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As with many of the *Sh'ma* issues I curate, I began conceiving this issue about certainty, hatred, and polarization thinking it would focus on the lack of civility and dialogue in the Jewish community. But as I started to frame the questions and solicit the essays — as I engaged numerous people in conversations about polarization — my focus shifted. While I remain concerned about polarization among Jews, I became more curious about examining how certainty informs behavior. What happens when we treat our positions — our versions of reality — as "truth"? What happens when that thought process leads to our dismissing others? What happens when dismissal turns to loathing and hatred? Today, when working at the intersection of our differences is proving so rewarding for many — especially in innovation, the sciences, and humanities — there seems to be greater segmentation and distrust in other areas. Do we still recognize ourselves in the lives of other Jews when they appear so very different from us — not only in how they look and dress, but, more importantly, in the values that inform their lives? In this issue, several personal essays reflect on just these questions. In addition, essays explore various perspectives on polarization — the philosophy and religious parameters of certainty and pluralism, the language of hate, and the similarities between Jewish extremists and the first-century Zealots. Finally, this issue challenges us to be more civil in our speech and our communication, and to confront conflict in new ways that embrace difference.

—Susan Berrin, Editor-in-Chief

Imperfect Interpretations:
Wrestling with Truth

LAURA SHAW FRANK

"We need to talk about Beit Shemesh," clamored my tenth-grade Jewish history students a few weeks ago as the story of the Haredi extremist assaults on non-Haredi women in that city took the headlines. I had expected their request; my Jewish history classroom is a place of debate and discussion about the issues of the Jewish present as well as the Jewish past. But, inside my heart, I felt the multiple facets of my identity begin to wrestle with one another. I am an Orthodox woman who covers her hair and wears skirts. I am a passionate feminist who has spent the past 25 years speaking out for women's rights around the world. I am a teacher at Beth Tfiloh Dahan Community School in Baltimore, a community day school that is run under the auspices of an Orthodox synagogue. My students range from the relatively unaffiliated to Modern Orthodox. Some of my fellow teachers are Haredi. I worried about my ability to honor all these parts of myself and my community in this conversation.

As a feminist, I see all too plainly how this group of Haredi extremists has used Jewish law as an excuse to legislate misogyny. I felt I had to share with my students my thoughts that a man who claims that 8-year-old girls must dress modestly because he is "a healthy man" is normalizing pedophilia; he is saying that even a prepubescent girl has no identity other than as a sexual being. And while, as an Orthodox Jew, I believe ardently in the Jewish value of modesty in behavior and dress for men and women, would I be able to articulate where modesty ends and misogyny begins?

In our diverse school community, we have all learned not only to humanize others, but to question ourselves.

As a teacher in a Jewish community day school, at the core of my agenda is teaching my students to respect the viewpoints of all Jews while still remaining true to their own beliefs. This group of extremist Haredim is a perfect example of what I rail against: refusing to listen to

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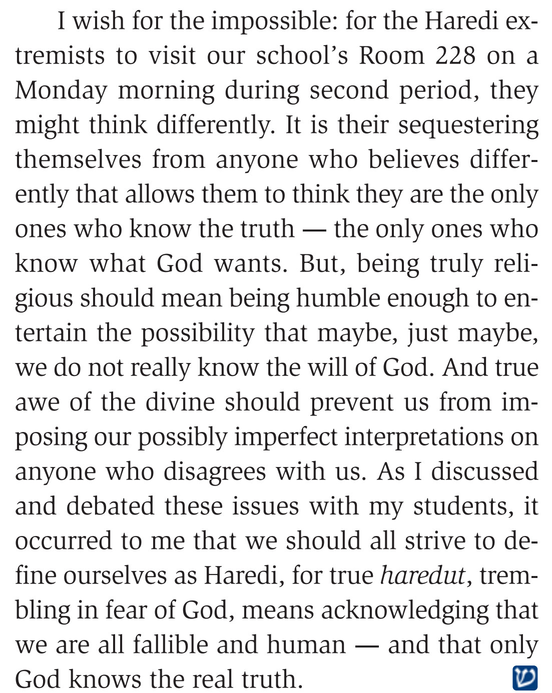
Laura Shaw Frank is the chair of the Jewish history department at the Beth Tfiloh Dahan Community School in Baltimore, Md. She is pursuing a doctorate in modern Jewish history at the University of Maryland, College Park. A graduate of Columbia College and Columbia Law School, Shaw Frank was a corporate litigator for ten years before becoming an educator. She lives in Baltimore with her husband, Rabbi Aaron Frank, and their four children.

any perspective other than one's own. Several questions swirled in my head: Am I doing justice to my belief in *klal Yisrael*, the unity of all Jews, by placing this group of Haredi Jews outside the pale of acceptable discourse? Could I carry on this conversation in my classroom if one of my Haredi colleagues were in attendance? How would I provide the opportunity for my students to express their justifiable anger at a group of extremist Haredim while ensuring that they do not condemn all Haredi Jews? How do I teach the balance between accepting difference and remaining true to one's own value system?

As I discussed the situation in Beit Shemesh with my students, I began to realize that my inner turmoil held within it the answer to why this group of extremists has gone so wrong. In our diverse school community, we have all learned not only to humanize others, but to question ourselves. By forcing ourselves to confront perspectives that conflict with our own, we engage in introspection and refine our own beliefs. I do not believe that a Beth Tfiloh student would ever claim a monopoly on truth. As our students forge relationships not only with their Orthodox Judaic studies teachers, but also with classmates who represent a wide range of beliefs and practice, it becomes obvious to them that there is more than one way to be a good Jew. And, just as important, they see that it is unnecessary to compromise their own belief systems in order to respect the different values of others.



I wish for the impossible: for the Haredi extremists to visit our school's Room 228 on a Monday morning during second period, they might think differently. It is their sequestering themselves from anyone who believes differently that allows them to think they are the only ones who know the truth — the only ones who know what God wants. But, being truly religious should mean being humble enough to entertain the possibility that maybe, just maybe, we do not really know the will of God. And true awe of the divine should prevent us from imposing our possibly imperfect interpretations on anyone who disagrees with us. As I discussed and debated these issues with my students, it occurred to me that we should all strive to define ourselves as Haredi, for true *haredut*, trembling in fear of God, means acknowledging that we are all fallible and human — and that only God knows the real truth.

Dangerous Uncertainty

MICHAH GOTTLIEB

Michah Gottlieb is assistant professor of Hebrew and Judaic Studies at New York University. He is author of *Faith and Freedom: Moses Mendelssohn's Theological-Political Thought* (Oxford University Press, 2011) and is editor of *Moses Mendelssohn: Writings on Judaism, Christianity, and the Bible* (Brandeis University Press, 2011).

In his 1689 "Letter Concerning Toleration," the British philosopher John Locke addresses the question of whether one sect of Christianity has the right to persecute another. Speaking to an imagined interlocutor who affirms such a right, Locke asks him which Christian sect possesses that right: "It is the orthodox church that has the right of authority over the erroneous or heretical one," answers his interlocutor confidently. At this point, Locke turns the knife. "This," he declares, "is to say nothing at all" since every church believes itself to be the true church.

Locke's argument is that since no one can know the way to salvation for certain, we must tolerate others. Therein, Locke is putting forward a crucial modern argument for toleration: Our tolerance of others is grounded in our inability to be certain about our own beliefs.

