

Mishpatim 5784

February 10, 2024

Responding to Dalia Golomb

18 weeks since October 7

Dalia, thank you for reminding us of our responsibility to refugees and immigrants in our city and our country – our responsibility as Jews in both negative and positive terms – to not oppress the stranger and to affirmatively care for the stranger. Thank you for telling us about your family’s inspiring participation in HIAS’s Welcome Corps – something any of us can choose to do – and for giving us many other, more modest ideas about how we can fulfill our most basic obligation to the 150,000 people who are trying to survive and make a home here in New York.

Your family’s participation in the HIAS Welcome Corps is not the only way that your family has been providing an example for our community. Your mom, Ariella, also stepped up right after October 7th, suggesting to CBE’s clergy team that we identify a community in the Gaza envelope in Israel, to partner with, to create a relationship with, and to support for the long term. Out of her idea and through her leadership we have come to know the community of K’far Aza, and have been raising funds to help them. We are thinking with them about how we can best support them through the devastation of their loss, the destruction of their home, and the practical needs brought about by their displacement – from schooling to mental health care to housing. So far we’ve raised about \$300,000, and that would not have happened if not for your mom.

Since you chose to focus on one of the 53 mitzvot in Parashat Mishpatim, Dalia, I thought I’d focus on another one, the other mitzvah that has the same rationale as “You shall not oppress the stranger”. It’s the first one in the parasha.

כִּי תִקְנֶה עֶבֶד עִבְרִי שֵׁשׁ שָׁנִים יַעֲבֹד וּבְשִׁבְעַת יָצֵא לְחִפְשֵׁי חָנָם: “If you buy a Hebrew slave, he shall serve you for six years, but in the seventh year he shall go free without paying anything.”

How can it be that this parasha begins with the idea that the Israelites, who were just freed from slavery are now going to immediately turn around and be slaveholders? Wouldn't you expect that the G-d who freed the Israelite slaves would outlaw slavery?

Rabbi Jonathan Sacks has a lot to say about this. Sacks's thesis is that our G-d is the G-d of freedom. All G-d wants is for us to be free, and in our freedom to freely choose a relationship with G-d. G-d is seeking a complete freedom for human beings in which we choose accountability beyond ourselves, in which we choose again and again to use our freedom for good, to try to do right, and then to do teshuva, to seek change when we see that we've done wrong. Sacks argues that by definition G-d cannot force human beings to be free. And G-d cannot force human beings to choose a freedom in which we are responsible beyond ourselves. But that's the goal, because that's what true freedom looks like, and true freedom is what's best for us.

By the time of Parashat Mishpatim, Sacks says, it's become obvious to God that human beings don't always choose what's best for us. Cain used his freedom to choose murder. The generation of the flood used their freedom to choose corruption and evil. So G-d tried to start over with one family, through Abraham, but then Abraham's great grandchildren used their freedom to sell their brother into slavery. It became clear that if God wanted human beings to choose freedom and to choose to use it well, the descendants of Abraham had to have the experience of their freedom being taken away, so that we would always remember what it's like to not be free, so that we would choose freedom for ourselves and for others. So that when we have the power to dominate others, to denigrate the lives of others, to be callous to the suffering of others, we would not forget what it was like when that happened to us. Pretty similar to "Do not oppress the stranger for you were strangers in the land of Egypt."

The parasha opens with slavery, Sacks contends, because God is saying, and I'm paraphrasing, "Look, this is probably the most obvious thing to you.

You should know by now not to enslave other people, since it just happened to you. But it won't work for me to command you against it. You need to get there on your own. So I'll put limits on it, I'll make it temporary. And then you have to figure out the rest."

But, as Israeli Bible commentator Nehama Leibowitz wrote, "...a history of alienation and slavery, the memory of your own humiliation is by itself no guarantee that you will not oppress the stranger in your own country once you have gained independence and left it all behind you."

In our haftarah Jeremiah rebukes the people for continuing to enslave one another, and ignoring this rule of releasing slaves after seven years. Jeremiah warns that continuing to oppress others will lead to the people's destruction.

The central project of Exodus, maybe of Torah? Maybe of Judaism? is learning how to be free. It is not easy. Freedom from is only half of the equation. Freedom from slavery, from oppression, from violence. Freedom to is the other half. Freedom to do justice love mercy walk humbly with your Gd. Freedom to serve Gd, to study Torah that commands us not to oppress or dominate other people. True freedom requires both freedom from and freedom to. You are not really free if you are either oppressed or oppressor. That's Judaism, and that's the Zionist dream. Finally, after thousands of years, we have the possibility of freedom from oppression and from committing it. October 7th was such a shattering blow to that sense of freedom, which is a freedom most basically to be safe. And while October 7th was the worst, it was only the latest in a long line of shattering blows to that freedom. Lihiyot am chofshi b'artzeinu. We just want to be free in our land. But of course it's not only artzeinu. The land doesn't only belong to us. Freedom to is the other half of our freedom. Freedom to refrain from oppressing others, even when we have the power to do so. This goal of complete freedom is articulated in Israel's Declaration of Independence, but it is still not realized. We are still learning how to be free.

