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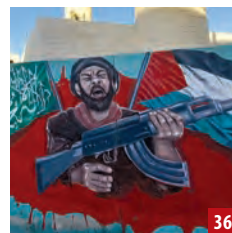
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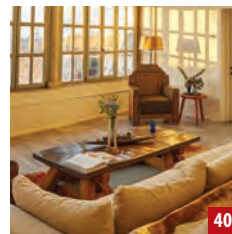
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DANIEL JACKONT

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## FROM THE EDITOR

### A new Sanhedrin?

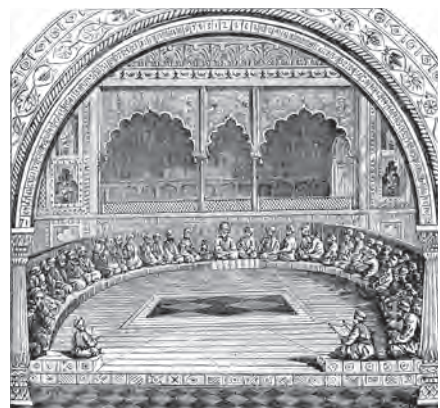
**THE SITUATION** in Israel following the Knesset vote on July 24, three days before Tisha Be'av, to pass the first bill in the government's legal reform package is extremely worrying. Half the country supports reform, believing it is necessary to realign the balance of power, while the other half thinks it might spell the end of Israeli democracy.

Optimists like me see it as a constitutional crisis that can still be resolved, while pessimists warn that this could be the start of a civil war. Israel's allies, led by the US, are angry with the Israeli government for pushing ahead with the reforms without reaching a broad national consensus, while Moody's even issued a special report, noting, "Israel has no written constitution and its institutional set-up relies to an important extent on judicial oversight and review."

Addressing the nation following the passage of the bill, Prime Minister Benjamin Netanyahu – who had just been discharged from Sheba Medical Center the previous day after being fitted with a pacemaker – told a compelling story:

*"I'd like to begin with the most moving scene that I have witnessed in the past 24 hours. Last night, masses of Israelis came to demonstrate in favor of the reform and against the reform. On one side of the escalator in the Jerusalem train station stood the supporters, and in the opposite direction the opponents. These ascended and these descended. Everyone held flags, everyone shouted slogans, everyone was there from their heart. Then, despite the differences of opinion, when they were near each other, someone extended a hand to his fellow. First one, and then another, and then another. They shook hands – not as enemies, not as people who hate each other, but as brothers. This is the people of Israel. This is our spirit. This is what we must aspire to always, and especially at this time."*

While Netanyahu is spot-on about the need for Israelis to reach out to one another across the divide, he is probably more responsible than anyone else for implementing a plan that has painfully polarized the nation. Still, the premier insisted he would use the Knesset's



WIKIPEDIA

The Sanhedrin, as depicted by the 'People's Cyclopedia of Universal Knowledge' (1883)

summer recess to seek consensus, as he was entreated to do by US President Joe Biden. "Despite everything, my friends, we continue to strive for dialogue and to reach agreement," Netanyahu said. "We are not giving up on the chance of reaching broad agreement – and I tell you, that it is possible."

On the eve of Tisha Be'av, President Isaac Herzog issued a statement urging the prime minister and his coalition to lead new efforts toward a compromise. "I expect to see very soon the words of reassurance turn into actions, and the messages of reaching out reflected in a tangible and binding work plan," Herzog wrote. "We must all understand the challenge and the fateful consequences."

Skeptics will wonder if it's really possible, given the deep split caused by the judicial reform plan. One possible solution is for Israel, after 75 years of statehood, to take this historic opportunity to pursue another course.

Twenty years ago, the Knesset's Constitution, Law, and Justice Committee chaired by MK Michael Eitan initiated the Constitution by Broad Consensus Project, which aimed to draft a constitution that would garner support from both Israelis and Diaspora Jewry. As Maayan Hoffman writes in the cover story of this issue, a group of Israeli scholars spent the last few months writing a proposal for establishing a Constituent Assembly to "consolidate the principles and basic rules of Israeli democracy." Perhaps they might consider calling it a new Sanhedrin, the name given to the council of sages that convened in the Second Temple more than 2,000 years ago.

– Steve Linde

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Photos: Assaf Pincuk

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# Meet the philanthropist who believes that critical thinking is the future of education

By Jerusalem Report staff

**IN 2001**, after the late entrepreneur and engineer Dr. Dmitry Borisovich Zimin sold his controlling stake in the telecommunications company Vimpelcom – the first Russian company listed on the New York Stock Exchange – he had a clear vision: To use the fortune life had gifted him to make the world a better place.

“With our family background so rooted in science and technology, we wanted to help people achieve more impact in these fields,” said Boris Zimin, Dmitry’s son and the president of the global private philanthropic organization Zimin Foundation.

In the following years, Dmitry Zimin committed 90% of his wealth to create an endowment for charitable endeavors. At the time, his philanthropic activities primarily focused on Russia through the Dynasty Foundation.

“My father’s idea was not simply to give some charity, he wanted to do something for the public good,” Zimin said. “With our family background so rooted in the sciences, we wanted to do something related to the field.”

The foundation started to focus on supporting scientists and future teachers.

“More broadly, we wanted to help the general public understand how the world worked,” Zimin added.

For over a decade, the Dynasty Foundation made significant contributions to support thousands of students, scientists, and teachers. The organization also published more than 100 popular science books and sponsored numerous events aimed at promoting the love for science and making it more accessible.

However, over the course of the years, things changed, also influenced by the geopolitical landscape.

In 2015, the Russian Ministry of Justice labeled the Dynasty Foundation as a “foreign agent,” prompting the Zimin family to make the difficult decision to cease the Foundation’s operations. In the aftermath, the Zimin Foundation took up the mantle, shifting its focus beyond the borders of Russia to global initiatives, while also broadening the scope of its activities.

“We understood that history and the social sciences are also fundamental fields that people should be familiar with to create a better society,” Zimin said. “For this reason, we started to support not only projects related to the hard sciences but also programs in the fields of social sciences, social skills, free speech, and critical thinking.”

“If we look at what has been happening in Russian society, we can see the consequences triggered by the lack of these essential social skills,”



Boris Zimin



A researcher in a Tel Aviv University lab.

he added.

After Russia invaded Ukraine in 2022, the Zimin Foundation also started to support Ukrainian refugees and people leaving their countries as a result of the war.

“We had to help,” Zimin said. “My father was born and grew up in the Soviet Union. He understood very well that its system was not for the benefit of its people and that is why he wanted to do something to change his country. Unfortunately, we see how Russia today still faces huge problems.”

The Zimin Foundation is focusing on helping students and scientists who have to restart their careers in another country.

“They are facing many challenges,” Boris said.

A few years ago, the Zimin Foundation also began to look into Israel and explore how the organization could get involved there.

“Our idea was to work with smart people on a project that would make the world a better place,” he said. “Tel Aviv University had the technology, human capital, and the ability to pursue the mission.”

As a result, the Zimin Foundation supported the creation of Tel Aviv University’s Zimin Institute for Engineering Solutions Advancing Better Lives. The institute aims at funding selected research projects toward generating applied solutions

to the world’s most pressing challenges in healthcare, medicine, digital health technologies, brain studies, healthy longevity, and related fields.

“The Former Soviet Union was a place where ideology was put in the center, as opposed to human beings,” Zimin noted. “In Israel, ideologies are also important, but they are devoted to the people. This inspires a lot of ideas and we are very happy to work in Israel.”

Asked about the future of education, Zimin highlighted how the world is changing fast, including in the field of education.

“When I was in school, there was a curriculum and we were expected to learn certain subjects and be able to give certain answers, now it is more challenging,” he said. “Algebra can appear difficult, but in the end, it is just a matter of formulas. Life is much more complicated than that.”

“I believe that the most important skill that needs to be taught is critical thinking,” he added. “Our children should learn how to address difficult questions and decide what is good and what is not,” he concluded.

*This article was written in cooperation with Tel Aviv University.*



MARCI ISRAEL SELLEM

**KNESSET VOTE** The Knesset passed the Law to Cancel the Reasonableness Standard 64-0 on July 24, with the opposition boycotting the vote. “We are now heading to a long recess,” said Justice Minister Yariv Levin (Likud), the architect of the government’s judicial reform package. “I am setting out, knowing that we passed an important bill, but with no gloating and with a true wish to bring all parts of the nation together.” On the other side of the aisle, opposition leader Yair Lapid (Yesh Atid) said: “This is not a victory for the coalition; it is a defeat for Israeli democracy.” Several Likud MKs, including Defense Minister Yoav Gallant, Agricultural Minister Avi Dichter, Intelligence Minister Gila Gamliel, and Knesset Foreign Affairs and Defense Committee Chairman Yuli Edelstein, voiced their views in support of pursuing further judicial reforms only if there is broad consensus.

**TERROR ATTACKS** Chen Amir, 42, a Tel Aviv municipal security guard who was married with three daughters, was fatally wounded as he helped thwart a terrorist attack at the Nahalat Binyamin pedestrian mall on August 5. The Sourasky Medical Center, where he died, said his action on the scene “saved many lives.” A second patrol officer killed the terrorist, Kamal Abu Ahmed, 22, from Jenin. A day earlier, a 19-year-old Palestinian Kosai Matan, was killed in a clash with Israeli settlers near the West Bank town of Burka. Two settlers were arrested. On August 1, six Israelis were wounded when a terrorist opened fire in a plaza outside a mall in Ma’aleh Adumim. The terrorist, Muhannad al-Mazara’a, 20, who had a permit to work as a cleaner, was shot dead by an off-duty officer while attempting to flee the scene. One of the victims, a man aged 41, was listed in serious condition, while four were in moderate condition.



**ONE ISRAEL** Israel is going ahead with the construction of a NIS 100 billion high-speed rail plan called the One Israel Project, which will connect the whole country from Kiryat Shmona in the North to Eilat in the South. It

may in the future also provide an overland connection to Saudi Arabia, with which Israel wants to establish diplomatic ties, Prime Minister Benjamin Netanyahu told a news conference with Transportation Minister Miri Regev and Finance Minister Bezalel Smotrich at Jerusalem’s Orient Hotel on July 30, 2023. “My vision is for every Israeli citizen to be able to travel to or from the center from anywhere in the country in less than two hours,” he said.

**AIDING GREECE** Israel sent a rescue team to help put out the massive fires raging across Greece at the end of July, with planes dropping substantial quantities of water in close coordination with Greek authorities. “Our primary focus was to suppress the fires, preventing further outbreaks, and despite challenging weather conditions we achieved our goal,” said Superintendent Haim Bar-Gil of the Israel Police Air Division, who served as the mission commander.

**VIETNAM DEAL** Israel and Vietnam signed a free trade agreement in Jerusalem on July 25. The signing ceremony between Economy and Industry Minister Nir Barkat and his Vietnamese counterpart, Nguyen Hong Dien, took place in the presence of Prime Minister Netanyahu and Vietnam’s Deputy Prime Minister Tran Luu Quang. Both parties said that a free trade agreement would significantly boost trade between the countries.

**DUGO DIES** David “Dugo” Leitner, the Hungarian-born Holocaust survivor who began a tradition of eating falafel every January 18 to mark the 1945 Auschwitz Death March, died on Tisha Be’av (July 26) at the age of 94. As Leah Abramowitz wrote in her article about him in *The Jerusalem Report* in 2021, one of the first stops that Dugo made after his arrival in Israel in 1949 was the Mahaneh Yehuda market, where for the first time he saw brown balls bubbling in hot oil, which he took to be his mother’s promise of the *bilkalach* that awaited him in Eretz Yisrael. He learned they were called falafel and tasted heavenly. Every year since, he went to the closest falafel stand and ate a falafel to commemorate his survival, sometimes holding a sign reading, “*Am Yisrael Hai*” (The Nation of Israel Lives).



EMIL ALADJEM/IAA

**RARE COIN** A half-shekel silver coin containing the words “Holy Jerusalem” in ancient Hebrew script from the first year of the First Jewish Revolt against the Romans was uncovered in the Ein Gedi Nature Reserve on the eve of Tisha Be’av. The coin, dating back to 66/67 CE when the Second Temple was destroyed in Jerusalem, was found in the Judean Desert Survey led by the Israel Antiquities Authority, together with the Heritage Ministry and the Civil Administration Archaeology Unit. “After two millennia, we have returned to our country, and holy Jerusalem is again our capital,” said Israel Antiquities Authority director Eli Escusido. “The find of the coin at these times is a reminder for us of what happened in the past, teaching us the importance of working towards unity.”



# The Israeli center must unite

**EVEN IN** the sweltering summer heat, when the pace of life normally slows down, things happen rapidly in Israel. In a short time, we've deteriorated from being a vibrant and flourishing country, despite its many problems, to being a step away from, God forbid, civil war – actual, not symbolic, civil war. Dystopia is teeming in the streets, in the Knesset, and in the minds of many citizens. The world looks on agape – some with concern, some with joy.

Was Hezbollah leader Hassan Nasrallah right when he called Israel “weaker than a spiderweb”? Nasrallah once referred to Israeli strength and resilience in the face of external threats, but now it seems that this resilience is crumbling under the weight of internal wars. The Israeli body attacks itself, stricken with an autoimmune disease that could soon become terminal.

The dispute over the reasonableness standard is a relatively insignificant footnote to a longstanding disagreement over the division of power among Israel's branches of government. But even this dispute is just the tip of the iceberg compared with the deep divisions in Israeli society, divisions that extend along different tectonic fault lines: Right versus Left; religious versus secular; conservatives versus liberals; the ultra-Orthodox versus those who bear the burden of IDF service; Sephardim versus Ashkenazim, and so on. The members of a fading hegemony, who contributed their blood, sweat and tears to the country, now feel threatened by new social forces.

These fault lines are not new, but they erupted to the surface with great force in recent months when a new governing coalition attempted to decide the conflict unilaterally and immediately. This was possible because the normative platform that exists in most other countries – a constitution that establishes the rules of the game and shields them from change at the whim of a simple majority – does not exist in Israel. Here, unfortunately, the winner can take all – and this time, the winner did decide to take all, or at least try. The unilateral attempt released the pent-up energy of societal rifts, and the aftershocks can be felt from Kaplan Street in Tel Aviv to Kaplan Street in Jerusalem.

On these streets, named after a Zionist activ-

ist who was one of the signatories of Israel's Declaration of Independence, Eliezer Kaplan, the vertebrae of our sovereign backbone are located – the offices of government, the Knesset, and security forces. In the last six months, they have become the arena where the two camps of the nation wrestle, and the backbone can be heard cracking.

In the canyons of the Israeli clash are the echoes of global trends. But the crisis in Israel is on steroids: the Jewish DNA of argument; the absence of a political tradition after 2,000 years of exile; deep disputes over the vision of the state; a broken political system that bolsters the power of extremist groups and grants activists veto power; and, above all, a tragic lack of codified rules of the game to manage the power balance between government branches – the absence of a “thin constitution.”

We need to face facts: Israel was a “consensual democracy,” built on a central narrative shared by most of its citizens. We had a safe harbor, the Israeli *yachad*, or “sense of togetherness,” from which we sailed into the rough seas of controversy and returned at the end of the day to anchor at the stable dock of solidarity. All this may disappear if Israel becomes a “democracy in crisis,” whose citizens are constantly fighting for control of the public sphere. As long as the port is closed, the ship of state, tossing on the open sea, storm after storm, will have nowhere to return.

Surveys show that most of the Israeli public supports modifications to the judicial system, provided they are introduced in a balanced and consensus-based way. This fact should have been decisive. And yet, our leaders do not adhere to the clear will of the people. The unbridled power of senior coalition members drags the other side into despair and drastic measures. A cultural disaster is unfolding before our eyes: the Israeli political center, which includes many who are classified and identify as either “Right” or “Left,” is undergoing a radicalization process. The tumult of the extremes opens its mouth and threatens to swallow them along with the entire nation. It is difficult to overstate the danger of this process. The writing is on the wall: Soon, may we be proven wrong, it will come to brothers raising hands against each other, literally.

The radicalization of the Israeli center is reflected, among other things, in broad support among former high-ranking security officials for refusal to serve – in all its shades of gray. That is a doomsday weapon that could potentially be a tiebreaker in any future public dispute. This means mortgaging a supreme public asset – the IDF's very existence as a people's army, and its competence as a functioning military – for the sake of an immediate resolution to a dispute. Let it be said clearly: This is a recipe for disaster.

We are not advisers on protest methods, but it seems to us that rather than deploying this unconventional weapon, other effective and powerful measures might be taken to topple the walls of opacity and achieve the desired results, without harming national interests. There is a broad array of nonviolent actions that are vastly preferable to the rants of former senior officers and chiefs of staff invoking “any means necessary.”

It is not only the protesters whom we are addressing. There is a broad, responsible group of citizens among those who voted for the coalition parties who put statehood first. They can be expected to join the demand that their party leaders take the path of consensus, not of coercive edicts; they will do this out of an understanding that this is how changes are best made to a political system, and out of sensitivity to the pain and authentic concerns of the other side. Many on the Right have been reminding us, and are themselves scarred by the memory, of the Left's lack of empathy during the Gaza disengagement. Still, in this time of emergency, it is appropriate for the state-loving Right to stop settling old scores over past injustices and to join a powerful but peaceful protest movement demanding consensus. If this comes to pass, then, just as the overwhelming majority of the Right did not refuse to serve in Gush Katif or along the fences of Kfar Maimon (where a large anti-disengagement rally was held in 2005), so now will they succeed in preventing refusal to serve in Tel Aviv and Ramat Hasharon.

And perhaps, the heart wants to believe, the ultra-Orthodox will also join hands with the general public, out of a deep understanding that this is a situation of national *pikuach*





AMIR COHEN/REUTERS

IDF reservists sing in unison near the Defense Ministry in Tel Aviv after signing a pledge on July 19 to suspend their voluntary service in the military in protest of the judicial reform legislation.

*nefesh* – a matter of life and death.

Another aggressive position that should be avoided is relying on the Supreme Court and fostering an expectation that it will strike down the new Basic Law, and pull the chestnuts out of the fire for us. That would be a mistaken and dangerous move, both legally and socially. There is a reason why no Basic Law has ever been repealed in Israel. In the absence of a constitution, the legal basis for nullifying an ordinary law is the “limitation clauses” contained in the two Basic Laws of 1992: “Human Dignity and Liberty” and “Freedom of Occupation.” Scholars debated whether the Supreme Court was indeed given express authority under these Basic Laws to invalidate ordinary laws, but eventually this concept was accepted and took root in our legal system. However, there is no basis for the court’s authority to invalidate Basic Laws. It cannot “pick itself up by its bootstraps” and confer such authority upon itself out of thin air.

The court’s lack of authority to subject Basic Laws to judicial review was the legal consensus for generations, from the enactment of the Basic Laws; this view found clear expression in the rulings and writings of Supreme Court chief justices and judges. However, in recent years legal theories have developed according to which, in highly exceptional cases, a Basic

Law may also be invalidated, based on the determination that it amounts to an “unconstitutional constitutional amendment” when it undermines the “core values of the system” or when “the Knesset abuses its power as a constitutive authority.”

The debate over the validity of these theories lies beyond the scope of this article. It is critical, however, to emphasize that the invalidation of a Basic Law by the Supreme Court would be a grave societal error. It can be assumed, with a high degree of certainty, that such an unprecedented decision would not be the final word. The coalition majority would unite and rise up against what it would regard as a “complete violation of the rules of the game.” The Knesset might respond with explicit legislation divesting the Supreme Court of the authority to nullify Basic Laws. Again, the petitioners would appeal and the court would reject, in an endless cycle. The result would be constitutional chaos, whose beginnings are already visible but whose ultimate outcome is unforeseeable.

The tendency to place our faith in the Supreme Court on various issues has already caused great damage to its stature and to the public trust in it. The idea that judicial decisions on explosive core issues will heal the rifts is naïve and dangerous. The responsibility in these matters lies with society and the

political leadership, not with the court.

