the Nazis and what happens when a state controls women's reproductive choices. Under many American states' new laws, women like me might not be provided the timely care they need. This very situation has, in fact, played out in several hospitals across the United States over the past few months. Technically, the procedure that saved my life was an abortion, and I am alive because of it. As I wrote my lectures, I thought through that time both as a Jewish Studies professor, but also as a Jewish woman. That experience informed how I approached my lectures, and how I helped my students understand the parallels between 1930s Germany and the United States in 2022.

As many scholars have pointed out, Jewish positions on abortion are far more nuanced than has been presented in many Facebook and Twitter threads. Those of us who teach Talmud or Biblical Studies or Jewish Philosophy will navigate those waters. However, the fact remains that



Artwork by Ayeola Omolara Kaplan, via National Council of Jewish Women

Judaism allows for abortion, at least in some cases, and Jewish women have accessed abortions throughout history. Jewish women’s historians will tell you how Jewish women have long been involved in the fight for abortion; the Jane Collective, for instance, was founded by a Jewish woman named Heather Booth.ⁱⁱⁱ As educators striving for justice, we have a duty to carry on this legacy of activism and justice.

Teaching, according to hooks, “is meant to serve as a catalyst that calls everyone to be more engaged.”^{iv} At its best, teaching prompts students to not only engage with class material, but to engage deeply and critically with the wider world. Our positions as Jewish Studies educators, along with our own personal experiences, have the potential to help students achieve that level of engagement. Bringing our experiences and our voices to our classrooms is vital for helping our students understand and navigate the political and historical moment we’re all living through. At the end of my class on Women in the Holocaust, a student told me that it was the “most relevant-to-now history class” he’d ever taken because of the discussions we had on abortion, sterilization, and reproductive justice, and how the

parallels we see between then and now can inform our responses in the present day. As professors and educators, we have a particular role to play in this historical moment: to teach our students as Jewish Studies professors about Jewish history, ethics, philosophy, religion. Critically, we also have a duty to fight for justice. I cannot teach Jewish Studies without placing justice—*tzedakah*—at the center of my work. Through our teaching, we can help give our students the knowledge and tools to fight for the rights of all those who simply want reproductive justice.

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i The title is a play on the Torah verse in parashat Shoftim, Deuteronomy 16:20 “Justice, justice shall you pursue.”
 ii bell hooks, *Teaching to Transgress: Education as the Practice of Freedom*. New York: Routledge (1994): 13.
 iii <https://forward.com/news/524186/tamar-manasseh-jane-collective-heather-booth-abortion/>
 iv hooks, *Teaching to Transgress*, 11.

Teaching Judaism and Social Justice

Roundtable Editor: Jason Schulman

Contributors: Eric Caplan,
Suzanne Seriff,
Stephanie Ruskay,
Elizabeth Heineman

Introduction

Jason Schulman: Anecdotal evidence and a less-than-thorough Google search suggest that more and more colleges are now offering their students a course of study that earns them a minor in “Social Justice Studies.” The program varies by institution—some call it a Human Rights & Social Justice Minor, or a Social and Economic Justice Minor—but the trend has clearly caught on. These social justice-focused concentrations are available to students across the country, at schools like Georgia Tech, Middle Tennessee State University, and the University of Iowa (to pick just a few at random).

The growth of this curricular option is, one suspects, driven from forces above and below: students demanding that their institutions offer programs of study that meet the political and social moment we’re in, and also the leaders of those institutions working to get ahead of the curve in making such offerings.

The courses and concentrations in social justice studies are mostly taught by scholars in other humanities departments, including Gender Studies, Religion, Anthropology, and sometimes, Jewish Studies. (We’re putting aside the unique Swig Program in Jewish Studies and Social Justice at the University of San Francisco.)

For this Roundtable, we asked four scholars who have developed and taught courses related to Judaism and social justice to reflect on their

teaching. Despite their differences, all these faculty members are grappling with developing (and modifying) courses grounded in the Jewish tradition but malleable to the changing needs of American society.

