FRAGMENTS

ISSUE 1 • **SPRING 2023**

Freedom

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LAND ACKNOWLEDGEMENT

The editing, design, and illustration of this volume was done on the unceded lands of the Lenape (Munsee and Unami speakers) and Mohican Nations. The Lenape diaspora includes five federally recognized nations in Oklahoma, Wisconsin, and Ontario. T'ruah acknowledges that the land and resources of non-Native people in our region come at the expense of genocide and land theft perpetrated against the Lenape by our forebears, many of whom were European settlers. We acknowledge that prayers are not enough, and we advocate for a way forward toward justice and human rights.

ABOUT THE PHOTOGRAPHY

LUIS ROBERTO BURGOS is a Black, Queer, Jewish, Neurodiverse Earthling based on Lenape land, colonially known as New York City. Born on the Lower East Side of Manhattan and raised between three boroughs, Luis lived in Los Angeles from 2013 to 2018. He learned how to question at Phillips Exeter Academy and how not to question at Bard College. His photography is often based in literature, while his writing is visual and sensory. In 2022, NY Jewish Week named him one of the "36 to Watch" (formerly 36 under 36). That same year, he debuted his first photobook, *Moses of the City*, which received a stellar review from the Forward. Louiefromtheblock is currently a fellow with The Workshop, which is art directed by Rabbi Kendell Pinkney and in partnership with Reboot. ◆

Luis's photography appears throughout this issue, including the cover.

Moses of the City x Louiefromtheblock

Luis Roberto Burgos

Marching images frame "The Story of Exodus 5782." This is at the heart of *Moses of the City*, a modern day Passover haggadah. Here, Liberation is explored.

With the lenses of Anti-Racism, Feminism, and Pride, I tell a story with original photographs, poems, and my personal record of the Black Lives Matter movement in 2020-21.

The seder and its haggadah are a call to action. The Promised Land and The Narrow Place are the same. It is only through Tikkun Olam, actions of repair, that we transform our Oppression into Liberation.

Promising actions bring Freedom; intentions are irrelevant against Impact.

I say, Act Up.

ACKNOWLEDGMENTS

We offer our gratitude to the following people, without whom this issue would not have been possible: To our lead donors — Anne Germanacos, Marc Gross, Sara Litt, and Max Yaffe — for their financial support; to Dan Friedman and Anne Germanacos for technical advising; to the T'ruah and Emor staff who worked on this publicatione — Shira Danan, Bennett Decker, Rachel Lerner, Ronit Schlam, and Hannah Weilbacher; to the Emor Leadership Council for their input; to the T'ruah Board for their vision and support in creating and launching Emor; to the Lenape Center for invaluable guidance on providing accurate land acknowledgements; to all those who submitted essays, poems, and art — we appreciate your enthusiasm.

ABOUT EMOR & T'RUAH

Since 2002, T'ruah has brought a rabbinic voice and the power of the Jewish community to protecting and advancing human rights in North America, Israel, and the occupied Palestinian territories. We do this by training and mobilizing our network of 2,300 rabbis and cantors, together with their communities, to bring our Jewish values to life through strategic and meaningful action.

Launched in September 2022, Emor — Hebrew for "Speak!" — is T'ruah's thought leadership institute. Drawing from texts ancient and modern, Emor responds to the most pressing questions of our time and shapes the public discourse with bold, creative Jewish ideas that welcome in diverse voices and inspire our community to act.

INTRODUCTION

Democracy and human rights are under threat around the world; norms we once assumed to be ironclad are proving vulnerable, and questions we thought were settled are being aggressively reopened. A concerted, well-funded effort is underway to roll back feminism, LGBTQ rights, advances towards racial justice, policies crucial to ensuring a liveable planet, free speech, and more that we hold dear. In the Jewish community, a subset of that effort is promoting a vision of Judaism that supports this worldview: patriarchal, nationalistic, jingoistic, hyper-capitalist, and committed to driving a wedge between the Jewish community and other communities.

This is not our Judaism.

We founded Emor to push back against this trend and give voice to the many, many Jews — the majority, we believe — who share our values. We believe that the wisdom of our ancient texts, of our historical experience, and of the volumes of literature produced by Jews through the ages speaks directly to the pressing questions of our moment — and that this wisdom guides us toward a vision of a world based in the human dignity of all people.

The very first description of human beings in the Torah teaches that all of us — not only Jews — are creations in the divine image. The rest of Jewish commentary, legal debates, and philosophy reflects the efforts of generations of Jews to answer the question: How can we concretely build a society that allows us to live out this ideal?

Fragments is just one initiative of Emor, an invitation twice a year to explore one topic from multiple angles, always with a deep dive into Jewish wisdom. Think of it as a *beit midrash*, a traditional Jewish house of study, captured in the pages of a journal. In these pages, writers at the very beginning of their careers share space with those who look back after a lifetime of hard-earned wisdom. Artists, poets, and playwrights share space with essayists. Each brings their own unique perspective, because we know there is never just a single right answer in Judaism. But there can be wrong answers, and Emor is here to take them on.

For our first issue, we chose the topic of freedom because it lies at the heart of the present struggle. The efforts underway to restrict our freedoms are themselves cloaked in the language of freedom: freedom of speech, freedom from government interference, freedom to own guns, freedom from "wokeness." Professor Elisabeth R. Anker, in her book *Ugly Freedoms*, exposes how the rhetoric of freedom is used in the US so effectively by a white, male, Christian movement to protect their freedoms at the expense of everyone else's. The very same people claiming to support freedom are banning books, trying to stop companies and states from considering environmental or social factors when investing, and taking aim at diversity efforts within corporations, governments, and universities. We refuse to cede the language of freedom to those trying to take away our freedoms. This volume is just one step toward restoring its proper meaning: liberation.

Some members of our society believe that the world was better once upon a time, and if we could just get back there — before so many features of the present day ruined it — everything would be fine. But we know the world was never "fine" for the overwhelming majority of people. And we know that, in the United States, those promoting this rhetoric envision a country that is white, Christian, and patriarchal. This crisis may feel new, but we know that the world was broken from the beginning. *Fragments* is named for the broken vessels of the Kabbalistic creation story, for the shattered pieces of the first tablets, and for the partial and fragmentary way each of us sees the world. Just as our ancestors in the desert carried two sets of tablets in the Ark — one in pieces, the other whole — we see that the brokenness can teach us and inspire us to create a new wholeness.

And just as the revelation at Sinai demanded that all of us be present — including generations not yet born — we need all of us to create the more just world of which we dream: Jews and the non-Jews in our families and communities; people of all different racial, ethnic, and class backgrounds; Indigenous, immigrants, and descendants of immigrants. Join us in this project: in the pages that follow, online at EmorInstitute.org, and in the conversations you have every day.

Rabbi Jill Jacobs, Rabbi Becky Jaye, and Rabbi Lev Meirowitz Nelson
March 2, 2023 / 9th of Adar, 5783

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ETHAN ARONSON (he/him) is the Campaign Director of Never Again Action, a Jewish-led mobilization against the persecution, detention, and deportation of immigrants in the United States. Ethan loves cooking elaborate vegan food, singing with friends, and jumping in Lake Michigan. He was a month-long volunteer with No More Deaths in southeast Arizona in January of 2022.

FREEDOM OF MOVEMENT IN THE DESERT

ETHAN ARONSON

The border wall between Sasabe and Nogales is full of gaps. Some are just a few feet wide, as if a construction crew botched a measurement. Others last for miles, usually in more mountainous terrain. Most, though, are wherever there are washes — the usually dry riverbeds that flood with water in the summer monsoon season. Border Patrol knows that if the washes were obstructed by a wall, each July the water would pound at the cement, destroy the border road, and perhaps bring sections of the wall down completely. So for now, where there are washes, there are gaps.

The first mile from the border is the most heavily militarized part of the desert. Border Patrol agents circle the hills by horse, truck, and helicopter; anti-immigrant militias camp out on hilltops with binoculars and rifles; cartel scouts whip around in ATVs. Migrants, most of whom have already traveled thousands of miles from Guatemala,

Honduras, and El Salvador, hide out in those same washes, moving only by moonlight.

I'm with a small crew of humanitarian aid workers associated with No More Deaths. We're here to leave our stashes of beans, granola bars, socks, blankets, and gallons of water with encouraging messages for folks crossing — "*Hasta un mundo sin fronteras*" (until a world without borders) and "*que Dios los bendiga*" (may God bless you) are my favorites. Maria, a domestic violence survivor from El Salvador who had wandered for four days in the desert alone before finding our camp, told us those gallons and messages gave her the strength to keep walking.

The biblical resonances are unavoidable. On water breaks, I daven *mincha*, praying that God help these people fleeing violence, impoverishment, and oppression to find food and water on their desert journeys. Some migrants even pass a holy mountain — the striking peak Baboquivari, where Tohono O'odham tradition says the Creator I'itoi makes his home.[1]

In some ways, immigration justice is the issue the American Jewish community has mobilized around the most. Hundreds of synagogues partner with HIAS and Federations in refugee resettlement work, and Hebrew school teachers across the country teach Jewish children to "love the stranger, because you were strangers in Egypt."

But out here in the desert, this generic pro-immigrant sentiment does not feel like nearly enough. Migrants are shot at, hunted with dogs, crowded into freezing detention centers, separated from their families, and driven towards more and more dangerous crossings. The wall, expanded by Republican and Democratic administrations alike, is part of what Harsha Walia describes as the "global apartheid keeping poor brown people out (except when they're needed as cheap, deportable

[1] The Tohono O'odham people have lived continuously in what is now called Arizona and Sonora since well before the arrival of the Spanish in the 1500s. The U.S.-Mexico border divides their traditional territory in two.

labor) and keeping white and/or rich people happy."[2] Border violence extends south to the Mexico-Guatemala border, where the U.S. supplies surveillance technology and trains the Mexican army to round up Central Americans, and north to every county in the U.S. where ICE lies in wait at construction sites and school drop offs to rip parents away from children.

Generally favorable views towards immigrants and calls for "immigration reform" will do little for most desert crossers like Maria. The violence in the desert needs to be met with a more prophetic vision: the fundamental freedom of movement of all people. *Hasta un mundo sin fronteras*.

Voices within rabbinic tradition range drastically on this issue, including texts that warn against the foreigner's negative cultural influence, assert the importance of national boundaries, and permit cruelty towards migrants on the basis of national security.[3] And yet, writing before our modern militarized border regime made it almost impossible to imagine, the rabbis often understand freedom of movement as a given, and articulate this freedom within Jewish traditions around God, safety, and land.

One famous text explains that God created humans from the four corners of the Earth,

> so that if one comes from the east to the west and arrives at the end of his life… it will not be said to him, 'This land is not the dust of your body, it's of mine. Go back to where you were created.' Rather, every place that a person walks, from there they were created and from there they will return. (Yalkut Shimoni on Torah 13:2)

[2] See Harsha Walia, *Border and Rule* (Chicago: Haymarket, 2021), 77-92.