Instead of refusal to serve, violence, and wrangling between the Supreme Court and the Knesset, we need patient and resolute action capable of mobilizing an “alliance of moderates” from both sides of the political spectrum. This alliance of moderates would free Israel from the grip of the extremist fringes that currently dominate the public discourse and direct the decisions of our leaders. A joint opposition of the broad center to unilateral legislation, spanning Right and Left, while sincerely striving for consensus-based amendments and changes, would leave the bridges between us standing once the present crisis recedes. Neither side should imperil Israel’s future for the sake of a momentary victory.

If, as in the Judgment of Solomon, both sides are sincere in their claim to be the “true mother,” then they must forgo the fervor of desire and keep the baby – the nation – intact. If we manage this, there is hope of escaping destruction and achieving reconciliation. ■

*Yedidia Stern is president of the Jewish People Policy Institute and professor of law (emeritus) at Bar-Ilan University. Adv. Raz Nizri is a former senior deputy attorney-general, and currently heads the Department of Public Law, Regulation and Crisis Management at M. Firon & Co. Advocates.*

# Time to draft a constitution?

Israel has gone 75 years without one. Experts say that could change now

By Maayan Hoffman

**DAYS AFTER** the Knesset approved the reasonableness standard bill to narrow the Supreme Court’s powers against the government, Prime Minister Benjamin Netanyahu once again found himself on international TV defending his government.

Those opposed to the judicial overhaul claim it will cause Israel to spiral into an anti-democratic, authoritarian regime by usurping the country’s basic checks and balances. On the other hand, those in favor say it will rein in the judiciary, which they say until now has made decisions on partisan and political grounds.

The High Court is set to review the July passing of the reasonableness standard bill in September. If the judges decide to strike it down, Israel would enter “uncharted territory,” the prime minister said.

“The closest we have to a constitution are Basic Laws; that is what we are dealing with. What we are talking about is a potential situation where in American terms, the US Supreme Court would take a constitutional amendment and say that it’s unconstitutional; that is the kind of spiral you are talking about, and I hope we don’t get to that,” Netanyahu said in an interview with CNN.



Prime Minister Benjamin Netanyahu, flanked by Defense Minister Yoav Gallant and Justice Minister Yariv Levin, in the Knesset on the day of the vote on the reasonableness law, July 24.



David Ben-Gurion watches Moshe Shapira sign the Declaration of Independence, held by Moshe Sharett, during the signing ceremony at the Tel Aviv Museum on May 14, 1948.



Prof. Yuval Shany

Prof. Hanna Lerner

Prof. Ittai Bar-Siman-Tov

The prime minister was hinting at one of Israel's most fundamental challenges: After 75 years without a formal constitution, there is still no complete rule book for Israel's democratic game. Therefore, Israel is ever teetering on the edge of "unchartered territory," leading experts told *The Jerusalem Report*.

Now may be the time to change the situation. Constitutions are usually created at "transitional moments" in the life of a nation: post independence, after a civil war, or the transition from communism to a democratic regime, according to Prof. Yuval Shany of the Faculty of Law at the Hebrew University of Jerusalem.

More than 30 weeks of protests and civil unrest may be just the catalyst for change the country needs, he said.

"Major crises, big events, generate inspiration and have momentum. One of the positive results that could grow out of this difficult time could be a constitution," Shany predicted.

### A brief history

How did Israel manage three-quarters of a century without a constitution?

The story began in 1947 when the United Nations declared that the British Mandate would be replaced by two independent states: Jewish and Arab.

"Based on that resolution, Israel penned its Declaration of Independence, which includes an operative paragraph about what will happen now that Israel is independent," explained Prof. Hanna Lerner, head of Tel Aviv University's School of Political Science.

The declaration outlined that Israel would hold the first election for a constituent assembly charged with drafting a constitution

for Israel. The election was held in January 1949, and 120 members of this assembly were elected.

In the assembly's second meeting, it turned itself into a legislature, which Lerner said is not uncommon.

"There are bodies around the world that hold both authorities: to legislate ordinary laws and to formulate constitutional principles or draft a constitution," Lerner said. "India did the same thing when it gained independence around the same time, in 1947."

The Knesset started debating what would be the concept of the constitution. Still, the conversation quickly shifted to whether it was the right time for Israel to draft a constitution at all. One of the significant objectors was Israel's founding prime minister, David Ben-Gurion, who had two major objections to writing a constitution then.

The first was that, at the time, lawmakers were tasked with the urgent need to build a country. Israel declared independence and immediately fought the war of 1948-1949. The economy was in shambles, and innumerable practical needs had to be addressed. Ben-Gurion did not want to spend too much time debating a constitution's wording in an assembly hall.

Second, there was a democratic argument that the majority of the future citizens of Israel were arriving from abroad, from among the Jewish Diaspora, and they were still not in Israel. Ben-Gurion wanted to wait for their arrival so they could weigh in on the country's most important document.

Although the Knesset did start the process of writing a constitution, they spent little time on it. And in June 1950, they decided instead to adopt the Harari Resolution, sponsored by

Knesset member Yizhar Harari, that stipulated that instead of a constitution, a series of Basic Laws would be created over time by a special committee and approved by the Knesset. Eventually, these laws would be compiled into one document and ratified as the constitution.

"The challenge is that the resolution did not specify the content of the Basic Laws, what the procedure would be for drafting them, or whether or not enacting Basic Laws would be different than enacting ordinary laws. It also did not define a timetable," Lerner explained.

The first Basic Law was enacted in 1958: Basic Law: the Knesset. Then, more Basic Laws were added to the register every few years after that. Until 1992, Basic Laws generally dealt with structural constitutional matters: the Knesset, the government, and the judiciary.

In the 1980s, when the Likud Party came to power, its leaders tried to enact a Bill of Rights. However, due to opposition by the ultra-Orthodox parties, it was decided here, too, to enact Basic Laws instead. This led to the establishment of two more Basic Laws: Basic Law: Human Dignity and Liberty; and Basic Law: Freedom of Occupation.

"All of the Basic Laws passed with comprehensive consent," according to Lerner. "None of them was controversial. Even the law of human dignity, the writers took out the principle of equality to get the consent of the religious parties."

The Basic Laws of 1992 include a limitation clause. This explicit paragraph states that the rights contained in these laws are superior to ordinary legislation in the sense that the Knesset may only pass laws that conflict with these fundamental laws under very par-

ticular circumstances. Although not formally included in the Basic Law, it was understood that it was the role of the High Court to strike down any legislation that conflicts with the basic principles within them.

Writing for *Azure* magazine in 1998, UN Watch executive director Hillel Neuer highlighted the shift in Israeli society with these laws.

“In recent years, the State of Israel has undergone a constitutional revolution that has remarkably escaped the notice of most Israelis,” Neuer wrote. “With the 1992 passage of Basic Law: Human Dignity and Liberty, and Basic Law: Freedom of Occupation, the power of the Israeli judiciary has expanded dramatically, to include the ability to strike down Knesset legislation that in the Supreme Court’s opinion violates normative human rights guarantees.

“Although the court has yet to play that particular card, every indication is that even if Israel does not adopt a formal constitution, the day is not far off when laws passed by the Knesset will routinely face the review of a Supreme Court charged with the duty of protecting an entrenched set of superseding legal norms.”

But Lerner said that stories of the court hijacking the powers of the Knesset under the leadership of Supreme Court justice Aharon Barak are “unfounded” and a “rewriting” of the narrative of the time.

### Next steps

There was one further attempt at completing the Israeli constitution in the early 2000s under the leadership of Constitution, Law, and Justice Committee chairman MK Michael Eitan (Likud).

Shortly after the end of the Second Intifada, over the course of two years, the committee met more than 80 times, held lengthy discussions, invited hundreds of experts, and formulated a draft of the constitution.

“It was not a final draft,” Lerner said. “In the case of specific provisions, the constitutional draft offered different options for discussion and decision to be made by the Knesset.”

The draft was submitted to the Knesset and discussed by the plenary in February 2006. After a lengthy discussion, the Knesset voted on a resolution announcing that the next Knesset would strive to complete the project of drafting a constitution and would enact one based on broad consensus. Elections for the 17th Knesset were a month away. The



Hillel Neuer

draft was passed to its newly elected member, and “that was the last time the Knesset had a serious and comprehensive discussion on the constitution,” Lerner said.

Since then, only two additional Basic Laws were passed: Basic Law: Referendum in 2014; and Basic Law: Israel-Nation State of the Jewish People. The first law established a system in which every citizen could participate in historic decisions on withdrawal from territory. The second is anchored in Israel’s status as the “national home of the Jewish people.”

Both Basic Laws were much more controversial than their predecessors.

“We do not have a proper procedure for advancing Basic Laws or constitutional norms,” explained Prof. Ittai Bar-Siman-Tov of Bar-Ilan University’s Faculty of Law, co-chair of the Israeli Association of Legislation and member of the Israeli Law Professors’ Forum for Democracy. “This is a major flaw. In our current system, ordinary politics is inseparable from constitutional politics, which means we are mixing up debates on policy with debates on the game’s rules. Furthermore, part of the reasons for the current crisis in Israeli society is the coalition’s efforts to enact fundamental constitutional regime changes through an expedited process with only the votes of the coalition. Such important constitutional matters should be decided on a proper, deliberative, consent-based, procedure.”

Bar-Siman-Tov is working with his colleagues from the forum on a model draft bill that provides the basis for designing the constitutional process.

“Our idea is that before we decide what the



MK Michael Eitan in the Knesset.

content of the Israeli constitution should be, the more crucial initial step is to agree on the basic rules of the game – through which procedures we should enact our constitution or constitutional norms,” he said.

In their proposal, a new Knesset committee would be formed to design the constitutional process with equal representation by the opposition and the coalition. This committee would have to determine the fundamental preliminary questions in designing a constitutional process: Should the country aim to adopt a comprehensive constitution or continue with the piecemeal Basic-Laws model; Who should draft and who should adopt and approve the constitutional norms? And through what procedures should the constitutional text be drafted and approved?

The plan stipulates that all rules would be adopted by a broad consensus that transcends party lines, both at the committee and in the Knesset plenum. It also includes a provision halting the enactment or amendment of Basic Laws until this process is completed.

Lerner is part of a group of scholars and activists who have spent much of the last four months writing a detailed proposal for establishing a Constituent Assembly.

“Over the past decade, there has been a continuous decline in the status of Basic Laws, as coalitions from both ends of the political spectrum have rushed to rearrange democratic principles to suit their needs,” Lerner and colleagues write in their introduction. “Five election campaigns in less than three years have undermined political norms and led to unprecedented government instability, huge losses of public funds, a significant freeze of government activity, and widespread mistrust

PIERRE ALBOUY/REUTERS

AMOS BEN-GERSHOM/GPO



The team working on drafting a constitution for Israel (from left): Prof. Hanna Lerner; Ghadir Hani; Prof. Moshe Halbetal; Rabbanit Tirza Kelman; Prof. Netta Barak-Koren; Dr. Yehuda Mimran; and Rabbi Yosef Kaminer.

among political actors. Even today, after the formation of a new government, public representatives in the Knesset struggle to reach wide-ranging agreements on core issues.

“We propose a way out of the impasse: the formation of a Constituent Assembly, a dedicated and elected body that will consolidate the principles and basic rules of Israeli democracy in a broad consensus of all its factions. This body will lay the foundations upon which the authorities will operate, including the system by which these principles and rules will be amended and updated from time to time.”

The project was initiated by Prof. Netta Barak-Koren of the Law Faculty at the Hebrew University, and its members come from different segments of Israeli society, such as Jewish law researcher and Halacha adviser Rabbanit Dr. Tirza Kelman from Lod; Muslim social activist Ghadir Hani from Acre; Orthodox Rabbi Yosef Kaminer, founder and head of the Institute of Torah Wisdom; philosophy professor Moshe Halbertal from the Hebrew University; and Dr. Yehuda Mimran, faculty at the Mandel Institute and member of the Likud.

According to the document, the assembly would partner with the Knesset and the public. It should also include the broadest possible representation of all communities, religions, and ideological groups constituting

Israeli society. “Convening a Constituent Assembly is a rare, perhaps single historical occurrence, and all segments of Israeli society should be represented around the table and heard in the discussion,” they wrote.

The assembly would include 100 members, co-elected by the Knesset and the public. It would have at least 40 women and 40 men, and a quarter of the members would be under 39. Members of the assembly could not be active members of the Knesset or government.

“The Constituent Assembly will examine the regulation of the relations between the authorities in Israel, and in particular will examine and regulate the checks and balances among the three branches of government, the boundaries of the authorities of each of the branches and their composition, and will define the procedure for appointment of judges, cabinet ministers’ qualifications, and the electoral system,” the proposal states.

It adds: “The Constituent Assembly will be authorized to propose constitutional changes in all these areas. The Constituent Assembly will address the relations between the government and individuals and communities and will work to enshrine human rights and define vital obligations that bind the citizens of Israel. In all these areas, the Constituent Assembly will work to develop balanced arrangements that preserve the Jewish and

democratic identity of Israel and ensure the prosperity of individuals and communities in Israel and the entire Israeli society.”

The assembly, however, would not replace the Knesset. It could not enact “ordinary legislation,” determine detailed policies on specific issues, allocate funds, make appointments, etcetera.

The assembly’s work, when complete, would be submitted to the people for approval by at least 50% of Israeli voters, and then ratified by the Knesset. If its proposal is not accepted, the assembly would be charged with making amendments.

Lerner said forming such an assembly is relevant, even if a broad consensus is reached on judicial reform. “The Israeli public needs a social contract containing the principles and basic rules of Israeli democracy, even if agreements are reached on the administration of justice,” they wrote in the paper.

Lerner said that her team engaged in extensive research of other countries that offered similar conflicts and did manage to draft constitutions, such as Indonesia, Ireland, South Africa, and India.

Shany welcomed the process and said there was no better time than now. “In a way, Israel missed the boat in the late 1940s and early 1960s, when it would have been ideal to write a constitution,” he said. “The longer we wait, the harder it gets.” ■

# The Kaplan effect

## Protesters vow to continue the fight against judicial reform

By Linda Gradstein

**THE FIRST** law of the judicial overhaul has been passed, the Knesset has started a three-month recess, and the kids are on August school vacation. It would make sense that the protests too would also take a break, coming back when the Supreme Court starts hearing a landmark case against the judicial reforms in mid-September.

But the protesters say they will continue their weekly demonstrations that have often drawn hundreds of thousands of people across the country, especially on and around Kaplan Street in Tel Aviv.

“We now understand that we are in the process of rebuilding a democratic liberal camp, and we need to enhance our activity,” protest leader Dr. Shikma Bressler told *The Jerusalem Report*. “We are protesting to save this country, and we will do whatever it takes.”

Bressler, a physics professor at the Weizmann Institute of Science, said she never intended to become a protest leader but said she was thrust into that role by the circumstances.

“This government has revealed its intentions and its ideology, and they are willing to sacrifice everything that is good in this country to achieve their ideology,” she said. “We can only move forward. It’s a historical crossroads for Israel, and we can either go to dark days like in Hungary or Poland or we can strengthen Israeli democracy to secure it for generations.”

In fact, one of the popular street chants at the demonstrations is “Yariv Levin, *Po Ze Lo Polin*” meaning “Yariv Levin [Israel’s justice minister and architect of the judicial overhaul], it’s not Poland here.”

Shoshana Baumgarten, an interior designer in Jerusalem, has participated in 42 protests in the past 30 weeks.

“I am on the streets because I fear for my kids’ future in this country,” she told *The Report*. “I think the laws being passed and in the pipeline are outrageous laws that will change our society on every level. They will affect our economy, security, religious freedoms, and



AVSHALOM SASSONI/MARIV

Shikma Bressler demonstrating at the 30th week of protests on Kaplan Street in Tel Aviv on July 29.

basic civil rights. I especially fear their effect on me and my daughter, since they try to turn back the clock on any gains we have had as women and other minorities. This government is the most corrupt, power-grabbing bunch of leaders we have ever had, and they aim to grab as much power as possible and abuse it. All the while tearing apart our society that is getting more divisive every day.”

She said she thought the demonstrations would continue through the summer and that activists in the demonstrations may run in the upcoming municipal elections in late October. She also expected the protests to pick up around mid-September, when the Supreme Court is scheduled to hear petitions against the new law.

While protests in the past have often been held by the extreme Left or extreme Right, these large-scale protests seem to have attracted a broad swath of the center, including some who voted for Prime Minister Benjamin



SHOSHANA BAUMGARTEN

Shoshana Baumgarten protesting in Jerusalem.

Netanyahu's Likud party, such as Jerusalemite Marne Rochester. She described herself as an "extreme centrist."

"I've voted for Likud more than once, but that was the Likud of Benny Begin, Dan Meridor, Limor Livnat, and a very different Bibi," she said, referring to Netanyahu's nickname. "To be honest, I'm not sure if the protests are effective or not. All the protests have not stopped the government from going ahead with their overhaul, as we saw last week when the cancellation of the reasonableness law passed. I was unable to come during the day, but right after work I put on my shirt and grabbed my flag and went to Gan Sacher [Sacher Park]. I needed to scream about what was happening instead of staying home and wallowing. But marching with all those people was actually very uplifting and hopeful."

That feeling of solidarity is one of the reasons that people join demonstrations, said Tamar Hermann of the Israel Democracy Institute.

"People feel they are part of something – it's almost a kind of Woodstock," she said, referring to the 1969 hippie music and art fair in the US that was attended by more than 400,000 people. "People who attend get a "participation reward." It might be very hot or crowded, but with the music and lights, people feel they are participating in a democracy festival."

Israel has seen large protest movements before. In 2011, a wave of social protests swept the country against high prices. Known as the "cottage cheese protests," thousands of young people pitched tents on Rothschild Boulevard in Tel Aviv for weeks. Hundreds of thousands attended demonstrations, and then a few weeks later the government made a few concessions on prices of some items and the demonstrations ended.

There was also a very large protest of 400,000 Israelis in Tel Aviv demanding an investigation (which later happened) of the Israeli involvement in the 1982 massacres of Palestinians in the Sabra and Shatila refugee camps in Lebanon by Israel's Christian allies, but that was a one-time demonstration.

There were also a series of protests, some violent, against Israel's withdrawal from Gaza in 2005, but the numbers did not reach the hundreds of thousands involved in the current demonstrations.

Some of the demonstrators say they are seriously considering leaving the

MARNE ROCHESTER



Marne Rochester (left) with a sign that reads, 'It's not a matter of Left or Right; it's a matter of integrity.'

country because of the judicial overhaul. A new WhatsApp group of doctors considering relocation has thousands of members, and government officials say they are concerned that if 500 doctors leave as planned, it could wreak havoc on the medical system.

One of those doctors who has begun investigating options abroad is Noam, a psychiatrist in the center of the country, who asked that his real name not be used. His wife works in hi-tech and has begun applying for positions abroad. Noam has joined the WhatsApp group of doctors looking to relocate. He said that New Zealand has a shortage of psychiatrists, and he has some serious possibilities. He has two young sons, aged four and seven.

"I love my country, and it really makes me sad to be considering leaving," his wife told *The Report*. "Not living in the place you are rooted has its price. But we're thinking about our boys and what will be their future in 20 years when they want to start having children. The way things look right now, we are not going in a good direction."

She said that her oldest son will be drafted in 10 years, and she would not be willing to send him to the army if the country looks like

it does now.

Noam's sister and her husband, both doctors, already moved to New York a few months ago. Their closest friends left Israel for a new life in the US several years ago. Noam might need to do residency again; a price the couple say they're willing to pay.

While his wife's parents are no longer alive, Noam's parents said the family should not stay in Israel for them, and they are also considering leaving. The decision about whether to leave is keeping them up at night, his wife said.

Israeli analysts say this potential brain drain is dangerous for Israel's future.

"Nothing worries me more than the prospect of the emigration of our best young people – the people who keep Israel modern, democratic, who connect Israel to the wider world, the global economy," Yossi Klein Halevi of the Hartman Institute told *The Report*. "These are the people who are the backbone of what we call the Start-Up Nation, the Israeli success story."

Economists say the consequences of the decision are already being felt.

"The value of the shekel has depreciated 17% over and above what would have been predicted by normal market conditions. That is a lot," said Yannay Spitzer, an economics professor at the Hebrew University of Jerusalem.