Eric Caplan

I created the course “Jews, Judaism, and Social Justice” in 2010 and have taught it five times. In addition, on two occasions, I have cotaught a course on Jewish and Christian social justice with colleagues from the School of Religious Studies at McGill University. The basic structure of the syllabus is the same for both courses.

I begin by looking at selections from the Bible, rabbinic literature, and codes that support—directly or indirectly—the participation of Jews in social justice efforts focused beyond the Jewish community. Such passages occupy a small place in the Jewish literary canon. Accordingly, beginning in the late nineteenth century and continuing to our time, Jewish authors and activists have devoted much energy to showing that pursuing social justice is and should be a Jewish imperative. Because of time constraints, I focus this part of the course on materials of the last fifty years and give the most time to writers who have been especially creative in grounding this imperative in Jewish text, history, and culture (e.g., Leonard Fein, Mordecai Kaplan, Abraham Joshua Heschel, Michael Lerner, Arthur Waskow, Melanie Kaye/Kantrowitz).

The next and longest section of the course examines rich Jewish responses to a variety of social issues. Here, I look at materials of the last one hundred years (when available). We spend one class each on immigration, criminal justice, the environment, First Nations, and LGBTQ+ rights, and multiple classes on economic policy, Jews and African Americans, and Israel/Palestine. Authors in this section include Aryeh Cohen, Jill Jacobs, Danny Siegel, Abraham Liessin, Carol Ruth Silver, Trude Weiss-Rosmarin, Martin

Buber, Henrietta Szold, Marc Ellis, Peter Beinart, Yitz Greenberg, Sharon Brous, and Elliot Rose Kukla.

The course concludes with a selection of recent articles that critique efforts to link Judaism to social justice. These critiques take different forms. Some, for example, condemn a writer for asserting that Judaism has something to say about a given social issue; others argue that it is a mistake for Jews to give time and money to issues that can be tackled by other Americans while the Jewish community faces challenges that will only be rectified by Jews.

To complement the material studied in class, students write a significant paper on the work of one Jewish social justice organization. They choose from a list of organizations whose work is substantial and whose website and social media presence is sufficiently deep to be studied fruitfully. Because very little secondary literature exists on most of the groups, the students work largely with these primary source materials.

Below are three quick observations from my experience of teaching Jewish social justice to undergraduates.

1. Students prefer studying social issues over reading rationales for pursuing social justice. This is why the second section of my course only concentrates on material of the last fifty years. Originally, I also had students read articles such as Aḥad Ha-'am's "Priest and Prophet" (1893), Sadie American's "Organization" (1893), and Abraham Cronbach's "Judaism and Social Justice, Historically Considered" (1915).
2. The course attracts students whose politics align most closely with the progressive wing of the Democratic Party. Some are hypercritical of more centrist positions, reading into such texts conservative sensibilities that are often not there, and most struggle to engage seriously with right-wing critiques of Jewish social justice, no matter how carefully argued (for example, Hillel Halkin's "How Not to Repair the World"). I find myself playing devil's advocate or asking for textual proof more often than in my other courses.

3. It is a challenge to teach Jewish responses to multiple social issues over the course of a century. In the section on poverty, for example, Tuesday's class may look at the Rabbinical Assembly of America's "Pronouncement on Social Justice" (1934), while Thursday's class may analyze the Conservative Movement's "A Rabbinic Letter on the Poor" (1999). Each piece needs to be placed in its historical context and the significant difference in the policy positions advocated in the two documents needs to be accounted for. The following week, a different social issue may be addressed, with a different set of factors influencing each piece and causing the changes of point of view over time. Accordingly, I've learned to teach fewer articles under each heading and to choose two or three issues to examine over multiple weeks.

It is a pleasure teaching this course. Class discussions are animated and rich. All the pieces that I've referenced are included in the anthology, *Jewish Social Justice Thought in North America, 1880-2022*, which I am editing for the Jewish Publication Society. The book will be published in late 2023.

Recommended Reading:

Carol Ruth Silver, *Freedom Rider Diary: Smuggled Notes from Parchman Prison* (Jackson: University Press of Mississippi, 2014), 3-18.