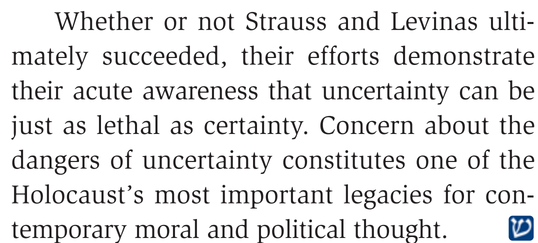
While Locke denied our ability to know the true way to salvation, he nevertheless affirmed our ability to prove many truths rationally, including the truths of God's existence and universal moral obligations. However, such assertions have been assailed for breeding intolerance. Locke himself denied toleration to atheists, and many have denigrated the notion of "universal morality" as a Western concept used to oppress "primitive," non-Western cultures.

William Egginton, a professor of comparative literature at Johns Hopkins University, takes Locke's argument for tolerance to its furthest limit in his recent book, *In Defense of Religious Moderation*. Egginton argues that any claim of possessing absolute truth is inherently dangerous. He labels as "fundamentalist" anyone who asserts such knowledge, including religious extremists and die-hard atheists. Egginton contrasts fundamentalists with those he calls "moderates." What distinguishes the two, he explains, is "not what they believe, but how they believe." While fundamentalists contend that their beliefs are based on the knowledge of absolute truth, religious moderates acknowledge that their beliefs do not depend upon such knowledge, which they

claim is unattainable. For Egginton, ethics depends upon epistemology. While fundamentalists who are certain of the truth of their beliefs naturally persecute those who do not share those beliefs, moderates are led by their "uncertain faith" to be tolerant of differences, humane, and peaceful toward others, since they are unsure that their convictions are truer than anyone else's.

Egginton's argument rests on the assumption that one can draw a direct line from uncertainty to tolerance. But is this so? Uncertainty can lead to tolerance, but it need not. As history testifies, one can deny the possibility of knowing absolute truth while embracing an intolerant, even fascist worldview. German philosopher Martin Heidegger's Nazism is perhaps the most famous example of this thinking. The problem stems from the fact that those who claim the impossibility of knowing any absolute truth must also be uncertain of our ability to know the absolute truth of the unconditional value of every human being — a truth that forms the basis of universal moral obligations. As such, in a situation in which it is personally advantageous to affirm a fascist, intolerant worldview, the person of "uncertain faith" lacks the intellectual resources to confidently declare such a worldview mistaken, for he must regard the notion of the unconditional value of every human being as simply one way of constructing reality.

Concern about uncertainty lies at the heart of the work of the two most important post-Holocaust Jewish philosophers, Leo Strauss and Emmanuel Levinas. As Jews who studied under Heidegger and had to flee the Nazis, Strauss and Levinas sought to formulate absolute principles that would ground ethics and tolerance. For Strauss, this meant returning to the classical rationalist tradition, while Levinas used phenomenology to base ethics on a direct, personal encounter with the "Other."



Whether or not Strauss and Levinas ultimately succeeded, their efforts demonstrate their acute awareness that uncertainty can be just as lethal as certainty. Concern about the dangers of uncertainty constitutes one of the Holocaust's most important legacies for contemporary moral and political thought.

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The Price of Uncertainty

SHAUL MAGID

Many of us were deeply disturbed by the exhibition of Haredi, or ultra-Orthodox, zealotry in Beit Shemesh, a bedroom community outside Jerusalem, earlier this year. Many essays were written about the uncouth Haredim and their uncompromising beliefs, about the political ramifications of such egregious behavior in Israel's public space, and about the decline of Israel's cosmopolitan civility. But these events of zealotry also raise theoretical questions that are perhaps less popular, albeit no less important, for understanding the present state of Judaism.

The Haredim live in a world of certainty where what they believe and practice is non-negotiable and, according to them, what modern Jews — from progressive Modern Orthodox to Reconstructionist — believe and practice is heretical. Since many of us are committed to the notion that pluralism is a fundamental cornerstone of any free society, we reject in principle their uncompromising claim to certainty. Our pluralism, though, comes with a price. The Haredim have maintained a religiosity, a devotional passion, and a commitment to their beliefs that we pluralistic Jews cannot easily attain, much less maintain. This may be why we are often nostalgic about Haredi Judaism and romanticize it as an example of the "authenticity" we seem unable to capture.[1] In short, while we reject Haredi rigidity, we are jealous of its passion, and we do not adequately consider how the rigidity and passion are linked. In what follows, I explore an alternative to pluralism that not only embraces the uncertainty principle endemic to modernity, but also offers a way to separate social mores from devotional practice. This may enable us to explore more deeply the passion necessary for a religious life and also to find ways to make it an integral part of our social commitment to tolerance.

Pluralism has many forms. Given the limitations of this essay, I mention only two. First is what I call "bifurcated pluralism" — that is, holding one's religious convictions to be true and the convictions of the other to be false while tolerating the falsity of the other in the spirit of social cohesion. One articulation of this kind of pluralism is found among some in the progressive Modern Orthodox camp. While

Shaul Magid is the Jay and Jeannie Schottenstein Professor of Jewish Studies in Modern Judaism at Indiana University Bloomington and a member of the Advisory Board of *Sh'ma*. His most recent book is *From Metaphysics to Midrash: Myth, History, and the Interpretation of Scripture in Lurianic Kabbala* (Indiana University Press, 2008). His forthcoming book, *American Post-Judaism: Identity and Renewal in a Postethnic Society,* will be published next year by Indiana University Press.

[1] For example, see the work of Elie Weisel, Marc Chagall, Martin Buber, Abraham Joshua Heschel, and Shlomo Carlebach.

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they reject as false many of the halakhic innovations and beliefs of non-Orthodox streams of Judaism, they remain open to working with non-Orthodox Jews. Bifurcated pluralism is essentially a modern category that constructs a space between truth and heresy. Heresy is considered not only false or errant but destructive and thus intolerable, while false belief and practice (e.g., biblical criticism, a God who does not elect a people, or egalitarianism) are mistaken yet not destructive enough to require eradication. As important, the need for social cohesion trumps the need for erasure. Given the inherent challenges and dangers experienced by Jews living in a free society, many traditionalists have decided that cultivating Jewish expression and identity, even based on false premises, is better than assimilation. This is part of the pact religion has made with the secular world in which it lives.

Bifurcated pluralists offer wonderful *drashot* and write brilliant essays, but I wouldn't necessarily walk three miles on a snowy winter Shabbat morning to daven with them.

A second form of pluralism I call "postmodern pluralism." It's founded on the principle that all truth is constructed such that even what I hold to be true can never — should never — be universalized, because truth doesn't really exist outside of our perception of it. Postmodern religious pluralists from any corner of the Jewish world include those who no longer believe in any objective religious truth but view religious practice as beneficial to their personal or collective lives. In the larger world, the postmodern critique of objective truth has found expression in everything from nihilism to psychoanalysis to deconstruction. It strikes at the heart of religious conviction and places the uncertainty principle as the only, and irresolvable, truth. Uncertainty is not the condition that requires faith as it is in thinkers from Martin Luther to Karl Barth. Rather, uncertainty is all there is.