"Moreover, we see that since the elections, the Israeli stock exchanges have been severely under-performing. This implies a loss of growth on the order of NIS 300 billion, which is about \$80 billion. And this is by the time that just one law is passed."

Many say that if the Supreme Court upholds the law and if the government moves ahead with more legislation as it is promising to do, the economic situation will get even worse. ■



MARC ISRAEL SELLEM

Chief Justice Esther Hayut convenes a session of the High Court on August 3 to hear petitions against a law that prevents the court from ordering the removal of a sitting prime minister.



# Repairing the breach

## What are the consequences of Israel's legal overhaul for the US-Israel relationship?

**I WAS** on my way to meetings in Congress when my editor asked me to write about the state of the US-Israel relationship in the aftermath of the controversial judicial reform legislation, which weakened the ability of the Israeli Supreme Court to overrule government decisions it deems to be unreasonable.

Eyton Gilboa, an expert on US-Israel relations at The Jerusalem Institute for Strategy and Security (JISS), said, "The fight over changing Israel's justice system has caused enormous damage to relations with the United States. If Israel is not

careful, it could get worse.... The government and the Knesset have not thoroughly discussed the negative implications of the overhaul on Israel's foreign relations.... This issue does not seem to interest Levin, Rothman, and others in the Likud. But it should have been of great interest to Netanyahu."

Living and working in America, speaking and meeting with members of Congress and their foreign policy aides, gives me a perspective on the state of the relationship, different from that of an Israeli. When I speak to Americans, especially Jewish Americans who are appalled at the government's decision regarding reasonableness, I perceive anger at the radical messengers of change rather than the policy itself, of which most have, at best, a superficial understanding.

Although I spend a good amount of time in Israel, listening to intelligence, military, political, and defense leaders, as well as my Israeli friends who are not shy about sharing their opinions, I don't claim to fully understand their perspectives, as they live the paradoxical lives of putting their children in harm's way in the IDF, facing the possibility



US President Joe Biden welcomes President Isaac Herzog to the White House on July 18.

HAIM ZACH/GPO

split, at least on the popular vote in the last election, despite the claim that it was an overwhelming victory, is close to 50:50. An Israel Democracy Institute poll of the last election showed that the opposition had slightly more votes than the coalition. The claim of an overwhelming mandate for reform because the coalition has 64 seats in the Knesset is not warranted.

In America, the split between Democrats and Republicans is also 50:50. But the American Jewish community regarding support of Israel may be closer to 30:20:50. Thirty percent are strongly supportive of

of war or terrorism at any time, yet are the fourth-happiest people on planet Earth. But that survey was before the current reform crisis.

From an American security perspective, the state of the US-Israel relationship is vital to American interests. Therefore, judicial reform, which affects Israeli national cohesion, is not only a domestic issue for Israel but also has strategic implications for the relationship. Israeli unity is the secret sauce for their national defense, and America relies on Israel as its only reliable ally in the region.

The JISS's Efraim Inbar, Eran Lerman, and Yaakov Amidror wrote that national cohesion is more important than winning political arguments. The severity of the current security crisis should not be underestimated.

President Joe Biden's call for an Israeli consensus to advance legislation does not cross the line into interference in a domestic issue. The judicial reform is a legitimate American security concern if it undermines Israeli society and the unity of its citizen army.

Like Israel, America is divided, especially within the Jewish community. In Israel, the

Israel, twenty percent were already harshly critical of Israel even before judicial reform, and 50 percent do not care or are ignorant about Israel and the importance of the US-Israel relationship for American interests. According to a Jewish Electoral Institute poll, Israel ranked next to last in "issues you want President Biden and Congress to focus on." America's Jews are locked into their echo chambers, which are 70% Democratic and 30% Republican.

I have been asked to give presentations (JCRC/Federation, universities, synagogues) explaining the judicial debate in Israel to audiences that span the political spectrum. I aimed to give them the facts in context and let them make their own decisions. Spending time with former Israeli justice minister Dan Meridor, who is against reform, and with Moshe Koppel, the intellectual leader in favor of reform, was instructive.

Interestingly, more times than not, when audiences were presented with a complete picture, people didn't necessarily change their opinions. Still, there was more dialogue and understanding of the complexities of



Israel's judicial system, especially when they realized Israel does not have a constitution.

During one recent meeting in the Senate, a foreign policy expert asked me if I had been present at President Isaac Herzog's address to the joint session of Congress. When I said I wasn't, he said I really missed something.

He said that unlike a State of the Union address, when only one side of the aisle rises and applauds the US president's comments, during Herzog's speech well over twenty times the joint session of

Republicans and Democrats rose in unison to applaud the Israeli president. And when he said challenging Israel's right to exist crosses the line, the level of applause rose to its highest level. That was gratifying, as members of the anti-Israel "Squad" who maliciously accused the Jewish state of racism boycotted the speech.

Herzog said, "I am not oblivious to criticism among friends, including some expressed by respected members of this House. I respect criticism, especially from friends, although one does not always have to accept it. But criticism of Israel must not cross the line into negation of the State of Israel's right to exist. Questioning the Jewish people's right to self-determination is not legitimate diplomacy, it is antisemitism." According to CNN, "the remarks prompted a standing ovation with loud cheers and clapping."

Herzog reassured Biden, saying, "It's a heated debate, but it's also a virtue and a tribute to the greatness of Israeli democracy... Our bond may sometimes be challenged, but it is absolutely unbreakable." The 412-9 bi-partisan vote affirming support of Israel bears that out. According to VOA, Biden "assured Israel's president that the friendship between their countries is 'simply unbreakable,' even amid the legitimate concerns over the judicial system and recent settler violence in the West Bank."

After the controversial judicial reform vote, the Biden administration took pains not to overly criticize Israel but to emphasize the relationship's strength. America's secretary of defense clarified that American military



KEVIN LAMARQUE/GPO

President Herzog addresses a joint meeting of Congress on July 19.

support of Israel is unaffected. *The Jewish Insider* reported after the Israeli vote on reasonableness, "Senior White House officials... highlighted the close ties between Israel and the United States."

Like America, after the repeal of *Roe v. Wade* by the US Supreme Court, life will go on, and the divided society and political parties will gear up for the next election. But unlike in America, which has a constitution and Supreme Court decisions that are hard to change, in Israel a future government led by what is now the opposition can much more easily change the judicial laws enacted by the Netanyahu coalition. That is already the theme for the next Israeli election.

However, what Prime Minister Benjamin Netanyahu chooses to do in the near future regarding further advancement of controversial judicial reform could bring Israeli society to the breaking point. Biden is correct in cautioning restraint and consensus, as it affects the indispensable US-Israel relationship.

The shining light in this tragic story is President Herzog, a non-political ceremonial president, who gave an extraordinary speech to a joint session of Congress and received overwhelming bipartisan praise. That was a balm to heal the rift in the relationship, which Netanyahu began to weaken when he went to Congress to plead against the JCPOA in 2014.

I was in the audience that day. I was asked by Israel's defense minister what he should tell Netanyahu – if he should go or not. I said no. Not because what he said was wrong or that president Obama wasn't trying to create

"daylight" in the relationship, but because Netanyahu showed a blind spot then as now and should have known he was walking into a trap. Despite an amazingly eloquent, persuasive, and convincing speech, Netanyahu's speech was disregarded by most Democrats. If he had waited until after their upcoming election, things would have been different.

What comes next in the relationship between America and Israel?

How the Biden administration will treat Israel in the future is of great interest to American allies

in the region, watching to see whether the administration continues to stand with Israel if judicial reform legislation continues. If the US chooses to distance itself from Israel, friends and foes will interpret those actions as abandoning an ally. It would be reminiscent of when Obama abandoned Mubarak, Carter abandoned the Shah, Trump abandoned the Saudis when Iran attacked in 2019, and Biden left the people of Afghanistan to the Taliban, making America look like an impotent and declining superpower.

Despite the overheated rhetoric, Israel will remain a democracy. However, Israel never was and was never supposed to be a democracy in the image of America. Like England, Israel doesn't have a constitution. Its legal system has roots in English common law, Jewish religious law, and that of the Ottoman Empire. Israel is a Jewish and democratic state, and many of Israel's critics in the US have used that particularism to bludgeon Israel in the court of public opinion, especially progressive Jewish Americans.

Finding the balance for American Jews, the US and Israel will require wise leadership and tolerance of different perspectives, something in short supply in America and Israel.

The breach in the dam must be repaired now before the flood causes irreparable harm to the US-Israel relationship. ■

*Dr. Mandel is the director of MEPIN (Middle East Political Information Network) and Mandel Strategies, a Middle East consulting firm, and regularly briefs members of Congress and their foreign policy aides.*



# Megilat Ha'atzmaut: The real story

**THE PODCAST** *Israel Story* was founded in 2013 by Mishy Harman and friends, which included Ro'ee Gilron, Shai Satran, and our son, Yochai Maital. Its audio stories about unusual Israelis have branched out into live performances across the United States. Recently, *Israel Story* embarked on its most ambitious project to date. They tracked down the closest living relative of each signatory of Israel's Declaration of Independence and interviewed them about who these founders were, what they wanted for our nation, and what they would have thought about Israel at 75. The result of this process is the new series titled "Signed, Sealed, Delivered."

Excerpted from this series is a podcast on the origins of Israel's Declaration of Independence – "Megilat Ha'atzmaut, 664 carefully crafted words."

Yochai Maital: "The closest thing we have to a founding document is our modest Megilat Ha'atzmaut: 664 carefully crafted words. Compare that to the almost 8,000 words of the US Constitution. Since the text is so short, every word counts. The words 'Jewish' and 'Israel' are mentioned a combined 45 times. The word 'right' is mentioned eight times. The word 'homeland' five times. The words 'God' and 'democracy'? We'll get to those in a minute..."

"But the story of these 664 words is perhaps the most Israeli story you could ever imagine. And the 37 people who signed the Declaration represent what was perhaps the most all-encompassing agreement ever reached in Israeli politics. In a moment when it feels like Israeli society has never been more divided, it feels important – even urgent – to talk about this ever-relevant document."

Mishy Harman: "We'll meet some relatives of the original signatories and explore whether they share their ancestors' vision or have forged their own ideological paths. But first, we need to give you some background."

Yochai Maital: "In the years following

World War II, the victorious British Crown – that had ruled over the embattled and contested area they called Palestine – was licking their wounds. The great empire was in shambles and dealing with a devastating recession back home. Managing and running its colonies – once its source of pride and power – was now a strain on their economy.

"All over the globe – in India, Malaysia, Ghana, Kenya, Egypt – they found themselves unwitting arbiters of bitter local feuds – among them, the mess they were dealing with in Israel/Palestine.

"It's hard to say when they gave up on trying to broker a compromise between the Jews and the Arabs. Maybe it was after their headquarters at the King David Hotel were blown up by Jewish paramilitary organizations, killing between 90 to 120 people – British, Jewish and Arab.

"To this day, no one can agree on the exact number of casualties. The perpetrators claim they placed a warning call, urging the hotel guests to evacuate. Rumor has it that the commanding British administrator – the lanky John Shaw of Darby – who was a long way from home, responded by saying: 'I am not here to take orders from the Jews. I'm here to give them.'

"Shaw, for his part, claims the whole story is complete hogwash. According to him, no warning whatsoever was given. Either way, not long after that, the British decided to wash their hands of the whole messy ordeal. They threw the hot potato over to the newly formed United Nations. Let them deal with it.

"Euphoric joy, spontaneous *horas*, broke out among the Jewish population following the vote held on November 29, 1947. History loves drama, and this one has been told and retold. We picture it like a high-takes sports match – down to the wire, a nail-biting finish. Listeners glued to their radio, marking each vote. Tallying them on the corner of a newspaper or a scrap of paper they found in the kitch-



en. Even the kids stopped bickering for once and joined in the tense silence.

"The truth is, it wasn't even close. 33 for, only 13 against. But the celebrations were short-lived. The next day, violence erupted. Both sides were now busy fighting. The Jews took Haifa, Tiberias, and Safed. Arab forces surrounded and blockaded Jerusalem. Nobody paid much attention to the British, who were busy packing up as fast as they could.

"In early April 1948, the British parliament passed a decree to end the Mandate entirely by May 15. Several months earlier than planned. It suddenly dawned on Ben-Gurion, the head of the Jewish Agency for Palestine, that a historic opportunity was before him.

"With his sharp political acumen, he under-



David Ben-Gurion publicly pronouncing the Declaration of the State of Israel, May 14, 1948, beneath a large portrait of Theodor Herzl, founder of modern political Zionism, in the old Tel Aviv Museum of Art building on Rothschild Street.

stood that to make his move, he'd need as large a coalition as he could possibly muster. He quickly convened what was dubbed The National Committee. It was composed of 37 representatives from all walks of Jewish society in Israel. Haredim, Mizrahim, even the Revisionists – his staunch rivals, who had opposed the UN resolution that had everyone dancing hora in the street a few months before – were given a seat at the table.

“Ben-Gurion’s one condition: Hebraicize your names. Meirson became Meir, Rosenblit became Vardi, Shertok became Sharett.”

“Of those 37 committee members, 13 were invited to form his inner cabinet. The predecessor of the Israeli government. The first item on their agenda was the top-secret mission of

drafting a text that would declare Israel’s independence as a sovereign nation.

“But they’d have to do it quickly. Merely three weeks separated them from the British departure. Ben-Gurion turned to Pinchas Rosen, the sharpest legal mind in the group, and charged him with coming up with a first working draft.

“Rosen turned to a young lawyer he had heard of, Mordechai Beham – the sharpest legal mind in Tel Aviv – and charged him with the task. Mordechai Beham, having no one to delegate to, went home and, overburdened by the weight of history on his shoulders, couldn’t sleep.

“Like many of his generation, Beham was a dreamer. In journals he kept from the time,

he would wax poetic about a Jewish-Arab empire that would be erected in the Middle East: “I sat down one morning and wrote a detailed plan, how we, residents of the Asian Near East, must unite. ‘The Near East empire’ he dubbed it. Now he was invited to take an active role in what was to come. A front seat in the making of history. But Beham was a modest man.

“‘I am no Franklin, Madison, or Hamilton,’ he thought to himself. ‘Where do I even begin?’ He started by phoning a friend – an American rabbi turned dentures factory owner by the name of Harry Solomon Davidovitz.

“Harry was a big history buff and a big admirer of the US founding fathers.

“So the two sat huddled together in a small flat in Tel Aviv. You can imagine them at a

kitchen table, cups of tea in hand – Harry with his battered copy of the Constitution and the American Declaration of Independence, Mordechai with his Bible open to the Prophets and staring at a blank sheet of paper.

“A few days later, he showed up at Rosen’s office, first draft in hand. It was based on the American texts and was full of religious prose: God, the creator, the divine. Pleas to the Supreme Judge of the world.

“Mordechai’s and Harry’s initial draft opened with the sentence “Whereas the Lord God of Israel gave this land to our forefathers...”

“The actual first draft of Megilat Ha’atzmaut – a draft never handed to Rosen – was written in English and only later translated into Hebrew!

“As Rosen glanced it over, his face paled. He had just two weeks to meet the deadline, and he knew there was no way this would cut it. In his mind, he could already hear the outcries of his fellow inner cabinet members. And indeed, just as he predicted, the first meeting convened to discuss the draft was pandemonium.

“No one was satisfied. The secular socialists were revolted by its religious overtones. The haredi factions thought it sounded Christian. In a room with 13 Jews, 14 opinions surfaced. Unable to reach any conclusion, and before things got out of hand, Ben-Gurion adjourned the meeting. He asked his close friend, confidant and Charlie Chaplin look-alike Moshe Sharett, to take a stab at it with a second ad hoc committee that included four other members of the council.

“Sharett and his Musketeers got to work, and after several more days came to the assembly with what read less like a *siddur* (prayer book) and more like a proper legal document. The word ‘whereas’ kept repeating itself. They also made some other significant changes. A new term was introduced – they described the new country as ‘a democratic state.’

“The last significant change they made had to do with what they took out. Any trace of God was completely redacted.

“On May 12, with only three days to the deadline, the National Council reconvened. It didn’t seem like this new draft was making things any better. To complicate matters even further, the Americans got wind of the plan.

“The Americans, worried about the volatility in the region, demanded that the whole thing be delayed. Stuck in a deadlock, the National



HANS PINNI/GPO

Paula Ben-Gurion stands at the fence of the Ben-Gurion home in Tel Aviv in 1955.

Council argued about how to proceed until 3 a.m. About half were in support of complying with the Americans, the others felt that it was now or never.

“With the clock ticking and time running out, Ben-Gurion decided to move things to a more intimate setting. He sent the group home to sleep for a few hours and took the various drafts and proposals that had accumulated by this point to his home for consideration.

“The next morning, with only two days until the British departure, he asked Moshe Sharett to come to his residence, along with his committee. But Sharett, sensing that Ben-Gurion was about to take a red pen to his entire submission, was insulted. He decided to boycott the meeting. Two members of his committee, however, did show up – the haredi Jerusalemite Rabbi Yehuda Leib Maimon, and the fiercely secular kibbutznik Aharon Sizling.

“In other words, a recipe for disaster.

“It turns out Sharett’s fears were not unfounded. Ben-Gurion had been busy making changes. For one, he ran a long red line, striking out the word ‘whereas’ from the opening of each paragraph. He understood that the gravity of the moment called for a text that would read more like a biblical sermon than an apartment lease or business contract.

“References to the Torah and the *nevi'im* (prophets) were introduced. This, he felt, would appease the religious factions. It also spoke to his own affinity for the Bible. Ben-Gurion decided to let God back in. But just a crack, at the very end of the document. He reintroduced

Be’ham and Harry’s original sign off – ‘placing our trust in the Rock of Israel, we affix our signatures.’

“Rabbi Maimon and Sizling read over Ben-Gurion’s amended proposition, and both were immediately up in arms. ‘How can it be,’ wondered Maimon, ‘that we are returning to our homeland after 2,000 years of exile and not mentioning God’s name even once in thanks and recognition?’

“‘What does God have anything to do with this?’ retorted Sizling. ‘We made this happen. We are declaring independence. Leave God out of it.’ He called the document ‘religious coercion’ and vowed that he would refuse to sign.

“With only one day to go, Ben-Gurion shushed the two opposing politicians.

“‘Gentlemen,’ he bellowed, ‘each one of us believes in Tzur Israel – the Rock of Israel – as he understands it. For you,

Harav Maimon, Tzur Israel is the God of Israel. And for you, Mr. Sizling, it is the might of our people. Please, let’s get on with it.’

“I imagine there was some pounding on the table. The two shook hands, and the matter was settled. Invitations to the ceremony were hastily sent out: ‘Please arrive in your Sunday best,’ the letter read, ‘and keep the location top secret.’

“As this whole drama was taking place – yes, ‘God,’ no ‘God’; yes, ‘whereas,’ no ‘whereas’ – war is literally raging all around them. The Egyptians had already vowed to bomb the assembly if Israel decided to declare sovereignty.

“On Friday morning, May 14, 1948, Ben-Gurion sat in his home office, looking over the text one last time. Reading sentence by sentence aloud, he practiced his delivery. As he recited the 13th paragraph: ‘The State of Israel will ensure complete equality [...] to all its inhabitants irrespective of religion and race,’ Paula, his wife, who was listening from the other room, stopped him in his tracks.

“‘And sex,’ she said.

“‘Excuse me?’ Ben-Gurion asked, annoyed at the interruption.

‘And sex. What about us?’ ‘Hmm...’ Ben-Gurion told her he would try it out, see how it rolled off his tongue.

“‘Sure, honey,’ he said, ‘that works.’

“With only several hours to go, the text was finally ready. Ben-Gurion’s aide rushed it off to the graphic designer, who was able to inscribe it on parchment paper in time for the ceremonial event.

“He arrived a little before 2 p.m. and was unceremoniously shooed away. War or no war, declaration be damned, from 2 p.m. to 4 p.m. was Ben-Gurion’s *shlafstunde*, his siesta. The inscription would have to wait.