Suzanne Seriff

"Death and life are in the power of the tongue; those who love it will eat its fruit."
—Proverbs 18:21

One of the lessons I have learned as the Director of the Social Justice Internship Program at the Schusterman Center for Jewish Studies at the University of Texas at Austin is that life has a funny way of inserting itself at just the right moment to spark a conversation that might change the world.

The innovative sweet spot of our internship program—now in its fourth year—is a trifecta of a ten-hour-a-week

internship, Jewish text study, and community stories by visiting speakers focusing on social justice concepts such as *tikkun 'olam* and *zedakah*. Students secure internships based on their interests and possible career goals—including at a wide range of arts, health, social service, and advocacy organizations throughout Central Texas. One organization supports art programs for the homeless, another teaches classical guitar to historically underserved populations, a third coordinates health services for migrants, and one records the stories of those impacted by state violence in Texas.

Most students are exploring Judaism for the first time. The weekly focus on topics such as poverty alleviation, food justice, art-based activism, health equity, immigrant rights, and homelessness is brought to life through Jewish textual study, lively classroom conversation, and guest appearances by Jewish leaders. These leaders share their stories of how they have found their way to a committed life of *tikkun 'olam*.

In the fall of 2021, week 11 was no ordinary week. The topic of text study was “combating hate.” Our guest speakers were the executive director and a board member of the Central Texas Anti-Defamation League. Just that week, Austin had been targeted with antisemitic acts by individuals as well as a nationally recognized hate group. Public-school property was defaced with swastikas and homophobic and racist symbols; neighborhoods were harassed with antisemitic banners; and a fire was started in the doorway of an Austin synagogue.

Our ADL speakers centered their timely discussion on what they refer to as a “pyramid of hate,” demonstrating how biased attitudes and stereotypes can escalate into acts of violence, and ultimately, genocide. Over the preceding week, “Bias-Motivated Violence”—the second-highest tier of the pyramid—had gone from unthinkable to a reality in the eleventh largest city in the United States. How did this happen? What insight could students bring from their own lives? The opportunity to bring these questions alive in real time is a unique aspect of this

program that the Schusterman Center brings to undergraduates at UT.

The dialogue after our speakers’ presentation—even via Zoom—was as lively and passionate as any I had experienced. As always, it was led by a student, who facilitates related text study. The student focused on the Jewish concept of *lashon hara*, the evil tongue. As a trans student raised in the Texas Bible Belt, they held this topic particularly close to their heart. As they wrote in their weekly reflection:

“There was no other topic on the list that has been more relevant to my life than hate speech. I glimpsed the devastating effects of intolerance in childhood, in the ways that girls were held responsible for the behavior of their less well-behaved male peers, when I saw white children get off scot-free after terrorizing racial minorities at my school or when I and numerous others experienced ostracization for reasons ranging anywhere from being too poor, too queer, or simply too different to ever be a meaningful part of the community. ... Everything I witnessed firsthand at school is just the predecessor for the more extreme acts of discrimination and violence affecting our nation today.”

It was only after our close text study of *lashon hara*, placed in the context of hate-based violence in our own backyards, that students began to connect the abstract ethical idea of justice with the power of the tongue—both as a catalyst for peace as well as a precursor to violence. In the last session of our class, over a meal of potato latkes and smoked salmon, guest speaker Rabbi Neil Blumofe, the senior rabbi of an Austin synagogue, led a final text study on the concepts of *yetzer hara* (the evil inclination in each of us) and *lashon hara*. What emerged was not only a recognition of the power of the evil tongue but also a newfound commitment to use the power of our mouths—our words—to combat that evil. As one student so eloquently stated:

“It is our moral obligation to speak up and end the negative talk. Do not be a silent bystander.”

Another brought the conversation back around to a renewed insight into the concept of justice, after our foray into the ideas of *lashon hara*:

“Justice is everywhere—it’s in the way we treat others, it’s in the way we use language, it’s in the way we give, it’s in the way we advocate for each other. I want to catalyze change in the world by incorporating justice into everything I do both personally and professionally. I want to leave my value judgments behind and award all human beings (who are created equally in the image of the Divine) the dignity they deserve.”

