

1. *Israeli Supreme Court ruling favors women's prayer at Western Wall*, JTA 1/11/17

Israel's Supreme Court has ruled in favor of women being allowed to read from the Torah in the women's section at the Western Wall and declared that an egalitarian prayer area set aside at nearby Robinson's Arch does not constitute access to the holy site. In an interim injunction announced Wednesday, the court gave the wall's Orthodox administrators and state agencies 30 days to show cause why women cannot pray "in accordance with their custom" or allow them to pray as they choose.

2. Daphne Barak-Erez, *Civil Rights and Privatization in Israel*

[A]rguing for the application of civil rights to privatized enterprises rests on a growing willingness to disregard the public-private distinction and abandon the traditional view limiting civil rights to citizen-government relationships. As noted, this view has been curtailed, especially in Europe, where some national constitutions have been interpreted as applying, directly or indirectly, to private relations as well.

Why can't we all just get along?

3. Leviticus 19:17

לֹא תִשְׂנֵא אֶת אָחִיךָ בְּלִבְבְּךָ הוֹכֵחַ תּוֹכִיחַ אֶת עַמִּיתְךָ וְלֹא תִשָּׂא עָלָיו חֵטָא:

You shall not hate your brother in your heart; educate your friend, and do not bear sin for him.

4. Pirkei Avot 1:7

וְאַל תִּתְחַבֵּר לְרָשָׁע

And do not join with a wicked person

5. Rabbi Elchanan Wasserman (20th century Lithuania), 1934 Letter to Poalei Agudat Yisrael

עלתה הצעה לפנייהם להתחבר עם הסתדרות ה"אובדים"... ידוע לכל כי ראשי האורגניזציה הזאת הציגו להם למטרה לעקור ביד רמה את התורה משרשה, ולחנך ולגדל עם ישראל חדש תחת עם ישראל הישן... והדבר ברור, כי אסור להשתתף ולהתחבר עמהם בשום מיני התחברות בעולם, ואפילו לדור עמהם בשכנותם אסור, כי אוי לרשע ואוי לשכנו...

It has been proposed that they join with the *Histadrut* of the *ovdim* [אובדים]... It is known to all that the heads of this organization have set out a goal of uprooting the Torah from its roots with an upraised arm, and to educate and raise a new nation of Israel in place of the old nation of Israel... And it is clear that one may not partner and join with them in any way. Even dwelling in their neighbourhoods is prohibited; woe to the wicked and woe to his neighbour...

6. Deuteronomy 24:4

וְלֹא תִסְטִיִּא אֶת הָאָרֶץ אֲשֶׁר ד' אֱלֹהֶיךָ נָתַן לְךָ נַחֲלָה:

And you shall not cause sin in the land which HaShem your Gd is giving to you, as your portion.

7. Lizzie Dearden, Muslim girls must swim with boys in Switzerland, *The Independent* 1/10/17

The couple then lodged their case with the ECHR, alleging that the requirement to send their daughters to mixed swimming lessons violated Article 9 of the European Convention on Human Rights.

The ECHR unanimously threw out their complaint, finding there had been no violation of freedom of religion, and that Switzerland's right to facilitate "successful social integration according to local customs and mores" took precedence over parents' wish to refuse.

Four philosophical approaches

8. Rabbi Yitzchak Aizik Herzog (20th century Israel), *זכויות המיעוטים לפי ההלכה*, *Techumin* 2 pp. 169-179

מה עלינו לעשות? להגיד לאומות: אין אנחנו יכולים לקבל את התנאי הזה, מפני שתורתנו הק' אוסרת על ממשלה יהודית להתיר הישיבה בארצנו לנוצרים ומכ"ש לעובדי אלילים, ונוסף על זאת היא אוסרת עלינו להרשות פולחנם בארצנו ואוסרת עלינו להרשות להם לרכוש קרקעות? דומני שלא ימצא רב בישראל בעל מוח ובעל שכל ישר שיסבור שעלינו להשיב כך, כלומר שזוהי חובתנו מדין תוה"ק. אפילו אם

נניח שבקבלנו את המדינה בתנאי הנ"ל תעבור הממשלה היהודית עבירה כשתקיים אם התנאי, גם אז הייתי אומר שהעבירה נדחית מפני פק"נ של עם ישראל, בשים לב למצב האומה בעולם....