“The signatories would have to sign a blank piece of parchment, and Ben-Gurion would read the declaration from a printed piece of regular old scratch paper.

“There is one other issue that needed to be addressed. Megilat Ha’atzmaut is widely referenced and quoted as the bedrock of Israeli democracy. But in truth, the word itself, ‘democracy,’ is lacking. Although it did appear in some of its earlier iterations, in the final, signed text it’s surprisingly absent!

“But why? The truth is, there isn’t a clear answer. Only speculations. Some hypothesize that no one could agree on what the word ‘democracy’ even meant. The signatories to the Declaration were people with ideologies ranging from theocracy to communism. If Herzl himself had been given a say, he certainly would have advocated a monarchy.

“How do you even begin to bridge those differences? You don’t. You stay vague. You paint with broad strokes – sticking to generalities like ‘freedom,’ ‘justice,’ and ‘equality.’ Nice-sounding words that are harder to measure on a yardstick, harder to be held accountable for.

“Others write this off as almost an oversight. The pre-state Jewish settlement – the old *Yishuv* – was so thoroughly democratic that any other system of governance was unthinkable. The Jewish institutions of British Palestine held frequent open elections, with significant voter turnouts. Kibbutzim would famously hold votes on things like what color to paint the dining hall or what names to call the new sheep in the petting zoo.

“It seemed unnecessary to waste valuable real estate on the precious parchment by stating the obvious – the nascent nation would be a democratic one. It went without saying.

“So there isn’t direct talk of elections or democracy, a parliament or a judicial system. There is, however, a vague non-committal statement that a constitution shall be drafted within several months. We are, to date, still waiting for it.”

Mishy Harman: “The group that did sign the document represented many factions of the Jewish population. There were revisionists and Labor party operatives; there were communists and socialists and capitalists; kibbutznikim, moshavnikim and city folk; Haredi rabbis and atheists; 35 men and two women; 35 Ash-



Israel's Declaration of Independence.

kenazim (mainly Russians and Poles) and two Mizrahim (one Sephardi and one Yemenite). There was a single signatory who had been born in the Land of Israel and a few whose mother tongue was Hebrew.”

Yochai Maital: “On May 14, 1948, the last British troops were loaded on ships at the Haifa port. General Sir Alan Cunningham – the

high commissioner of Palestine, a veteran of World War I and II, a decorated soldier who fought valiantly in theaters all over Europe and Africa, who had the Wehrmacht and the Italian army on its hind legs – lowered the British flag off its mast, neatly folded it, boarded a little dingy and sailed off toward a British warship that was waiting for him at the edge of the colony’s territorial waters.

“Meanwhile, 60 miles south, in Tel Aviv, the national assembly of a not-yet nation convened. The honorary guests showed up in their *bigdei hag* – their nicest apparel. Word of the secret location had gotten out, and a crowd formed outside the Tel Aviv Museum on Rothschild Boulevard – the house that was previously mayor Meir Dizengoff’s residence.

“With only two hours to the scheduled declaration, Ben-Gurion presented his colleagues the final version. There were still some grumblings, but Ben-Gurion pressed on. He knew that time had run out. The big moment was nigh, and no one wanted to be remembered as the guy who after 2,000 years sabotaged the founding of the state. He calls for a vote, and the Declaration is ratified – unanimously.

“It was perhaps the last time the Jewish people agreed on anything in Israel. As one historian put it to me: ‘The true miracle of Israel isn’t that we managed to stave off the enemies around us but that for a brief, fleeting moment, we came together and actually agreed on something.’

“In that cozy hall on Rothschild Boulevard, chairs were hastily assembled. The radio recording crew set up the equipment that was smuggled in from Jerusalem. Ben-Gurion took the stand and made the historic proclamation.

“After going to such great lengths to tiptoe around the sensitivities, to dismantle the literary bombs of ‘democracy’ and ‘God,’ it is perhaps ironic, or maybe symbolic, or – if you are so inclined, even ordained – that just after Ben-Gurion finished reciting the 664th word, Rabbi Maimon – our pious, God-fearing committee member – sprang to his feet in a spontaneous act of jubilation, and his lips uttered an ancient prayer: “Praised are You, Lord, our God, King of the Universe, for granting us life, for sustaining us, and for helping us to reach this day.”

“Caught up in the excitement, even the die-hard communists and left-wing Mapam members all answered in unison – ‘Amen!’”

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# Justice and democracy

**ISRAEL IS** a country of paradoxes. Whereas on the one hand we take good care of the elderly, if any of them, even in their 60's, would like to take a remunerated job to keep active, they will come up against an ageist attitude. There seems to be either young or old, just black or white, but there is no gray area, where the young could learn something from the experienced, and the older could gain knowledge of the new technology in their respective fields and be an asset to the economy.

It actually happened to me. Admittedly, I was 80 at the time when the state radio station Kol Yisrael's English Department turned me down because it said I was too old. Now it's almost 20 years later, and I am still broadcasting [on Arutz Sheva – Israel National News] hopefully still with clarity.

This paradox permeates everything in Israeli society, from personal interaction, where private conversation is virtual and conducted through social media, but where political discourse is acted out physically.

So much is happening in our domestic politics, that it is often difficult to keep up.

On Monday, July 24, one of the most controversial and consequential laws for the political future of our country was enacted by the Knesset. It was the day on which once again more than 100,000 of our citizens demonstrated in the streets of our cities to show their concern of that law's effect on the maintenance of democracy.

But what constitutes democracy in the context of decision-making? And on this, the country is divided. Those almost daily demonstrations were designed to prevent – what is now a *fait accompli* – the government's policy to curb the Supreme Court's powers to reverse any legislation that it considers unreasonable; and this is the bone of contention.

Half the country supports the present government's position, and as the demonstrations show, hundreds of thousands sincerely believe that the government's policies usurp democracy. It is not clear, however, who or what group organizes their demonstrations.

I shall briefly examine the pros and cons of that new legislation which has aroused the passions of our mainly younger and impressionable generation. The bill limits the ability of Israel's Supreme Court to review the "rea-



MARC ISRAEL SELLEM

The Knesset plenum on July 24. All opposition MKs boycotted the vote for the 'reasonableness' bill, while all coalition MKs supported it, resulting in a 64-0 vote.

sonableness" of government decisions.

The High Court, as it is called when it is hearing petitions rather than appeals, is made up of 15 unelected judges who had the ability to overturn legislation passed by the majority of our 120 members of Knesset if they considered it unreasonable.

Admittedly, the law in question was voted 64 to 0 only because the opposition collectively absented themselves from the chamber, and by this protest action effectively registered their opposition. Like in ancient times, the current baseless hatred between our politicians cannot lead to a pleasant outcome.

The Merriam-Webster dictionary defines "unreasonable" as "not governed by or acting according to reason." This is, of course, highly subjective. Some will consider it as child abuse if I slap my child; others would call it parental privilege.

In its decisions on legislation, the Supreme Court has applied inductive reasoning, taking observations that are specific and limited in scope and proceeded to a generalized conclusion that is likely, but not certain in light of accumulated evidence, and so moving from the specific to the general.

Conclusions reached by the inductive meth-

od are not logically arrived at, and no amount of inductive evidence guarantees a conclusion free from imperfections. This is because there is no way that all the possible evidence has been gathered, and that there exists no further unobserved item of evidence that might invalidate the arrived at hypothesis.

While the supporters and the media might report the conclusions as absolutes, more cautious language is required for inductively reached probable conclusions.

All this philosophical language simply means that the concept of reasonableness as was used by the Supreme Court is imprecise and not safe on which to base conclusions. All that, quite apart from the accepted practice of separation of the three constituents of democratic government.

The argument for the necessity of a body to exercise checks and balances is a fair one, but that cannot be left to 15 unelected lawyers. Unfortunately, Israel does not have a written constitution, just a hotchpotch of Basic Laws that can be amended by a 61 majority in Knesset. Not a situation that ensures stable government.

Dealing with the anti-government demonstrators first, it is apparent that different interest groups have welcomed the opportunity to

infiltrate and sway these highly emotional and therefore easily influenced masses into what can only be described as hysteria, making many of the opponents of government policy devoid of critical judgment.

Why else would someone who is demonstrating for a legitimate cause burn tires in city centers, block main traffic arteries and highways that causes damage to the economy and inconvenience to ordinary citizens going about their daily business?

I respect anyone who peacefully takes part in anti-government demonstrations, regardless of politics, faith or sexual orientation; but by waving rainbow flags, they demonstrate that they are intent to promote the LGBT agenda rather than their sincere view about the legislation. There are, of course, hundreds of thousands of concerned citizens on both sides of the divide who want to protest peacefully to express their view without malice.

That was beautifully demonstrated at the Yitzhak Navon railway station in Jerusalem. While the down escalator carried noisy anti-government demonstrators with their flags

traveling to Tel Aviv, the up escalator brought flag-carrying boisterous government supporters to Jerusalem. You might wonder what's so unusual. Well, as they passed each other at the point of being level, many of the opponents reached across for that brief handshake, proving that political disagreement of ordinary people can be conducted in a friendly and peaceful atmosphere because in the last resort, except for the anarchists and trouble makers, we are all one people, expressing what we believe is in the interest of our one and only Jewish country, as is so aptly expressed in the song "Ein Li Eretz Acheret" (I have no other country).

Now some comments about the vociferous and equally noisy government supporters. I believe that they are purer in their composition, without professional troublemakers, anarchists, or extraneous interest groups. Unlike their opponents, they publicly declare that their demonstrations are organized by the Sovereignty Movement, an NGO that advocates for this government's policy and campaigns that the promised legislation about the extension of

Israeli sovereignty over the Jordan Valley and Area C of Judea and Samaria should now be enacted. It has been reported that in light of the possible normalization of relations with Saudi Arabia, Prime Minister Benjamin Netanyahu is ready to again delay such sovereignty for another four years.

It is significant that the international mainstream media concentrate and comment only on the anti-government protests with close-up footage of clashes between demonstrators and police. It is the communications media – the press, TV and radio – that by their biased reporting encourage unruly behavior. Gone are the days of honest reporting of facts.

As a seasoned journalist, I deeply regret that these conditions force me to express an opinion to counteract what I consider to be distorted presentations. ■

*The writer, who was born in Germany and made aliyah from the UK in 2004, is in his 100th year of life. He holds Guinness records for being the world's oldest working journalist and the oldest active talk show host.*



AVI OHAYON/GPO

A ceremony marking 50 years of law in Israel at the Supreme Court in Jerusalem in 1998, in the presence of then-chief justice Aharon Barak, flanked by Prime Minister Benjamin Netanyahu and then-president Ezer Weizman.

# Legalese

By Ruth Beloff

**IN THE** 1979 film *And Justice for All*, Al Pacino, in the role of defense attorney Arthur Kirkland, famously cries out, “You’re out of order! You’re out of order! The whole trial is out of order!” Given the spate of mass demonstrations that have been staged nationwide in Israel in recent months, one could justifiably exclaim, “This whole country is out of order!”

In light of the fact that the judicial system is all anybody here can talk about these days, let’s take a look at some legal terminology and see what the words actually mean and whence they were derived.

We’ll start with one of my favorite words, “exculpatory.” Even before I knew what it meant, I always liked the sound of the word whenever I heard it used on TV crime shows or legal dramas.

“Exculpatory” is an adjective that means “tending or serving to clear from alleged fault or guilt.” The term is derived from a combination of the prefix *ex*, meaning “out of” or “away from,” and the Latin noun *culpa*, which means “blame” or “guilt.” Thus something that is exculpatory frees one from accusations, such as exculpatory evidence. For example, DNA found at a crime scene that does not match that of the defendant can be regarded as exculpatory.

Conversely, “inculpatory evidence” is the term used to describe any direct or indirect evidence that links the accused to a crime, such as matching fingerprints. The word “evidence,” derived from Latin, is formed by the elements *ex*, which means “to take out” and the verb *videre*, which means “to see.”



Al Pacino in ‘And Justice for All’

Thus in court, the only kind of evidence that is permissible is something that the judge can actually see or hear, such as objects (“exhibits”), photos, legal documents, emails, text messages, videotapes, taped recordings, and witness testimony.

An out-of-court statement made by a third party is called “hearsay.” This type of evidence is generally not admissible. Unless the judge can see the speaker and question him or her, such evidence is not deemed sufficient proof, be it proffered by the plaintiff or the accused.

In regard to the accused, culprits commit crimes at all levels and degrees. But first, the derivation of the word “culprit.” In Anglo-French, the word “*culpable*” meant “guilty” and was abbreviated as “cul.” in legal briefs and texts. The word “culprit” was formed by combining this abbreviation with *prest, prit*, meaning “ready” – that is, ready to prove an accusation. Literally, then, a culprit was someone who was ready to be proven guilty.

In the US, the criminal justice system divides criminal offenses into two categories: felonies and misdemeanors. Felony offenses are serious crimes, while misdemeanors involve low-level offenses.

A felony is typically defined as a crime punishable by a term of imprisonment of one

An aerial view shows protesters demonstrating against the government’s judicial overhaul, in Tel Aviv, July 29.

year or more. Misdemeanors are often defined as offenses punishable by fines or short terms of imprisonment in local jails.

The term “felony” originated from English common law (from the French medieval word *félonie*) to describe an offense that resulted in the confiscation of a convicted person’s land and goods, to which additional punishments including capital punishment could be added.

The term “misdemeanor” comes from the word “demeanor,” which means “behavior toward others” or “outward manner,” itself derived from the verb “demean,” which in this context means “to conduct or behave (oneself) usually in a proper manner.”

The most common types of felony offenses are drug crimes; violent crimes; theft; and sex crimes.

Misdemeanors may include criminal offenses such as drug possession; drunk driving; petty theft; assault; trespassing; vandalism; resisting arrest; and cyber crimes such as stalking or bullying.

However, times change and terms change. Thus in many common law jurisdictions (such as England and Wales, the Republic of Ireland, Canada, New Zealand, and Australia), crimes are no longer classified as felonies or misdemeanors. Instead, serious crimes are classified as indictable offenses, and less serious crimes are called summary offenses.



The mention of Australia brings to mind the term “kangaroo court.” A kangaroo court is a mock court in which the principles of law and justice are disregarded or perverted. It is characterized by irresponsible, unauthorized, or irregular status or procedures.

The term “kangaroo court” did not originate in Australia at all; it originated in the United States in the mid-1800s. Some believe that the phrase refers to the fact that these frontier legal proceedings first dealt with claim jumpers in the California Gold Rush; miners who illegally took other people’s land claims and were then tried in one of these quick, mock courtrooms. Others posit that the term refers to circuit judges who “hopped” from place to place, making their money through imposing fines on hapless defendants.

Either way, a kangaroo court is the antithesis of what the judicial system was designed for. It was created to render justice, fairness, and truth. In fact, “truth” is embodied at the core of some of the most common terms associated with the justice system.

When judges pronounce their decision at the end of a trial, they render their verdict. The term “verdict” comes from the Latin *veredictum*, which means “to say the truth.” It is derived from the Middle English word *verdit*, a compound of *ver* (“true,” from the Latin *vērus*) and *dit* (“speech,” from the Latin *dictum*, the past participle of *dicere*, “to say”).

By the same token, the jury is a body of individuals who are legally selected and sworn to delve into a matter and to give their verdict according to the evidence presented. The word “jury” is derived from the Middle English *jure*, from Anglo-French *jurere*, which means “to swear,” which dates back to the Latin word *jurare*. Ultimately, what jurors swear to do is to seek the truth.

A subpoena is a written order to compel an individual to give truthful testimony on a particular subject. It is derived from the Latin phrase *sub poena*, which means “under penalty.” Essentially, a subpoena requires a person to provide information under oath about the facts that are at issue in a pending case. And, of course, witnesses must take an oath “to tell the truth, the whole truth, and nothing but the truth.”

While all this truth seeking and truth telling is going on, defendants in a criminal trial may try to prove their innocence by means of an alibi. An alibi is a claim or piece of evidence which shows that the person was elsewhere when an act, especially a criminal



FBI/WIKIPEDIA

Canadian-born American criminal Alvin Karpis had his fingerprints surgically removed in 1933.

one, is alleged to have taken place. The word *alibi* is a Latin adverb which means “in or at another place.”

Overall, the philosophy and theory of law is called jurisprudence. It is concerned primarily with what the law is and what it ought to be. That includes questions of how persons and social relations are understood in legal terms, and of the values in and of law.

The term is derived from the Latin word *jurisprudentia*, which means “knowledge of law” or “skill of law.” The word *juris* means “law” and *prudentia* means “knowledge,”

“science,” or “skill.” Thus “jurisprudence” signifies knowledge or science of law and its application.

In Israel, it is the perceived tampering with the letter of the law that has half the country up in arms in opposition to the proposed judicial reforms, and the other half rallying to oppose their fellow citizens’ opposition. Let’s hope that this whole debacle resolves itself in an equitable manner – because many Israelis are so hopping mad, that they are threatening to take a leap of ill-faith and move out of the country. ■



JOHN MORGAN/WIKIPEDIA

*The Jury*, an 1861 painting by John Morgan of a British jury, all of whom then had to be men.



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# The Jewish beginnings of Hitler's war machine

The pioneers of the automotive industry that served the Nazis were Jews

By Peter Bailey

**RAPID DEPLOYMENT** of combat forces into battle, named Blitzkrieg by the Nazi German army, was the invasion tactic employed by Adolf Hitler's armies. This tactic accounted for the German victories during the initial battles of World War II. Combat aircraft and armored vehicles, including tanks, personnel carriers and mobile artillery employed in rapid advances on a limited front, resulted in rapid incursions into enemy territory.

Stunning victories were recorded against Poland, France, and British forces in the North African desert by rapidly moving German Panzer Divisions. Similar tactics were initially very effective after Germany abrogated the Molotov-Ribbentrop Pact and attacked Russia in 1941.

Behind these successes lay the well-developed and innovative German automotive and aircraft industries, with their many Jewish inventors, engineers, and entrepreneurs.

Hitler had no qualms about murdering millions of Jews, even though Nazi Germany was the beneficiary of the many Jewish inventions that provided the basis for the early German automobile and aircraft industries. The same zeal shown in exterminating Jews was used to expunge all records of the significant Jewish role in the founding of the German automobile and other industries from the history books. Nazism was dedicated not only to destroying the future of Jewry but also to the obliteration of its past.

The German automotive and aircraft industries provided the platform that enabled the manufacture of military hardware, including offensive ground vehicles such as armored cars, armored personnel carriers and tanks,

as well as military aircraft of all descriptions. The automotive industry that powered Hitler's armies resonated with the names of prominent Jews – Siegfried Marcus, Josef Ganz, Adolf Rosenberger, Edward Rumpler and Emil Jellinek – from its very beginnings. Many of these automotive pioneers were forgotten as a result of deliberate action by the Nazis to expunge their names from German history, simply because they were Jews.

## Siegfried Samuel Marcus (1831-1898)

Siegfried Marcus was born on September 18, 1831, to Jewish parents, Liepmann and Rosa Marcus. The birth is recorded to have taken place in Malchin, in the region of the Grand Duchy of Mecklenburg-Schwerin, then part of Northern Germany, becoming a part of the German Empire in 1871. Marcus started working as an apprentice mechanic at the age of 12, qualifying as a technician four years later. He was employed by the Siemens and Halske engineering company as a 17-year-old. This company was the forerunner of the modern multinational Siemens conglomerate. Siemens was just one of the many German companies that would later derive great benefit from the use of Jewish and other slave labor during the Nazi era.

After four years of gaining practical experience with Siemens and Halske, Marcus moved to Vienna in Austria, where he was employed as a technician at the Physical Institute of the University of Vienna Medical School, progressing to become an assistant to physiology professor Carl Ludwig. He left the university to open his own workshop in 1860, making mechanical and electrical equipment.



GUENTHERZ/WIKIPEDIA

Monument at Vienna Technical Museum to honor Siegfried Samuel Marcus.