The problem with the first pluralism is that it is disingenuous. By extension, bifurcated pluralism, arguably, not only weakens social cohesion by rejecting non-Orthodox Judaism while accepting the Jews who practice it, but also dilutes the expression of the devotional life because it cultivates a defensive and apologetic posture, i.e., "I must prove to the other, whom I tolerate, and myself why what I believe is correct." Defensive religion does not often contribute to an impassioned devotional life. Bifurcated pluralists offer wonderful *drashot* and write brilliant essays, but I wouldn't necessarily walk three miles on a snowy winter Shabbat morning to daven with them.

The problem with the second form of pluralism, postmodern pluralism, is this: The falsity of all "truth" jams the engine of religious conviction (based on a posture of certainty), which serves as the core of religious devotion. If one believes that all religious behavior is directed toward some constructed notion of truth, what drives the individual toward passionate devotion? While I may be intellectually drawn to this position, my heart often resists the temptation to integrate fully a belief or even an experience of transcendence into my imagination. Believing in or disbelieving in the transcendent other is a struggle that gives me no respite. Moments of belief, soon followed by moments of disbelief, often happen unexpectedly — sometimes when reading psalms late at night and sometimes when I walk in the woods in the late afternoon after a snowfall with our dog, Shlomo. In the moment, each one is as clear, and as certain, as its opposite.

One of the curious dimensions of Haredi life is its ostensible allegiance to Kabbalah and Hasidism. Mystical religion, as we know, is founded on the principle of uncertainty captured in Nicholas Cusanus' 15th-century principle of *coincidentia oppositorum* (coincidence of opposites). According to Aristotle's notion of "the law of the excluded middle" (Aristotle, *On Interpretation*, 9) a thing cannot be simultaneously its opposite (if x is true and y is the opposite of x, y cannot be true). In different ways, mystics argue that while we may never be able to logically or rationally apprehend it, things can be, paradoxically, both "black" and "white" simultaneously. Moreover, in the kabbalist's "world of truth" (*olam ha-emet*), things *are* both black and white simultaneously, because the binaries of black and white are nonexistent. For some kabbalists, the unity of God is mirrored in the unity of existence, only part of which we can see without stepping outside the confines of our empirical lenses. Mystics from Rumi to Meister Eckhardt to the early followers of the Baal Shem Tov were often accused of heterodox views precisely because their doctrine of mystical paradox undercut the "orthodoxies" of doctrinal or even experiential certainty. Generally, mystics reject Aristotle's law of the excluded middle.

So why is it that contemporary Haredim, many of whom hold allegiance to the paradox

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of opposites in kabbalistic teaching, a system that coheres to some degree with the modern uncertainty principle, live their lives in a world of rigid certainty? While this is not the place to answer this complex psycho-theological question, I can articulate an interpretation of *coincidentia oppositorum* drawn from kabbalistic teaching that might be useful in offering a model of religious tolerance not founded on one of the two pluralisms mentioned above. I do this for two reasons. First, Haredim would likely object to both models of pluralism mentioned above. They would reject the compromising posture of bifurcated pluralism as accommodationist and the atheistic posture of postmodern pluralism as blasphemous. Second, I am in search of a model for modern Jewish piety not founded on either of the above pluralisms, because while each cultivates social tolerance, neither in my view is particularly conducive to a life of devotion (as opposed to a life of religious practice).

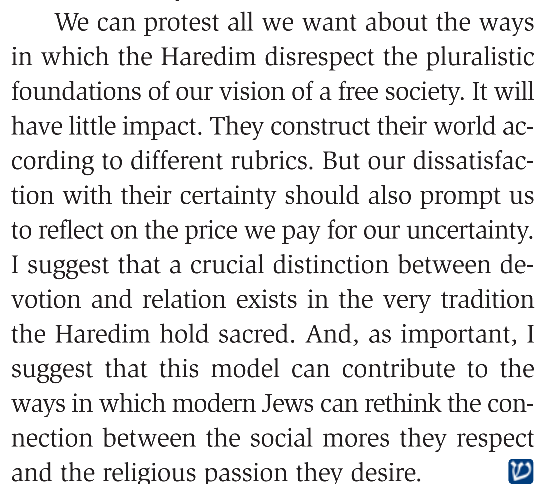
Hasidic masters are fond of saying that the "All" is contained in each devotional act (mitzvah) one performs. For example, when one performs a mitzvah with intensity and focus, it is as if one is performing all the mitzvot. Yet, they also claim that no part of the "All" can contain the "All" — that all attempts to embody the "All" fall short by dint of our human limitations. Hence, for a religious act to be successful it must be performed with utter certainty. Yet, upon reflection, or in relation to another, we must acknowledge the uncertainty that lies embedded in, or perhaps frames, that certainty. We must act with certainty and be uncertain of the truth of that very act.

A similar principle applies to the kabbalistic ideas of the inner light (*or penimi*) and hovering light (*or makif*). The inner light is light that is absorbed into our consciousness and, for our purposes, represents certainty. The hovering light always remains beyond our comprehension and embodies the principle of uncertainty. Religious devotion must come from the light that is absorbed, apprehended, and thus — for the devotee — true. Perhaps we can say that religious relation is drawn from the uncertainty of all human apprehension in the *or makif*, the hovering light that cannot be absorbed. This distinction between devotion and relation is one way to embody the notion of the *coincidentia oppositorum*. We act from a place of certainty and reflect on that act from a place of uncertainty. To be "inside" a mitzvah requires a self that is certain, envisioned as embodying the divine in its entirety. However, when we relate to how others act differently, we stand squarely in the uncertainty principle, fully acknowledging that the certainty about how we act (the inner light) is framed by uncertainty in relation to the other (the hovering light). This is precisely what makes our acts transcendent. And it is precisely what gives our certainty religious, rather than merely rational, significance.

There is no need to defend the certainty or truth of any position, because we fully acknowledge that truth, any truth, is both real and unstable — unstable in its very realness.

Why is this preferable to the two forms of pluralism mentioned above? First, there is no need to defend the certainty or truth of any position, because we fully acknowledge that truth, any truth, is both real and unstable — unstable in its very realness. Second, we avoid the cynical pitfalls of a fully constructed truth as it relates to religious devotion. In this model, we can never forcefully demand allegiance of our truths to another (the part that is "All" or the inner light of our devotion), because once we stand outside the act we recognize its constitutive uncertainty.

We can protest all we want about the ways in which the Haredim disrespect the pluralistic foundations of our vision of a free society. It will have little impact. They construct their world according to different rubrics. But our dissatisfaction with their certainty should also prompt us to reflect on the price we pay for our uncertainty. I suggest that a crucial distinction between devotion and relation exists in the very tradition the Haredim hold sacred. And, as important, I suggest that this model can contribute to the ways in which modern Jews can rethink the connection between the social mores they respect and the religious passion they desire.



Whose Certainty? A Response to Shaul Magid

YEHIEL POUPKO

There is another perspective on the criminal behavior of a small group of highly insular Haredim in Beit Shemesh. Traveling to Israel recently on a rabbinic mission of the Jewish Federation of Metropolitan Chicago were nearly two dozen Conservative, Orthodox, and

Modern Orthodox Jews and Haredim looked at the destruction of European Jewry and saw the same thing, but drew different conclusions.