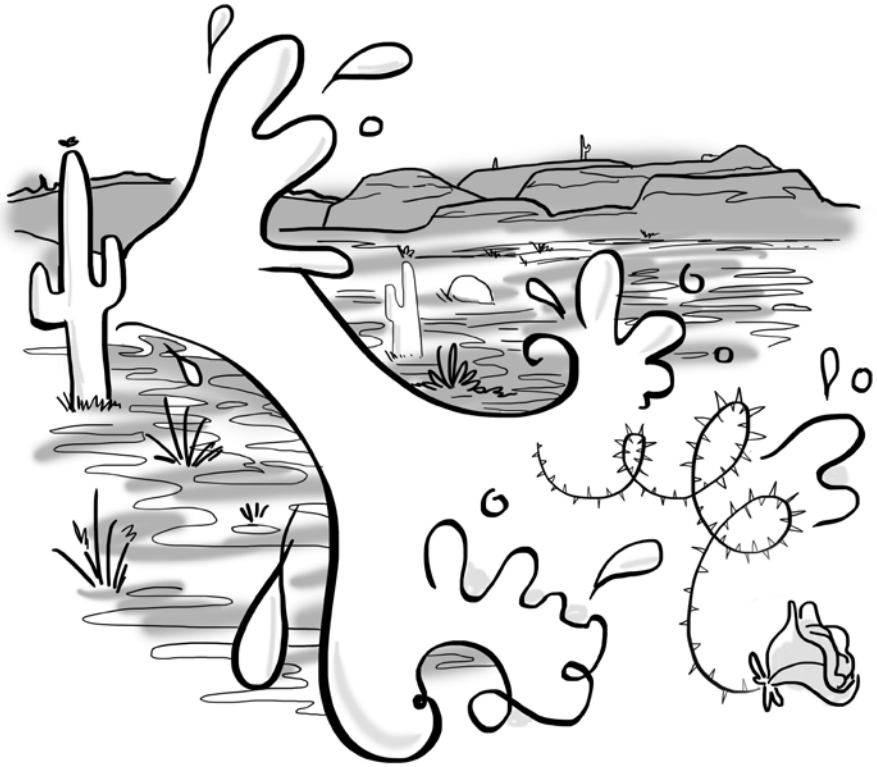
[3] For example, see Rashi on Deuteronomy 33:25 or in the Shulchan Aruch, Orach Chayim 329:6. A good summary of these sources can be found in Nochum Mangel and Shmuel Klatzkin's "A Torah Perspective on National Borders and Illegal Immigration." (Chabad.com, 2012)

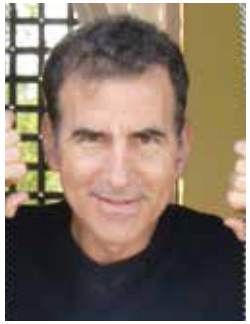
The 14th century law code called the Tur rejects economic protectionism by claiming it is *pashut*, self-explanatory, "that a person can live wherever they want and the citizens of the town cannot prevent them." (Choshen Mishpat, 156) This kind of legal reasoning often invokes the actual Owner of the land: "The land is Mine," God reminds us in Leviticus 25:23, "and you are all strangers and tenants before me." A well-known movement rallying cry combines a line from Elie Weisel with an appeal to indigenous sovereignty: "No human is illegal on stolen land!" A Jewish voice might reach the same outcome from different reasoning: "No human is illegal on land belonging to God."

In the Talmud (Bava Batra 7b), Reish Lakish and Rabbi Yochanan argue that sages are exempt from paying taxes for a wall around a city. Rabbi Yochanan cites the verse from the Song of Songs: "'I am a wall and my breasts are like towers.' I am a wall — this is Torah. And my breasts are like towers — these are Torah scholars." In Rabbi Yochanan's view, for those who study and live Torah — the Torah that tells us 36 times to love or protect the immigrant (Talmud, Bava Metzia 59b) — earthly walls and fortifications become entirely unnecessary. This realization is superimposed over the image from Song of Songs of two lovers, usually understood to be God and Israel, in poetic and amorous dialogue. In other words, this text suggests that rejecting the supposed safety of walls for the holiness of Torah is fundamental to encountering the Divine.

In the desert, a strange image enters my mind. Instead of miles of concrete and steel I imagine a place of learning, where people come from all over to study Torah, to learn from the land and learn from each other. Where people like Maria could flee violence and be welcomed with singing and chicken soup. Where Tohono O'odham members would wave as they pass by on their centuries-old salt pilgrimage to the Gulf of California, without the interruption of an imaginary line. Usually this vision seems absurd, the logic of border violence too powerful, the concrete too strong.

But other times, I imagine justice welling up suddenly, flooding like the washes in monsoon season, rushing from the hillsides as a mighty stream, and cleansing the desert of walls. ◆





RICH ORLOFF (he/him) is one of the most popular unknown playwrights in the country. His plays have received thousands of productions, numerous awards, and oodles of laughter. *The New York Times* has called Orloff's work "rip-roaringly funny" and "wildly imaginative" and the *LA Times* has called it "theater with a brain and theater with a heart." He is the author of *Funny as a Crutch*, *Blessings from the Pandemic*, and *Days of Possibilities*.

A PRAYER ABOUT THE MEETING

RICH ORLOFF

When it's time to hold the meeting
Give fear a place at the table
When fear feels estranged from your gatherings
It only works harder to be let in

When it's time to hold the meeting
Give grief a place at the table
Grief is only passing through
It has healing powers like no other

When it's time to hold the meeting
Give anger a place at the table
Let it shout till it loses its voice
Only then can it give up and listen

When it's time to hold the meeting
Give joy a place at the table
Do not ask it to justify its presence
Or it will quickly run away

When it's time to hold the meeting
Give ego a place at the table
But for God's sake, don't hand it the gavel
Treat it with respect; it's a warrior for your wounds

And whatever you do
When it's time to hold the meeting
Make sure you keep one seat empty
A stranger may appear
Bringing gifts of wisdom, mercy and grace
Only then
Will the meeting be ready to begin ◆

LAYNIE SOLOMAN (they/them) is a teacher and Torah-lover who seeks to uplift the piously irreverent, queer, and subversive spirit of rabbinic text and theology. Laynie serves as the Associate Rosh Yeshiva at SVARA: A Traditionally Radical Yeshiva, where they co-founded the Trans Halakhah Project. Laynie has studied and taught Torah for a decade, and they have served on the faculty of Yeshivat Hadar, Romemu Yeshiva, and the Reconstructionist Rabbinical College. Laynie is a third generation Ashkenazi Philadelphian, and when they're not learning Talmud, you can find Laynie collecting comic books, reading about liberation theology, and laying in their hammock.

THE HALAKHAH OF OPPRESSIVE SPEECH

LAYNIE SOLOMAN

Free speech, and freedom of expression more broadly, have been contentious for as long as they've been spoken into existence, but recently I've been struck by the rising binary of "freedom" vs. "censorship" that has emerged across political lines. This past year saw the banning of 1600 books across the United States, a reinstatement of thousands of Twitter accounts previously suspended for sharing misinformation, and the "Individual Freedom Act" in Florida which attempts to place constraints on teaching Critical Race Theory and anti-oppressive theories in educational settings.

As a response, I've seen Jews rightly push back against these acts of censorship and misinterpretation of free speech, often using their own claims of free speech as their defense. However, I've felt more and more strongly that what these arguments miss is that "freedom" is not the Torah's highest concern when it comes to speech. Instead, I believe impulses to resist

these authoritarian measures can be better understood with a more nuanced approach to speech that comes from our tradition, which is that of world-building and accountability.

From its very beginnings, Jewish tradition has emphasized the reality that words shape worlds. Speech in Judaism is not free — it is incredibly costly. The power of words and speech-acts to bring about material transformation appears in the earliest moments of Torah as God creates the world through speech; God is referred to throughout Jewish text and liturgy as "the one who spoke and the world came into being."

Precision of speech is essential, and halakhah is full of moments in which speech-acts enact new, significant realities. From the most ordinary sacred moment of reciting a blessing to the most life-altering exchange of enacting a vow, our words carry material-shifting weight. Because language is a tool to use properly and specifically to create these new realities — to effectuate business transactions, to make or break vows, to establish partnerships, and to enact new obligations — it simply cannot be "free."

I have personally felt the power of language to affirm and confirm reality as new dimensions of language have been uncovered to describe gender and sexuality. New words have brought kaleidoscopic clarity into my life, gifting me the opportunity to find new parts of myself and unlock new, clearer paths toward self-expression and self-actualization. Trans folks and minoritized people have long understood the power of language as a tool for world-building because, in many cases, it's all we have.

Our rabbinic sages understood this as well and established essential measures for ensuring its accountable usage. They created a prohibition against interpersonal *ona'ah* — exploitative, abusive, or harm-creating discourse — called *ona'at devarim*.[1] The mishnah in which they introduce

[1] Davar, which comes to mean "thing" in modern Hebrew, means "word" in biblical and rabbinic Hebrew. Hence Deuteronomy, *Devarim*, named after the words that Moses spoke to the Israelites.

this legal category is exquisite and precise (Mishnah Bava Metzia 4:10):

> *Just as there is a prohibition against exploitation [*ona'ah*] in buying and selling, so is there* ona'ah *in words or discourse. One may not say to a seller: "How much is this item?" if one does not wish to purchase it. If one has done* teshuvah, *another may not say to them, "Remember your earlier deeds." If one is a child of converts, another may not say to them, "Remember the deeds of your ancestors," as it is written "And you shall not mistreat a convert, nor shall you oppress them" (Exodus 22:20).*

This mishnah appears in the middle of the chapter that explores ona'at mamon, fraudulent or exploitative purchases and sales, examples of which include knowingly using counterfeit currency and charging above or paying below market value for an item. In the midst of discussing the minutiae regarding how one must avoid exploitation and harm in financial transactions, the Mishnah legislates these concepts in the realm of interpersonal communication. The teaching is clear: Just as we take exploitation, manipulation, and abuse seriously when it is enacted through financial means, we must also take it seriously when exploitation, manipulation, and abuse are enacted through words.

The structure the mishnah uses to introduce this category of *ona'at devarim* is striking: *just as* — in the same way we intuitively know that money, while symbolic, is in fact material — *so too* with words. The emergence of verbal harm or exploitation *out of* financial exploitation cannot be ignored: Using their reality-shaping tool of language, the rabbis codify a new reality into being — one that affirms that words have impact. That is to say, they speak the impact of words into being through their creation of a new category; using words, they make it *real* that words have impact.

Cases in the mishnah move from words and communication that can have financial impact — like asking someone how much an object costs with no intention to purchase it — to words that have a less immediately visible impact — like reminding someone who has restored their relationship about a previous moment of harm they've caused. In the Talmudic passage that explores this mishnah in greater detail, the rabbis add even more examples of *ona'at devarim*. These include even the non-verbal browsing in a store that might convey interest to a merchant while having no interest in purchasing, or knowingly sending someone seeking directions the wrong way. With these new cases, the Talmud introduces new layers of what both *ona'ah* — harm — and *devarim* — words — might mean. Here, *ona'ah* encompasses intentionally misleading someone and steering them in the wrong direction, and *devarim* includes non-verbal, symbolic cues and communication.

