

SHABBAT VAYISHLACH 5780

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RABBI JONATHAN BLAKE

WESTCHESTER REFORM TEMPLE, SCARSDALE, NY

YES, BUT IS IT GOOD FOR THE JEWS?

Let me begin by saying that this is not the *D'var Torah* I had planned to deliver tonight. But, given the eventfulness of this week in “News that matters to Jews,” I have re-directed my attention to a subject about which a number of questions and concerns have come my way over the last 48 hours, namely the Executive Order that was signed on Wednesday, aimed at curbing antisemitic discrimination on college campuses.

Let me add here a further disclaimer, that while it is not my regular practice to comment on Presidential matters, the present instance is one among many in which the President’s actions directly intersect with the concerns of the Jewish community, and so merit comment in a Jewish setting, informed by Jewish values.

It is, of course, a truism that Jews will, for any conceivable circumstance, reflexively return to the age-old question, “Yes, but is it good for the Jews?”

In fact, a hilarious and idiosyncratic book by London literary agent Jonathan Geller, called, *Yes, But Is It Good For The Jews?* (Bloomsbury, 2006) attempts to do just this, by evaluating everything from *The Godfather* (good, because it diverted attention away from Jewish mobsters), to Agatha Christie (not good, because of her frequent portrayal of Jews as hook-nosed money-grubbers(!)), to cooking show host Nigella Lawson (not good, because of her love of pork, which she puts in basically every dish), to Monica Lewinsky (good, and if you want to know why, read the book).

How much the more so should we ask “Yes, but is it good for the Jews?” about this week’s news, which takes direct aim at an issue of grave concern for Jews—antisemitism—and which has kicked up any number of thorny subsidiary questions of import for Jewish people, to wit:

- Is Anti-Israel protest on campus just one more expression of antisemitic hate? Or is it protected free speech? Or could it be both? And what are the potential repercussions of attempting to suppress it, both for pro-Palestinian demonstrators, and for American Jews who have, on balance, benefited greatly from America’s historic protection of free speech?

- How do we reconcile the intent of the Executive Order—to extend the protections of Title VI of the Civil Rights Act of 1964 to include Jews—against the fact that the original law (and this is a direct quote) “prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance?” As President John F. Kennedy said in 1963: “Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination.” The present controversy concerns how classification of Jews alongside, or in the same category as “race, color, and national origin” could in fact do a *disservice* to Jews by proposing a distinct “national” or “racial” identity, not a specifically *religious* identity, which will further expose American Jews to charges of “disloyalty,” portraying Jews as treacherous, loyal to some “nation” other than America, and, even worse, could reinforce insidious characterizations of Jews as a *race*, a theory popularized by the Nazis and which they used to rationalize that the only solution to the so-called “Jewish Problem” was mass extermination (given that one can distance oneself from one’s *religion*, but cannot ever change one’s race).

These are, as I have said, thorny issues with no simple answers. Which of course moved me to seek guidance in Torah. I’ve provided a handout highlighting two passages from this week’s Torah portion, *Vayishlach*, that I think comment meaningfully on the present dilemma. I invite you to scan it briefly:

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TEMPLE
WE ARE A RELIGION**

Genesis Chapter 32

<p>25 Jacob was left alone, and a man wrestled with him until the break of dawn.</p>	<p>כה וינתר יַעֲקֹב לְבַדּוֹ וַיִּצְבֹּק אִישׁ עִמּוֹ עַד עֲלֹת הַשָּׁמֶר:</p>
<p>26 When he saw that he could not prevail against him, he touched the socket of his hip, and the socket of Jacob's hip became dislocated as he wrestled with him.</p>	<p>כו וַיֵּרָא כִּי לֹא יָכֹל לִוּוֹ וַיִּגַע בְּכַף־יָרְכוֹ וַתִּקַּע כַּף־יָרְכוֹ יַעֲקֹב בְּהִצָּבְקוֹ עִמּוֹ:</p>
<p>27 And he (the messenger) said, “Let me go, for dawn is breaking,” but he (Jacob) said, “I will not let you go until you bless me.”</p>	<p>כז וַיֹּאמֶר שְׁלֵחֲנִי כִּי עֹלָה הַשָּׁמֶר וַיֹּאמֶר לֹא אֲשַׁלְּחֶיךָ כִּי אִם־בֵּרַכְתָּנִי:</p>

<p>28 He said to him, “What is your name?” and he answered, “Jacob.”</p>	<p>כח ויאמר אליו מה-שְׁמֶךָ ויאמר יַעֲקֹב:</p>
<p>29 And he said, “Your name shall no longer be called Jacob, but Israel, because you have striven with God and with men, and have prevailed.”</p>	<p>כט ויאמר לא יַעֲקֹב יִקְרָא שְׁמֶךָ כִּי אִם-יִשְׂרָאֵל כִּי-שָׂרִיתָ עִם-אֱלֹהִים וְעִם-אֲנָשִׁים וַתִּגְבַּל:</p>
<p>30 Then Jacob asked: “Now tell me your name,” and he replied, “Why would you ask for this, for my name?” And he blessed him there.</p>	<p>ל וישאל יַעֲקֹב ויאמר הגידה-נָא שְׁמֶךָ ויאמר למה זה תשאל לשְׁמִי ויברך אתו שָׁם:</p>