Reform rabbis. We met with Yair Ettinger, who covers religious affairs for the Israeli daily *Haaretz*. In December 2011, he wrote an article based on an interview with a former spokesman for the *Eda Ha-Haredit* (the governing council of the Ashkenazi Haredi community), Shmuel Chaim Pappenheim, who is a member of the Toldot Aharon community. Ettinger writes: "Two decades ago, *Eda* rabbis were already permitting young fanatics from Mea Shearim to move to the increasingly ultra-Orthodox neighborhoods of Beit Shemesh. The extreme Lithuanian courts of Toldot Avraham Yitzhak, Toldot Aharon, and smaller groups ... are all sending members to the new neighborhoods there. They have done a remarkable job of establishing a fanatic ghetto. The 'Sicarii' [from the Latin 'Sicarii,' the name of the Jewish zealots who attacked both Jews and Romans in the period leading up to the destruction of the Second Temple] within this ghetto are terrorizing Ramat Beit Shemesh Bet as well as the rabbis. No one in the ultra-Orthodox camp is willing to clash with them."

Based on his interview with Pappenheim (who also met with our group), Ettinger notes that the criminal behaviors (which were not directed toward Israelis in general) were a response to the growing wave of change within the Haredi community — including vocational and higher education for men and women, participation in the army, and women entering the larger workforce (a response to the recognition of the need for "work with honor"). If Yair Ettinger and Shmuel Pappenheim are correct, this is good news. It means that a growing number of Haredim are heeding the call of normalcy. The summons of Judaism is the sanctity of normalcy, building civilization through the quotidian according to the mitzvot of the Torah. The Beit Shemesh criminals are well aware of the changes that are taking place. They experience these changes in their own families, and we can expect more criminal behavior as these changes become more prevalent in the Haredi community.[1] As Ettinger notes, many Haredim who pursue "work with honor" are defying their rabbinic leadership. Personally, as the grandfather of six Israelis, I look forward to the draft, gainful employment, and taxation of about 55,000 Haredi men who at the moment choose to "learn" rather than to work.

Now to the heart of Shaul Magid's essay, where he outlines how he is certain of my uncertainty. I am not uncertain. I believe, therefore I am. My belief is nonnegotiable. Magid accurately describes the current state of belief among many Jews and Westerners. This description does not include me or many other Orthodox Jews. My faith affirmations are absolute truth claims. When I say, "I believe," it is by definition an exclusionary statement. Some Jewish faith affirmations deny something sacred to me as a believing Orthodox Jew. The same is reciprocally true for my faith affirmation.

Though Haredim and Modern Orthodox Jews make the same faith affirmations, there is an important difference between them when it comes to Jews outside of orthodoxy. While this distinction has existed for nearly two centuries, it intensified after the destruction of European Jewry. Modern Orthodox Jews and Haredim looked at the destruction of European Jewry and saw the same thing, but drew different conclusions. They both recognized that so many who were so learned and so very pure in their observance of mitzvot and in their *avodat Hashem* (serving God) had been destroyed. Haredim looked at that circumstance and, in effect, said, "Given that is the case, then everything has to be done to protect, safeguard, and nurture *ud mutsal mei-eish* — that flickering ember, that remnant from the fire. Therefore, ever higher walls of separation are needed between the traditional Jewish world and the rest of Jewry and the Western world itself." Modern Orthodox Jews reasoned differently. They figured that everything possible must be done to connect even more intimately with the rest of the Jewish people and to foster a sense of family among us. While the Haredi Jew theologically and halakhically views the non-Orthodox Jew not much differently than the Modern Orthodox Jew does, nevertheless, the Modern

Rabbi **Yehiel E. Poupko** is Judaic Scholar at the Jewish United Fund/Jewish Federation of Metropolitan Chicago.

[1] See the work of Menachem Friedman, professor emeritus of sociology at Bar-Ilan University in Ramat Gan, in order to understand the complexities of Haredi culture.

Orthodox Jew will seek ever better relations and ever more opportunity for collaboration with all kinds of Jews.

In the world of faith affirmations, there is no room for pluralism. I believe, therefore I am. I would not believe it and act on it if I were not certain it is the truth. If by pluralism it is meant that there are multiple "truths" with equal legitimacy, then I do not subscribe to current notions of pluralism. I am a believer, not a sociologist or an anthropologist. Thus I profess my belief; I do not describe it as one among many available faith options. As I write today, it is the week before *Parashat Yitro*, when I will once again thrill to the record of God's revelation and Torah giving, the written Torah and the oral Torah. The record of the latter I will continue to learn from the pages of the Talmud and Midrash, and for its life imperatives I will turn to the *Shulkhan Arukh*.

This certainty is anachronistic for many. Today, people do not take well to orthodoxies of any type. Why is this so? What does this lack of ease with the Orthodox tell us — not about those who embrace orthodoxies, but about those who critique them? At a time of growing Christian orthodoxies in America, we Jews continue, as we have for two centuries, to be powerful forces of secularizing and modernizing. Church attendance is up; synagogue attendance is not. Why is this so? Does our contemporary discomfort with orthodoxies affect the way we look at the criminal behavior of a few Haredim? Are these badly behaved Haredim of Beit Shemesh a convenient surrogate through whom to express general discomfort with all the Orthodox?

The lived life of the Jewish people expresses religious ideas. A document written and endorsed by a group of Chicago Conservative, Orthodox, and Reform rabbis asserts that the three movements "affirm that Judaism is an indivisible amalgam of God, Torah, faith, familial peoplehood, land, and language." Noting the history of promise, slavery, and redemption, the document continues: "We further believe that after the Exodus, God and Israel met at Sinai... At Sinai, the covenant of peoplehood blossomed into the covenant of mitzvot." This covenant expresses the shared uniqueness of Judaism among Jews of differing beliefs and practices. Our commonalities are at least as powerful as our differences. In the face of more than 4 billion Christians and Muslims whose monotheistic beliefs we respect, we stand witness to Sinai at this, and in this, moment.

Both Haredim and Modern Orthodox Jews share the the *emuna p'shuta*, the simple belief in *Torah min hashamayim* — that the Torah was given to the Jewish people at Sinai as God's word. We believe in its covenantal binding for all time. By the time World War I came around, a majority of Jews no longer fully observed the mitzvot. Nevertheless, large majorities remained powerfully attached to the Jewish people and to some of the basic ideas and experiences of the Jewish tradition. They were and are possessed of *kedushat Yisrael* (the sanctity of the Jewish people). It is inherent and immutable. It endures irrespective of practice and belief. Thus, my attachments to and a lifetime of work with all sorts of Jews irrespective of their beliefs and practices has nothing to do with social cohesion or political convenience. It is the imperative of Israel's entry, at Sinai, into the covenant that establishes *kedushat Yisrael*. Jews who believe and practice differently than I do are by virtue of that very belief and practice affirming of that *brit* (covenant). We are family. Family may not always mean unconditional like, but it does mean unconditional love. This is the lesson of *umibsarkha lo titalam*: Do not callously turn away from your flesh.

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Address all **editorial correspondence** to *Sh'ma*, P.O. Box 1368, Menlo Park, CA 94026, or E-mail: Sberrin@shma.com.

For all **Web-related inquiries**, contact Robert J. Saferstein: Rsaferstein@shma.com.

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From Certainty, Change

DONALD H. HELLER

A considered, evidence-based analysis has led me to conclude that capital punishment should be abolished. But that has not always been how I felt.