As the Talmud continues, our sages elaborate further on the power of *ona'at devarim*, eventually claiming its significance over *ona'at mamon*, the category from which it was originally derived. They argue on three axes:

> *Rabbi Yochanan says in the name of Rabbi Shimon ben Yochai: Greater is the transgression of* ona'at devarim *than the transgression of* ona'at mamon, *as with regard to this [*ona'at devarim*] it is stated: "You shall fear your God." But with regard to that* [ona'at mamon] *it is not stated: "You shall fear your God." And Rabbi Elazar said: This [*ona'at devarim*] affects one's body; but that [*ona'at mamon*] affects one's money. Rabbi Shmuel bar Nachmani says: This [*ona'at mamon*] is given to restitution; but that [*ona'at devarim*] is not given to restitution. (Bava Metzia 58b)*

According to Rabbi Elazar, harm that is enacted through words, symbols, or discourse is supremely significant because there is no clear path to restoration; it cannot be rectified. Rabbi Shmuel bar Nachmani argues instead that it is the way the interaction lives on in one's body as a result of *ona'at devarim* that makes it harmful. Harm through words creates real bodily impact, teaches this text; the Talmud knows that the body keeps score.[2]

It is here that we can begin to see the echoes of connections between *ona'at devarim* as it is articulated by our sages and arguments made by scholars of feminist and critical race theories about the First Amendment. In a 1996 essay "Burning Acts: Injurious Speech," Judith Butler elaborates on their theory of performativity — that realities are created through repetitive ritualization and performed actions and words — and asks *when* and *how* a speech-act moves from speech to act. Butler asks, "What does it mean for a word not only to name, but also in some sense to perform and, in particular, to perform what it names?" In the language of the Talmud, Butler might ask, "When does the *davar* become *ona'at devarim*?"

With this question, Butler joins scholars and legal theorists like Richard Delgado and Kimberlé Crenshaw, whose work applies critical race theory to the First Amendment as they agitate for more accountability and protection from "assaultive speech" within the American legal system. In *Words that Wound: Critical Race Theory, Assaultive Speech, and the First Amendment*,[3] Crenshaw in particular explores the role that speech, along with symbols and representation more broadly, "plays in constructing the unique combinations of racism and patriarchy that limit and

[2] Bessel van der Kolk, *The Body Keeps the Score: Brain, Mind, and Body in the Healing of Trauma.* 2014

[3] Richard Delgado and Crenshaw (along with Mari J. Matsuda, Charles R. Lawrence III) treat this topic.

endanger the lives of women of color" (p. 10). Because speech is legally injurious only when the relationship between "word" and "wound" is clear, Delgado attempts to demonstrate the ongoing psychological and embodied trauma that creates long-term injury to those targeted by wounding words, particularly as it relates to the verbal harm of anti-Black racism and oppressive language.[4] Here Delgado's project finds support in both Rabbi Shmuel bar Nachmani's assertion that *ona'at devarim* remains in our bodies and Rabbi Elazar's view that restitution for such harm is indirect and unclear.

Ona'at devarim in the Mishnah does not necessitate a clear and direct line between action (or speech-act) and injury. Harm is enacted even when there is no demonstrable "injury." Rashi, among other commentators, points out that these interactions are made *ona'ah* not even because of their impact but because of their intent. The Talmud specifies that this interpersonal transgression is considered one of *devarim shemasur lalev*, things that are contained within the heart, and therefore rely on intention. The movement from speech to speech-act, in Butler's language, happens internally, even prior to the speech itself. In the case outlined in the Talmud, by simply deciding to send someone the wrong direction, an individual has set the *ona'ah* into motion. *Ona'at devarim* is enacted even before any words have left the speaker's mouth, even prior to any harm being actively felt.

It has been powerful to learn about this legal category of prohibited speech-acts in SVARA's *batei midrash* (houses of study) full of trans and non-binary folks in particular, who know acutely the ability of words to give voice to our experiences and make them real. In uncovering the layers of this text with other trans folks and people with minoritized identities, I've been able to deepen my own relationship to speech-acts and find grounding, support, and frameworks for relating to harm that I both experience and inadvertently cause through the realities that I create with my words.

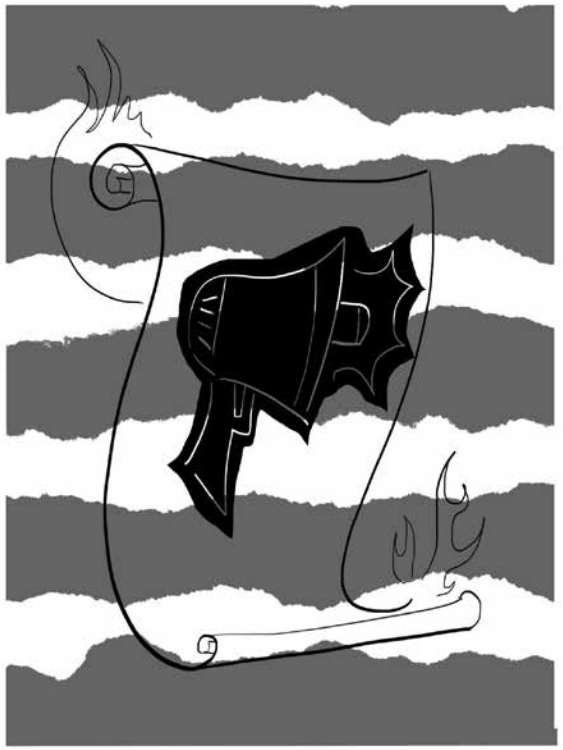
Ona'at devarim is just one of the halakhic pathways toward honoring speech-acts and elevating an approach to language that moves beyond an attempt to locate "freedom" in speech. Our tradition also prohibits *lashon hara* (negative speech about another person) and *rechilut* (gossip). Many texts frame an avoidance of *lashon hara* and *rechilut* as a proper path for cultivating piety and self-refinement. While these are important elements of a reconstructed ethic of free speech, an overemphasis on these approaches obfuscates the centrality of accountability that *ona'at devarim* brings.

Instead, *ona'at devarim* elevates accountability and obligation: it emerges in the Mishnah in *Seder Nezikin*, the order of Mishnah and Talmud that deals with damages. A rigorous application of *ona'at devarim* in our religious lives moves us away from an approach to free speech that asks "What are the limits on what I can say?" and instead asks "What do I owe the person I am speaking to?" Rather than emphasizing our individual freedoms, a commitment to avoiding *ona'at devarim* demands that we honor the material, bodily impact of what we say — and what we censor — on those with whom we speak. We have to acknowledge that speech creates worlds — and that is not a free activity. ◆

[4] Richard Delgado and Jean Stefancic, *Critical Race Theory: An Introduction*, Vol. 87. NYU Press, 2023.

MOTC Image 13

JONATHAN BACKER (he/him) is an attorney at the U.S. Department of Justice's Civil Rights Division. Mr. Backer's views are his own and do not reflect the views of the United States. Before joining the Civil Rights Division, Mr. Backer was an attorney at the Institute for Constitutional Advocacy and Protection (ICAP) at Georgetown University Law Center, where he was the primary author of several amicus briefs that T'ruah and J Street filed in support of plaintiffs challenging anti-BDS laws. This article draws on those briefs. Previously, he also served as a law clerk at the Supreme Court of Israel. Mr. Backer is a graduate of Columbia University and University of Michigan Law School.



SUPPORT FOR ANTI-BDS LAWS WEAKENS THE FIRST AMENDMENT

JONATHAN BACKER

Alan Leveritt is the CEO and publisher of a small, progressive newspaper called the *Arkansas Times*. For years, the *Times* contracted with the University of Arkansas's Pulaski Technical College to run ads for the college. In 2018, Pulaski Tech asked the *Times*, as a condition of renewing its contract, to sign a pledge that the newspaper would not participate in any consumer boycott against Israel during the contract's duration. This was an odd request. After all, the *Times* largely reports on local issues, and it participates in no such boycotts. Leveritt refused to sign the pledge, however, because, in his words, "We don't take political positions in return for advertising."[1]

[1] Alan Leveritt, Guest Essay, *We're a Small Arkansas Newspaper. Why is the State Making Us Sign a Pledge About Israel?*, N.Y. Times (Nov. 22, 2021), https://www.nytimes.com/2021/11/22/opinion/israel-arkansas-bds-pledge.html.

Pulaski Tech's strange ultimatum was the result of an Arkansas law adopted in 2017 that precludes state contractors from participating in boycotts against Israel and the occupied Palestinian territories. And Arkansas's law is far from an outlier. Over 30 states have adopted similar laws in opposition to the global Boycott, Divestment, and Sanctions (BDS) movement, which targets Israel with consumer boycotts and divestment initiatives over the country's treatment of Palestinians.[2]

Some Jewish groups, like the Anti-Defamation League, have encouraged states to adopt these anti-BDS laws as a way of wielding state fiscal power against the global BDS movement.[3] And other prominent Jewish organizations, like the American Jewish Committee and the Union of Orthodox Jewish Congregations of America, have defended anti-BDS laws in cases brought by *Arkansas Times* and others challenging such laws on First Amendment grounds.[4]

Reasonable minds within the Jewish community can and do differ over whether boycotts against Israel are warranted. But there should be no dispute over the general proposition that consumer boycotts are an important form of political expression. Political and social movements throughout history have relied on consumer boycotts as a way of expressing opposition to governments and their policies. Boycotts against British goods were part of the kindling for the American Revolution. The Montgomery Bus Boycott helped dismantle Jim Crow. South Africa's apartheid regime crumbled in part because of a global boycott movement. And in the wake of Adolf Hitler's rise to power, American Jews opposed Nazism by boycotting German goods.

[2] Laws in US States Targeting Boycotts of Israel and/or Settlements 2014-Present, Foundation for Middle East Peace, https://fmep.org/wp/wp-content/uploads/State-BDS-and-Settlement-legislation-table.pdf (last updated Jan. 13, 2023).

[3] Alex Kane, *How the ADL's Israel Advocacy Undermines Its Civil Rights Work*, Jewish Currents (Spring 2021).

[4] *E.g.*, Am. Jewish Comm. Amicus Br., *Ark. Times LP v. Waldrip*, 37 F.4th 1386 (8th Cir. 2022) (en banc) (No. 19-1378); Agudath Israel, Union of Orthodox Jewish Congregations of Am., StandWithUs Amicus Br., Ark. Times, 37 F.4th 1386.

Given the importance of consumer boycotts to those and other movements, the Supreme Court — unsurprisingly — has recognized that the First Amendment protects the right to boycott. In the 1982 case *NAACP v. Claiborne Hardware Co.*, the Court reversed a state-court judgment holding civil rights organizers liable for financial losses experienced by white-owned businesses in Port Gibson, Mississippi, stemming from a boycott aimed at promoting racial equality and integration in that city. Each "element[] of the boycott," the Supreme Court held, "is a form of speech or conduct that is ordinarily entitled to protection" under the First Amendment. Accordingly, state tort law could not be used to punish the boycott's organizers.

In cases challenging the constitutionality of anti-BDS laws, however, states have argued, in spite of *Claiborne Hardware*, that there actually is no First Amendment right to boycott.[5] By myopically focusing on individual purchasing decisions — as opposed to boycotts' aggregate economic impact — states argue that boycotts are not expressive conduct entitled to First Amendment protection because there is no way to distinguish politically motivated purchasing decisions from those motivated by apolitical consumer preferences.

No matter their Israel politics or their views on the global BDS movement, Jewish organizations and their members and supporters should think carefully about the unintended consequences of defending anti-BDS laws from First Amendment challenge. As two examples show, Jews were among the victims of government censorship and repression during earlier epochs of American history before courts had established robust First Amendment protections.

In 1917, Congress enacted the Espionage Act, which, among other things, gave the Postmaster General the power to crack down on supposedly subversive publications.[6] The *Jewish Daily Forward*, the famous socialist

[5] *E.g.*, Appellees' Br. at 15, *Ark. Times LP v. Waldrip*, 37 F.4th 1386.