While the relevant records were all destroyed by the Nazis, there is compelling evidence that between 1864 and 1875, Marcus made the first petrol-powered engine, which he fitted to a handcart, making his machine the very first prototype petrol-powered automobile. The Encyclopedia Britannica cites 1864 as the year that Marcus made the first automobile, which was followed by a second one in 1870. The unforeseen tragic reality is that in the early stages of the Holocaust, carbon monoxide gas emitted by the petrol engines invented by Marcus was used to kill Jews in the back of so-called Nazi gas vans or trucks. Estimates are that about 700,000 Jews were killed by using this method. Carbon monox-



THE SCIENCE MUSEUM/WIKIPEDIA

Scaled model of the second Marcus car of 1875.

ide gassing was followed by the construction of specialized gas chambers using Zyklon b gas to speed up the rate at which Jews could be murdered en masse.

During 1864, Marcus also invented and patented the Wiener Zünder, an electric blasting machine plunger which was used to trigger an explosion. While the original application was for blasting of rock in the mining and similar industries, the same principle was applied to military use for triggering land mines. The first extensive use of land mines as defensive and offensive weapons was during the Second World War.

While working in cooperation with Captain E von Wohlgemuth of the Imperial German Navy, Marcus invented, developed, and patented a remote electrical firing ignition for ships' cannons. The system made it possible to fire salvos from all the ships' cannons simultaneously or in selected patterns by a single operator on the bridge of the ship, without each cannon having to be fired manually by an attendant crew.

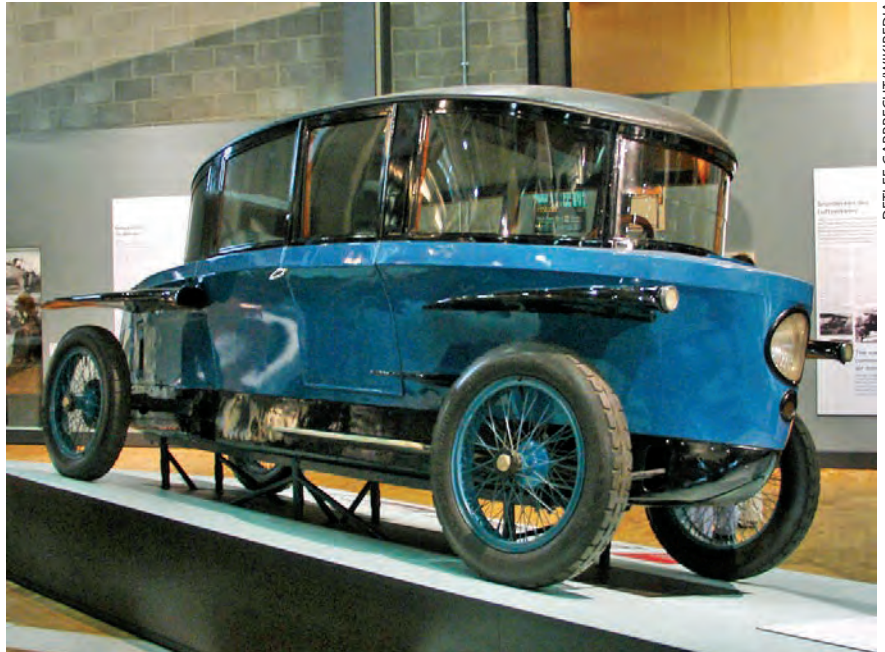
During his lifetime, Siegfried Marcus was the recipient of various honors for his inventions. Foremost among them was the Austrian Golden Cross of Merit, awarded by Emperor Franz Josef in recognition of his scientific achievements. During 1937, he was honored

by the issue of a series of stamps commemorating the Marcus car, while at the same time a monument in his honor was erected on the grounds of the Vienna Technical Museum.

Following the German Nazi occupation and annexation of Austria in March 1938, all traces of Marcus' contribution to automotive history were removed from Austrian records as part of the Nazi policy of deliberately erasing all Jewish influence across a wide spectrum of activities. Gottlieb Daimler and Karl Benz were to be credited as the people to have made the first automobile, replacing Marcus, the actual Jewish inventor.

#### **Edmund Elias Rumpler (1872 - 1940)**

Edmund Elias Rumpler was born on January 4, 1872, in Vienna, then part of the Austro-Hungarian Empire. His parents were Adolf Aron Löbl Rumpler and Regine Rumpler, both with a long distinguished Jewish lineage in the Czech Republic. Rumpler was trained as an automobile engineer, a field of engineering in its infancy at that time. He moved to Koprivnice in the Czech Republic in 1897, where he was employed as an engineer by the Nesseltdorfer Wagenbau-Fabriks Gesellschaft, a company specializing in the building of railway carriages. The director of the company had purchased a Benz automo-



DETLEF GARRBRECHT/WIKIPEDIA

After World War I, Edmund Rumpler applied aircraft streamlining to a car, building the Tropfenwagen ('drop car') in Berlin.

mobile and decided to branch out into automobile manufacture. Rumpler worked together with another engineer, Hans Ledwinka, designing and building the Wagenbau company's first automobile, the Präsident. The long and unwieldy Nesselsdorfer Wagenbau-Fabriks Gesellschaft name was dropped in 1918, becoming the Tatra company, which is currently the third-oldest European automobile manufacturer

Following the infamous 1938 Munich Agreement, in which Britain and France agreed that Germany would annex the Sudenland, the town of Kopřivnice, home of Tatra, was occupied by Nazi Germany, Tatra's vehicle production was subsequently dedicated to the production of military vehicles for the German army. Tatra trucks played a significant role in the Nazi military machine, transporting troops and materiel. After the Second World War had ended, Rumpler's former partner, Ledwinka, was accused of collaborating with the Nazi Germans, found guilty, and jailed for five years.

Back to Edmund Rumpler, who joined the Adler company as its technical director in 1902. At that time, Adler manufactured a range of products including bicycles and motorcycles, as well as automobiles, which were fitted with De Dion engines. Following Rumpler's arrival, the company started manufac-

turing and installing its own engines, becoming a highly successful automobile manufacturer. During his tenure at Adler, the company became the first manufacturer to produce automobiles with the engine and gearbox as a single unit, a Rumpler innovation. Rumpler also soon patented the swing axle rear suspension system, later to be used by Ferdinand Porsche in the Kdf Wagen, forerunner of the famous Volkswagen. Rumpler left the Adler Company after becoming enthused with the exploits of the Wright Brothers and powered flight. By early 1909, Rumpler had become the first German aircraft manufacturer, with the Rumpler Taube aircraft extensively used by the Imperial German Army Air Service during WW I. Rumpler was followed as a military aircraft manufacturer by Enno Walther Huth, who established the Albatross Aircraft Company in Berlin at the end of 1909. The Albatross biplane was found to be far more suitable for military use and soon superseded the Rumpler Taube, but the Jewish Rumpler had been the pacesetter in military aircraft manufacture in Germany.

After WW I, Rumpler once again made his mark in the automotive industry, with the design and construction of the Rumpler Tropfenwagen, which was produced between 1921 and 1925. The Tropfenwagen had an extremely advanced aerodynamic design,



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with Rumpler having applied his knowledge of aircraft design in crafting the shape of the vehicle. It was also the first automobile to have a curved glass windscreen. Despite the innovative design, production was limited to only 100 automobiles, for which orders had been placed.

Following Hitler's rise to power, Rumpler's Jewish background was a potential source of embarrassment to the Nazis, who already had plans to expunge Jews from German history wherever possible. Rumpler was thus arrested soon after the Nazi ascent to power in 1933. The entire record of his contribution to Germany had been erased from the Nazi history books, and his collection of blueprints relating to his inventions, which were in his personal documents, were also destroyed. His career ended, as Jews were denied the right to carry on any form of business activity, his reputation ruined as a result of his arrest, Rumpler played no further role in the automotive industry and passed away in 1940. Ferdinand Porsche later copied many of the Rumpler design features in his Volkswagen people's car.

### Josef Ganz (1898-1967)

Josef Ganz was born in Budapest on July 1, 1898, to Jewish parents, Hugo Markus and Maria Ganz. Budapest, now in Hungary, was at that time a city in the Austro-Hungarian Empire. After his birth, the family moved to Vienna, where Ganz spent his childhood fascinated by all things mechanical or technical. The family relocated to Frankfurt Am Main in Germany in early 1916, taking German citizenship. Ganz, then 18, volunteered to serve in the German military, seeing active service as a member of the German navy. Before enlisting, he had been a student at the Vienna Technical High School ( Technische Hochschule Wien), to which he returned after demobilization at the end of the war. He left after three semesters to become a student at the Technical University of Darmstadt ( Technische Universität Darmstadt), qualifying as a mechanical engineer in 1927. Throughout his student days, Ganz harbored the dream of building a small, inexpensive people's car that could be sold for the same price as a motorcycle.

Inspired by the Rumpler Tropfenwagen, Ganz made his first design of a people's car as early as 1923, while still an engineering student. He applied several of the Rumpler innovations, such as the mid-mounted engine and four-wheel independent suspension,



Josef Ganz in the Ardie-Ganz prototype, 1930



Ganz was the father of the Volkswagen Beetle.

making use of the Rumpler swing axles, as well as borrowing the use of aerodynamic styling from Rumpler. Ganz did not have access to the type of capital required to build a prototype automobile, so instead he began writing articles on advanced auto design for numerous magazines. These articles paid off when he was appointed as the editor-in-chief of the *Klein Motor Sport* magazine, which had made its debut a year earlier. Ganz used the magazine as a platform to level criticism at the manufacturers for the lack of design flair in the established heavy, unwieldy, and unsafe old-fashioned automobiles, while promoting the concept of the inexpensive people's car that he envisaged.

During 1929, Ganz came to the conclusion that motorcycle manufacturers might be more receptive to his ideas of the people's car, and subsequently approached the Zundapp, Ardie and DKW motorcycle companies seeking collaboration in building a prototype of his dream car. The result of this collaboration was the Ardie-Ganz prototype, completed in 1930. This was followed a year later by a second prototype, named the Maikäfer (May

Beetle) built in 1931, in collaboration with the Adler Company. The first company to actually produce vehicles for sale using Ganz's designs was the Standard Fahrzeugfabrik (Standard Vehicle Factory). The first Standard Superior was offered for sale in 1933, with an upgraded design becoming available in 1934.

There is no doubt that Ganz was the father of the Volkswagen Beetle design concept, a design that lasted for 70 plus years, into the 21st century. The Standard Superior was offered for sale at 1,590 Reichsmark (RM) in 1934, the equivalent of \$600. By comparison, the 1934 Ford V8 sold for \$535 to \$610, while the 1934 the 1.3-liter German Opel was priced at an expensive RM 2,650, equal to \$1,000 at the time. Hitler wanted an affordable people's car, and the Jewish Ganz was the man who gave it to him.

The gratitude of the Nazi hierarchy to Ganz was illustrated when the Gestapo arrested him in May 1933 on trumped-up charges of blackmailing the German motor industry. He fled Germany for Liechtenstein in June 1934, just as Hitler appointed Ferdinand Porsche to design a car that could be mass produced and sold for RM 1,000. By a strange "coincidence," Porsche's prototype looked very similar to the Ganz-designed Standard Superior, which had been discontinued.

Following a short stay in Liechtenstein, Ganz relocated to Switzerland, where he worked on the establishment of a plant to mass produce inexpensive autos, but the Gestapo were on his tail and he abandoned the venture, which then became a Swiss government project. Ganz initiated fruitless legal action to claim his rights to the Swiss venture but eventually gave up and moved to France in 1949. From there to Australia in 1951, where he was employed by General Motors- Holden. The Federal Republic of Germany (West Germany) decided to award the Officer's Cross of the Order of Merit to Ganz in recognition of his contribution to the German automotive industry. The award was not accepted, as the Australian Government regulations do not allow its citizens to accept foreign honors and awards. Josef Ganz passed away in Melbourne, Australia, in 1967, where he had spent his last years in obscurity.

### Emil Jellinek (1853-1918)

Emil Jellinek, later known as Emil Jellinek-Mercédès, was born in Leipzig, Germany on April 6, 1853. His parents were Rabbi Aaron and Rosalie Jellinek, a couple very

JOSEF GANZ ARCHIVES/WIKIPEDIA

VWEXPORT1300/WIKIPEDIA

active in Jewish communal leadership, first in Leipzig and then in Vienna. Rabbi Aaron Jellinek was considered one of the leading pulpit orators of his time, while also being the author of several books, including an authoritative one on Rabbi Abraham Abulafia, the 13th century founder of Prophetic Kabbalah and author of the prophetic book *Sefer Ha-Yashar* (book of the straight path in life).

Jellinek was raised in Vienna, where he was an indifferent student and a practical joker, which resulted in him dropping out of several schools. His father eventually found employment for him with the assistance of the Austro-Hungarian consul in Morocco. This resulted in his appointment to a minor diplomatic post in Tangier and later in Tetouan, where he met his future wife, Rachel Gogmann. The couple were married in 1881, becoming the parents of two sons and a daughter, whom they named Mercédès, a Spanish name meaning “mercy.” Mercédès was born in 1889, losing her mother in 1893, when she was just four years old.

Jellinek had been conscripted for service in the Austro-Hungarian Army in 1874 but was found to be medically unfit for military duties, allowing him to return to his diplomatic career, with a new posting as the vice consul for Austria in Oran in Algeria. Jellinek’s business career began in Oran while he was the vice consul, after he joined his father-in-law in a tobacco export business.

Prior to his marriage, Jellinek had briefly been employed by the French Agile insurance company, which he rejoined two years after receiving his posting to Oran. The family subsequently relocated to Baden Bei Wien in Austria, where his insurance office was based, and this was where Mercédès was born. With his insurance career and his commodity brokering business starting to bring in substantial profits, the family started spending their winter holidays in Nice on the French Riviera, soon relocating to Nice, where Jellinek established his family home. Using the contacts from his earlier diplomatic career, he was appointed as the Austrian consul general for Nice.

The diplomatic posting facilitated contacts with regular visitors from the international business community, as well as with the local aristocracy. Jellinek purchased a mansion in Nice as his residence, which he named Villa Mercédès. It also served as a base for his business activities, selling mainly French manufactured automobiles to the visitors. During 1897 he sold 140 autos, with this soon



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Emil Jellinek with his daughter Mercedes, after whom the Mercedes automobile brand is named.

outstripping his insurance business as a profit center. He gave up the insurance business and concentrated on car sales.

He visited the Daimler Motor Works near Stuttgart in Germany, where he was very impressed with the vehicles produced by Gottlieb Daimler and his designer, Wilhelm Maybach. Jellinek became the main agent for Daimler and started selling their automobiles in increasing numbers. He started a racing team using specially designed Daimler cars, naming the team the Mercédès team, with the name proudly emblazoned on the vehicles. During the 1899 French Riviera Speed Week, a popular form of early motor sport, Jellinek and his Mercédès team won all the races. He then started making design and other improvements suggestions to Daimler and Maybach.

During 1900, Jellinek was appointed to the directorate of Daimler Motoren Gesellschaft, soon persuading Daimler and Maybach to produce a new revolutionary designed vehi-



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cle that would be named the Daimler-Mercedes. This suited Daimler, as the Daimler brand name in France was owned by Panhard Levassor, a French auto manufacturer, with the new Daimler-Benz marque independent of Panhard Levassor. The first Daimler Mercedes was sold to Baron Henri de Rothschild, who also successfully raced his new acquisition. Jellinek and his Mercedes team were unbeatable at the Riviera races in 1901, reaching a record speed of 60 kph.

The First World War saw Jellinek accused of spying for Germany by the French government, so he fled to Switzerland in 1917, where he was arrested. He passed away in Geneva on January 21, 1918. Some eight years after his death, the Daimler and Benz automobile companies merged in the wake of the German financial crisis, with the jointly produced cars named the Mercedes-Benz. During the Second World War, Mercedes-Benz cars, named in part after the Jewish Mercedes Jellinek, were the official vehicles of choice for Adolf Hitler and his entourage of Nazi thugs. The company itself became a leading producer of military materiel such as trucks, aircraft engines, and armaments for the German army, air force and navy. The company also derived great benefit from the use of forced labor, including Jews imprisoned in the concentration camps. By 1944, over 30,000 of the 63,000 Daimler-Benz employees were drawn from forced labor sources. After the war, Daimler-Benz admitted its links with the Nazi regime and also became involved in the German Industry Foundation's initiative Remembrance, Responsibility and Future, whose work included the provision of humanitarian aid for former forced laborers.

### **Adolf Rosenberger (1900-1967)**

Adolf Rosenberger was born in Pforzheim, Baden-Württemberg, Germany, to a Jewish family which had encouraged assimilation into the German lifestyle. Rosenberger was very much an action man, becoming a WW I combat pilot in the German Army Air Service. After the war, he trained as a technician and soon began racing motorcycles, using the Rosenberger family wealth acquired from real estate and movie theatre interests, to race as a privateer. From 1923 onward, he began racing Mercedes and Benz automobiles, still as a privateer, although his excellent results were soon recognized and he started receiving backing from the Daimler-Benz factory racing team.



LARS-GÖRAN LINDGREN/WIKIPEDIA

The Mercedes-Benz 770 was a large luxury car introduced in 1930 and used by high-ranking Nazi leaders, including Hitler.

He entered the 1926 German Grand Prix driving a 1924 2-Liter Mercedes M75/94, with support provided by Daimler-Benz team manager Max Sailer and designer Dr. Ferdinand Porsche. The race ended in disaster for Rosenberger when he lost control of the car and crashed into the timekeeper's box, killing the three occupants. Rosenberger and his riding mechanic were both seriously injured. His career as a racing driver ended soon after this incident, paving the way for his venture into the automobile industry.

During 1931 he provided the financial backing to Dr. Ferdinand Porsche, his lawyer son-in-law Dr. Anton Piech and designer Karl Rabe for the establishment of Porsche GmbH, which started out as an automotive design office. Rosenberger was also instrumental in the establishment of the Auto Union company, where his influence resulted in Porsche designing Auto Union race cars with rear mounted engines, very uncommon at the time. Porsche GmbH was not a manufacturer, concentrating on design and consulting.

One of the assignments the company received was from the Nazi German government to design an affordable people's car, in German, a Volkswagen. This project led to the design and later manufacture of the Volkswagen Beetle, the car Hitler had promised the German electorate.

The first automobile to bear the Porsche name was the 1939 Porsche 64, which bor-

rowed much of its design and components from the Beetle. The very name Beetle (German Käfer) was "borrowed" from Josef Ganz's 1931 Maikäfer (May Beetle), without any credit to the originator.

The stringent anti-Jewish laws imposed on Germany by the Hitler regime made it impossible for Rosenberger to remain a principal in Porsche GmbH, with his shares sold to Porsche and Piech for a pittance. Being a prominent personality and a Jew, Rosenberger was arrested for "Rassenschande" (racial crimes) and imprisoned at KZ Schloss Kislau near Karlsruhe, with all references to his contribution to the German auto industry removed from official records. He was released from prison through the intercession of a colleague, Hans Baron Veyder Mahlberg, who bribed Gestapo agents to free Rosenberger.

The condition of his release was that he had to leave Germany immediately, going to France and then to Britain, before ending up in the United States, where he took the name Alan Arthur Robert after acquiring US citizenship in 1944. He spent the rest of his life in California, associated in several ways with the auto industry and motor sport, until he passed away in Los Angeles in 1967. ■

*The writer is a history researcher and the author of two books, Street Names in Israel and Men of Valor: Israel's Latter-Day Heroes - peterbaileybooks.com.*

# 'A truly perfect gentle knight'

The knighthood of UK Chief Rabbi Ephraim Mirvis

By Neville Teller

**"A KNIGHT** there was," wrote Geoffrey Chaucer more than 600 years ago, describing the group of people he met on a pilgrimage to Canterbury,

*"...and he a worthy man,  
Who, from the moment that he first began  
To ride about the world, loved chivalry,  
Truth, honor, freedom and all courtesy....  
He was a truly perfect, gentle knight."*

Ephraim Mirvis, having served 10 years as chief rabbi of the United Hebrew Congregations of the Commonwealth, was awarded a knighthood on January 1, 2023, in King Charles III's first New Year's Honors List. The citation read: "for services to the Jewish community, to interfaith relations and to education."