In the fall of 1977, I wrote the death penalty initiative (the Briggs Initiative) that became the law of the State of California after voter approval (82 percent in favor) a year later. The initiative dramatically increased the number of defendants eligible for the punishment of death. I wrote the initiative after spending almost 8½ years as a prosecutor, first in the Manhattan District Attorney's office and then in the United States Attorney's office for the Eastern District of California in Sacramento. By the time I left the United States Attorney's office, I was a skilled and experienced legal writer and I was certain when I wrote the initiative that capital punishment was the appropriate punishment for willful and intentional murders and for murders committed in the course and furtherance of other serious felonies.

Within four years of the initiative's enactment in 1978, California's death row began to fill with inmates; today, the population is approximately 750. The zeal of prosecutors in populating death row was exceeded only by the lack of skill of defense counsel as reflected in the disproportionate number of death row cases that were reversed for ineffective assistance of counsel. For those of us who participate in a criminal justice system predicated on the right of defendants to have the effective assistance of counsel, especially when they face death as punishment, this was a grave problem.

I became concerned when legitimate questions of disparate treatment of defendants of color and defendants who were indigent were raised. At the time I wrote the initiative, I believed in the idea of "an eye for an eye," and I never considered unacceptable the issue of communally sanctioned executions.

In retrospect, writing the initiative was a huge mistake — one that should be corrected. My change of position occurred over a period of years of observing that capital punishment was not functioning as intended. By 1983, I realized that a combination of factors made it clear that capital punishment was unmanageable and discriminatory, and that it provided the real possibility for the execution of an innocent person. In 1998, with the execution of Tommy Thompson,[1] I became more vocal in speaking out against my initial certainty about capital punishment and in stating my reasons for supporting its abolition.

At the time I wrote the initiative, the cost of financing capital punishment was never considered. Now, it has become clear that death penalty cases are generating huge capital expenditures for California. The government must pay for both the defense and prosecution, since the vast majority of homicide cases involve indigent defendants. The government never disclosed the real cost in dollars, but a recent study under the direction of Judge Arthur L. Alarcon, senior circuit judge for the U.S. Court of Appeals for the Ninth Circuit, shows that more than $4 billion has been spent on the mechanism of death, and that taxpayers will continue to pay upward of $180 million per year for the prosecution and countless appeals of capital cases.

Correctness is an ethereal term of art, whether morally, ethically, or legally. Correctness is dependent upon the facts that drive a particular opinion, decision, or moral position. As facts change, reconsideration is not inappropriate. We know by uncontroverted evidence that there have been 289 post-conviction exonerations nationwide since 1989, 17 of which were death penalty sentences. These judicially vacated sentences occurred because of advancements in modern science that permitted DNA analysis of physical evidence. That evidence proved irrefutably that good faith findings of "guilty beyond a reasonable doubt" could have led to the execution of a factually innocent person — a terrifying thought. There is no way of ensuring that we, as a society, will not execute a factually innocent person. Regardless of cost, a moral society should not risk the execution of an innocent person.

I have retracted my initial position, and I now believe with absolute certainty that capital punishment should be abolished.[2] A sentence of life without the possibility of parole protects society from convicted murderers; it provides adequate punishment and puts closure to the despair of the families of victims.

By seeking the abolition of capital punishment, I am not suggesting that when confronted with deadly force one cannot use the same in self-defense; nor am I suggesting that as a country we cannot preemptively use deadly force to protect ourselves. But the mechanism of judicially imposed death as a punishment should be abolished.

Donald H. Heller has been an active member of the New York State Bar since 1969 and the State Bar of California since 1973. He has served as an Assistant District Attorney in the New York County District Attorney's Office (1969-1973), an Assistant U.S. Attorney in the United States Attorney's office for the Eastern District of California (1973-1977), and an active civil and criminal trial attorney in the federal and state courts. Heller has tried several hundred civil and criminal cases to verdict and has lectured widely on civil and criminal trial practice. He is a member of Mosaic Law Congregation in Sacramento, and he has been involved in the Jewish community activities since arriving in Sacramento in 1973.

[1] In 1998, Thomas Martin Thompson, a man convicted of a 1981 rape and murder, was executed at California's San Quentin Prison despite overwhelming evidence of his innocence. The U.S. Supreme Court denied Thompson clemency because the Ninth Circuit Court of Appeals, which found that Thompson had been erroneously convicted, failed to meet a procedural deadline for filing its decision.

[2] An initiative is pending for the November 2012 California ballot that would abolish capital punishment in California.

Willfully Blinkered:
The Case of the Hyper-certain Mind

JAMES AHO

In *Kingdom Coming: The Rise of Christian Nationalism* (2007), journalist Michelle Goldberg quotes a Christian motivational speaker taking issue with an audience member who was claiming that sex education works to deter unwanted pregnancies: "People of God," she urgently replied, "can I beg you to commit yourself to truth, not [to] what works? To truth? I don't care if it works, because at the end of the day, I'm not answering to you; I'm answering to God." These are the words of the willfully blind: obstinate and unyielding, dismissive of practical facticity, ravenous for certainty — for something indubitable and genuine.

The beliefs of the willfully blind can often have the appearance of science — as did the alchemists of the past, with their lab coats, their elixirs, their gleaming instruments, and their mathematical calculations. But contrary to science whose assertions are verifiable, the presuppositions of willful blindness are immune to the process of determining veracity. Observations can be amassed to "confirm" these assertions, but insofar as their adherents already know them to be true, they are beyond the reach of criticism.

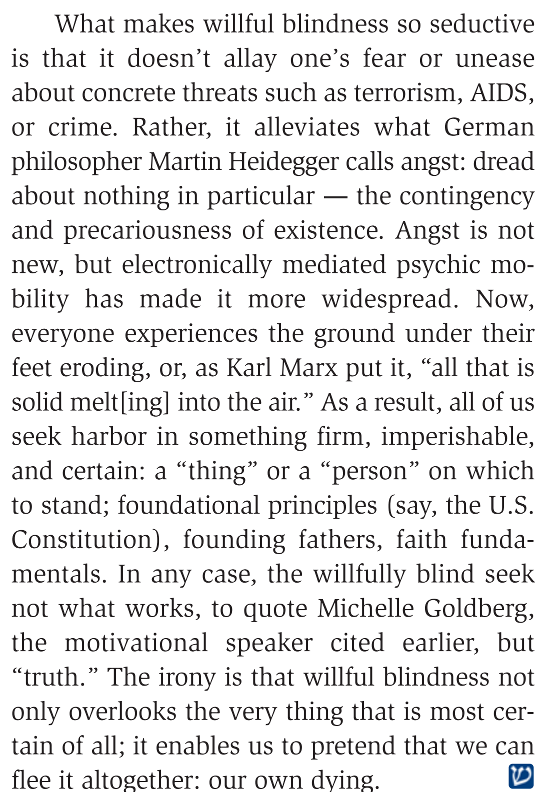
Here are two examples of willful blindness: first, so-called "birthers," who will not accept anything — neither a published birth announcement nor a birth certificate — as evidence that President Obama is a bona fide American citizen, and second, Holocaust deniers, who are so certain of their claim that they will not accept as legitimate any evidence that the Nazis murdered 6 million Jews.