[6] Pub. L. No. 6524, tit. XII, 40 Stat. 217, 230–31.

Jewish newspaper, opposed the war and American entry into it. Editor Abraham Cahan had written, for instance, "A war means destruction, the corruption of all of the blessings that civilization brings. War means a retreat backwards, a return to darkness."[7] Using his newly-granted authority, Postmaster General Albert S. Burleson threatened to revoke the *Forward*'s second-class postage rates, which would have bankrupted the newspaper.[8] Louis Marshall, a prominent lawyer and one of the founders of the American Jewish Committee, successfully interceded on behalf of the *Forward* to preserve the newspaper's mail privileges, but at a heavy price.[9] Cahan pledged to cease publication of pacifist articles, and Marshall promised Burleson that he would act as a "private censor" and identify any *Forward* articles that "could be considered as contrary to the public interests."[10] The *Forward* kept its doors open, but only by succumbing to censorship.

During the McCarthy Era, congressional committees including the infamous House Un-American Activities Committee (HUAC) and Senator Joseph McCarthy's Permanent Subcommittee on Investigations delved into individuals' private associations in an attempt to uncover supposed Communist affiliations. Fear of those investigations prompted Americans to engage in widespread private censorship and even self-censorship to avoid being branded as Communist sympathizers.[11] One target of those largely unchecked investigations was a Jewish woman named Anna Rosenberg, whom Secretary of Defense George C. Marshall nominated in 1950 to be Assistant Secretary of Defense.

After receiving a unanimous confirmation vote in the Senate Committee on Armed Forces, rumors began circulating that Rosenberg had associated with or been a member of the Communist Party in the 1930s. Openly antisemitic supporters of Senator McCarthy — Gerald L.K. Smith, Wesley Swift, and Benjamin Freedman — lobbied Congress in an attempt to defeat Rosenberg's nomination. Freedman obtained files from HUAC showing that someone named Anna Rosenberg belonged to a Communist literary society in the 1930s. He also engineered unreliable testimony by a witness who claimed to have known Rosenberg when she had supposedly been active in Communist circles.[12]

Rosenberg eventually secured Senate confirmation, in part because Jewish leaders rallied to her defense.[13] But the episode had a chilling effect on the American Jewish community by making unmistakably clear that any Jew attempting to enter public life would be forced to put their political associations under the microscope and that their careers could be threatened by real or fabricated ties to the Communist Party. An Anti-Defamation League publication described Rosenberg as "a latter-day Dreyfus," invoking the name of the Alsatian French military officer of Jewish descent who was convicted on trumped-up espionage charges in 1894.[14] And the ADL's national director, Benjamin Epstein, warned that all Jews were "targets" of the Rosenberg affair because "[t]he goal was to keep Jews out of Washington and out of public office; to label them as unreliable citizens, as second grade citizens, as traitors."[15]

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[7] Ab Cahan, *A Terrible Blood Bath*, *Forward* (June 25, 2014), *translated and archived at* https://forward.com/news/200451/a-terrible-blood-bath/.

[8] Mike Wallace, *Greater Gotham: A History of New York City from 1898 to 1919*, at 991 (2017); 2 Zosa Szajkowski, *Jews, Wars, and Communism: The Impact of the 1919-20 Red Scare on American Jewish Life* 30 (1974).

[9] Irving Howe, *World of Our Fathers* 539–40 (NYU Press 2005) (1976); Moses Rischin, *The Early Attitude of the American Jewish Committee to Zionism* (1906–1922), 49 Publications of the Am. Jewish Hist. Soc'y 188, 196 (1960).

[10] Letter from Louis Marshall to Postmaster General A. S. Burleson (Jan. 5, 1918), *reprinted in 2 Louis Marshall: Champion of Liberty* 975 (Charles Reznikoff ed., 1957).

[11] Seth F. Kreimer, *Censorship by Proxy: The First Amendment, Internet Intermediaries, and the Problem of the Weakest Link*, 155 U. Pa. L. Rev. 11, 42–46 (2006).

[12] Aviva Weingarten, *Jewish Organisations' Response to Communism and to Senator McCarthy* 112-115 (2008).

[13] Stuart Svonkin, *Jews Against Prejudice* 121 (1997).

[14] *Id*. at 120 (quoting 7 ADL Bulletin, Dec. 1950).

[15] *Id*. (quoting 8 ADL Bulletin, Jan. 1951).

The above examples demonstrate that the Jewish community has a vested interest in the strong First Amendment protections that courts recognized in the second half of the twentieth century. As Reform Jewish leaders Albert Vorspan and Rabbi David Saperstein wrote, "If American Jews have attained an unprecedented measure of security and success in America, one major reason is the majestic sweep of the Constitution and the Bill of Rights."[16] Jewish organizations might see short-term benefit in defending anti-BDS laws by arguing for exceptions to the First Amendment. But, in the long term, a weakened First Amendment poses a far greater threat to the Jewish community than any boycott against Israel.

Author's note: The Supreme Court recently declined to hear Arkansas Times*'s challenge to Arkansas's anti-BDS law. T'ruah, J Street, Americans for Peace Now, and Partners for a Progressive Israel filed an amicus brief encouraging the Court to take the case and making clear the threat that anti-BDS laws pose to First Amendment protections and therefore the American Jewish community. Although the Court's decision not to hear the case means that Arkansas's anti-BDS law will remain on the books, other legal challenges to other anti-BDS laws remain pending.* ◆

[16] Albert Vorspan & David Saperstein, *Tough Choices: Jewish Perspectives on Social Justice* 40 (1992).

[17] Truah et al. Amicus Br., *Arkansas Times LP v. Waldrip*, No. 22-379 (S. Ct.) (Nov. 18, 2022), https://www.supremecourt.gov/DocketPDF/22/22-379/246926/20221118112144974_Truah%20et%20al%20Amici%20Brief.pdf.

Congress shall [redacted] prohibit [redacted] the free exercise [redacted] of speech, or [redacted] the press; or [redacted] the people peaceably to assemble, and to petition the Government [redacted].

ZACK LUCK (he/him) is a father of four children. He lives in Ohio. This is the first poem he has published.

(MY) FOUR CHILDREN

ZACK LUCK

A lifetime of hearing
the miniature stories
of 8 lines of the
4 Sons

Did not prepare me
for having 4 Children for
sitting at my desk
wondering if i can teach them
how to free themselves
from slavery or anything else.

This year they are playing their roles — in order —

One is Learned, sophisticated 8, studying the Hogwarts Haggadah like a sturdy scroll

One is Rebellious, ready to run, be done with us, 6, and sick of our stories

One is Simple, 4, facing a confusing world,

demanding glue to repair his delicate plastic seder plate

One does not know how to ask, she is 2,
told me we will have apple cake for dinner

The Rabbis give these little lists of what a Father must teach his Sons:
the Torah, a trade, how to swim, how to get along.

They get so much wrong
(i wouldn't leave him to the slave masters, i won't even let him leave
late for school).

But I plead with myself, to learn

from the tiny, truncated stories, if I teach them

to bike
and read

it will be enough,
that they will figure out Freedom on

their own. ◆

Passover 2022

4 CHILDREN

JOULES HUANG DUZE (they/them) is a writer, educator, and Doer. Born in China and raised in Queens, they were raised within the congregation of Hillcrest Jewish Center in Fresh Meadows. Post graduation from Macaulay Honors College, they began organizing with Black Trans Liberation. They walk the world as a genderqueer, neurodivergent, elder sibling, and perpetual student. In their free time, you can find them exploring nature, biking, whittling wood, reading, and spending time with people they love.

TIKKUN OLAM TODAY

JOULES HUANG DUZE

are you Jewish, or are you Jew-ish?

what's the difference?
i knew our birthright well,
better than the back of my hand,
at one point in my life.

the Jewish claim to fame,
we are the Chosen people,
thus, we are _____ by those who are not us,
(you can fill it out yourself with whatever feels right to you)

we have endured Pogroms, the Inquisition, the Romans,
we have endured the hatred, we have endured the jealousy, we have endured Babylon,
we have survived the Amaleks, we have survived the Egyptians, we have survived Adam and Eve.
we have survived the Holocaust.

to be a Jew is to be a Survivor,
against all odds.

my heart aches for those who were mercilessly murdered,
my heart has carried that pain for as long as i have known Judaism,
for as long as i can remember: "be proud to be Jewish, but be careful
who you tell"
a secret that could get you killed.

what about the parts of me that I can't keep secret?

my "oriental" eyes.
(Said said it first)
my fine Black hair.
my slender shoulders and wider hips,
the softness of my voice, that i hope to never lose.

my scars.

what about the parts that I don't get to choose if people are privy to?

will i get pushed off the platform like Michelle Alyssa Go?
will i get shot while having fun with friends like our fallen siblings at Pulse or Club Q?

what did it mean "to be Jewish"?

i didn't go to day school. i didn't know all the prayers. i couldn't
understand Hebrew. (though i can read it)

what made me Jewish?

i wore my magen david with pride,
dutifully,
religiously you may even say

i had a coming of age ceremony when i turned 13.
read re'eh from the torah,
and recited the accompanying haftarah.
danced our sacred scroll around the sanctuary,
and led the congregation in prayer - cautiously.

i went to youth group every sunday,
and shacharit services every saturday,
and hebrew school every monday and wednesday.

these choices were made mostly for and by a mother.

i have/had
(i am still deciding, a story for another time and place)
as stereotype states, a very Jewish mother.
limited edition, deluxe guilt package.
(if parents are not careful, they will raise receptacles of regret rather
than children)

a bit about her:
she was/is a second generation American,
the only daughter (and her dog) to a couple of refugees from Vienna,
Austria who never healed the harm that the Holocaust havoced.

she did not receive a Jewish education,
did not grow up going to synagogue,
has not had a bat mitzvah,
and was not offered the opportunity to embrace our religion.