Recommended Reading:

Jill Jacobs, *There Shall Be No Needy: Pursuing Social Justice through Jewish Law and Tradition* (Woodstock, VT: Jewish Lights Publishing, 2009).

Stephanie Ruskay

At JTS, where I helped start a postgraduate certificate in Jewish Ethics and Social Justice, I lead a seminar for students in the certificate program to reflect on how the academic courses they are taking inform the justice and service work they are already doing.

When I talk about social justice, I mean that each person has equal access to opportunity and resources. They may not all have exactly the same amount, but access exists and the structures that create inequity are recognized and intentionally mitigated. Jewish tradition does not require equity (in the sense of all having the same amount) but it requires everyone to contribute to the well-being of those in their orbit. People are not solely responsible for themselves. Others have a right to benefit from their abundance. And even those without abundance have a responsibility to those with less than they have.

Exploring social justice issues through a Jewish lens, with an imperative to act on what we learn, is our goal in our Jewish social justice program. Yet, too rarely do we ask “what is actually just?” We focus on finding texts that support our understanding of social issues and we develop skills to become outstanding community organizers. But we don’t ask frequently enough, “What does this justice look like and how do we know we are right?”

We take shortcuts. The world is moving quickly. We live in a polarized time. We convince ourselves we know what is just, so we organize and protest and act. We develop affinity for those who see the world as we do and hatred and resentment for those who see it differently. We think they do not value justice. They must not or they would share our values and priorities.

It is too tempting to conflate our religious commitments with our political beliefs. I like doing it as much as the next person, but it is lazy. I have facilitated classes on Jewish texts related to social justice, offering “proof” that Jewish tradition compels us to act for justice and to particularly care for people who are poor and underserved. Sometimes I cherry pick. Since our texts include complicated portions that offend, or they meander, creating a compendium of Jewish social justice resources requires picking and choosing and leaving a lot on the cutting room floor.

This is a moment for truth and not partisanship. This is a time for studying and reflecting and learning the sources that tell us that something we believe in politically is not possible by Jewish law; for example, I personally oppose gun ownership but I do not believe bans would be grounded in Jewish law.

This moment of division calls for us to keep front and center the question, “what is just and how do I know?” We can only know by encountering viewpoints that are different from our own, from speaking respectfully with people who see the world entirely differently than we do.

I try to live by the Jewish value that study that informs action is the most valuable. In contemporary American life it is countercultural to carve out time for study. To say I don't know. To admit that our texts do not say a whole lot about this aspect of contemporary justice but I am committed to pursuing it anyway.

Truth currently feels like a treasured commodity. As I think about teaching this seminar again, one way that I plan to contribute to protecting truth, the bedrock of our democracy, is to ensure that learning and action on Jewish perspectives to social justice take a clear-eyed approach that does not begin with a preordained outcome. Our work today as Jews who care and teach about and act for justice is to ensure that we make time and space for thinking and exploring texts that are unrelated to causes for which we are acting. Additionally, we must ensure that we are also acting on issues of the day while continuously clarifying for ourselves if the outcome we are pursuing is defensibly just or more an instinct.

Ultimately, I want to stress that action is just as important as learning. This will cause some discomfort. Some prefer the contemplative, sometimes solitary, world of study. For those philosophers and ethicists among us, the challenge I offer is to lean into acting for justice more frequently. Do not silence the need to keep asking, "is this just?" but don't let it always lead, and prevent action. We must not, and cannot, wait until we have it all figured out. Act now, while still continuing to think.

Thinking and acting in concert are important antidotes to the divisiveness and inequity in which we live. Ideally, they are done in relationship with people whose experiences and attitudes differ from our own since this broadens our capacity for change.

Let us all choose to study and act in new ways that unsettle us a bit and stretch us to act outside our comfort zone. The world needs us.

Recommended Reading:

Aryeh Cohen, *Justice in the City: An Argument from the Sources of Rabbinic Judaism* (Brighton, MA: Academic Studies Press, 2013).