As is the case with astrology or research into sightings of legendary creatures like Bigfoot or the Loch Ness Monster, willful blindness can be innocuous — even, sometimes, fun. But such blindness can harbor menacing implications by preparing audiences psychologically to inflict harm on others, or by ignoring the cries of victims. Such is the situation with the argument that global warming is a hoax (and we can therefore continue pouring CO_2 emissions into the atmosphere without concern); or that the U.S. Defense Department is using chem-trails to sicken Americans and erecting concentration camps to imprison dissenters (therefore: arm yourself for battle); or that the Great Sanhedrin, the supreme court of ancient Israel, authored the antisemitic screed *The Protocols of the Elders of Zion* to promote a reign of evil on earth.

One plausible explanation for smug self-surety is the "authoritarian (proto-fascist) personality." This describes someone who clings to (especially sexual) convention, admires "strong" leaders, hates presumed indicators of weakness (art, music, male homosexuality, and the like), and repudiates moral ambivalence. According to psychologist Alice Miller, the trauma of child abuse is a cause of this phenomenon, but other theorists are less certain.

To preserve the sanctity of their beliefs, people who are willfully blinkered employ standard rhetorical operations: They pose their assertions in such vague terms that virtually any event can be cited as proof; and when seemingly contrary findings are acknowledged, they invoke auxiliary propositions to bolster their contentions — most notably, the defense that "exceptions prove the rule." Finally, people call on celebrity pundits, star athletes, self-proclaimed prophets, and holy books to refute detractors and/or to justify their claims. When these fail, they simply shut their eyes and refuse to listen.

What makes willful blindness so seductive is that it doesn't allay one's fear or unease about concrete threats such as terrorism, AIDS, or crime. Rather, it alleviates what German philosopher Martin Heidegger calls angst: dread about nothing in particular — the contingency and precariousness of existence. Angst is not new, but electronically mediated psychic mobility has made it more widespread. Now, everyone experiences the ground under their feet eroding, or, as Karl Marx put it, "all that is solid melt[ing] into the air." As a result, all of us seek harbor in something firm, imperishable, and certain: a "thing" or a "person" on which to stand; foundational principles (say, the U.S. Constitution), founding fathers, faith fundamentals. In any case, the willfully blind seek not what works, to quote Michelle Goldberg, the motivational speaker cited earlier, but "truth." The irony is that willful blindness not only overlooks the very thing that is most certain of all; it enables us to pretend that we can flee it altogether: our own dying.



James Aho is professor emeritus of sociology at Idaho State University, and author of many books, most recently, *Sociological Trespasses: Interrogating Sin and Flesh.*

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This Is Your Brain on Conflict:
The Problem of Polarized Communication

AMY EILBERG

The human world is today, as never before, split into two camps, each of which understands the other as the embodiment of falsehood and itself as the embodiment of truth. . . . Each side has assumed monopoly of the sunlight and has plunged its antagonist into night, and each side demands that you decide between day and night. . . . " —Martin Buber, "Hope for this Hour"

Does this sound like a description of the combative rhetoric between Democrats and Republicans in the current election cycle? Or among Jews at different points on the religious or political spectrum? This description of polarized discourse, as contemporary as it is classic, was written in 1967 by Martin Buber.[1] There, he named the central problem of conflict interaction and hinted at the healing needed to transform it. In so doing, he anticipated the work of the best theory and practice in contemporary conflict studies.

Family therapists Richard Chasin and Margaret Herzig write that ideological opponents often resemble families stuck in chronic conflict.[2] In such rhetorical battles, supporters of each side "believe they hold the high moral ground and are prey to unprovoked attacks from the other side, which they see as power hungry, self-centered, destructive, and perhaps even deranged. … [E]ach find[s] 'proof' of their own innocent victimhood and of the other's unwarranted attacks and wrongdoing."[3]

Whatever the particulars of our personal histories, nearly all of us have experienced such painful conflicts in our lives.

Chasin and Herzig, along with a group of colleagues in the Boston area, created the Public Conversations Project (PCP) in response to the escalating rhetoric in the late-1980s abortion debate. Today, PCP analyzes and facilitates public conversation around highly polarized issues, applying the insights of family therapy to the transformation of toxic communication in the sociopolitical realm.

When stuck in the midst of entrenched conflict, combatants in discord — be it familial, communal, or international — tend to think that their dispute is uniquely intractable. From a communications perspective, however, certain patterns of polarized communication are common to virtually all cases of chronic conflict. The first stage in transforming dysfunctional conflict interaction is to recognize the common characteristics of such discourse — what I have come to call: "This is your brain on conflict."

Conflict specialists have observed common and predictable patterns in all intractable conflicts, including:

- Complex issues are defined in dichotomous, "win-lose" ways, with nuances and intermediate positions suppressed.
- There is little genuine listening to perspectives from the "other side."
- Questions from one side to the other are prosecutorial rather than genuine requests for understanding.
- Those on the "other side" are seen as all alike and completely negative and those on "our side" are seen as unified and exemplary.
- Self-critical thinking is rare, as each side seeks to put forth its strongest argument.
- Opinions are strong and emphatic; personal authenticity is sacrificed, since doubt, ambiguity, and complexity have no place in the rhetorical battle.
- There is rarely openness to other views or perspectives, since "our side" is completely right and the other side cannot be trusted.[4]

The media all too frequently exacerbate the problem, believing that the public prefers stories of conflict and violence to nuanced wrestlings with ideas. As a result, they frame polarized issues in adversarial ways, reinforcing the public perception that there are two — and only two — diametrically opposed sides to the conversation, hopelessly locked in combat with one another. Worse still, parallel media outlets each offer only their own interpretation of issues, creating communal echo chambers without communication or understanding among them.

But conflict specialists understand that, with skillful intervention, people can be led away from high-conflict communication patterns, and they can learn to speak with

Rabbi **Amy Eilberg** creates programs of interfaith dialogue through the Jay Phillips Center for Interfaith Learning in St. Paul, Minn., and works with the Jewish Council for Public Affairs on its civility campaign.

My thanks to Rabbi Sheldon Lewis, Bob Stains of Public Conversations Project, and Rabbi Melissa Weintraub and Dr. Eyal Rabinovitch, who have influenced my thinking about these issues over the years.

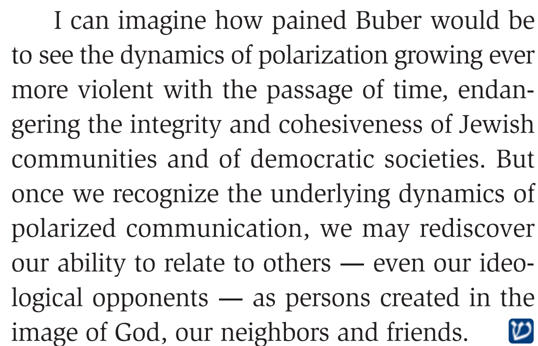
[1] Martin Buber, "Hope for this Hour," *The Human Dialogue: Perspectives on Communication*, edited by F.W. Matson & A. Montagu.

[2] "Creating Systemic Interventions for the Sociopolitical Arena," Richard Chasin and Margaret Herzig, in *The Global Family Therapist: Integrating the Personal, Professional, and Political*, edited by B. Berger Gould and D. Demuth.

[3] Ibid.