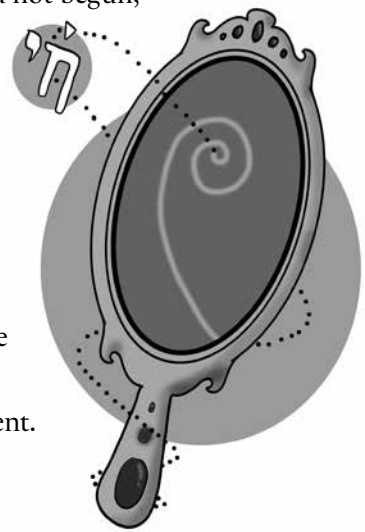
our religion that led to her existence,
our religion that prompted her parents' persecution,
our religion that ruined their lives,
because they were never able to find the silver lining.

so she tried to give it to her children,
passing down the pain and pushing to provide

what she had longed for but did not receive,
due to prioritization of potential safety.

being Jewish took everything from her parents,
(her mother was 16 when she escaped, never seeing her immediate family again)
why would they want to bring this burden to their beloved child?

mother's parents were refugees of a war they had not begun,
were never able to truly end.



something i learned
is that it is not what you say,
rather how you say it

for example:
my dad died three years ago;
his memory is a blessing and i have learned more
from him in his absolute absence,
than fear allowed me to learn while he was present.

a great Jewish example is Purim.
imagine we told the story like this:
"i've lost count of how many times people have tried to eradicate us,
H*man was not the first, and probably not the last, how difficult and depressing."

rather than

"a joyous jubilation of how a bad man tried to kill us, we prevailed
thanks to Esther and Mordechai, hooray!"

in the words of Lucille Clifton:

> come celebrate
> with me that everyday
> something has tried to kill me
> and has failed.

to be Jewish is to be a Survivor,
for i have lost track,
lost count of how many people have tried to kill us and failed.

targeting our visible difference (those who proudly and passionately abide by as many of our laws as possible),
our gravitation to gathering (we love community so much that there are certain prayers that cannot be said unless there is a minyan — ten or more are present!)

and so, if we as a people are survivors, in every sense of that word do we also hold survivor's guilt?
(a particular kind of guilt that forms when you survived a life-threatening event when others did not)

what do you do with guilt?
do you let it fester into grief — the depths of despair swallowing you whole,
siloing you into a singular mindset that your sole suffering is the only one that matters,
that you are the only one who has experienced excruciating emotions?

hurt people hurt people.

if we told the Passover story from the point of view of the parts of the population that lost;
would it be the same story?
what does the tale sound like from those who feared the Egyptians more than they fostered faith in an unseen entity?
the ones who lost their firstborns along with their oppressors?

i wonder how they told their Exodus story. i wonder how they handled their Survivor's guilt.
speaking of Exodus…
23:9 "You shall not oppress a stranger, for you know the feelings of the stranger, having yourself been strangers in the land of Egypt."

how about our shared holy land?
the land of milk and honey,

the land that Moses could not step foot into,
but was allowed to gaze upon from afar — his penance for his petulance,
accountability for his own brief breach of faith.

since my Sunday school days, i have grappled with the division i deduced,
between those who are in support of Israel, and those who are opposed.
yet another binary that i felt bound to — before i broke free.

hurt people hurt people.

pushed out populations. pogroms. plight.
the minority.
discernible difference.
displaced, diaspora.

in 1948, in wake of war crimes and forced expulsion
the State of Israel was born.
though the state of Israel had been around for centuries,
(Israel was a nickname for Jacob; one who prevails with G-d,)
earned through grappling with the divine stranger.

and yet, we wage a war we did not begin.
Survivors' guilt festering into a vehemence.
in order to never be pushed out again,
we will be the ones to do the pushing.

hurt people hurt people…
so when does the healing begin?

i want to know, because that's what i have been exploring:

how do we heal the wounds we did not face, yet ferry the phantom pain?
how do we address what did not directly experience,
but are reminded on a regular basis.

being visibly different (non-white), within vastly Conservative Jewish spaces,
i often wondered if we did share the same ancestors,
i always felt watched; i could feel the eyes — the stares,
never approached; rarely welcomed.

i felt like a stranger amongst My people,
and a stranger amongst my People,
i grew up wondering if i would ever find My People.

I did.
I found them in my fellow Fellows.
I found them while Repair(ing) the World.
I found them finally speaking out, for someone else, because I finally saw mySelf.

my late global teacher told me that those who do not learn from history are doomed to repeat it.

so,
Will we be brave and bold enough to venture out into the sea of the unknown, like Nahshon did?
can We leave the comfort of the lives we've built to come together for the greater good, like Moses did?
are We going to welcome and care for strangers like Abraham did?

I hope so, I am learning how to, because I didn't always.
i was siloed in my suffering for so much longer than I would like to admit.

if there is anything I want you to have taken from my words (and time and experience)
is that I learned that being Jewish is a Choice, and there is Power in Choosing.

We get to choose guilt or grief or Gratitude or Growth.

What will You Decide to Do? ◆

ALEX GOLDBERG (he/him) is an award-winning playwright, screenwriter, and director. He wrote and directed the feature film Closure, winning Best Feature at two film festivals and Audience Choice award at two other fests. 16 of his plays have been produced across the country and around the world. Most notably, "It is Done", which has been published by Original Works Publishing and produced in New York City, Los Angeles, and Raleigh NC. He lives in Burbank, CA with his wife, actress Catia Ojeda, and their two sons. www.alexgoldberg.net.

LISTEN TO THE RADIO PLAY

READ THE SCRIPT

ANNEXING THE PALISADES

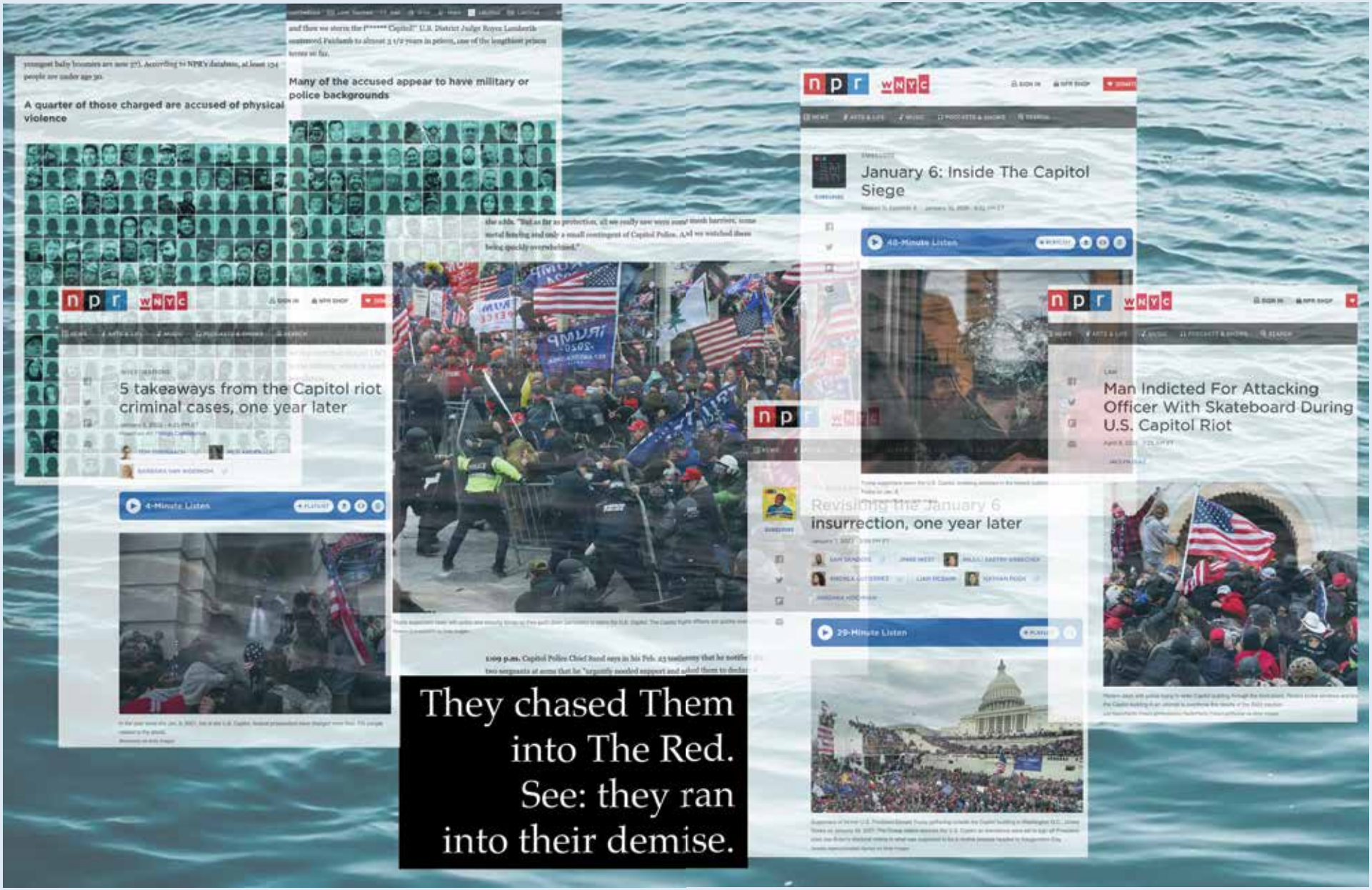
ALEX GOLDBERG

ARTIST'S STATEMENT: We are taught to "never forget" the horrors of the Holocaust and to vigilantly prevent such occurrences from happening again, to Jews or to anyone. We remember a world united to strike down the fascist Axis powers. But we often forget or overlook those fascists at home in the U.S., living and working virtually undetected in the shadows and gray areas amidst the "coastal elite," who would have done anything to prevent true freedom by preserving white nationalist, antisemitic, and racist policies. One of those overlooked places is the Murphy Ranch, in the leafy liberal enclave of Pacific Palisades in sunny Los Angeles, California.

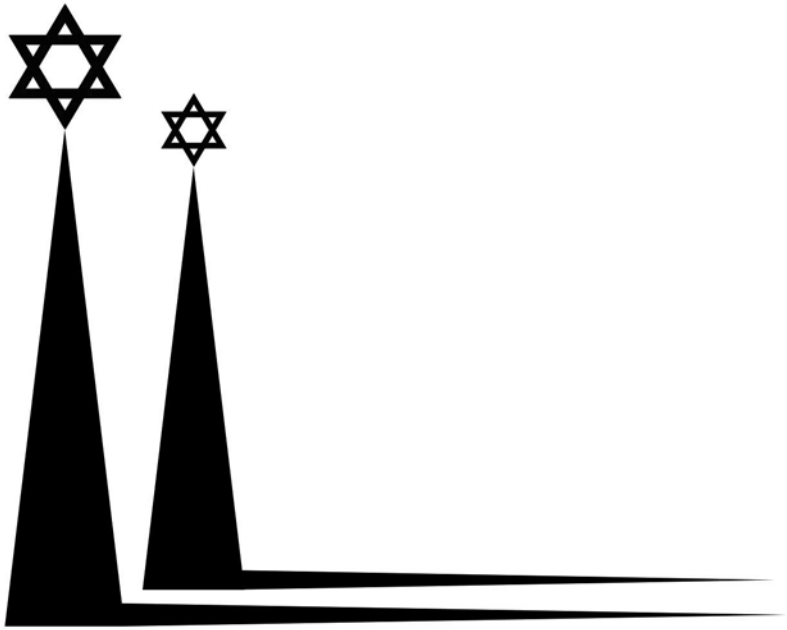
During the pandemic, The Antaeus Theatre Company of Glendale commissioned some members of their writers lab to create radio plays inspired by different Los Angeles County zip codes. I pitched an idea about the ranch, built in the 1930s by Winona and Norman Stephens. The ranch, and its owners, are prime examples of those who quietly supported fascism and white supremacy.

These radio plays were recorded and produced in isolation, each actor receiving recording equipment at their home along with instructions to set up their own home studio. The play was sagely directed by Ann Noble (only 2 hours' rehearsal!) and stars an incredible cast of theater, film, and TV veterans: Adrian LaTourelle, Nike Doukas, and Antaeus co-founder and three-time TONY nominee Harry Groener. Sound Designer Jeff Gardner created a sublime audio environment, placing the listener squarely on the property amidst these characters and their secrets.

The Murphy Ranch still exists today, now a crumbling group of concrete structures, all heavily graffiti-tagged and frequently posted on Instagram by adventure-seeking hikers (the property is technically closed but still accessible). It exists not only as a physical structure but a reminder that the forces of hate are always out there, sometimes dormant, but always present. I hope this play serves as a call to action to remain vigilant and keep an eye out for those among us (in every neighborhood) who continually threaten freedom. ◆


A quarter of those charged are accused of physical violence
Many of the accused appear to have military or police backgrounds
January 6: Inside The Capitol Siege
48-Minute Listen
5 takeaways from the Capitol riot criminal cases, one year later
4-Minute Listen
Man Indicted For Attacking Officer With Skateboard During U.S. Capitol Riot
Revisiting the January 6 insurrection, one year later
29-Minute Listen
They chased Them into The Red. See: they ran into their demise.