Elizabeth Heineman

What do you do when teaching "Jews, Judaism, and Social Justice" for the first time? To students who have a purely intuitive understanding of social justice, who may or may not know anything about Judaism or Jewish history and life, and who are anxious to get out of the classroom and into the community—which is inaccessible due to COVID-19?

This was the situation I faced in spring of 2022 at my large midwestern public university. I began the semester assuming the current iteration of the course would be a stopgap. Next time, I told myself, I'd organize it around a community engagement project. I ended the semester thankful for perhaps the most rewarding teaching experience of my nearly thirty-year career.

The "stopgap" was to allow process and pedagogy to be the point rather than the means to an end (the "end" being mastery of subject matter, such as historical implications, critical analyses, and present-day applications of concepts like *tzedek* or *tikkun 'olam*). But there are many good pedagogies. If pedagogy was to be the end and not the means for a class called "Jews, Judaism, and Social Justice," it would have to embody both Jewish practice and social justice principles.

In developing my pedagogy, I was strongly influenced by Svava,ⁱ the UnYeshiva,ⁱⁱ and its parent organization, Judaism Unbound,ⁱⁱⁱ as well as the work of secular educators uniting pedagogical and social justice practices such as Jesse Stommel^{iv} and Cath Denial^v. Our tools were chevruta, midrash, and ritual. Class meetings involved a brief lecture (sometimes) and chevruta followed by full-class reflections (always). The two major written assignments were midrashim putting a Jewish text into conversation with social justice concerns. And our major collaborative project was a secular social justice seder.

Students initially acknowledged some discomfort with open-ended, one-on-one conversation in which the core question was: “What does this text bring up for you?” But they adapted rapidly, and the conversations were remarkably serious. Keeping the texts very short (no more than a few lines) and reminders that chevruta is a three-way dialog among both partners and the text helped to keep students accountable: they couldn’t wander off onto a tangent without returning to a discussion of how their comments related to the text. But those tangents often brought to light important insights based on one partner’s life experience, another class, or perhaps that day’s news headlines. More fundamentally, they practiced compassionate listening (across generations as well as across the desk), respectful engagement, and critical self-reflection.

The midrashim were as open-ended as the chevruta. Having read about midrash as fan fiction, students were free to develop a midrash bringing a biblical text of their choosing into conversation with social justice issues. Free-writes, reflections on structured conversations with friends or relatives outside class, and in-class workshops of preliminary assignments (not “drafts”) normalized the practice of allowing questions to remain open and inquiring deeply into others’ insights.

Most of my students had never attended a seder, or perhaps had attended one as a guest. They were now charged with organizing one that would intentionally depart from tradition. (Their first instinct was to try to replicate “tradition,” albeit in secular form.) Working groups had to consider both the indispensable elements of ritual and themes like food justice in menu planning and universal design in planning décor, and they had to explain their choices. (The sheer logistical burden for students of staging the event late in the semester is something I’d rethink next time around.) Each student was charged with creating something to present at the seder—a poem, a short personal essay, an original piece of art—connected both to the Exodus story and to a social justice theme. I organized the overall arc of the service: the ritual elements and the placement of

each student’s contribution. Students were invited to bring one guest: they included (among others) a congregational rabbi, a best friend, two Palestinian American students who had visited the class, and a student’s Christian mentor.

I began the semester concerned that students, anxious to engage today’s social justice issues, would approach the “Judaism 101” and historical segments of the course with impatience. I need not have worried. The talmudic model of imagination, valuation of dissent, and willingness to knock biblical figures off their pedestals aligned well with students’ inclinations. Learning about the Covenant meant confronting the disturbing myth of the Binding of Isaac—and discovering that the rabbis had expressed disquiet about Sarah’s exclusion from the story. Alicia Jo Rabins’s musical meditation^{vi} on the same theme confirmed that we, too, are permitted—indeed, obligated—to grapple with troubling histories, even if they involve foundational figures: we further social justice by reexamining powerful narratives from the perspective of the marginalized. (The Hagar story added another level of complexity: students quickly recognized the need to understand both Sarah and Hagar through an intersectional lens.) Moving forward in time, role-playing games enabled students to see how the Jewish labor movement of the late nineteenth and early twentieth centuries was intertwined with secularization and immigration, two themes that helped create a bridge between the strangeness of earlier eras and more familiar territory.