[4] Adapted from "Creating Systemic Interventions"

genuineness, listen with respect and curiosity, and see both self and others as whole, complex human beings, even across chasms of disagreement. When dialogue participants agree to experiment with communication guidelines that promote a blend of rigor and respect, they find that the conversation can readily move from stuck, adversarial positioning to authentic exchange. Even without changing minds or finding common ground, participants can rediscover human dignity in "the other," recognizing that every conversation partner has a unique set of compelling life experiences, personal needs, and perspectives.



I can imagine how pained Buber would be to see the dynamics of polarization growing ever more violent with the passage of time, endangering the integrity and cohesiveness of Jewish communities and of democratic societies. But once we recognize the underlying dynamics of polarized communication, we may rediscover our ability to relate to others — even our ideological opponents — as persons created in the image of God, our neighbors and friends.

Can Civility Be the Answer to Polarization?

EYAL RABINOVITCH & MELISSA WEINTRAUB

With the country and the American Jewish community increasingly and stubbornly polarized, fatigue, rampant frustration, and residual hope have led many to call for civility. Volatile community conflicts rife with attacks, threats, and pervasive fear have spurred a wave of efforts seeking to undo the damage of our polarized public space. In the Jewish community, polarization has been most acute around the Israeli-Palestinian conflict, with Jewish organizations and synagogues creating official policies to avoid Israel altogether, and rabbis across the country retreating from "the death by Israel sermon." In the resultant wave of civility efforts, those invoking civility generally have one of three things in mind. For these efforts to succeed, we must rightly assess the value and consequences of each line of thinking.

Version One: Play Nice

By far the most common interpretation of "civility," the idea of "playing nice" is also the reason so many people roll their eyes when they hear the word. People immersed in the urgency and emotions of high conflict do not want to muzzle themselves in a bland exercise of false politeness. If civility means holding back passion and assertive action, people understandably see it as a waste of time.

But there's more to the niceness meme. For many, the ugliness of polarization is about more than mere decorum; it's about the sense that divisiveness is eroding our core bonds and pushing us to undermine our basic values of integrity, community, and dignity. Furthermore, when people are too uncomfortable to speak and feel that no one is listening, the conversation misses out on much creative thinking and problem-solving. There are moral and practical reasons — reasons not only of style but of substance — for turning down the volume and learning to communicate constructively.

Version Two: Isolate the Extremists

This strategy tends to focus on excluding those whom the "reasonable middle" regards as beyond the pale, the idea being that a productive, civil conversation becomes possible once we marginalize the extremists and unite ourselves against them. This theme often leads to debates over where to draw the line and how wide to extend the tent.

Without a doubt, successful depolarization would disarm those determined to shut down communication or instigate violence. However, in a polarized context, the effort to marginalize the "haters" can be deceptively dangerous. The distance, distrust, and antagonism between opposing groups means that we are predisposed to see those who disagree with us as malicious, irrational, or even hateful, primarily because our understanding of them is based on fear, caricature, or stereotype. This makes it likely that the extremist tag will get invoked opportunistically or prematurely to dismiss people, even though there remain both room and need for constructive engagement across our differences.

Moreover, once people have been labeled and marginalized, they don't pack up and go away. More likely, their frustration with what they see as an avoidant and arrogant mainstream only heightens, which in turn may

Eyal Rabinovitch is a mediator, facilitator, and trainer focused on supporting individuals and communities communicate with integrity, passion, and respect. He consults with organizations grappling with divisive and contentious social issues, such as the Israeli-Palestinian conflict and abortion in America. Rabinovitch has mediated dozens of interpersonal, community, and criminal court cases, supporting parties in intense conflict to express themselves and create their own collaborative solutions. He has a doctorate in sociology and has taught at Wesleyan University and Baruch College.

Rabbi **Melissa Weintraub** is a facilitator, consultant, and trainer working to transform conflict in the face of polarized, entrenched divisions. She is the co-founder and executive director emeritus of Encounter, an organization dedicated to strengthening the capacity of the Jewish people to be agents of change in resolving the Israeli-Palestinian conflict. In 2011, she was awarded the Grinnell Young Innovator for Social Justice Prize in recognition of her contributions and impact as a young social entrepreneur. An alumnus of the Wexner Graduate Fellowship program, Weintraub is a noted speaker and educator. She has lectured and taught on four continents, and is the author of several articles examining the ethics of war and peace in Jewish sources.

radicalize their tactics, intensifying polarization and cementing their "troublemaker" status in the eyes of the mainstream.

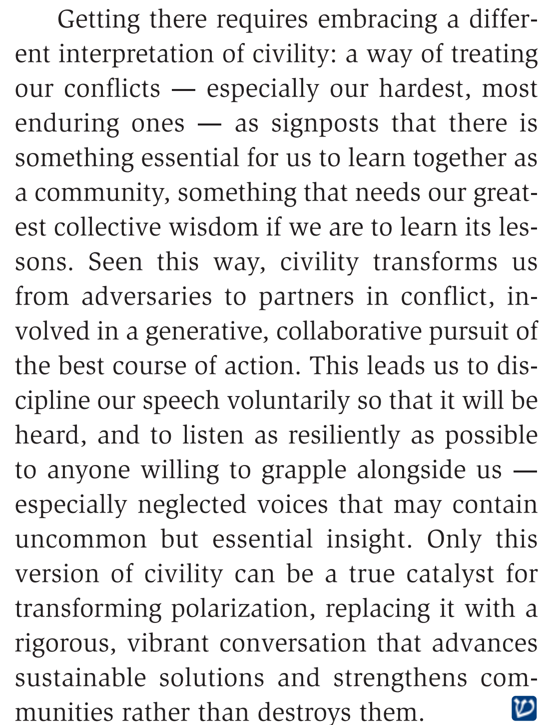
Version Three: Let the Silent Speak

Finally, the call for civil discourse is sometimes read as a request for inside groups to listen to those who have felt ignored, excluded, or oppressed. Marginalized or dissenting voices want a place at the community table, and conveners sometimes want to absorb them into the mainstream as a moderating force.

While the intention to be inclusive and to address grievances is important, this mode of civility can also exacerbate the very polarization it's trying to undo. For example, inside groups may anticipate that the effort will amount to diatribes of political correctness in which they will be lectured about how horrible they are. They may see outside groups as simply venting anger, with no recognition for the positive work of the establishment or viable solutions to the problems at hand. Marginalized groups, meanwhile, resist co-optation when the goal of the mainstream is to neutralize challenges to the status quo. Constructive communication may fail to get off the ground or be quickly overcome by resentment and defensiveness from mainstream and marginalized groups alike.

What We Learn from Potential Pitfalls

When any of these strategies is the primary goal of civility efforts, destructive consequences are almost certain to follow. When that happens, participants often leave more disillusioned and cynical than before, vowing not to fall for such nonsense again and making conflict only more intractable. The great challenge is to address the legitimate desires behind calls for civility — turning down the volume in order to speak constructively, stopping those bent on derailing the conversation, and creating an authentically inclusive conversation — without falling prey to the traps.



Getting there requires embracing a different interpretation of civility: a way of treating our conflicts — especially our hardest, most enduring ones — as signposts that there is something essential for us to learn together as a community, something that needs our greatest collective wisdom if we are to learn its lessons. Seen this way, civility transforms us from adversaries to partners in conflict, involved in a generative, collaborative pursuit of the best course of action. This leads us to discipline our speech voluntarily so that it will be heard, and to listen as resiliently as possible to anyone willing to grapple alongside us — especially neglected voices that may contain uncommon but essential insight. Only this version of civility can be a true catalyst for transforming polarization, replacing it with a rigorous, vibrant conversation that advances sustainable solutions and strengthens communities rather than destroys them.