TALIA LAVIN (she/her) is a journalist and author of the book *Culture Warlords: My Journey into the Dark Web of White Supremacy* (Hachette, 2020). She has been writing about the far-right in various forms since 2017, and has published work in *New York Magazine*, the *New Yorker*, the *New York Times Book Review*, the *Nation*, the *New Republic* and many more publications. She is currently at work on a second book about religious fundamentalism and right-wing grifts in the United States, in addition to a biweekly newsletter, *The Sword and the Sandwich*, which mixes political essays with culinary reviews. You can find her on Twitter at @swordsjew.



FREEDOM AND ANTISEMITISM

TALIA LAVIN

It's been a few years now that, walking around the world, I feel a sheen of sweat on my neck, a kind of acute, crawling knowledge about just how many people out there hate me because I'm a Jew. It feels like Juno's thousand-eyed watchman looking at me, that pinprick of double consciousness; as I move about, I can feel that hatred pressing thickly against me like bad air, unpausing.

I can hide my Jewishness, somewhat, if I like; I do not have to announce it, and it can stay implied by my face and voice. In the right light, perhaps, bulbous nose and curly hair aside, I can pass for a gentile white person — a privilege not afforded to Jews of Color — and move through the world unencumbered by prejudice. But the right inflection on my name, or even a candid acknowledgement of my background, entraps me in a tradition of hatred that preceded my birth by millennia. This is a publication about freedom, and in order to discuss freedom one must perforce understand unfreedom

in its various manifestations; and there is a profound unfreedom that comes from being the object of hate, a surveillance that becomes self-surveillance, that smothers pride in the self and posts a guard at the door of the synagogue and the heart.

Since 2017, I've studied the right and far-right in this country, and by extension its networks extending around the world. The more I've looked into intersecting movements on the political fringe — from the anti-vaxx movement to apocalypse preppers, militia members, sovereign citizens, Flat Earthers, constitutional sheriffs, and the omnipresent neo-Nazis — the more I've come to see that the white-hot core of their commonality is an absolute commitment to antisemitism.

The hate is intense, of course — annihilatory in its desires, overwhelming in its scope. To glance over the elaborate, conspiratorial graphics traded around in white supremacist chats, purporting to explain the degraded state of the world by the presence of Jews in it; to take in the sheer volume of antisemitic slurs; to observe the harassment campaigns against individual Jews and Jewish communities, is to be staggered, as by a blast of searing air. But while the intensity of the hate is educational in and of itself, what really forced me to pay attention was the realization that antisemitism plays a crucial role in the very structure of hate movements — a tentpole for the rest of their vile beliefs.

This is not to say that there is a quantitative difference in the way hate groups hate — for them a Black church and a queer event and a synagogue and a Walmart in El Paso with a mostly Latino clientele are equal-opportunity targets — but rather that antisemitism is sui generis in the role it serves, as a kind of infrastructure. The worldview is not so subtle or intellectual that it requires intimate exegesis but the thesis goes something like this:

> *The ideas about sex and gender we advocate for are self-evidently right and pure and true; why doesn't the world agree? Something must be subverting natural law, and the Jew is right there orchestrating the subversion.*

> *People of color lack the intelligence and drive to organize for their own rights, because they are genetically inferior; therefore, there must be a shadowy hand puppeteering their battle for equal treatment. And the Jew is right there in the middle with his fingers on the strings.*

Every movement gains its foremost urgency by presenting the prospect of existential threat, which, for two centuries of white supremacists, has been a zero-sum and fear-filled attitude towards immigration and interracial unions. These are cross-national and interpersonal trends, complex to distill into their constituent parts but easy to fit into the one overweening theory that *someone is doing this to us*, out of a great and unreasoning animosity towards white people. And the Jew is right there, omnipresent and omniscient, creating immigration policy, softening the cultural landscape towards miscegenation through media control, diluting the pure-white stock of their most potent enemies…

This sort of worldview is evident in the works of, for example, Henry Ford, whose *International Jew* is still eagerly traded in white supremacist chats; in the continued popularity of the *Protocols of the Elders of Zion*, a tired forgery that just keeps chugging along; it's disgorged in densely packed memes whose theses inevitably boil down to Jewish world-control; it's embodied in the Nazi-era caricature of a globe-strangling octopode that is the Jew, all slime, all smothering tentacles.

And so antisemitism serves an explanatory function that can accommodate all sorts of specialized fillips and curlicues but in essence says *everything I don't like about the modern world is a Jewish plot*. Trans rights, feminism, voter advocacy, Black superheroes, the popularity of Szechuan food, refugee resettlement programs, gay marriage — Jewish plot, Jewish plot, Jewish plot. It's tedious but it gets the job done. The advantage of positing a foe whose foremost racial trait is cunning is that everything can be explained as a conspiracy, whose proof is in its very hiddenness; and there is, of course, a moral boost in the notion that this foe has great and unnatural powers, more power than you will ever have,

despite the fact that you outnumber them, that faces like yours are the faces of power.

The Jew as the shadow power behind a global order designed to subvert white morality and dilute white fertility is a remarkably durable notion, nebulous enough to be impossible to disprove and energizing enough to set the wheels of entire hate movements spinning. The essence of any cult is an offering of secret knowledge that separates the members from plebeians, and for the plurality of white-supremacist groups that secret knowledge is precisely what's delineated above. (Incidentally, the very fact that white Jews are considered white is at the center of the ire: White supremacists gorge themselves on the notion that Jews purposefully infiltrated whiteness to destroy it from inside, traitors and parasites.) The Jewish Question, they call it, or the "JQ" for short, and getting "red pilled on the JQ" is what fundamentally distinguishes organized hate movements from the general racist noise of the American right. It is a simple but tenacious explanatory theory of the entire global order, with sinister intimations of greater and greater existential threat. This is the threatened dilution-into-extinction they call "white genocide," and the meaning behind those 2017 chants of "Jews will not replace us" — will not replace whiteness, that is, with a rising tide of color.

Foregrounding the logic of hate groups *qua* hate groups — self-identifying neo-Nazis and their fellow travelers — is not to say that other forms of racist violence are insignificant. Indeed, the death tolls of such structural features as medical neglect and police violence are far higher; judicial and electoral systems are designed to imprison and silence people of color; racism permeates every facet of American life like a permanent impenetrable pall.

I have often found, however, that there is great use in examining the most open and extreme versions of genocidal ideologies: By understanding their logic and methods it is possible to see the echoes of those same principles in the common order of things. The shadow of hatred is everywhere; it brightens the noon, falls on our necks like a dark noose. And the unfreedom of living under that shadow belongs to us, yes, but it belongs also to all those groups — from queer kids to Asian immigrants to the unjustly incarcerated millions — who are entrapped in a system that uses us, Jews, as the central pillar of its logic. The thing I have understood most ardently out of all my time in the sewers of the worst minds, from all that bedecking myself in the foul crimson of their loathing, is that the struggle to be free from antisemitism is inextricable from the struggle against so many other forms of hate. It is not a dilution but a recognition of what antisemitism is and how it functions — as the armature of hate, its undergirding feature — that demands we dismantle the whole machine. This is how we get free of the hot eternal gaze of their loathing: by freeing all the others trapped with us in this ugly panopticon, until we all walk together on the free green earth. ◆

RABBI MICHAEL STRASSFELD (he/him) is the editor of the best-selling *Jewish Catalog*, author of *The Jewish Holidays*, and co-author with Rabbi Joy Levitt of *A Night of Questions: A Passover Haggadah*. He is rabbi emeritus of The Society for the Advancement of Judaism in Manhattan. He writes a free weekly newsletter on the Torah portion (subscribe at michaelstrassfeld.com) This remarkable Hasidic text about Torah and freedom is a defining point in his new book *Judaism Disrupted: A Spiritual Manifesto for the 21st Century*, Ben Yehuda Press, 2023.

TORAH IS ALL ABOUT FREEDOM

RABBI MICHAEL STRASSFELD

Excerpted from *Judaism Disrupted: A Spiritual Manifesto for our Time.* Ben Yehuda Press, February 2023.

The centrality of the Exodus in Judaism goes beyond the repeated notion that we must remember that we were slaves and therefore treat other people with compassion, especially those on the margins of society. As important as the commitment to social justice is, there is something even more central to Judaism that we learn from this story. The people of Israel appear to be free, having left the bondage of Egypt behind. The former slaves quickly discover it is hard to be free. During their 40-year journey to the Promised Land, they constantly express a yearning to return to Egypt. With freedom comes responsibility and the need to make difficult choices. We move from Egypt to the giving of the Torah at Mt. Sinai because the Torah is about freedom. If we think that we remember the Exodus only so that we help those who are in need, we miss the most fundamental teaching of this story. We need to constantly free ourselves. Life is full of obstacles and illusions that keep us stuck. The 19th-century Hasidic master known as the Sefat Emet teaches:

The purpose of all the commandments, both positive and negative, that were given to Israel, is so that every person in Israel shall be free. That is why the liberation from Egypt comes first [before the giving of the Torah]. Torah then teaches the soul how to maintain its freedom, by not becoming attached to material things. These are its 613 counsels. Every mitzvah/commandment in which the liberation from Egypt is mentioned tells us yet again that by the means of this mitzvah *one may cling to freedom. In the commandment regarding the [gifts to the poor of] leftover gleanings, the corners of the field, and forgotten sheaves, Torah says: "Remember you were a slave" (Deut. 24:22). In this way your food will have no waste, and you will not become overly attached to wealth.… A Jew has to be free in soul, in body, and in all he or she has…This is the purpose of the entire Torah. That is why they (the rabbis) read "engraved (*harut*) on the tablets [Ex. 32:16], as though it said "freedom (*herut*) on the tablets." "The only free person," they added, "is the one who is engaged in Torah," for Torah teaches a person the way of freedom.* (Comment on the Torah portion *Ki Tetze*, translated by Arthur Green in *The Language of Truth*)

This teaching suggests that we can easily be enslaved without ever being literally in bondage. Most people are not physically enslaved and yet they live a life in which they are not really free. In Erich Fromm's phrase (20th-century psychologist), we often want to "escape from freedom." The responsibility that comes with freedom can be a heavy burden. We can live a life of slavery to our fears and insecurities. We can live a life bounded by the limitations of our expectations, or a life circumscribed by the lack of faith in our abilities.

In this understanding, Torah is first and foremost about freedom. Torah is not, as commonly believed, about 613 commandments. Rather it is 613 counsels that teach us how to escape to freedom. Our biggest challenge is to take the precious gift of life and do as much as we can with it. We live our life with the consciousness that we are limited by our mortality. Torah reminds us of our potential, for we are also created in the image of God. Torah can free us from the grind of everyday life where day follows

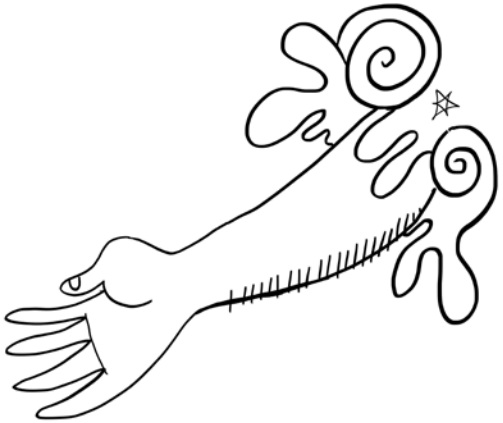
day, week follows week and year follows year — picture the way calendar pages fly off the wall in old movies to illustrate the passing of time. Freedom is an awareness of what life is and can be. Torah suggests that our mortality doesn't have to define our existence. We have the ability and the freedom to create, to think, and to feel. Those abilities can shape our lives.

