SILENCE IS ASSENT
Rabbi Dan Moskovitz – Temple Judea
March 27, 2009

There is a famous scene in Woody Allen's Anne Hall where the family is all gathered around the dinner table for a Sunday family dinner, Alvy's mother is hovering over the table as the conversation ensues. She is discussing the health of a family friend but then when she comes to the diagnosis – she whispers the word – CANCER. As though the give it the legitimacy of full voice might cause someone in the room to catch it. Its neurotic and funny in the way good Woody Allen always is – bad Woody Allen by the way leaves me feeling sad for his parents – I want to tell him to leave them alone already they did the best they could have some *rachmanus* - compassion.

But the point of the scene and the reason I reference it tonight is that there are something's in life that our conscience or superstition tells us we should whisper for fear that to give them full voice may actually causes them to become reality. I call this the 'whisper rule' – don't say it, even if everyone is thinking it because it will draw attention and/or misfortune.

Many in the Jewish community strongly believe that the whisper rule applies to criticism of Israel. That in public forums

Jews should never been seen or heard speaking critically of Israel and that in Jewish settings our disagreements with Israeli policy or actions should be significantly muted so as not to draw the attention of the outside world and present a divided Jewish community – which others could then pick off and pick apart.

I must say that I generally agree with these cautionary admonitions – not only for the previously mentioned reasons, but because I don't live in Israel and just because I am a Jew does not give me license to criticize the actions of a county where I have chosen not to live and do not risk my life in its defense.

However, while I may be careful not to speak for Israel, Israel must also take great care through its actions and statements not to speak for me. And when it fails to circumscribe its public voice and when the picture that it projects to the world is one that causes me as a religious Jew committed to the sanctity and security of Israel embarrassment and shame – then I choose not to be silent, then I choose not to whisper as I might if the problem were not widely known. When Israel acts in a away that reflects poorly upon *Am Yisrael* on the people of the community of Israel, not to mention the state of Israel, then I believe; as I do now that it is my duty as a Zionist and a religious Jew to raise my voice and speak

up in defense of the Israel of my dreams, and Jewish people made guilty by association.

This week major newspapers and news organizations around the world, including those within Israel itself, reported on human rights abuses perpetrated by members of the IDF, the Israel Defense Forces during the war with Hamas this past fall. They detail horrendous stories of illegal killings, violations of human dignity and personal freedom and abuses of power at the barrel of a gun.

The story first broke months ago on 60 minutes when Bob Simon, no great friend of Israel in his own right, reported on Israeli soldiers quartering themselves in private homes in the West Bank. As the 60 minutes report embarrassingly showed, Israeli soldiers would barge into private homes of Arab citizens in the middle of the night, hold the families under house arrest so as not to alert the neighbors to their presence and then use those homes to conduct surveillance operations. Children were kept from school, men from their jobs and families from each other. Not because they had committed a crime or had known terrorist associations, but because they lived in a house on certain street that provided a view of an area of interest to the IDF.

The report went on to revealed the dangerous dichotomy that exists in Israeli society today between the secular Israelis - whose political voice and will has been drowned out by fundamentalist religious Zionists who show complete disregard for Israeli national authority. These religious zealots illegally occupy disputed lands in the West Bank, and then when IDF soldiers arrive to remove them they fight them for every board and inch of soil, and then after the settlements are dismantled and the soldiers go home they return hours later to plant a flag and rebuild as though they are above the law.

For me the issue reached a head and superseded the Whisper Rule this past week when the LA Times reported on its cover that Israeli Military Chaplains encouraged soldiers to cleanse the holy land of non-Jews and provided religious justification for brutality and lawlessness under the guise of national security. Under a front page headline that read, "Israeli army rabbis criticized for stance on Gaza assault" I felt a double pain of shame and guilt by association for the actions of the IDF and that they were being sanctioned by Rabbis.

The alleged actions of the IDF – came to light in after-action interviews conducted by an Israeli Military Academy commander on his troops experiences in Operation Cast Lead. They were first reported in the Israeli press late last week are now the subject of a major military criminal investigation. If found to be true, the actions of these soldiers and the role played by army Rabbis in giving justification and inducement for their actions are clear violations of the IDF's Code of Military Conduct know as Purity of Arms.

The document which I have studied with my 9th grade students and adults here in our congregation is a remarkable testament to the integrity and moral vision of the IDF. In its opening paragraph the code states:

> *The soldier shall make use of his weapon and force solely for executing his mission, only to the extent required.*

It was not a document written in an ivory tower or by some soldiers who have been driving a desk rather than a tank or troops, never having experienced the realities of conflict. It confronts head on the reality of asymmetrical warfare in which Israel has

been engaged since the first intifada (uprising) in Gaza in the early 90s. It goes on to admonish::

> *[Soldiers] will do all in their power to avoid causing harm to the lives, bodies, dignity and property [of civilians]*

As Moshe Halbertal, and Israeli scholar and political scientist explains, “The authors of the document are fully aware that there will be situations in which civilians will get hurt. But such situations should not arise out of premeditated targeting of non-combatants. An IDF order to "kill this old man," or "kill this small boy," to deter their terrorist family members is an illegal order, because it specifically targets a non-combatant.

On the one hand I am reassured and even a bit proud that the IDF is confronting this alleged violation of the laws of war and it own code of conduct in such an open and transparent manner. When compared and contrasted with other military investigations illegality the IDF stands a part as Defense Minister Edud Barak declared on Israeli Radio as “The most moral army in the world…”

But on the other hand these incidents all have their genesis in the subjugation of civil morality to religious ideology and zealotry

– it is in the face of that – far more than what are hopefully isolated actions by individual soldiers that causes me to stand before you tonight and speak out and criticize Israel.

As the recent Israeli election results bare out the secular/liberal Israeli voice has been drowned out by the screaming of religious zealots. Israel today is going through a political revolution not unlike that executed by the American religious right in the late 80's and 90's, except in Israeli society there is no wall separating church and state behind which liberal voices can take cover and seek protection. If their do not speak up and defend their ground and positions – Israeli law lacks the legal protections to do it for them.

What this has meant is that as more and more Israeli throw up their arms at the 'crazy religious' and retreat to their urban enclaves of Tel Aviv and Hertzalia – they have created a leadership vacuum into which religious Zionists have rapidly moved in and assumed positions of political and military leadership. The Talmud teaches that silence is like assent. As Israeli liberals tire from the fight for a peaceful resolution of the Palistinian-Israeli conflict they manage to barely whisper – when the others are screaming and thus these actions perpetrated by a

few but supported by a vocal minority cast a shadow of guilt and shame upon all of us.

We must heed the Talmud's admonition, we must not be silent in the face of wrong, we must not whisper for fear that we might be heard and confronted. What those soldiers are accused of doing is wrong, made worse by the fact that their religious leaders justified their actions by a misuse of Torah in the name of God and thus by association in the name of us all.

Rabbi Judah Loew, the great *Maharal* of Prague (16th century) wrote, "While a person may be individually pious, such good will pales in the face of the sin of not protesting against an emerging communal evil. Not only will such piety not avert the impending evil, but such a pious person will be accountable for having been able to prevent it and not doing so."

We must take great pains not to be such adherents to the commandment never to criticism Israel that we fail to protect her from her own dissolution by our silence and our whispers. As a great umpire once said, we must call'em like we see'em. Or else our silence is indeed assent.