The words Chaucer chose to portray his knight in *The Canterbury Tales* fit Sir Ephraim Mirvis like a glove. Congregants speak of the affection and respect he inspired during his rabbinic appointments, while friends and colleagues attest to his sense of humor, his ability to prick pomposity with his power of mimicry and, in his passionate support for Tottenham Hotspurs ("the Spurs") football team, his down-to-earth humanity.

His determination to speak the truth fearlessly as he perceives it was demonstrated in full measure in November 2019. A general election was pending in the UK. For the previous five years, the opposition Labour Party had been led by Jeremy Corbyn, a hard-left politician. His



Chief Rabbi Sir Ephraim Mirvis after receiving his knighthood for services to the Jewish community, interfaith relations and education during an investiture ceremony at Windsor Castle on July 11.

ANDREW MATTHEWS/POOL/REUTERS

support for Palestinian extremists had shocked the UK Jewish community, while charges of antisemitism within the Labour Party grew so strong that in May 2019, the party itself was put under investigation by the Equality and Human Rights Commission.

No chief rabbi had ever involved himself in party politics, but a couple of weeks before the election Mirvis cast convention aside. He wrote in *The Times*: "The question I am now most frequently asked is: What will become of Jews and Judaism in Britain if the Labour Party forms the next government?"

"We sit powerless, watching with incredulity as supporters of the Labour leadership have hounded parliamentarians, party members and even staff out of the party for facing down an-

ti-Jewish racism... A new poison, sanctioned from the very top, has taken root in the Labour Party.

"It is not my place to tell any person how they should vote. I regret being in this situation at all. I simply pose the question: What will the result of this election say about the moral compass of our country? When 12 December arrives, I ask every person to vote with their conscience. Be in no doubt, the very soul of our nation is at stake."

Mirvis's intervention played a significant part in ensuring Labour suffered its worst electoral defeat since 1936.

Giving a lead to public opinion, and speaking truth as he perceives it, is a hallmark of Mirvis's approach to his public role. Three days before



Mirvis's knighthood was announced, Amir Ohana was elected in Israel, in a 63-5 vote, as the first-ever gay speaker of the Knesset. As Ohana delivered his acceptance speech, certain members were photographed turning their backs on him. Afterward, one rabbi declared that those voting for Ohana were "a disgrace," and another called Ohana "diseased".

Israel's Channel 13 TV station interviewed Mirvis about Ohana's appointment. Sir Ephraim, as he now was, was unequivocal on the issue. Every human being is created "in the image of God," he declared. "This is how we must look at each and every one."

We all know the [*halachic*] prohibitions, he said, but at the same time we are forbidden to hate. In short, he maintained that solidarity with LGBTQ+ is in line with the teachings of the Torah.

Some years earlier he had published the first-ever guide for ultra-Orthodox Jewish schools to help make the lives of LGBTQ+ pupils easier. "I wrote from a Torah point of view," he has said, "exactly how...to guide youth in our communities from a halachic point of view in our schools." He added that his efforts were to help religious LGBTQ+ pupils who want to "feel part of the religious world of Judaism" without discrimination.

Ephraim Yitzchak Mirvis was born in Johannesburg, South Africa, on September 7, 1956, the son of Lionel and Freida Mirvis. His father, the rabbi of congregations in Cape Town, preached against apartheid and visited political prisoners on Robben Island. His mother was the principal of the Athlone teacher training college, which was then the country's only college for training Black pre-school teachers.

In 1973 he left Cape Town for Israel. Over the next seven years, he studied at a number of *yeshivot* and obtained his *smicha* (rabbinic ordination) at Machon Ariel in Jerusalem. Along the way, he qualified as a *shochet*, *mohel*, and *chazan*. In 1980 he married Zimbabwe-born Valerie Kaplan, a former senior social worker with the UK-based Jewish Care.

In 1982, Mirvis moved to Ireland to become rabbi of Dublin's Adelaide Road Synagogue. This led three years later to his appointment as chief rabbi of Ireland.

In 1991, the UK and Commonwealth acquired a new chief rabbi in Jonathan Sacks, who had been serving as rabbi in London's prestigious Western Marble Arch Synagogue. In a curious example of events casting their shadow before them, Mirvis was adjudged the most suitable candidate to succeed Sacks into the rabbinic post at Marble Arch.



AARON CHOWN/POOL/REUTERS

King Charles III shakes hands with Chief Rabbi Mirvis as he meets with faith leaders during a reception at Buckingham Palace on September 16, 2022.

In May 1996, Mirvis was appointed rabbi at the Finchley United Synagogue, also known as Kinloss, in north London. Under his leadership, the congregation became a powerhouse of educational, social, cultural, and religious activity. A major achievement was to found and direct an innovative community-based adult education program, the Kinloss Learning Centre, which has become an educational model emulated by many other communities. Mirvis was also the founder rabbi and honorary principal of Morasha Jewish Primary School.

The role of women in Orthodox Judaism is something of a hot potato. At Finchley, Mirvis boldly grasped the issue and began supporting the expansion of women's roles. In 2012, he appointed Britain's first Orthodox female halachic adviser, Lauren Levin. He also supported Shabbat prayer groups for Orthodox women. "This is without women reading from the Torah," he explained. "But for women to come together as a group to pray, this is a good thing."

Even after succeeding Lord Jonathan Sacks as the UK's chief rabbi, Mirvis pursued his vision of greater female involvement through his Ma'ayan and Neshama programs. He was installed in the post on September 1, 2013, at St John's Wood United Synagogue in London, in the presence of Charles, then Prince of Wales.

Incidentally, it is recorded that one of Mirvis's first acts as chief rabbi was to tweet good wishes to Tottenham Hotspur in that afternoon's match against Arsenal, followed half an hour later by his thanks to Prince Charles for attending. Unfortunately for Mirvis, Tottenham lost 1-0.

Mirvis has established a genuine friendship with the British monarch. Like Charles, inclusivity is an instinctive trait of Mirvis's personality, explaining both his pursuit of a larger role for women in the administration of Orthodox Judaism and his approach to non-Orthodox Jewish movements. "I made it clear on becoming chief rabbi," he is reported as saying, "that I would never publicly criticize non-Orthodox Jews. I have good relations with progressive groups, we speak diplomatically and effectively."

On the same tack, his pursuit of improving interfaith relations is entirely in line with King Charles's deep interest in supporting the many faiths now represented within the population of the UK. For this, and a host of other reasons, the monarch clearly has a soft spot for Mirvis.

Charles's coronation was scheduled to take place in Westminster Abbey on Saturday, May 6, 2023. The problem Mirvis and his wife would face in actually reaching the Abbey without using a vehicle was no sooner put to the king than he invited the couple to stay with him and Queen Camilla at Clarence House, within reasonable walking distance (I reckon I could manage it in under half an hour). Said Mirvis: "It was a lovely gesture from the king and queen consort to invite us to stay. They are providing a kosher caterer and making all the Shabbat preparations."

Sir Ephraim Mirvis is a chief rabbi with whom Britain and the Commonwealth can be well content – a man of principle, unafraid to speak out in favor of the things he believes are right and good. No one could be more worthy of elevation to knighthood. ■



# For whom the bell tolls

**I AM** a British immigrant to Israel. I am secular, I read *Haaretz*, I go to the opera and, worst of all, I am left-wing. According to the mindset of Israel's minister of national security, I am a guilty party and these are all good reasons for issuing me a one-way ticket to go back where I came from. But he should know that I am not going anywhere, at least not for long. I am guilty of participating in peaceful protests to preserve the soul of the country I love, and if I take a break to renew my energy, I will be back to continue the fight in whatever way is required to combat attempts to rewrite Israel's Declaration of Independence.

For that is exactly what the present government's so-called legal reform agenda is attempting to do. I spent many years of my professional life promoting an image of Israel based on its being the only genuine democracy in the Middle East, on its declared belief in the rights of all its citizens, their equality before the law, the freedoms every democracy embraces, of speech, of movement, of worship and yes, to demonstrate and to be different.

Like all other democracies, Israel's has not always been able to live up to the ideals it set for itself; but unlike other democracies, which may rely on a written constitution and/or a second level of governmental authority to restrict or ameliorate such failings, Israel has only the judiciary system to act as an essential check on the legislature and executive branches of government. And it is this very judicial system that the proposed reform plan aims to reform in such a way as to rid it of any teeth. If all the proposed legislation is passed, an Israeli's way of life will be in the hands of a few elected officials with no legal restrictions, no curbs on abuse of their power, no obligation to protect minority rights or human rights in general.

The claim being made by senior sponsors of this plan that it is actually in defense of democracy is such a gross misunderstanding of what democracy means as to be laughable, except that it is so serious and dangerous that it has brought hundreds of thousands of Israelis out into the streets week after week, joined in a howl of protest by representatives of professional groups including some not known for

political activism. Senior officials from all walks of Israeli life, including the IDF, the Diplomatic Corps, the security and intelligence establishments, not to mention foreign governments, have added their voices, calling for an end to what looks like madness.

While the government plows on heedless, a recent poll indicates that 70% of adult Israelis do not support the reform plan. It appears that the public is not as gullible as politicians seem to think. To quote Abraham Lincoln, "You can fool all the people some of the time, you can fool some of the people all the time, but you can't fool all the people all the time."

Our people are getting better at recognizing the lies we are meant to believe. For instance, a huge poster featuring the faces of Yariv Levin and Simcha Rothman, the main architects of the reform plan, informs us that 2, 304, 964 people voted for it. No, they voted for the parties which form the coalition without having much idea that a reform plan was in the making and certainly nothing of the details. No wonder the posters are being defaced, no doubt by the protesters whose anger, fear, and distress at what could happen to their society remain expressed at the level of peaceful protest.

This is more than can be said for the reactions of supporters of the plan. It is chilling to hear the hatred in the accusations hurled at the protesters. Death threats aimed at representatives of the law are a regular occurrence. Physical attacks against people holding the Israeli flag, the symbol of the resistance, are increasing. And now, the prime minister who, in a previous incarnation swore never to allow any interference in the power of the Supreme Court, pursues a plan to do exactly that and, presented by the president with a possible way to prevent a constitutional crisis, turns it down with barely a thought.

I am reminded of a famous Meditation by John Donne: "Never send to know for whom the bell tolls; it tolls for thee." Very sadly, the bells are tolling loud and clear in my country. ■

*The writer is an author and former head of the British Desk at the Jerusalem Foundation.*

— Demonstrators protest against judicial reform in Jerusalem on July 23.





# 'Reclaiming Zionism'

**APPROACHED BY** a Harvard student who was vilifying Zionists in October 1967, Dr. Martin Luther King, Jr. responded, "When people criticize Zionists, they mean *Jews* [emphasis added]. You're talking antisemitism." Yet, in the 56 years since King uttered that rebuke, it has become clear that not only is there no consensus on whether anti-Zionism is antisemitism, there's not even a common understanding of what the word "Zionist" means.

Including, most troubling, among Jews themselves. Sadly, the Jewish community's failure to reclaim Zionism's true meaning – belief in the right of the Jewish people to national self-determination in our ancestral homeland—has helped enable the Boycott, Divestment and Sanction (BDS) movement to gain traction in its relentless campaign to defame Zionism. As a result, antisemitism on the far Left is becoming normalized in American society under the guise of anti-Zionism.

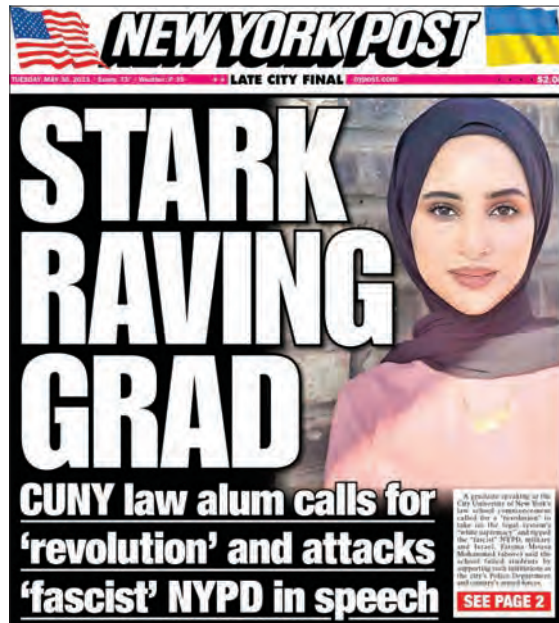
Consider the case of Fatima Mohammed, who delivered the City University of New York (CUNY) law school's commencement address in May after being nominated to do so by her fellow graduates. A first-generation immigrant from Yemen, Mohammed used her moment in the spotlight to denounce Zionism and accuse Israelis of indiscriminate murder. So inflammatory was her speech that even an opinion piece in the liberal *Nation* magazine claimed she had invoked the sort of antisemitic tropes found in the *Protocols of the Elders of Zion*.

Astonishingly, Mohammed's May 2021 tweet wishing for "every Zionist [to] burn in the hottest pit of hell" did not disqualify her from being elected as the graduation speaker. I'm going to go out on a limb (not really) and postulate that if she had directed such an odious tweet at, say, "every Hindu" or "every Catholic," there would have been a different student delivering the commencement address.

Predictably, the CUNY law school, whose faculty endorsed a boycott of Israel last year, did not issue any statement regarding Mohammed's hate-filled speech. Apparently, the school's leadership agreed with Mohammed when she insisted, "It's really dangerous to conflate antisemitism and anti-Zionism because those are two different things."

What happened at CUNY is hardly unique. To cite only a few examples (among hundreds) from recent years:

- Three Jewish women were expelled from a Chicago march in support of LGBTQ rights because they refused to disavow Zionism as integral to their Jewish identity.
- The Presbyterian Church USA sent a "study guide" to all of its



The front page of the 'New York Post' after Fatima Mohammed's CUNY commencement speech

congregations titled "Zionism Unsettled," in which it proclaimed Zionism to be a source of "evil" on par with Nazism and "a heretical doctrine that fosters both political and theological injustice" (the booklet was endorsed by David Duke, a former grand wizard of the Ku Klux Klan).

• A young Jewish woman was ousted as vice president of the University of Southern California student government by what she described as an aggressive social media campaign to "impeach [her] Zionist ass."

In May, I was scheduled to lead a professional development training on antisemitism for the faculty and administration at a local high school. At the request of the principal, I sent my PowerPoint presentation in advance. Two days later, however, I was disinvented because some of the "more progressive" teachers strongly objected to my labeling blatant discrimination against Zionists as intolerance toward Jews. "These teachers reject the idea

that they're the same thing; they won't listen to you," I was told.

Still, can we really expect to overcome such close-mindedness and combat antisemitism in the guise of anti-Zionism if we Jews can't even agree on what it means to be a Zionist?

A Brandeis University study of Portland's Jewish community conducted this year revealed that the majority of Jewish adults expressed views I consider Zionist: 87 percent believe that it's important for Israel to continue to exist as a refuge for the Jewish people; two-thirds consider it important for Israel to be a Jewish state; 57 percent believe that caring about Israel is essential to their Jewish identity.

Nevertheless, only a quarter of Portland Jewish adults explicitly identify as Zionist. No definition of "Zionist" was provided by Brandeis, and it's quite plausible that many mistakenly equate Zionism with unwavering support for the Israeli government, regardless of its policies. It may also be that many progressive Jews are influenced by their so-called progressive peers who tell them that identifying with Zionism is incompatible with progressive values, falsely associating it with "apartheid" and "white supremacy."

If the American Jewish community is going to effectively counteract rising antisemitism on the far Left, however, we must stop allowing outsiders to define Zionism and instead proudly reclaim its true meaning. Most importantly, we must call out anti-Zionism for what it is – an insidious attack on Jewish identity. ■

*The writer is director of Community Relations and Public Affairs for the Jewish Federation of Greater Portland.*

# Simulating urban warfare at Tze'elim



IDF reservists prepare for an exercise at Tze'elim.

GIL ZOHAR

The warren of 600 structures includes garbage-strewn streets, storefronts, schools, houses, shacks, an eight-story apartment block, and mosques. The muezzin's call blares from the minarets, which are illuminated with green Islamic lights. Garages advertise cars for sale. Jeeps patrol the dusty streets. Holes blown in walls allow soldiers to avoid entering a building via the doorway – which may have been booby-trapped. It's all an eerie Potemkin village.

Most striking are the murals and graffiti scattered across the site, some painted by Batsheva Schneider when she was doing her military service. The images include Islamic Jihad fighters firing RPGs; Hamas founder Sheikh Ahmad Yassin; Kassam rockets from Gaza; and guerrillas with their faces covered with a keffiyah scarf marked “*shahid*” (martyr). One Arabic sign threatens simply “death.”

Entering a mock-up of a claustrophobic Gaza terrorist tunnel, this writer felt the growing sense of panic among my fellow journalists behind me as they urged me forward, crouching along in the pitch-black darkness.

Other buildings are decorated to replicate a salon in a private home. The verisimilitude extends down to framed family photographs, flowers in a vase, recent newspapers from Gaza, and art with Koranic verses. Simulators showing mortar strikes and explosions suggest to soldiers what they might witness outside the living room window.

In addition to the IDF, Israel's “Mini Gaza” has been used for urban warfare training by US Army soldiers and UN peacekeepers. The project was developed to meet the need for better urban warfare training by the IDF and is regularly updated as new terror strategies evolve.

Training exercises here are meant to help soldiers and their officers distinguish between combatants and civilians, and prepare them for situations in which terrorists exploit civilians as human shields. ■

*This writer was part of a delegation of international journalists on a tour organized by the Israel Government Press Office.*

## By Gil Zohar

**FANS OF** *Fauda* may recognize something familiar about the Tze'elim Urban Warfare Training Center (UWTC) in the western Negev Desert near Kibbutz Tze'elim. The base – where IDF infantry and commanders train in the type of house-to-house and sub-

terranean combat expected in the Gaza Strip but also in the West Bank, southern Lebanon and other Middle East theaters – was used as a set for the hit TV series. But while *fauda* means “chaos” in Arabic, the disarray here in this sprawling 24-hectare base has been finely calibrated to accustom troops to real-life conditions of Arab cities and villages.

Located inside the larger Tze'elim Training Base, the UWTC simulates a maze of a multi-story Arab urban environment. Established in 2005 as a response to the challenges of the Second Intifada of 2000-2005, it was built at a cost of \$45 million.

— In a mock-up of a Palestinian town, Batsheva Schneider painted an Islamic Jihad mural in front of mosque minarets.



GIL ZOHAR

# Israel Ganz, governor of Binyamin

By Joseph Scutts



BINYAMIN REGIONAL COUNCIL

Anti-clockwise from top left: Israel Ganz and Minister Galit Distel Atbaryan at the scene of the terror attack near Eli; Great Neck Mayor Dr. Pedram Bral and Ganz sign a 'sister pact'; President Isaac Herzog visits the Binyamin region on May 9; Ganz with Prime Minister Benjamin Netanyahu and Finance Minister Bezael Smotrich; writer Joseph Scutts with Ganz in NYC.; the mountain adventure tour; and a map of the Binyamin region. (Photos courtesy Binyamin Regional Council, Sivan Shachor, Tovi Sarid, and Dudu Ben-David)

**THE BINYAMIN** region north of Jerusalem is a breathtaking place, containing beautiful mountains and valleys, with an abundance of streams, springs, and pools. It is also an area of great biblical importance, where the story of great figures in Jewish history unfolded – including Deborah, Hannah (the mother of Samuel), Samuel, Elisha, and Jeremiah, all of whom left their mark on the land and the landscape.

The Binyamin Regional Council is home to a diverse population. Between its mountains and valleys are ancient archaeological sites, nature reserves, beautiful streams, deserts, and breathtaking views. It's a region with endless stories to tell, and its diverse, multi-cultured, and friendly residents are happy to welcome visitors from all around the world, to share in the history of this enchanting area.

Elected in 2018, Israel Ganz calls himself the governor (or head) of the Binyamin Regional Council, with over 80,000 residents living in 45 communities. The Binyamin Region, strategically situated on Jerusalem's northern belt, includes a number of local municipalities as well, bringing the total population to 250,000 Israeli residents, all of whom are dependent on the infrastructure and security apparatus of the Binyamin Regional Council.