What should we do? To tell the nations: We cannot accept this condition, because our sacred Torah prohibits a Jewish government from allowing Christians, and certainly pagans, to dwell in our land, and further, it prohibits us from allowing their worship in our land, and it prohibits us from allowing them to acquire land? I cannot imagine finding a Rabbi in Israel with a brain and straight intellect who would think we should respond with this, meaning that this is the Torah's duty for us. Even if we would allow that accepting a State with such a condition would violate a prohibition in upholding that that condition, even still I would say that the transgression would be overridden by concern for saving the nation of Israel, noting our nation's position in the world...

9. Rabbi Avraham Yitzchak Kook (20th century Israel), Orot haTechiyah 43, Naor translation

The *nefesh* [=lower part of soul in Kabbalistic tradition] of sinners of Israel in the "footsteps of Messiah" – those who join lovingly the causes of the Jewish People, Erets Israel and the national revival – is more corrected than the *nefesh* of the perfect believers of Israel who lack this advantage of the essential feeling for the good of the people and the building of the nation and land. But the *ruah* [=higher part of soul in Kabbalistic tradition] is much more corrected in the Gd-fearing and Torah observant, even though the essential feeling and arousal to Jewish activism are not yet firm in them...

10. Rabbi Moshe Avigdor Amiel (20th century Israel), **לנבוכי התקופה**

אינני מאמין כלל וכלל שאלה הם בלתי מאמינים. נראה יותר הדבר שהמה צבועים בזה ופיהם ולבם אינם שווים... ומסירותם לארץ ישראל שמגיעה לעיתים לפאנאטיות קיצונית, האם אינה מעידה על ניצוצות קדושה הבוערים בלבם?

I do not believe in any way that these are people who do not believe. It is more likely that they are "died" in this; their mouths and hearts are not aligned... Their commitment to the Land of Israel borders on the fanatic extreme at times, does that not testify to the sparks of holiness burning in their hearts?

11. Rabbi Avraham Yeshayah Karelitz (20th century Israel), Chazon Ish, Yoreh Deah 2:16

בזמן ההעלם שנכרתה האמונה מן דלת העם אין במעשה הורדה גדר הפרצה אלא הוספה הפרצה שיהי' בעיניהם כמעשה השחתה ואלמות ח"ו וכיון שכל עצמנו לתקן אין הדין נוהג בשעה שאין בו תיקון ועלינו להחזירם בעבותות אהבה ולהעמידם בקרן אורה כמה שידינו מגעת. At a time of [Divine] invisibility, when faith has been cut off from the poor of the nation, punishment does not mend the gap, but only increases it, for it appears like a deed of destruction and coercion, Gd-forbid. Since our entire goal is to repair, the law [of punishment] does not apply when it does not repair. We are obligated to bring them back with ropes of love, to bring them to the radiant light to the extent we can.

12. Rabbi Shlomo Zalman Auerbach (20th century Israel), Minchat Shlomo 1:35

ה"ז דומה למי שקוטע אצבע מרגלו של חברו בכדי להציל אותו בכך מקטיעת כל היד שלו, דפשוט הוא דאינו קרוי מזיק אלא מתקן, ומצוה הוא דקעביד ולא עברה, כך גם כאן אינו חשוב כמכשיל אלא אדרבה במעשהו זה הוא מציל אותו מעון חמור של שנאת תורה ולומדי... ואעפ"כ הדבר צריך הכרע.

This is like one who cuts off a person's toe in order to save him from needing to cut off his entire hand; obviously, this is not called harm, but repair! He is performing a mitzvah, not a transgression. So, too, he is not causing this person to stumble; just the opposite, with this deed he is saving this person from the grave sin of hating Torah and its students... Still, the matter requires resolution.

13. Rabbi Avraham Yitzchak Kook (20th century Israel), Orot haTechiyah 20

אין קץ לרעות הגשמייות והרוחניות של התפרדות האמה לתלקים, אף-על-פי שפרוד גמור, כהעולה על לב המנתחים באכזריות אי-אפשר הוא והיה לא יהיה. זאת היא ממש מחשבה של עבודה זרה...

There is no end to the material and spiritual ills involved in splitting the nation into segments, even though a full separation, as imagined by those who would cut cruelly, cannot and will not be. Such is an idolatrous plan...