This is week 18 since October 7th. For 18 weeks, I have spoken about no other topic. I have spoken about the gruesome horrors of that day, about the right and responsibility of Israel's government to defend its people, to free the hostages, and to pursue and destroy Hamas. I have made the case in many different ways about why those who seek the freedom and safety of Palestinians should therefore equally care about the freedom and safety of Israelis, and vice versa.

But many military experts have said that destroying Hamas through this ground war is not possible. Every additional day of this war endangers the lives of the hostages even further, kills more people – both Israeli and Palestinian–, prolongs the extreme humanitarian crisis, and creates more hatred. And now, the Israeli government is beginning to target Rafah. Rafah is the only place left that has not been destroyed by the Israeli ground offensive. 1.4 million people have fled there and are living in vast tent cities in the rain and the mud, without adequate sewage, without adequate food or clean water. They are homeless and on the edge of famine. They were told by Israel to flee there from the North and they have also fled from Khan Younis. They are trapped between the Israeli army, the Egyptian border, and the Mediterranean Sea. And now they're being bombed and told to flee elsewhere.

It is deeply disturbing that there is very little discussion in Israel, or on Israeli media, about one of the most severe humanitarian crises of our time. Look at what this war is doing to us. Look at the so-called Israel Victory Conference for Gaza resettlement, where calls were made for ethnic cleansing and 11 cabinet ministers and 15 coalition members of the Knesset danced with a crowd of thousands. Ofri Bibas, sister of Yarden Bibas and aunt to Kfir and Ariel Bibas, all of whom are still being held in Gaza along with Shiri Bibas, Yarden's wife, said afterward in a meeting with the ministers, "You are dancing on the blood of the kidnapped. Just dancing on their blood. Now you are busy settling in Gaza instead of promoting the agreement that will bring the hostages home." Meirav Leshem-Gonen, mother of hostage Romi Gonen, said "All this talk of transfer made me shudder. The transfer you talk about refers to ethnic and

religious connections to a certain group. Isn't that what was done to us in Europe? We say we want to be better than this, but we are ready to do the same thing to another nation."

And look, look at the terrible videos made by Israeli soldiers, posted on social media, mocking Palestinians and their suffering, playfully synchronizing the bombing of neighborhoods to music, celebrating wanton destruction of private property, destruction which violates international law. It is not genocide, please G-d let it never be genocide, but it is ugly. And it is beneath us. Of course the soldiers are traumatized. Every Israeli is traumatized. Most American Jews are traumatized. But this is not the freedom G-d had in mind when the sea was split and when we stood at Sinai in this week's parasha. And we all know that the denigration of Palestinians, the callous disregard for their suffering and their lives, is not new since October 7th. When we listen to the testimony of soldiers who have spoken out over the last twenty years with Breaking the Silence, about what they saw and what they did while serving as an occupying force in the West Bank, we know that this attitude and behavior is not new.

This is not how a free people behave. This is not what true freedom looks like – a freedom that encompasses freedom from oppression, and freedom to refrain from oppression.

Every one of us who identifies as a Zionist must be part of a Zionist call not only for the immediate return of the hostages, yes, and for an immediate negotiated end to this war, yes, but also a renewed and urgent Zionist call for Palestinian freedom, for a Palestinian state. Zionism is the liberation movement of the Jewish people. Our people's freedom is incomplete as long as it is based on denying freedom to another people. We must be safe, but our safety is bound up with our freedom which is bound up with the freedom of others.

We know that it is not in Netanyahu's interests to end this war. We know that it is not possible for him to maintain his coalition if he were to agree to the establishment of a Palestinian state. But resettlement of Gaza,

continued occupation of the West Bank, or annexation, or one state are nightmares that will end Jewish freedom and the Zionist dream. Most Israelis know this. Most Israelis feel abandoned by their government and are looking to our President to save them. Therefore, as American Jews we must turn to our government, our President, and ask him to demand publicly and privately the release of the hostages, an immediate end to the war, and the establishment a Palestinian state. Now.

But who will be our partner, you ask. Who will lead the Palestinian people?