Since 2013, when he was appointed deputy mayor of Binyamin, Ganz has focused on improving Binyamin's physical development, with proficiency in the management of an annual budget exceeding \$100-million.

Ganz has taken upon himself multiple initiatives on many fronts to ensure that Binyamin remains a thriving community, and that tourism and interest in this significant region continue to grow, together with investment. This includes funds of over \$8 million (he says an additional \$8 million is needed) for the construction of a new state-of-the-art medical center. Finally, and most importantly, Ganz wants the region to remain a safe place as the nation of Israel battles terror on a daily basis.

I met Ganz a few months ago in New York City, where he told me about the new initia-

tive that he was working on. Ganz said he was touring cities on the East Coast of the United States to seek donors for the 7,000-square-meter Binyamin Medical Center that is currently being built.

During his trip, he met with elected officials on Capitol Hill to update them on issues related to the communities of Judea and Samaria. During our conversation, Ganz conveyed to me how the Binyamin Medical Center will quickly change the lives of both Jews and non-Jews who reside in the northern suburbs of Jerusalem, an area that he governs, and is a project developed through a partnership between the Binyamin Regional Council and One Israel Fund.

In the past, those who resided in Judea and Samaria have had to travel over unsafe roads to get to hospitals throughout Israel in major city centers. This facility, while making the lives of so many in that area easier, will also take the stress off other hospitals, specifically in Jerusalem. No matter what the emergency or ailment may be (a terror attack, car accident, a heart attack), they will have access to top medical care in minutes instead of over an hour.

Moreover, the facility will be a great asset economically to the area, not only providing jobs to health professionals but also creating those essential jobs needed to help a medical facility run at an optimum level, such as office staff, orderlies, and custodial staff.

It will also have a profound benefit to many other businesses in and around the medical center. In addition to traditional services for fields such as cardiology, orthopedics, urology, and women's health, the facility will offer allied health services such as rehabilitation and occupational therapy, ophthalmology, audiology, and podiatry. There will be a pharmacy on the premises, as well as emergency services and internal medicine. This past June, One Israel Fund honored Ganz and the Binyamin Region with a prize at a conference in New York.

On June 20, after four Israelis were murdered and four others wounded in a terror attack at a hummus restaurant near Eli in Bin-

yamin, Ganz immediately visited the site of the attack in solidarity with the community, accompanied by Public Diplomacy Minister Galit Distel Atbaryan.

As Binyamin expands and more residents move to the area, Ganz (along with his team that includes Binyamin Council Director of International Relations Eliana Passentin) is promoting tourism to the area for people of all faiths across the globe. Part of this initiative includes the Binyamin Land of Prophets and Springs regional tour packages.

The day trips include visits to award-winning wineries, extreme adventure opportunities, and meetings with artists and artisans, residents and farmers. The history of the land comes alive through hearing the ancient stories of the prophets and seeing the freshwater springs for yourself. Ganz invites us all to visit Binyamin! ■

*The writer received his undergraduate degree in business (cum laude) from Yeshiva University and his MBA with double distinction from Long Island University. He is a financial adviser who resides in New York City, and is involved in Israel-based and Jewish advocacy organizations*



The center of Dieulefit in southeastern France.

# A village named 'God Made It'

By Paul Socken

**A 2010** French documentary titled *Dieulefit, le village des Justes* spotlights a village of 3,000 citizens in France named Dieulefit (God Made It), where every single villager conspired to protect the Jews of the village and every Jew who came from elsewhere in France seeking refuge during World War II. The name of the village could not be more appropriate.

Dieulefit was known as the home of poets, artists, and intellectuals but also of farmers and manual laborers in a largely Protestant part of France. Jews were not hidden; their children were enrolled in the schools and the adults worked, thanks to documents forged by two women who were the inspiration and prime movers.

There are many fascinating aspects of this mostly untold story.

Not one Jew was arrested in four years. No questions were ever asked; it was a haven of peace and tolerance, and not a single villager was ever betrayed. In the documentary, available in French on [historia.fr](http://historia.fr) and on YouTube,

the villagers refused any credit or honor. They thought of their actions as natural, a form of civil resistance, a rejection of all government propaganda by the collaborationist government that was virulently antisemitic. Even the mayor, publicly supportive of the government and trusted by the Nazis, cooperated with the villagers by turning a blind eye to all their activities.

It was, in the words of the documentary, a chain of solidarity with no weak link.

The great French Jewish writer Romain Rolland said that there are people who are “*grand par le coeur*,” for which there is no equivalent English phrase: perhaps “people who are all heart” or “real greatness resides in the heart.”

The villagers of Dieulefit were a perfect example of that expression. It should be

pointed out that more than two hundred thousand of France’s wartime population of three hundred thousand Jews survived, thanks to individual efforts throughout France.

That exemplary humanity was not the norm in the rest of Europe, but neither was it the only example. Far from it, as Martin Gilbert’s book *The Righteous* meticulously documents.

A video produced by Aish HaTorah, *Standing Up to Antisemitism*, focuses on five people, during and after World War II, who represent the finest humanity has to offer:

Jackie Robinson, the famous African-American baseball player and civil

Jackie Robinson, 1953. (Photo by Bob Sandberg, ‘Look’ photographer, restoration by Adam Cuerden, US Library of Congress)



WIKIPEDIA

rights activist who broke the color barrier in baseball, stood up to the Black community against antisemitism. When a Jewish businessman wanted to open a restaurant in Harlem that would compete with a Black-owned one, mobs marched, shouting antisemitic slogans against the Jewish owner. Robinson stood his ground, with support from Martin Luther King, and the protest subsided.

When a Philadelphia Eagles football player posted an antisemitic message, Zack Banner, who is not Jewish, took a stand against his teammate, pledged a Jewish fraternity, posted messages about misconceptions about Jews, and became involved with programs that combat antisemitism. He was honored with an award from the New York City Museum of the Courageous.

During World War II, Polish writer and poet Czeslaw Milosz witnessed a Jewish friend's murder by an antisemitic mob. He joined the resistance movement and helped Jews escape the Vilna Ghetto. After the war, his poetry portrayed the horrors of the ghettos and the willful blindness of his fellow Poles. He was awarded the Nobel Prize in Literature in 1980.

Derek Black's father was a grand wizard of the Ku Klux Klan, and his godfather was David Duke. Matthew Stephenson, an Orthodox Jew, had occasion to meet him and ended up inviting him for Shabbat dinner. Black had never met a Jew. That Shabbat began a lifelong friendship, and Black renounced his hatred and prejudices.

Finally, a terror attack at a café in Denmark by a 22-year-old gunman sparked fear for Jews in Scandinavia, especially the small group of Jews of Norway. The citizens, prominently including the Muslim community, created a "ring of peace" around the synagogue in Oslo on February 21, 2015, which inspired other expressions of support.

Whether as a group, as in Dieulefit and Oslo, or as individuals identified by Aish and Martin Gilbert, decency did not disappear, and hatred did not win everyone over.

To suggest that incredible acts of bravery and the highest form

of humanity existed in the darkest moments of history is not to deny the dreadful horror of people's conduct. Nor is it to suggest that rising antisemitism today in the form of the resurrection of ancient conspiracy theories and the demonizing of the nation state of the Jewish people is not of the greatest concern and urgency.

Rather, it is a call to acknowledge that the reason there were Holocaust survivors at all and the reason that the State of Israel was re-born, albeit at great cost, was due to the sacrifice of countless people, Jews and non-Jews, who never gave up on the belief in the dignity of every person and the ultimate victory of love over hatred.

There is a famous photo of a Hanukkah menorah on a windowsill in Kiel, Germany, opposite a Nazi flag on the other side of the street. The granddaughter of the owners of the menorah now possesses it, and she lights it every year.

In 2022, she received an invitation to go to Kiel to light the *hanukkiyah* with the president of Germany. She went to Germany with her brother, who lit the *hanukkiyah* in the presence of President Frank-Walter Steinmeier and his wife, Elke Büdenbender. The German president said that after the crimes against humanity that were committed on his soil, he regarded it as a privilege to host the descendants of Holocaust survivors kindling light that dispels the darkness of antisemitism.

When the photograph was taken in 1931, her grandmother wrote on the back: "The [Nazi] flag says, 'Yehuda will die.' The Ha-



ARTUR PAWLOWSKI/WIKIPEDIA

Czeslaw Milosz in 1999

nukkah light says, 'Yehuda will live forever.'"

Dieulefit was an island of sanity in a world gone mad. Martin Gilbert's book *The Righteous* demonstrates that there were people in every country who risked their lives and the lives of their families to act righteously. They reacted from their hearts and kept the flame alive.

The Lubavitcher Rebbe said: "If you see what needs to be repaired and how to repair it, then you have found a piece of the world that God left you to complete; but if you only see what is wrong and ugly in the world, then it is you yourself that needs repair."

The art of life is the ability to sustain contradictions: on the one hand, to recognize the staggering wickedness of so many throughout history, including our "enlightened" modernity; and on the other, the demonstrated capacity for empathy, self-sacrifice, and generosity of spirit. The hopeful among us try to focus on the positive part of that equation. ■

*Dr. Paul Socken is Distinguished Professor Emeritus and founder of the Jewish Studies program at the University of Waterloo, Ontario.*



YAD VASHEM

The iconic photo of a Hanukkah menorah with Nazi flags waving across the road, taken by Rachel Posner, wife of Rabbi Akiva Posner, in Kiel, Germany, 1931.

# The warmth of the Efendi Hotel in Acre

By Pamela Peled

**WHEN YOU'RE** down and troubled, and you need some lovin' care, and nothin', nothin' is goin' right...you don't even need a friend; rush up the Israeli coast to Acre's Efendi Hotel and hurl yourself into its hammam: soon you'll feel healing vibes knocking at your heart!

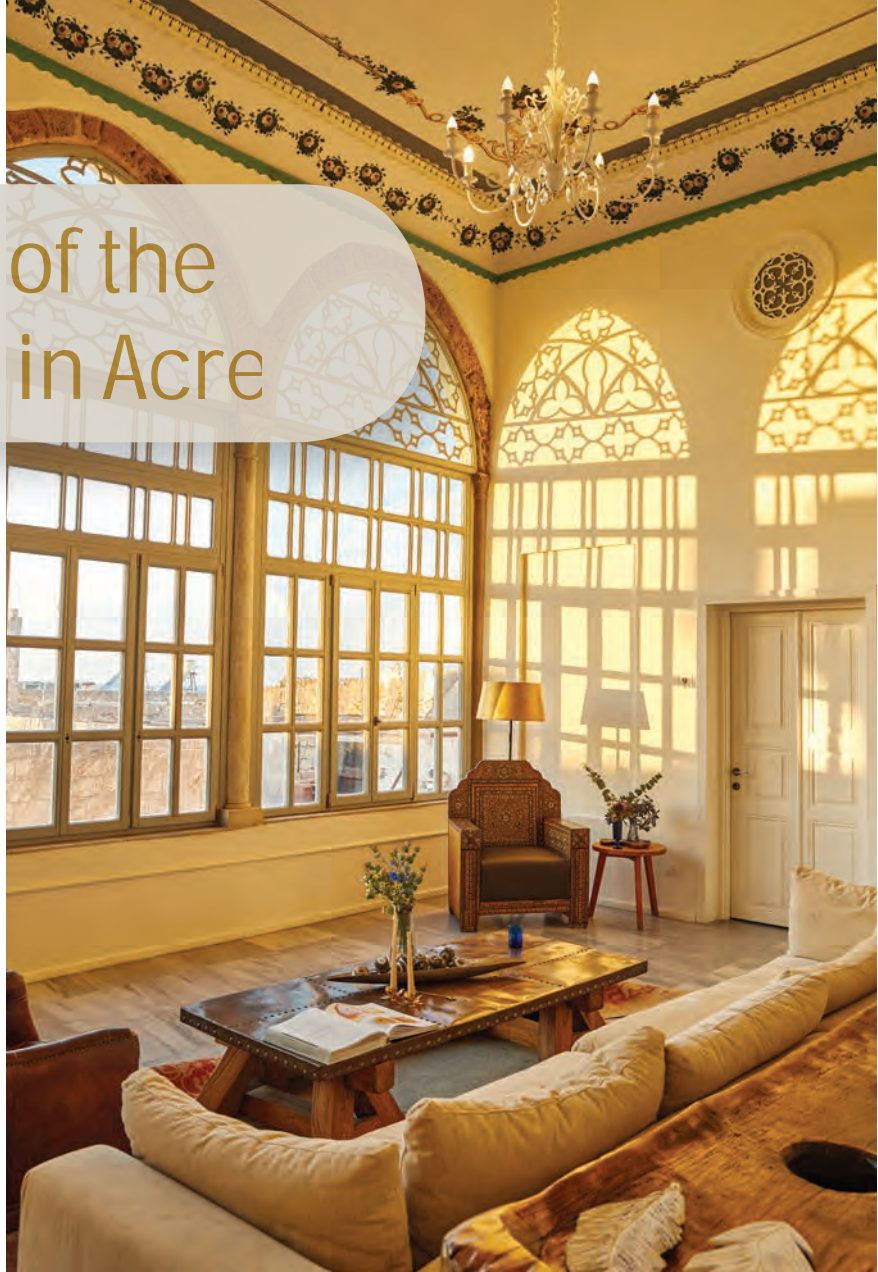
Built by a Turkish pasha four centuries ago so that his masseuse/lover could pamper him in private, the space of the Turkish bath had romantic beginnings, until Mrs. pasha kicked her rival out of town.

Today, the hammam offers hot-stone massages and herb-infused teas, as well as traditional soap-sud scrubs on a heated marble slab. "Klapp!" go your feet as David from Azerbaijan expertly aligns your energies; "Whoooooshhh" goes the water as it washes away stresses and strains. Magic.

Feeling healthy, amble along the seaside flanked by a 12th-century sea wall to Uri Buri, ranked by Trip Advisor as the world's 19th best restaurant. Tuck into a tender Coquilles Spirulina (Coquilles St. Jacques, Jerusalem artichoke puree, and fresh seaweed), followed by a cauldron of sea bass in coconut sauce; top it off with geranium ice cream that giggles down the gullet.

Gaze at the sea, scrubbed and satiated. What a blessed way to take a day off from the craziness.

Drama is not new to Acre. First settled in the Early Bronze Age over five millennia ago, the city has been conquered, destroyed, rebuilt, and conquered again by just about everyone in the land-grab business, although the ancient Israelites couldn't wrest it from the Canaanites. Persians and Egyptians ruled there and were expelled; Syrian Seleucids hung out within its walls. Judas Maccabeus drove Greeks out of Galilee into the port seeking shelter; Cleopatra captured it while being beautiful. Herod worked up a sweat in his custom-built gym; Romans and Muslims came and vanished; Luke and Paul spent a fun day there with friends. Crusaders, Mamelukes, and Ottomans



DANIEL JACKONT

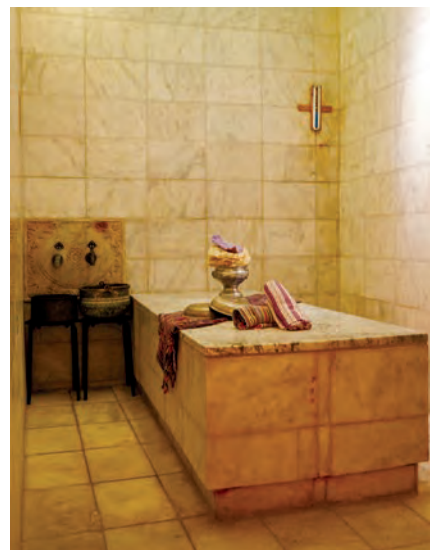
The Efendi Hotel's classical decor is spectacular.

—  
swung in and out; Napoleon was repulsed at its gates by the Turks.

The British converted the fort into a jail, where they incarcerated and hanged Jewish underground members; Israel captured Acre in the War of Independence. Today, Jews, Muslims, Christians, and Baha'i share the city for the most part in peace, often cooking or congregating over an Uri Buri sashimi salmon.

Uri Jeremias, portly proprietor of both the famous restaurant and the Efendi Hotel (in the heart of the Old Town, it tops TripAdvisor's Middle East Boutique Hotels), is a colossus of a man. A stately fellow with an iconic white

—  
The elegant hammam.



DANIEL JACKONT



beard and twinkly eyes, Jeremias looks like a prophet, or maybe a messiah; he moves in a biblical background. Acre, or Akko in Hebrew or Akka in Arabic, is one of the oldest continuously inhabited settlements on Earth.

Jeremias has done his bit for this ancient land. In 1967, he flew home from his travels to volunteer for the Bomb Disposal Unit. With the war won, he wandered through Nepal and Kathmandu, accruing friends and worldly wisdom, while assimilating age-old cooking secrets. “There’s a power to good food,” Jeremias muses, as we slurp Porcini Gnocchi in creamy mushroom sauce, green onion, and truffle oil. “You play music, light a fire, get some fragrant aromas floating on the coals ... people will find you. It’s hypnotic.”

Uri Buri (*huri* is Hebrew for a yellowtail fish) was born out of cooking for friends, his signature dishes were too good not to share. The restaurant opened in 1989 and instantly became a go-to landmark. With its stone arches and delectable treats, the restaurant stuns from first sight and bite. There’s no music, no patterned plates; the silverware is simple. Nothing detracts from the food – and the food is fabulous. Slices of crunchy persimmon arrive slathered in mascarpone cheese, sprinkled with raw shrimp and fish eggs. (Not exactly kosher, but the vegetarian and vegan options are also sublime). Sorbet cleansers of organic mandarin (from his daughter’s farm) or arak and marzipan explode on your tongue; yum yum yum.

Jeremias lives as he eats, with gusto. “I wake up each morning as if I have another hundred years to go,” he proclaims. “If I’m wrong, sue me!”

With that attitude, when two adjacent dilapidated homes became available in the Old City twenty-something years ago, Jeremias, then in his fifties, was the only bidder. The rooms were cracking and cavernous, but foundations from one thousand five hundred years ago add gravitas to even the moldiest walls. Jeremias set about renovating the ruins in painstaking detail: rotting support beams were extricated and replaced with treated cedar; a Roman type high alkaline floor was laid in the wine cellar to eliminate mustiness. Peeled-off paint revealed original artwork which was lovingly repainted by renowned Italian artisans. Materials were matched to each epoch; ascending layers of

DANIEL JACKONT



DANIEL JACKONT



Uri Buri, the owner-chef of the famous restaurant that carries his name.

Breakfast on the terrace.

stonework were plastered differently by expert stone masons, who replicated original blends. Walls were intricately connected so that the houses could shake and resettle; golden lamps were burnished and connected to the grid.

The 12-bedroom/suite Efendi (“good sir” in Arabic) Hotel, with its soaring ceilings and opulent elegance, soon became a byword for pampering and pleasure. Platters of fattening delights by tall windows, can’t-get-up-from-these-comfortable-beds, claw-foot baths, and ancient paintings make it tempting not to leave the rooms. But breakfast is worth getting dressed for – schedule two hours in the Crusader dining room. Arrive hungry.

For a time, in a land where planting a tree can topple a coalition, in a corner of Acre at least, Arabs and Jews seemed to cook up co-existence in a cauldron. The mixed staff work harmoniously together; Ali Marin, the Arab executive chef, weaves his magic in the kitchen with a cosmopolitan team. Guests flowed through the restaurant and hotel; life swung along like in a dream. It almost seemed too good to be true, and then it was. In May 2021, set off by yet another Hamas-Israeli war in Gaza and trouble in Jerusalem, riots broke out in Acre and other mixed cities in Israel. Some of the rioters were hooligans, some were right-wing Jewish vigilantes, others were Arabs who saw Jeremias’ work as creeping exclusion

and oppression (despite the equal work opportunities and long friendships). In a few short hours, marauding groups of Arabs threw Molotov cocktails into Uri Buri and fire-bombed the Efendi Hotel. In the ensuing chaos, guest Avi Har-Even, 82, a former head of Israel’s Space Agency, was killed. Jeremias’ wife and daughter, sheltering in the bathroom of the restaurant they’d gone to protect, were told to evacuate before the place was sacked. In one appalling night, Jeremias saw his life’s work go up in smoke.