The purpose of Torah is to encourage us and remind us to strive to live a life of compassion, loving relationships, and devotion to our ideals. The Torah understands the lure of Egypt and how easy it is to become enslaved. How past patterns can keep us chained to unwise or even harmful behavior. Just the weight of the past can increasingly impede our journey forward. Yet we are reminded that as a people we were once slaves, and we became free. Each of us can be free again. This is the real inheritance of the Jewish people leaving Egypt — the experience of freedom. The practices of Judaism, some ancient and some new, are aids in that striving for freedom. The first step is to gain insight into the ways that we are enslaved. Then we begin the process of breaking those chains. Finally, we try to repair the mistakes we made or hurt we did to others and to ourselves. Freedom begins on the individual level but needs to spread outward into society, for the world needs to be redeemed.

How does freedom come about in Egypt? God asserts that redemption will come about through God's *yad hazakah* and *zeroa netuyah* — a strong hand and an outstretched arm. Usually, these words are understood as synonyms — metaphors for God's power that will bring the plagues and eventually cause Pharaoh to relent and let the Israelites go. It is true that every struggle for freedom requires a steadfast commitment to the cause. Even non-violent causes like the civil rights movement needed people who not only were willing to work for freedom but were willing to be arrested and even to risk their lives by protesting the injustice of segregation. It requires a *yad hazakah* — a willingness to stand up and protest and to keep standing up. It also requires a *zeroa netuyah* — an outstretched arm. An outstretched arm doesn't have to be another

metaphor for a hand of power. It can also be a hand extended to help someone to get up off the ground. It is a hand of welcome, a hand of connection and support. Those hands are just as important as the hand of powerful resistance to injustice. Standing together while marching for freedom is how freedom comes about.

"The Exodus from Egypt occurs in every human being, in every era, in every year, and in every day." – Rebbe Nahman of Bratslav (Hasidic master 1772–1810) ◆



AARON DIPTYCH

ANNA WROBEL, (she/her) daughter of postwar refugees, is an American historian, teacher, poet and Holocaust Studies educator whose poems and essays appear in journals including *Lilith* and *Jewish Currents*. Anna's poetry collections are *Marengo Street* (2012) and *The Arrangement of Things* (2018). She's presented at the Holocaust Human Rights Center of UMaine-Augusta, Maine State Museum, Puffin Foundation, Jewish Community Alliance, Maine Conference for Jewish Life, Maine Jewish Museum, University of Maine's OLLI Sage Lectures series. Shoah poems from her manuscript, Sparrow Feathers: Second Generation / First Person, are explored by students here and abroad. Anna presents history and poetry in high school, college and adult settings. She once studied theater, lived as a farmer-artisan, was foreman on a construction site, and for over a decade was president of her local teachers' union. Anna's daughter was born on a Galilee kibbutz and her son in the mountains of Maine.

FOUNDRY

ANNA WROBEL

You took me to the old foundry and
together we discovered America

You took me to the bridge over time where
we mourned the sad and dying Passaic

No river like no person should
be tortured and abandoned

We rejected the Kingdom of Heaven
You said there was no heaven
I said it was no kingdom

And we kissed deep in the
democratic utopia of our dreams
in the clean and pristine
fields of our yearning ◆

JOELLE NOVEY (she/her) directs **Interfaith Power & Light (DC.MD.NoVA**), through which congregations of many traditions are responding to climate change together, and speaks widely about the role of religious voices in the climate movement. She lives with her family in Silver Spring, davens at Minyan Segulah, and serves on the advisory board of Dayenu: A Jewish Call to Climate Action.

JACOB'S FREEDOM: WRESTLING WITH CLIMATE CHANGE

JOELLE NOVEY

We are in the fight of our lives to preserve a livable planet—a fight we didn't choose. Burning fossil fuels by the last three generations has blanketed Earth in heat-trapping pollution. We are the first generation to experience the climate crisis and the last that will be able to do anything about it.

Sometimes we feel like the Israelites facing the Red Sea, hemmed in with the Egyptian army behind us. Chased, entrapped, bound on all sides. Only a miracle can save us.

But I find much more helpful and hopeful guidance in an earlier story about Jacob, for whom our people is ultimately named. Jacob, preparing to meet his estranged brother Esau, has just sent his family and flocks across the river when he is abruptly attacked by "a man" who forces him to fight for his life all night long, injuring him badly in the process. (Genesis 32:25-33)

Like Jacob, this adversary came upon us suddenly; we were born into a world with already unprecedented concentrations of pollution in the atmosphere and came of age in an economy built upon fossil fuels, where powerful corporate interests delayed public understanding of the dire science for decades.

If we reckon honestly with the reality we face, we all find ourselves pinned down by and intertwined with massive forces we didn't build and didn't choose but which now directly threaten our safety and our world.

This fight chose us; like Jacob, though, once attacked, we are not free to demur.

That's why Jacob's decision to struggle, and the way in which he engages in the fight, has so much to teach us about the freedom we *do* have.

Incredibly, Jacob ends this unchosen and bruising fight on his own terms. He grasps his adversary, who is preparing to depart, and says: "I will not let you go until you bless me."

None of our classical Jewish texts fully anticipate the specific horror of this moment, where human beings have become the driving force behind Earth's global climate. But our sacred texts always understood that people, even God's holy and precious people, must make choices in situations of profound un-freedom, where their agency is severely constrained by outside forces and the errors of their forebears.

What can we learn from Jacob's famous struggle about finding agency and dignity in our own? What blessings can we wrest from the fight to repair our damaged climate?

We fight climate change as ourselves and can only be true to our authentic selves by being in this fight.

Once upon a time, Jacob had disguised himself to steal his brother's birthright and had a reputation for being physically weak. But in this struggle, Jacob fights as himself and understands the struggle defines him. As the climate scientist and educator Dr. Katharine Hayhoe writes, nobody needs to become someone else to join the fight against climate change—we need only to become more fully who we already are.[1] No matter what we love or care about, climate change is a threat to our beloveds, and we are all already who we need to be to engage in the fight for what we love.

Climate destruction is causing real harm. We must grieve all that we are losing.

Even a fight that ultimately blessed Jacob and named our people caused real injury that the Torah doesn't dismiss. Jacob limped away from the fight after an injury to his thigh. We pay attention to that injury to this day by excluding the corresponding parts of animals in preparing kosher meat.

In the fight against the climate crisis, we too are experiencing real losses to which we must bear witness. "As a rabbi and climate activist, [I've] already been grieving a long time," writes Rabbi Shoshana Meira

[1] Hayhoe, Katharine. *Saving Us: A Climate Scientist's Case for Hope and Healing in a Divided World* (2021: Simon & Schuster).

Friedman. "For our trees, for the great Appalachian hemlock forests, as well as for the burning Amazon, the oceans choked in plastic, the hungry people. For the whole beautiful and complex system of life, brought to its knees by a species rich in intelligence and poor in wisdom, the most dangerous apex predator ever to walk the Earth." [2]

We need to lament that even if we prevail in preserving a liveable planet, tremendous damage and suffering has already been set in motion by climate damage. We must honor the losses and heartbreak, the injury we'll always carry, and the sacred importance of all that cannot be saved.

We must move from the fantasy of isolation to recognition of our profound interdependence.

Our story opens with Jacob alone, facing the fight by himself. By the time the story ends, Jacob receives the name Israel, a name he will share with an entire people, indefinitely into the future. We, too, have the opportunity in the battle against climate change to understand how profoundly we are not alone but interdependent with each other and all of nature, accountable for the world we leave for future generations. The struggle to restore ecosystems, reform food and energy systems, and repair our damaged climate requires us, like Jacob, to understand more deeply that we are never truly alone, and that we are, as Rev. Dr. Martin Luther King Jr. wrote, "woven in a single garment of destiny."[3]

This is a fight that's grounded not in destruction but in love.

The Hebrew word usually translated as "wrestled," *vaye'avek*, appears only once in Torah, so its meaning is opaque. What Jacob is doing with this man could be understood as a fight, or, on the contrary, as an embrace. Its root comes to mean "dust," so this hug-or-fight is sufficiently physical on the ground that the participants "got dusty with" each other. Artistic depictions of Jacob's encounter show two figures intertwined — sometimes in a hug or dance, others wrestling. The fight and the love coexist in Jacob's struggle and its outcome. Likewise, our fight to preserve a livable world, even when it takes the form of dissent, protest, and conflict with corporate interests, is grounded in love for the people and places that will be harmed by climate destruction.

We have to redefine what the blessing of a "good life" means.

As Rabbi Jonathan Sacks z"l writes, young Jacob stole a blessing intended for Esau that bestowed wealth and domination: "The dew of heaven and the richness of the earth … May nations serve you and peoples bow down to you …" (Genesis 27:28-29) Twenty-two years later, Jacob extracts a very different blessing from this struggle. Sacks continues, "To be complete we do not need Esau's blessings of wealth and power. Ours is another face, an alternative destiny … The face we bear is the image we see reflected in the face of God when we wrestle … and refuse to let go."[4]

Likewise, the climate crisis testifies to the emptiness of material convenience that we might have once prized and on which our carbon economy was built. Confronting the deadly implications of continuing to build our lives on extraction and combustion forces us all to wrestle with whether our idea of the "good life" needs re-definition. From this struggle, we can demand a different blessing that is truly life-giving and preserves the sacred.

When humanity fights to address the climate crisis, we are in a struggle with ourselves.

Nechama Leibowitz z"l and others have read Jacob's wrestling match as an internal struggle, a battle within himself from which he emerges with a stronger identity and a new name.[5] The climate crisis, too, is an adversary

[2] Friedman, Rabbi Shoshana Meira, "Teaching My Child to Love a Dying World" in *The New York Times,* Jan 4, 2021

[3] King, Jr. Rev. Dr. Martin Luther. "Letter from a Birmingham Jail," April 16th 1963

[4] Sacks, Rabbi Jonathan. "*Covenant and Conversation: Jacob Wrestling*" https://www.rabbisacks.org/covenant-conversation/vayishlach/jacob-wrestling/

[5] As cited in *Etz Chayim: Torah and Commentary, p.201*

of our own making and calls all of us who benefit or are complicit in its machinery to account. "You can't have climate change without sacrifice zones," writes Hop Hopkins, a leader at the Sierra Club, "and you can't have sacrifice zones without disposable people, and you can't have disposable people without racism."[6] We cannot move away from the exploitative and oppressive systems that created the climate crisis without coming face to face with the racism and denial of our interdependence in which we have participated that has made such destruction possible.

We can insist that this fight bless us.

We have the freedom, despite all of the constraints, to wrest a blessing from this fight. I love that so many artistic depictions of Jacob's struggle show him with his head up, serene and grounded, unashamed and full of purpose. That's how I want to be as a warrior in this moment, clear on the stakes and liberated by the fierce energy I feel to protect all that is sacred. There is no shame and much blessing in fighting with all our might for all that we love.