WE ARE A NATION

Genesis Chapter 35

<p>10 God said to him, “Your name is Jacob. Your name shall no longer be called Jacob; rather, Israel shall be your name.” So God named him Israel.</p>	<p>י ויאמר-לוֹ אֱלֹהִים שְׁמֶךָ יַעֲקֹב לֹא-יִקְרָא שְׁמֶךָ עוֹד יַעֲקֹב כִּי אִם-יִשְׂרָאֵל יִהְיֶה שְׁמֶךָ וַיִּקְרָא אֶת-שְׁמוֹ יִשְׂרָאֵל:</p>
<p>11 And God said to him, “I am the Almighty God. Be fruitful and multiply: a nation and a congregation of nations shall come into existence from you, and kings shall issue forth from your loins.”</p>	<p>יא ויאמר לוֹ אֱלֹהִים אֲנִי אֵל שַׁדַּי פְּרֹה וּרְבֵה גוֹי וַיִּקְהַל גוֹיִם יִהְיֶה מִמֶּנּוּ וּמְלָכִים מִסְּלִצֵיךָ יֵצְאוּ:</p>
<p>12 “And the land that I gave to Abraham and to Isaac, I will give to you; and to your seed after you will I give the land.”</p>	<p>יב ואת-הָאָרֶץ אֲשֶׁר נָתַתִּי לְאַבְרָהָם וּלְיִצְחָק לָךְ אֶתְנַתְּנָה וְלְזַרְעֶךָ אֶתְנַתְּנָה אֲתָם אֶת-הָאָרֶץ:</p>

translation: J. Blake

In the first passage, the famous sequence of Jacob wrestling with the night visitor, called simply “a man” by the text but clearly presented as a divine messenger or angel, Jacob engages in a solitary struggle against an unseen adversary who ends up both injuring and blessing him.

I would not be the first rabbi to point out that the wrestling match is as much a spiritual contest as a physical one. The outcome tells us as much, in that Jacob's new name, *Yisrael* or Israel, literally means "one who strives with God."

The *Zohar*, chief work of Jewish mysticism or *Kabbalah*, declares that Jacob's battle with the angel is symbolic of every person's struggle with his or her darker side, those baser impulses that constantly wage war against our noblest, highest selves (*Zohar* 1:170b).

To be *Yisrael*, to be a Jew, is to strive with God and humankind so as to access the divinity within: to elevate our lives through the kind of holy thought, words, and deeds of which we are capable when we rise to our noble best. It is a spiritual or religious identity, a matter of belief and observance and above all moral striving. This is what it means to be *Yisrael*.

In contrast, the second text affirms that the identity of *Yisrael* less spiritual or religious and more *national*: an identity rooted in the notion of peoplehood, of common history, heritage, ancestry, family ties, and above all, destiny. In this version of the account of how Jacob obtains his new name, *Yisrael*, the focus is clearly on the *collective*, the *peoplehood*-identity.

No sooner does Jacob take on the new name Israel does God charge him: "Be fruitful and multiply: a nation and a congregation of nations shall come into existence from you, and kings shall issue forth from your loins. And the land that I gave to Abraham and to Isaac, I will give to you; and to your seed after you will I give the land."

In *this* account, to be *Yisrael*, to be a Jew, is to see oneself as part of a whole: part of a people, indeed, a nation, with a common heritage and, yes, a land to call our own.

So there you have it: two different ways to understand what it means to be *Yisrael*, to be a Jew, both found in this week's *parasha*, and both directly relevant to this week's complicated conversation about the President's Executive Order.

Asking Jews to choose between a "religious" identity and a "peoplehood" or even "national" identity presents us with a false dichotomy. Judaism is, and always has been, a mix of spiritual-identity and peoplehood-identity. We are *both* kinds of *Yisrael*: the lone spiritual wrestler and the nation with a unique destiny. And although I'm probably preaching to the wrong crowd tonight, given the fact that you're all here in synagogue on Shabbat, it's no secret that a *majority* of American Jews identify far more closely with the *peoplehood* component of their Judaism than with the religious practice. Judaism is, in its totality that encompasses both dimensions, best described as a "religious civilization."

As for the least comfortable part of this week’s conversation around Title VI of the Civil Rights Act—its protections against *racial* discrimination—we need to understand both the context in which the word “race” was used in the 1960s, and also the *usual application* of the law even more than its specific wording, which, I admit, does not fit comfortably within a 21st-century understanding of race as a *social construct* rather than an inherent feature of human beings.