What we didn’t do may have been as important as what we did. We didn’t have grades, at least not until the end of class when I had to report them to the registrar. Underscoring the fact that worry about grades can interfere with creativity and risk-taking, I let the students know that (a) individual assignments wouldn’t be graded, and (b) twice during the semester, I’d let them know “the grade I’d give you if I had to give you a final grade right now.” That grade was based on engagement, both in class and in written assignments. “Engagement” included not only attendance, participation, and thoughtful completion of assignments but also response to feedback

on class discussions, assignments, and student-teacher conferences. Like chevruta, this grading practice caused unease followed by a feeling of empowerment—and it resulted in far better work, I suspect, than students would have produced if they'd been trying to anticipate my expectations or align their work with a grading rubric.

By the end of the semester, students had internalized practices that are essential for social justice work: critical self-reflection; accountability; active listening and engagement; appreciation for insights gained through life experience and positionality; the ability to tolerate ambiguity; and a willingness to take risks. And they understood why it matters that Judaism has a set of tools that aligns so well with these social justice practices. All of the students had joined the class with a commitment to social justice, but many had been frustrated by frameworks that seemed to them too prescriptive, too unconcerned about the diversity of experience, or too resistant to disruptive questions. (I reminded them, at many points in the semester, that one can also find rigidity in Jewish experience: this course was a slice, not the entirety, of Jewish learning.) Despite our inability to get out of the classroom, students expressed appreciation at how prepared they felt to engage social justice—because they had gained so much practice in conversation.

And we all know how Jews love to talk.

Recommended Reading:

Danya Ruttenberg, "Life is a Sacred Text," <https://lifeisasacredtext.substack.com>.

i <https://svara.org/>

ii <https://www.judaismunbound.com/unyeshiva>

iii <https://www.judaismunbound.com/>

iv <https://www.jessestommel.com/ungrading-an-faq/>

v <https://catherinedenial.org/>

vi <https://www.girlsintroublemusic.com/songs/river-so-wide/>

ERIC CAPLAN is associate professor of Contemporary Judaism and Jewish Education at McGill University. His book, *From Ideology to Liturgy: Reconstructionist Worship and American Liberal Judaism* (Hebrew Union College Press, 2002), is being reissued with an extensive new preface in 2022. Eric is vice president and academic advisor of the Mordecai Kaplan Center for Jewish Peoplehood.

SUZANNE SERIFF is director of the Internship Program in Jewish Studies at the Schusterman Center for Jewish Studies, and associate professor of Instruction in the Department of Anthropology at the University of Texas at Austin. She is also an award-winning public folklorist and museum curator.

STEPHANIE RUSKAY is executive director of the Jewish Theological Seminary's Hendel Center for Ethics and Justice. She also serves as associate dean of the JTS Rabbinical School. Prior to joining JTS, she held a number of leadership positions at American Jewish World Service, Avodah, JOIN for Justice, and Auburn Theological Seminary.

ELIZABETH HEINEMAN is professor in the Departments of History and Gender, Women's, and Sexuality Studies at the University of Iowa. She is author or editor of several books and essays on gender, sexuality, and historical memory in twentieth-century Germany; sexual violence and human rights; and a memoir.

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Jaffa in 1933. Courtesy of Sadaka-Reut

I'm from Jaffa/ Ana min Yaffa

(2022, dir. Rachel Shor and Yuval Abraham, Israel, 16 min.)

Olga Gershenson

This documentary focuses on Jaffa, once a Palestinian city, and a mixed neighborhood of Tel Aviv today. The film is filtered through a relatable narrator, Amoneh Asfour, a young Palestinian Israeli born and raised in Jaffa. "In the past, I had to hide my identity," says Amoneh in the opening shots of the film, "I really didn't know anything about my own history." For the rest of the film, she takes us on a tour of her city, sharing with us the nearly lost narrative of her community, which has been suppressed in Israel and which she recovered in her search for identity. She starts with her own family, but soon widens her scope to include the entire city.