Yet he remains optimistic. “I’m not busy with hatred, revenge, or pettiness,” Jeremias declares. “I aimed to bring the restaurant back to business as soon as possible, bring back sanity, and a better future for my children and grandchildren.” Both properties have been meticulously restored once more; fish are sizzling on the grill again (in lemon and turmeric), and the Arab/Jewish staff are back at their stations.

Jeremias unequivocally rejects all charges of “exclusionary gentrification” in Acre and insists that his vision encompasses everyone. “If I give work, hope, education, and a future to Arab families in the Old City, is that bad?” he asks. “When I started, everything was broken here: the electricity, the sewage. Suddenly tourists arrived, and things were buzzing. Everybody benefited.”

“Both optimists and pessimists eventually die,” he says. “Might as well enjoy the ride.”

Let’s toast to that – over salmon in spinach-martini sauce in Acre!

*The writer was a guest of the Efendi Hotel.*

# Martha Hodes's 'Hijacking'

By Neal Gendler

**MARTHA HODES** wanted to know what it was like to be 12 years old, traveling with a sister on an international flight that's hijacked.

Hodes was that girl, but her preoccupation during six sweltering days and frigid nights in a parked airliner, the passage of decades, and her deliberate repression had made her memories scanty and disconnected. She had trouble relating to having been there.

"We ended up as hostages in the Jordan desert," says Hodes, an author and history professor at New York University. She and sister Catherine, almost 14, were traveling from their mother in Tel Aviv to their father in New York. They and passengers aboard two other hijacked airliners were held against a demand for release of imprisoned terrorists.

"None of us hostages yet knew that we were part of the biggest hijacking operation the world had ever seen."

*My Hijacking: A Personal History of Forgetting and Remembering* is Hodes's account as she remembered, researched, and reconstructed it. She wanted to understand why she'd tried to act as if it was of no importance and how its repression affected her life beyond a continuing unease about flying.

Much more interesting than I'd expected, *My Hijacking* is well and clearly written, though jumping back and forth in time. Throughout are quotations from *The Little Prince*, Hodes's favorite book that summer.

She's not unsympathetic to her captors' sentiments, with sad tales of fleeing homes and businesses (Jews from Arab nations have an equal number) and avoids calling them terrorists—a fitting term – but more neutrally "hijackers" or, inaccurately, "commandos." No. Commandos are small military units for quick raids, sometimes to free hostages.

The deadly 9/11 hijackings prompted her to consider her experience. "That's when I realized how little I remembered," she says. "I wanted to connect to the 12-year-old girl who buried as much as she could ... I wanted to do more than excavate my own memories."

The Popular Front for the Liberation of Palestine's three-airliner hijacking on Sunday, September 6, 1970, was world-grabbing news. Commandeered were her TWA flight (after Frankfurt) and airliners from Swissair, Pan

Am, and El Al – the last foiled when the pilot suddenly dropped altitude, toppling terrorist Leila Khaled to the floor, where passengers subdued her. A guard shot the other hijacker dead. The Pan Am plane was hijacked to Cairo and destroyed.

On September 9, a BOAC airliner was hijacked to the abandoned airstrip where TWA 741 and Swissair were parked, making about 400 hostages. On their aircraft, the sisters counted an elderly rabbi, seven infants, 15 toddlers, and a six-year-old girl, alone.

PFLP members pointed rifles at them but usually were polite, saying they would not be harmed. Some were taken forward for interrogation. Hijackers said their motive was to gain world attention for their cause. Mission accomplished. Luggage was opened, and anything suspected of coming from Israel was removed.

Hostages were fed varied amounts by the PFLP, then better by the Red Cross, which provided physicians augmenting a PFLP doctor.

But they sat sweating and unbathed amid increasing litter with a reeking, overflowed toilet, eventually eased when the flight engineer found and opened a drain valve.

Passengers suffered discomfort, dirt, odor, hunger, and thirst, but not physical abuse. The PFLP installed explosives, threatening to set them off unless nations met their demands.

At one point, the hijackers ordered everyone off the airplane and drove some of them away, leaving the rest, mostly Jews, in a circle surrounded by armed terrorists.

Catherine said she expected them all to be killed. But they were ordered back inside, wives frightened for missing husbands, and Sara Raab left with two children but not David, her oldest. He was one of 56 people unaccounted for when most of the hostages were released and flown out. Eventually, all would be freed, at the cost of exploded aircraft and released terrorists. Raab would write a 2007 book about the experience called *Terror in Black September*.

"After we came home, there was no debriefing by authorities," Hodes says. "No teacher sent us to a school guidance counselor, and no one took us to a therapist. Our parents never told us what it was like for them," heightening her feelings of the hijacking "as an experience

best ignored."

Her best friend "wanted to know everything, but I didn't want to talk about it."

Her parents, minimally observant Jews, were theatrical dancers, acclaimed mother Linda with Martha Graham and Israel's Batsheva Dance Company, which attracted her to remain in Israel. The daughters lived with their father, Stuart, during the school year, and with their mother in summers.

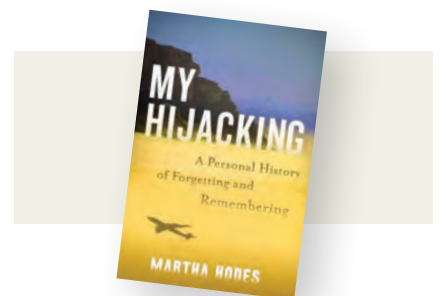
Her parents' reticence about their split made it "easiest to dismiss the uncomfortable emotions that none of us wanted to acknowledge anyway," Hodes says. "By the time I boarded the flight home...I was adept at banishing uncomfortable feelings."

How did the hostages pass all that time? They talked, played games, bickered, sang – with modifications such as "I'm living on a jet plane" – and slept, perhaps for a reason we discover late in the book that might have dimmed memory: The Red Cross physicians freely distributed tranquilizers. She doesn't remember if she and Catherine took them.

For the book, she augmented her memory at the National Archives: newspaper accounts, TWA records, flight-crew reports and TV news footage. She interviewed other hostages and used British and Swiss archives. She discovered things she'd forgotten, things she'd not known, and photos showing her and Catherine.

But "all these years later," she says, "I'm still unable to recapture a real memory of fear." ■

*Neal Gendler is a Minneapolis writer and editor.*



**My Hijacking: A personal history of forgetting and remembering**

Martha Hodes  
Harper, 367 pages, \$32



# Lupita, the healing turtle

By Marion Fischel

**WHEN LUPITA** and her friend Stan the sweet tooth fell into my hands, I was so distracted by chocolate-mouthed Stan on the cover hiding a bitten-into chocolate bar behind his back as candies and cookies fly around him, that I barely paid attention to his bespectacled turtle friend Lupita sitting in a purple bathtub and didn't notice she was holding a yellow duck. Erroneously, I concluded that it was a toothbrush, and it was sure to be a cautionary tooth-brushing tale.

It's not. Lupita and sweet-tooth Stan are delightful friends, and Lupita's world is happy, fun, colorful, informative, imaginative, and healing.

The spiritual template for Lupita is a turtle from author Keren Benoiel's childhood. When a cousin in Morocco became very ill, nothing could cure him until Great Uncle Albert was advised to bring a turtle home. The cousin was healed, and they called the turtle Guerison ("healing"). The children all loved Guerison and would play with her on their visits. The day Great Uncle Albert left Morocco for France, Guerison disappeared as well.

Thirty years later, "Guerison reappeared in my imagination," Benoiel said. She chose the name Lupita for Guerison's revival because it can be pronounced in any language.

Benoiel's motivation to write *Lupita* came in the form of her young children. She herself grew up in France. As a Franco-Israeli multilingual media expert of Moroccan origin who living in Argentina and a Spanish-speaking father, her children would clearly be bilingual – at the very least.

The *Lupita* six-title collection, available in English, Spanish, French, and Hebrew, allows children to pass seamlessly from one language to another, no matter which language copy they pick up. It is recommended to have a copy in each of the languages you want to encourage.

*Lupita* is both a bedtime story and an ex-



Keren Benoiel with her 'Lupita' series at the Tel Aviv Book Fair earlier this year.

cellent educational book for children. With its imaginative illustrations, the book can entertain an infant and still be interesting to children who speak the target language relatively well but need to improve their reading skills. Although the story is childish, the conversation starters strewn throughout can give way to informative discussion. Even before a child begins to read out loud, there is so much to point out from the illustrations and the enlarged colorful words, and there is much to count and learn. From the very title page, infants can enjoy the drawings of mouth-watering treats, each a different color. In the English version for example, a toddler's introduction to nouns and adjectives comes from describing Lupita's attire – a "white robe" and "towel" on her "head," sitting in the "purple bath" with the "gold leg." *Lupita* goes from its first few easy color-highlighted sounds ("pluff" and "bang") to words such as "grinning" and "astounded," and grammar-by-osmosis phrases such as "I don't remember anything at all."

There is a mouth-watering trip into a chocolate fantasy, where Stan gets to ride his chocolate scooter and eat it as he pedals.

The last part of the book concerns a chocolate cake and the fridge, with the subsequent detective-like investigation into who ate the chocolate cake in the middle of the night. Literary and other reference bells are sounded for the adult as Lupita mouths: "Elementary, my dear Stan," holding a magnifying glass while sporting a Sherlock Holmes-style hat.

Here is where, as the caregiver listens to the child read, or reads aloud to him or her, this book is not boring to an adult and can lead to conversational strolls among all the trivia ready to surface from such a reference, encouraging adult readers to share insights from their own multi-cultured world with their new generations.

Benoiel, who in addition to being fluent in French, Spanish, and English, understands Hebrew and

Arabic, is in the process of creating an Arabic version of *Lupita* to add to the collection. Knowledge of languages, she believes, is a crucial way of fostering communication between those of different mother tongues. Currently, her books can be borrowed – in French, Spanish, English, and Hebrew – from lending libraries across France, Argentina, Uruguay, and Colombia, as well as in London, New York, Tel Aviv, and Jerusalem.

While being amused by chocolate and other fantasies, children can learn from *Lupita* to understand the beauty in being as different from one another as a turtle is from a child (albeit the cartoon version of each) and still being able to find common ground to enjoy the same things and grow to love each other's company.

The *Lupita* multilingual collection is more than a set of children's books. It is the blueprint for a new generation to understand each other's words and identify with each other's emotions, across boundaries and borders.

"Today, a child needs two to three languages," said Benoiel, founder of the publishing house Editions Quel Toupet and of the Born to Read project. "It's the least one can do." ■



# Doing the 'daf' as Israel implodes

## — Part 2 —

### • Brachos 25 •

**ISPRING** out of bed uncharacteristically early to squeeze in the day's *daf* before my weekly game of bridge. Today not being Monday and therefore not free for me, I do a click-and-scroll *shiuur* – skimming through insights gifting all *Bnei Yisrael* simultaneously from Brazil to Japan. Today, we start in the toilet.

Spoiler alert: this is gonna be graphic – take a deep breath. It's Talmud talking scatology, remember; not me being flippant. Check Brachos for yourself if you're skeptical.

Here's what we learn about using the loo: When entering that most important room, if you've forgotten to unwind your phylacteries, Rav Huna decrees that you should put your hand over them until you finish taking your dump. Rav Nachman bar Yitzchak clarified that this is only until the first lump is excreted; Rav Shimon ben Gamliel extrapolated that if you start to excrete, and then stop, and somehow the piece gets reabsorbed, you might get "*Hadrokan*" (in which the stomach swells). There is debate aplenty over what to do if bodily waste (solid or liquid) winds up on your hand (it was unclear to me whether the *tefillin* are wound around it too at that point); someone pops in with a reminder of the customary four steps away from a stink. If someone else passed wind, it's okay to say the *Shema*; you just can't pray engulfed in your own foul air.

I looked at my morning coffee. Doing the *daf*, it seemed, provoked a lot of gulping; I swigged and tried not to splutter. I left my granola untouched until I'd skipped through the exegesis about poop on a pig's snout, and whether urine is purified once it hits the ground. I was too hungry to concentrate on when crap is considered as hard as earthenware and thus not an impediment to saying the *Shema*; the answer, you should know, is not straightforward. There are two versions of Raba bar bar Hana's definition of "rock-hard."

Here's a fun fact: When, according to our sages, is excrement as hard as earthenware and thus not impure? (Don't look at the answer below. Tear your eyes away from the page and



PAMELA PELED

Pamela and Martin Peled on the beach in Israel.

hazard an educated guess. And then see how well you scored.)

The answer is in two parts – give yourself a passing grade if you got one right:

- 1) Excrement is pure as the driven snow when it does not crumble when thrown.
- 2) Ditto when it does not crumble when rolled.

Are you getting a bit tired of the intricacies of these intimacies? I'll stop soon, but I do want to mention, briefly, the finicky issue of cracks and crusts on the doings; and that's before even starting on the pee. Take a look if you like, or skip the next few lines of learned dialogue on droppings:

- (a) Question: What was the conclusion?
- (b) Answer: Ameimar forbid excrement that is like earthenware, Mar Zutra permitted it.
- (c) (Rava): The Halacha is, excrement like earthenware is forbidden; urine is forbidden as long as it can wet.
- (d) Question (Beraisa): Urine is forbidden as long as it can wet; if it is absorbed or dried, it is permitted.

1. Suggestion: The case of absorbed urine is like dried excrement; there is no trace of it; but if there is a trace of it, it is forbidden, even

though it cannot wet.

2. Objection: It also says that urine is forbidden as long as it can wet – we should infer, if [it cannot wet, but just] there is a trace of it, it is permitted!

(e) Conclusion: The inferences contradict each other, we cannot determine from the Beraisa which is correct.

You get the picture.

What amazed me, and then amused me, and then enraged me, was that a whack of my (and my husband's) compound earnings have funded studying this study of shit. Literally. It's just unreal.

Before anyone starts hammering me with death threats for dissing ancient texts, I want to spell something out very clearly. I am all for studying the Bible, the Mishna, Gemara, Kabbalah, Prophets, Megillot and *Ethics of the Fathers*. I am an unapologetic Jew: Plonk me anywhere in the world and I'll seek out a synagogue and happily pray along with my people. But that doesn't mean I have to pay for others to pray.

Remember: The sane secular in Israel (and the shrinking group of sane religious) work and pay pretty punitive taxes. We also go to

the army; we send our kids to the army; some of them get hurt.

The ultra-Orthodox sit for lifetimes studying Talmud, funded by me. They don't wear their *tzitzits* into tanks, they don't fly planes, they don't march for months doing what soldiers do. The closest they get to the army is sending our kids to the front line; zealous men in black coats swing our coalition; they sign off on military agenda for our land.

In the 2023 crazy state budget in the getting-holier State of Israel, NIS 484 billion was earmarked to keep the country on track. About NIS 300 billion of that comes from the upstanding citizens who work and pay their taxes; they are mostly secular, helped by the Religious Lite. Billions of our taxes are funneled to *yeshivot*. Married *bochers* in big black hats will receive another NIS 125 million this year – that's on top of the stipends they already receive. To sit all day – for years, forever! – studying whether one can say the *Shema* while wet.

Now it's true, there's plenty to study: The Talmud suggests that if your heart sees your "nakedness," this is plainly no good; cloudy water might pass muster. If you kick up the bath to make it bubbly, is a Jacuzzi-like *mikveh* good for slinging a *Shema*? Can your heel see your nakedness as you pray? Can your heel touch your nakedness? (Really? Your heel can touch you there? The rabbis, it appears, were advanced yogis.)

Devotees of the daily *daf* study when spit can annul shit, and if you say the *Shema* when your shoe covers a pit of it (presumably without spit)? The answer, if you're curious, is yes; but not if said shoe touches the muck. (No one, unless I missed it, wonders what happens when gunge pre-hardens into earthenware proportions.)

No one is paying me to memorize these regulations, and I admit I skipped the deliberations on when urine constitutes urine, and if a bloke having his morning widdle can pop off a prayer in situ if a bed separates the pisser from the pot. What does that even mean? Does he waterfall the contents of his kidneys' contents over the bed? The mind just blanks.

At times, I am not ashamed to admit, I debated dumping the *daf*.

Perhaps becoming a Buddhist is an easier track to Nirvana.

The thing is, and I get it, you have to know the context. It's like studying Shakespeare: You need to understand the position of Jews in Elizabethan England (there weren't any) to fully grasp the "Hath not a Jew eyes?" rant. It

helps to know Shakespeare's dark lady love might have been a hidden Jewess. Context is always key.

I understand context; I know that's true. And yet.

While Elizabethan housewives regularly climbed the steps to the second floor of their wattle and daubs, opened the window wide and flung out the contents of the household chamber pots onto the street (and sometimes the heads) below, scholars of early modern texts don't spend a lifetime debating the durability of the constituents that splashed down from each home. Romeo must have relieved himself somewhere before Juliet awoke begging him not to be gone, but we are spared the details.

What is it with the Talmud and the toilet? In an effort to come to terms with this oddity, I cast my mind deep into my own, a creamy white beauty on a gray tiled bathroom floor, and I came up with my husband.

I've already mentioned that my husband, so very sadly for me, is long dead. Martin died ten years, four months and 29 days ago as I type these words today; that's a lot of lonely hours.

My darling was 64 when his once-so-beautiful body crumpled and swelled; death from cancer is not a pretty sight. But oh, he'd had his glory days – when he knocked on my door some 30 years earlier I'd opened it to find Paul McCartney standing there, wanting to take me out for dinner. Only a handsomer version of the handsomest Beatle.

It was 1984, on a balmy July Jerusalem evening; climate change wasn't even a concept yet. Martin smiled at me, and I became an Ella Fitzgerald song; I hurled myself, body and soul, into his clear brown eyes, and in one nano-second he morphed into my blood and my skin.

Martin just got more drop-dead gorgeous as the years rolled by. "You're not a man," I used to say to him, in times of tenderness. "You're a miracle." Martin could do carpentry and cryptic crosswords, he could sing and cook and keep our finances growing. He baked our daily bread and made granola from nuts he picked from our tree and cracked in the kitchen and then brushed to remove residual shells. He loved to garden, and he loved to play golf and he loved his work and his kids and hanging with family and friends. But more than anything else, he loved me.

And my, oh my, I loved him back. Sometimes, when I encountered a gift resting under my pillow at night, or woke to the seductive

joy of hot bread baking for breakfast, I would try to articulate my joy. "You are too nice for one person," I would sigh. "You should have been twins."

"It's not that I love you, Mart," I would coo, riffing on *Wuthering Heights* as we snuggled up (Talmudic-ly naked), each night. "It's that I AM you."

It got to the point that I wanted only to breathe in air that he'd breathed out. We were married before cellphones killed conversation at home, before each day's drama is jerkily related during traffic jams or in supermarket queues. In the early days of our lives together, we hardly spoke from morning till night; I kept up a running conversation in my head of what I'd tell him at dinner. He had a job so secret that if I told you, I'd have to kill you; it took him away for about a week a month. So we seemed always on honeymoon. We were never too frazzled for romance because separation always hung in the hallway. Tomorrow we wouldn't have the chance.

And who could be too tired for someone who slings you sonnets for birthdays and every anniversary? Martin was that rare sort of man who mastered (sort of) iambic pentameter to say "Another year has passed and you're still the one I run to, you're still the one I kiss goodni-i-i-ight." The presents that popped up under the pillow – just because – included yummy chocolates that we'd eat in interesting ways. He brought me flowers for Shabbat. He sent red roses on Valentine's Day, with cards cut out of newspapers proclaiming "From your Secret Admirer."

My soul snuggled in his for almost three decades, and the going was good and getting better. And then he got cancer. Pancreatic. ■

*Want to read more? The entire book is available on Amazon.com <https://a.co/bFCZZ3Q>*

#### — Glossary —

*daf* – page (of the Talmud)

*shiur* – lesson

*Bnei Yisrael* – the Children of Israel

*tefillin* – phylacteries

*Shema* – 'Hear, O Israel' prayer

*tsitsits* – prayer fringes

*bochers* – men who study sacred texts

*mikveh* – ritual bath





# Closing shot

A cactus garden in  
Kibbutz Ma'agan Michael.

LIAM FORBERG

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