The more scientists—in both the so-called “hard sciences,” like biology, and the “soft sciences,” like sociology—study the phenomenon of race, the more they have concluded that race has no basis in actual biology but rather is a term that people and societies used to classify themselves and especially *others*, often for the purpose of perpetuating entrenched power structures that favor people of lighter skin over people of darker skin.

Characterizing Jews as a *race*, as the Nazis did, gave them a pseudo-scientific rationale to dehumanize, maim, and murder us.

Having said that, we must understand what the word “race” meant more than fifty years ago, for instance, when Kennedy used it, and why the Civil Rights Act was at the time, and has remained, a helpful and, moreover, essential piece of American legislation in combating discrimination in a vast array of domains, including educational settings as Title VI provides.

So, we are back to the original question: Is this Executive Order “good for the Jews?”

I, for one, say yes, although it’s a qualified yes.

The ADL (Anti-Defamation League) and AJC (American Jewish Committee) have both gone on record to affirm that, inasmuch as this Order may further disincentivize colleges and other educational programs from turning a blind eye to the way in which much anti-Israel speech and activity on American college campuses has, in recent years, lurched into a rehashing of familiar antisemitic tropes and has provided cover for speech and protest-activity that has directly suppressed and intimidated Jewish students, faculty, and guest lecturers, it comes a welcome development.

I further agree with those who say that the Executive Order does not, in intent or in effect, re-classify American Jews as a distinct race or nation. To quote Mark Joseph Stein in *Slate* earlier this week (*NB*, *Slate* is a *left-leaning* online magazine):

The text of the order... does not claim that Jews are a nation or a different race.

The order’s interpretation of Title VI—insofar as the law applies to Jews—is

entirely in line with the Obama administration's approach. It only deviates from past practice by suggesting that harsh criticism of Israel—specifically, the notion that it [Israel or Zionism] is “a racist endeavor”—may be used as evidence to prove anti-Semitic intent (December 11, 2019).

I would, therefore, caution us against buying into the more hysterical responses to the Order, which, interestingly, have arisen on two different fronts: (1) On the one hand, we are hearing strong opposition from the left, arguing that the Order will suppress free expression on college campuses and use “Jews and Judaism as a shield to go after Palestinians and anti-authoritarian professors and student activists,” as one activist has put it, and, (2) On the other hand, that the Order will foment White Supremacist anti-Semitism by giving Neo-Nazis and their sympathizers support for their ideology that characterizes Jews as a nation disloyal to America, or, even worse, as a non-White race that is destroying the fabric of our country both directly, by our presence here, and indirectly, by supporting pro-immigration policies that will allegedly bring more people of color to the US—an anxiety at the heart of the “Jews Will Not Replace Us” rallying cry heard at the Charlottesville demonstrations two and a half years ago.

The fact is, we need not worry about virulent White Supremacists turning to a legal maneuver for further support of their deranged worldview. Can you really visualize a scenario in which Neo-Nazis are appealing to the *Civil Rights Act* in order to demonize Jews? As if they needed the *Civil Rights Act* to back up their claims? That's just ludicrous!

The bigger issues, as I see it, the ones that caused me to say that my support for Wednesday's Executive Order is “qualified,” are twofold. First, there's a question of *efficacy*. Generally, efforts to stifle protest do not in fact stifle protest, so I would not expect for this Order to put an end to anti-Israel agitation against Jewish students on campus, and neither should we.

Second, there's the question of *intent*. Given the administration's longstanding equivocation on the subject of antisemitism—eager to call out hostility to Jews only when the harassment is coming from the left (i.e., pro-Palestinian / anti-Israel activists and groups) but comparatively mealy-mouthed when it comes to addressing anti-Semitism from the right (as in White Supremacists like the Charlottesville demonstrators), it becomes hard to see Wednesday's Order as principally motivated by true concern for the welfare of America's Jews.

As I have said from this *bimah* many times, many ways: an American commitment to confront and combat antisemitism must see the problem as bigger than any one political party or platform. There is, after all, no reason to divide the Jewish community against itself on this issue—a

commitment to fighting antisemitism from every angle should be an easy rallying cry to unite America's Jews.

If the politics of division do prevail in this instance, as already seems to be the case, the benefits of the Order could easily be counter-weighted by the corrosive effect it will have on an already deeply divided American Jewry.

In the meantime—so that you do not leave this talk in a state of total depression—I would invite us, by way of a coda to these remarks, to look “across the pond” and breathe a sigh of relief that, just yesterday, Great Britain handed its most prominent and unrepentant antisemite a resounding defeat, and that—whatever we may think of Boris Johnson and Brexit—we need not worry about a British government headed by Jeremy Corbyn anytime soon.

And that, as they say, is very good for the Jews.

In the meantime, I guess we will all have to do our best to be like Jacob—one who wrestles through the long, dark night, and, with God's help, emerges—bruised, perhaps, but with blessing — *Yisrael*.

Shabbat Shalom!