This is not a fight we chose, but we're in it, and we can refuse to let it go without a blessing. For me, as I've worked with communities of every faith tradition over more than a decade, I've come to believe one of the blessings this time has for us is the opportunity to transcend the differences that have kept people apart in the past. There's freedom in understanding that, at last, every person and group of people, Israel and every nation, are all in one fight, together, for everything that really matters on the one common home we share. ◆

[6] Hopkins, Hop. "Racism is Killing the Planet: The ideology of white supremacy leads the way toward disposable people and a disposable natural world," *Sierra Magazine*. June 8, 2020. www.sierraclub.org/sierra/racism-killing-planet

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AN AFRO-JEWISH REFLECTION ON FREEDOM

LEWIS R. GORDON

Back in 2006, Walter Isaac, a former student of mine, now an academic colleague and rabbi, wrote the following:

> …a small number of black Jews have written academic expositions of their perspectives. The latter cover the spectrum from Dr. Yosef ben-Jochannan's *We the Black Jews* (1996) to Lewis Gordon's *Bad Faith and Antiblack Racism* (1995a).

Rabbi Isaac's observation hit me in an unusual way. I did not realize, when I wrote *Bad Faith and Antiblack Racism*, that I was writing it *as a Jew*. I wasn't self-consciously thinking of Jewish thought, Jewish values, and Jewish challenges. So, I did what any surprised author would do. I re-read my book.

To my surprise, Judaism was all over the place. There was a seamless flow between my reflections as a Black thinker writing on antiblack racism and other forms of oppression and my thought on what it means to

struggle for freedom. For Walter, it made sense. I am, after all, a Jew, and I am Black. So, just as my thought is informed by my experiences of living as a Black man, it is also informed by those of living as a Jew, and, as I learned from my re-reading, of living the intersection of Blackness and Jewishness.

While that intersection is obviously the life of Black Jews every moment of every day, as I reflect on its significance, it resonates most powerfully at two ritual moments in the year: the seder and Yom Kippur.

During Pesach, enslavement and the quest for liberation are not for us a distanced or mythic idea. Even when we think of *Shoah* — which, although focused on European Jews, reverberates across the Jewish world as its aspirations were global — it's not as a culmination but a reminder of what ongoing hatred reaps. "Never again," for Black Jews, does not refer to a singular event.

A reflection I have been repeating in recent writings is that, wherever I go, most people think *their Jews* are *the Jews*. (For instance, in the United States, most Jews are Ashkenazi, and that's what Americans mean by Jews, but in the Caribbean, Sephardim are often what people from various islands mean by Jews. I noticed something similar in India, and Mizrahim exemplify Jews across Northeast Africa. In a similar vein, people in various countries think of Jews differently, ranging from Polish to Ugandan to Nigerian Jews.) I've found the same with Blacks. Most people think *their Blacks* are *the Blacks*, although — ironically — in many majority-Black countries, I meet many people who think *the Blacks* are elsewhere, usually in the United States. This happens with Israeli Jews too, though I find much less often. Although Jews who travel to Israel find the cacophony of Jewishness familiar and strange, many Jews who are multi-generational Israelis have come to think that *the Jews* seems often to be an American or European thing — despite, of course, the important significance of the Holy Land as the only home they've known.

None of this is unusual if we rid ourselves of the fallacies of how we think

about race and Jewishness. Neither has had a reprieve from colonialism. And as there is much confusion wrought from the construction of Israel as a colony instead of a homeland, the charge of colonialism points to the idea of Jewish Israelis as people from *elsewhere*, which suggests a similarity to imperial centers of Europe and North America. Whatever the lived reality of Jews (of any kind) in Israel may be, that problematic expression "*the Jews*" contains a world of imposition that closes off who Jews can be. For Blacks, becoming *the Blacks* is always about being elsewhere, even when uttered by fellow Blacks. This phenomenon is melancholic, for it involves being "indigenous" to a place and time in which one is rejected — belonging, that is, to nonbelonging.

So, when reflecting on Pesach about liberation, many Black Jews are compelled to ask what *follows* liberation. To be liberated is to be removed from obstacles. To flee those boundaries. But then there is a rude realization. One could be liberated but not free. To be free requires more than the absence of shackles, bars, and walls. It is not only ancient Hebrew peoples who thought about this and handed down their reflections to generations who are now understood as Jews, there is sufficient insight in Jewish reflection and Black struggles to make both present in the thought of a Black Jewish philosopher of freedom.

One thing I should like to stress before I continue. As I understand Jewish thought, its ancient origins are East African and West Asian. This means, as well, that the ancestral voices that informed what I wrote nearly thirty years ago were not a separation of Africanness and Hebraic worldviews. It was the Euromodern world that transformed Africans and many other peoples from what we now call the Global South into "blacks."[1] But similarly, "Jews" as a major designation for Hebraic and Israelite peoples were part of this transition. Both were besmirched in the Iberian medieval term *raza*, which was the foundation of the term

[1] Here written with a lower case because it is referring to the imposed diminutive use. See the author's *Fear of Black Consciousness* (NY: Picador, 2023).

"race." Both have had diversity and complexity flattened out. That is one of the reasons why one can find many elements of Jewish thought in Black thought and, when digging further, many elements of ancient African thought in Jewish thought.

Here is one example that shows up in many societies, from the realm of myth. A time of perfection once reigned, and then human beings popped up. Our emergence marked a profound imperfection in reality. (In truth, perfection and imperfection are not features of reality but, instead, *human* reality.) This led to two impulses with which humanity has been struggling for many millennia. Some of us wish to return to that state of supposed perfection. The problem with doing that, if it were achievable, is the resulting loss of our humanity. Others admit that, so long as we are human, there will be no time of perfection for us. Instead, we live lives of perfect*ing*, of taking on the obligations of making things better. Jews are familiar with this effort as *tikkun olam*. The goal is to move forward. And still others understand that in moving forward, it's important to look back to avoid moving in circles. This is not only an insight in Judaism — as we read Torah over and over while struggling to move forward — but in many forms of African thought. Think of the Twi word *Sankofa* ("to retrieve"), which among the Akan people of Ghana is elaborated in the proverb: "*Se wo were fi na wosankofa a yenkyi*" ("It is not taboo to go back and fetch what you forgot"). The Adinkra (symbolic representation of

a proverb or saying) for this expression is a mythical bird with its feet firmly planted forward while its head is turned backward to retrieve an egg on its back.

What, however, is wrong from the standpoint of Judaism in attempting to "return" to perfection? Here, we hit at a core concern of Judaism: the rejection of idolatry. In this respect, Judaism constantly reminds humanity of the dangers of attempting to become gods or, worse, God.

Trying to be God is offensive in Judaism for a variety of reasons. For one, it violates monotheism — unless, of course, one replaces God. For another, God isn't finite. We are. Thus, at the heart of idolatry, at least when projected onto oneself, is that one destroys humanity. If humanity is an expression of God's love, of what is born from being thrown out of the monotony of being material things, then idolatry also harbors misanthropy: the hatred of humanity. It violates the essential beauty of what makes us human. Third, perfection — in effect, completeness — closes off possibilities. Human reality is living possibility. Openness, then, is a core feature of human existence.

In Judaism, openness is expressed in ethical life. It involves not only taking responsibility for the lives we live. It also involves taking up the responsibility *for responsibility itself* as a virtue. In other words, if ethical life is a responsibility, we take responsibility for it. For religious Jews (of any movement), this takes the form of literally carrying the Torah and committing oneself to live by it. But for many non-religious Jews, this ethical imperative is still there. It takes the form of ethical action as a struggle for liberation and freedom so profound that they refuse, paradoxically, to fetishize or make an idol even of Torah. I write "paradoxically" because, in doing so, they are ironically practicing fidelity to the spirit of Torah. This paradox is richly debated throughout the history of Hebraism and will no doubt continue for time to come. That, too, is ironically Jewish.

So I come to the atonement part. To get there, we should understand an important challenge of freedom. Take, for example, the Genesis story of the first human beings. Could they properly be called human if they had not been placed in the awkward situation of an injunction against eating from the fruit of the tree of knowledge? Think about it. At the moment that injunction was posed, those creatures realized they have the power to disobey or obey God. Even if they obeyed, they *could have* disobeyed and *still could* disobey. This possibility makes human beings stand out — it gives us our existence. It's the realization of the importance of choice and the responsibilities of ethical life.

As the story goes, however, there is a price. The couple were, after all, thrown out. Psychoanalysts and existentialists have had much to say on the status of this movement from a perfect place to a very imperfect one. It speaks to humanity, which we could call a reality in search of a home, a place of belonging. But what is this belonging? What is it but the challenge, perhaps the existential paradox, of how to grow and live through a form of belonging that is not exclusive?

Atonement knocks at the door. For what must we — whether as Jews or simply humanity — atone? Unfortunately, a lot. But atonement in and of itself is not enough. Jewish people are diverse, and we carry a burden that is in truth shared among all humankind. It is that responsibility *for responsibility* born from a rejection of idolatry.

Yet, as we know, another problem with idolatry is that it is seductive. Many people are drawn to the promises idolatry offers, and Jews are no exception. There are many idols in our world; one of particular relevance here is the idol of whiteness, and with it the harm wrought from an appeal to a form of purity that excludes others from the fold of human possibility. The psychiatrist and philosopher Frantz Fanon wrote about this under the title *Black Skin, White Masks*. Lies of colonialism and racism entomb human beings into lies in which one group is sealed in their skin (for example, blackness) and another wears a mask that offers them a preferred and deluded sense of self as ideal or godlike (whiteness). One is an abject seduction; the other, a self-serving malignant narcissism. Both are misanthropic; they attempt, in Fanon's words, the "murder" of humanity. Here the challenge of freedom is to unmask the lie, unseal the skin.

So, we come to a concluding reflection. Liberation *from* raises the question of what liberation should also be *for*. Throughout Black and Jewish thought, there is the search for a proverbial home. The mistake is to think of home as a place or a thing. Home can be an ongoing practice of belonging, and by that I mean a series of relationships with others in which we are able to live a livable life of worthwhile possibilities *together*. It is the building of ethical life with one another in a practice that we can call love. This love is not a self-serving love or practice of malignant narcissism in which others cannot be more than imitations of the self. It is a radical form of love in which one ceases to take oneself too seriously, which in turn opens the possibility of relationships with others, including political ones, as possibilities and potentials of belonging. This community-oriented freedom is non-idolatrous and requires a commitment to what is always greater than the self. It is that understanding that serves, beautifully, as what it means to live in a free society. This commitment involves becoming an ancestor for those whom one will ultimately never know. But their anonymity makes all the more poignant the non-idolatrous quality of love that is also, at its heart, Mitzvot. ◆

TEFILAT HADERECH: PRAYER FOR CONTINUING ON THE WAY

BY RABBI BECKY JAYE AND RABBI LEV MEIROWITZ NELSON

Holy One in whose image we are all made,
may You guide us on from these pages
towards peace
and lead us back in peace.

May the words and images of these pages
become etched on the fragments of the heart
we left behind with them.
May the quick startle of unknowing what was so deeply known
awaken our spirit to the promise of creation.

When our hearts sink, may we still feel the possibility of change.
When our hearts race, may we know we are not alone.
When our hearts leap, may we share our joy.
When our hearts break, may they break open.

May we return to you, Freedom,
and may you return to us.
You remain on our minds, Freedom,
and we remain on yours.
We will not forget you, Freedom,
and you will not forget us.

Emor

THE INSTITUTE FOR BOLD JEWISH THOUGHT