Here is a sliver of hope. Our member Jo-Ann Mort is a writer and journalist with deep ties among Israelis and Palestinians. She was just there and had the opportunity to interview Marwan Barghouti's wife, Fadwa Barghouti, as well as his closest political ally Qadora Fares, in Ramallah, and she wrote about those conversations this week in the New Republic and the Guardian. Barghouti has been in Israeli prison since 2002, where he is serving five consecutive life sentences and another 40 years for his role in the second intifada, through which he was responsible for multiple deadly terror attacks against Israelis. But for more than a decade, Barghouti has renounced all violence and in 2012 he called strongly and clearly in Arabic for a non-violent path to a two state solution. Barghouti and Fares have supported and worked toward multiple peace initiatives, including a 2006 Prisoners' Letter and the 2003 Geneva Initiative negotiated with Yossi Beilin representing Israel. Fares signed that initiative with Barghouti's support. And, Mort writes, "Today, there is a completely different opportunity than existed 20 or so years ago: to include all of the Arab states, most importantly Saudi Arabia, in an agreement sponsored by the kingdom ... which offers Israel full peace from regional governments with a Palestinian state."

Mort writes that in polls of Palestinian people, Barghouti is by far the most popular leader to succeed Mahmoud Abbas as president of the Palestinian Authority, often with a 30-point lead over any other candidate. Even at the height of this war, he still enjoys a 10-point lead over Ismail Haniya, Hamas's political chief, and according to Ramallah-based political scientist

and pollster Khalil Shikaki, that lead will only grow after the war. Even though Barghouti is with Fatah, a secular party, and even though Hamas, which is of course Islamist sees itself as bitter rivals with Fatah, Hamas is now demanding Barghouti's release from Israeli prison in exchange for the hostages.

Jo-Ann Mort wrote, "Clearly Hamas is not an option to lead a stable and peaceful Palestinian state. Yet its more viable rival, Fatah, has become corrupt and weak in its decades-long rule in charge of the Palestinian Authority...[which] needs to be revitalized in order to gain credibility among the Palestinian people as well as shape itself back into a plausible negotiating partner for Israel and the other countries in the region. For that, Fatah – and the Palestinian movement more broadly – needs a leader who is both popular among Palestinians and committed to a peaceful two state solution... Barghouti, through his proxies, has reportedly accepted the parameters of [the Saudi Arab Peace Initiative]. It is especially timely because the Saudis seem primed for regional leadership and are the region's main bulwark against Iran... If Barghouti is released from prison he may be both a leader that the Palestinians want and the leader that the region and international community needs."

Ami Ayalon, the former head of Shin Bet, said recently in Haaretz that it is in Israel's security interest to agree to a Palestinian state and that "Marwan is the only Palestinian leader who can be elected and lead a united and legitimate Palestinian leadership toward a path of mutually agreed separation from Israel."

Fares, Barghouti's close ally, also said that he would accept a demilitarized Palestine, something that all Israeli factions, the United States, and the international community will demand. He says, "If I am at peace with Israel, with Jordan, with Egypt, with the international community, and I need the support of the international community to rebuild our state... to act according to the Palestinian people's interest...I have to create in Palestine what is most necessary... we have to build hospitals, schools, universities – to rehabilitate everything," he continued, "We have around us here in the

region a lot of strong armies. What have they done? Nothing. So it should be invested in education... for what do I need an army?," he said.

I need to tell you that I personally struggle with not only releasing from jail, but contemplating as the leader of the Palestinian state a person who masterminded terrorist attacks. I think about what that will be like for the families of the people he murdered, and I think about what that will be like for all Israelis who are reeling right now from the worst terror trauma ever. Even the conversation about a Palestinian state feels so out of line with where most Israelis are, emotionally and psychologically right now, and I recognize that I do not face the same trauma that Israelis are living with, and I do not share the personal risk if this is a mistake. But there is an unprecedented window of opportunity right now, a possibility of reaching an agreement with not just Palestinian leadership but much of the Arab world for a true two state solution. It would require a tremendous leap of faith that this man who has done terrible things, Marwan Barghouti, has truly changed, has truly embraced nonviolence, is truly ready to lead a nonviolent Palestinian movement that recognizes Israel as a legitimate presence on the land in the context of a two state solution. All signs indicate this opportunity is real, and that is why we need courageous Israeli leadership who will seize this opportunity and create the future that all Israelis deserve.



Many of the people who chose to live in K'far Aza and the other communities of the Gaza envelope did so because they understood that true freedom and safety depend on peace, which depend on the freedom and safety of the other. The unfathomable trauma, the unbelievably vicious brutality of the October 7th marauders, made many doubt that idea, made many feel that they were foolish and wrong all along to ever believe that such freedom and safety could be possible. But they were not wrong. They were not foolish. It is not impossible. And there is no other way to freedom, there is no other way to the Zionist dream, lihiyot am chofshi be'artzeinu, than freedom from and freedom to, a complete freedom, for all.

Shabbat Shalom.