For a short film, *I'm from Jaffa* packs an impressive historical account. Intercutting between archival footage and contemporary scenes, the film draws parallels between the story of Amoneh's family, which thrived in Jaffa for generations but was displaced in 1948, and the story of Jaffa, which lost its status as a Palestinian economic and cultural center, with most

residents exiled or herded into a "ghetto." Later, their empty homes were razed or given to Jewish immigrants. Today, Jaffa is split between gentrified Israeli areas and Palestinian neighborhoods defined by poverty and violence. "I feel pushed out," says Amoneh, walking through the manicured Old City. Palestinian Jaffa is still subject to neglect and inequality, but today, local activists ask for recognition and justice.

I'm from Jaffa is useful in courses dealing with the history of Israel/Palestine. It will offer students a chance to zoom in on the effects of the Nakba in one specific community, and to reflect on the connections between past and present. The conversation can engage with questions of historical responsibility, generational trauma, urban policies, and social protest.

The film is produced by Sadaka-Reut, a nonprofit organization founded by Palestinian and Jewish Israeli students, which works with youth on issues surrounding identities and inequalities within Israeli society. Discussion of the film can also be a chance to talk about the role of media in generating intercommunal dialogue and in addressing social injustice.

I'm from Jaffa is available on Sadaka-Reut YouTube channel at <https://youtu.be/K2XQvNQRruc>

For more information reach out to info@reutsadaka.org



Screenshot from Seinfeld

Seinfeld

(1995, season 7, episode 6, created by Jerry Seinfeld and Larry David)

Avner Shavit

In what has become one of *Seinfeld's* most iconic episodes, Jerry and his friends queue up at a soup restaurant run by a tyrannical chef, whom the customers have nicknamed the "Soup Nazi." The Soup Nazi imposes harsh and arbitrary laws on his patrons. He might ban a customer for years, just because he didn't like how they addressed him at the counter.

The four protagonists of the show react differently to the Soup Nazi's regime. Their reactions are consistent with their characters, but they also represent the different approaches to injustice. Kramer embraces the regime, and like Rabbi Bengelsdorf in *The Plot against America*, becomes the Soup Nazi's ally and apologist. Jerry, ever the conformist, quietly follows the Soup Nazi's rules and betrays his friends when they don't. George fails to follow the rules and is penalized, but doesn't fight back. He remains passive in the face of injustice. Elaine takes a more activist position, and becomes the moral compass of the episode. When the Soup Nazi cruelly sends her off, she won't keep silent—she stands up for her and others' rights and won't back down until she destroys

the tyrant. There will be no more soup for anyone, but at least justice has been done.

Its short running time and irresistible comedy make this episode ideal for classroom discussions of ethics and the Holocaust. Beyond the positions of the characters and the historical parallels they invoke, the conversation can turn to the uses and abuses of the Holocaust in American culture, for example, legitimacy of the liberal usage of the term "Nazi" in media.

Seinfeld is available for streaming on Netflix.

OLGA GERSHENSON is professor of Judaic and Near Eastern Studies, and of Film Studies at the University of Massachusetts Amherst. She is the author of *The Phantom Holocaust: Soviet Cinema and Jewish Catastrophe* (Rutgers University Press, 2013). Her book *New Israeli Horror: Local Cinema, Global Genre* is forthcoming from Rutgers University Press.

AVNER SHAVIT is an Israeli film critic and scholar. He has been covering both the local and international scenes for two decades, including major film festivals in Cannes, Venice, and Berlin. He holds a PhD from the New Sorbonne University in Paris, and is now a visiting professor at Wesleyan University.



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A banner for The Arizona Center for Judaic Studies. The background is a collage of images: a brick building, a garden with cacti and flowers, and a close-up of Hebrew text on a scroll. The scroll text is partially obscured by a diagonal line.

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