'Abomination' is Hate Speech

JAY MICHAELSON

Most American Jews, according to polls and the official positions of the major religious movements, do not believe that there is anything wrong with homosexuality. Outside the Orthodox community, they understand that sexuality is a trait, not a "lifestyle" or a pathology, and that LGBT (lesbian, gay, bisexual, transgender) people lead lives as complex, rich, and varied as everyone else. Many people inside the Orthodox world feel the same way, and wrestle with how best to understand their biblical and halakhic traditions.

Language, though, continues to trip us up. Even people who have put aside strict readings of the Bible believe that the Bible condemns homosexuality and labels it, in Leviticus 18:22, an "abomination." Set aside the fact that this is a wild anachronism, since both the word and concept of homosexuality are of recent coinage. The continued use of the term "abomination" is part of the problem. Well-meaning folks who use the term innocently should stop doing so and regard it as hate speech.

"Abomination" is the translation of the Hebrew word *"toevah"* used in the King James version of the Bible. It is neither a Jewish word nor an accurate translation. Really, no one even knows what it means. As I've crisscrossed the country talking about my book *God vs. Gay? The Religious Case for Equality*, I've asked audiences about the term. The responses usually have something to do with unnaturalness and

Jay Michaelson is the author of *God vs. Gay? The Religious Case for Equality* (Beacon 2011).

awfulness: An abomination is something that should not exist on the face of the earth.

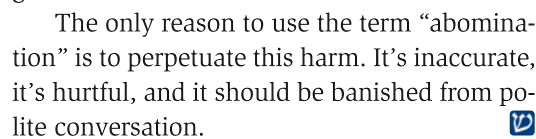
"Toevah," in contrast, basically means "taboo." The word occurs 103 times in the Bible, and almost always has the connotation of a non-Israelite cultic practice: idolatry, or *avodah zara* (foreign worship). Other things that are *toevah* include fortunetelling (Deut. 18:10), statues (Deuteronomy 7:25), and child sacrifice (2 Kings 16:3, 2 Chronicles 28:3). The book of Ezekiel uses the term 39 times, almost always in connection with idolatry. There are isolated exceptions — most importantly, the book of Proverbs — but the overwhelming preponderance of the uses of the term connect the forbidden act with idolatry, and with the proper boundaries between Israelites and others. This meaning makes sense in context, since Leviticus 18:21 has to do with child sacrifice, and since Deuteronomy tells us that sex acts between men was part of Canaanite ritual practice. What is forbidden here is one sex act connected to idolatry — nothing more.

Toevah is also culturally relative. For example, Genesis 43:32 states that having a meal with Israelites is *toevah* for Egyptians. Obviously, eating with Jews is not an "abomination," but it is a taboo for the Egyptians. Similarly, Exodus 8:22 states that Israelite sacrifices are *toevah* for Egyptians. *Toevah* is not some universal flaw, but a culturally relative taboo.

This is still, of course, a serious category of transgression. *Avodah zara* is among the most severely prohibited of acts. But it is not the same as "abomination." For example, Deuteronomy 14:9 uses the term to refer to foods forbidden by the laws of kashrut. As the humorous website godhatesshrimp.com points out, participating in male homosexual intimacy is the same type of offense as eating a shrimp cocktail. So why don't we see the religious right picketing the Red Lobster?

In part, I think, it's because of language. Of course, issues of sexuality and religion have very deep roots, but the way in which we carelessly refer to them matters. "Abomination" is a word that tells gay people, particularly gay children, that they should not exist on the face of the earth. And even among Jews who have a liberal mindset, it suggests that one must choose between the Bible and sexual expression, between God and homosexuality. This false choice causes immense anguish. Religion is the leading factor in instances of parents disowning their LGBT children (LGBT youth homelessness is on the rise nationwide), and, in less severe cases, in people feeling torn between their religious tradition and their emotional health.

The only reason to use the term "abomination" is to perpetuate this harm. It's inaccurate, it's hurtful, and it should be banished from polite conversation.



A History of Hatred: A Lesson for Today

DAVID MAKOVSKY

In the years leading up to the destruction of the Second Temple, the Zealots were known for their efforts in combating the Romans. However, there was one particular Jewish group that focused on killing Jews. As the historian Josephus describes in his classic, *The Jewish War*, members of this group would mingle with crowds in broad daylight, take out a concealed short dagger, stab their victims, then feign the same indignation as the shocked people around them and melt away into the throng. It was for this reason that Josephus referred to them by the Latin plural, "Sicarii," or "the dagger (*sicae*) men."

The Sicarii strategy aimed to silence moderates who sought accommodation with Rome, and to provoke a wider rebellion by pinning the resulting mayhem in Jerusalem on the Romans. Indeed, their actions seem to have set the tone for later attacks on moderates: When the Romans captured towns like Ashdod in 67 C.E., for example, many extremists arrived in the city to take action against moderates whom they suspected of being too accommodating toward Rome.

It is also possible that the Sicarii believed that by forcing a confrontation with Rome, they would also force the hand of the Almighty. The Talmud's *Avot of Rabbi Natan* mentions that when Vespasian surrounded Jerusalem, "the Sicarii took the initiative and set fire to all the granaries." The Sicarii believed that if Jerusalem suffered a food shortage during the extended siege with Rome, one of two things would happen: Either salvation would come from the Almighty, or confrontation with Rome would become inevitable.

David Makovsky is the Ziegler Distinguished Fellow at the Washington Institute for Near East Policy and director of its Project on the Middle East Peace Process. He is also an adjunct professor of Middle East studies at the Paul H. Nitze School of Advanced International Studies (SAIS) at Johns Hopkins University. With Dennis Ross, he is co-author of *Myths, Illusions and Peace: Finding a New Direction in the Middle East* (Viking/Penguin, 2009).

So burning the granaries of Jews was justified. The certainty of the Sicarii meant that all means were justified to attain their objectives, even if it meant the death of their compatriots.

Ironically, not all of the Sicarii wished that the confrontation be located in Jerusalem. The Zealots, led as they were by the high priests of Jerusalem (thus their emphasis on the Temple), were more committed than the Sicarii. Indeed, Sicarii elements actually left Jerusalem in 66 C.E. — four years before the destruction of the Temple — and helped capture the Herodian fortress of Masada, where they were later joined by the Zealots, ultimately provoking the mass suicide of Masada's 960 defenders.

The story of Masada, interestingly, does not appear in the Talmud, although the story of Rabbi Yochanan Ben Zakkai — who urged the Romans to enable the establishment of the Yavneh Academy — is very well documented. Perhaps the talmudic rabbis understood that the saga of Yavneh, which enabled the reconstitution of Jewish life in the post-Temple period, holds more enduring value to the Jewish people.

Today's Sicarii

Today, there are shadowy groups who ominously call themselves the Sicarii. These unrelated "Sicarii" groups are best known for terrorizing Modern Orthodox grade-school children in Beit Shemesh and attacking police in Mea Shearim — even throwing cement blocks from rooftops at police during the High Holiday season. In years past, these same groups attacked the homes of peace activists.

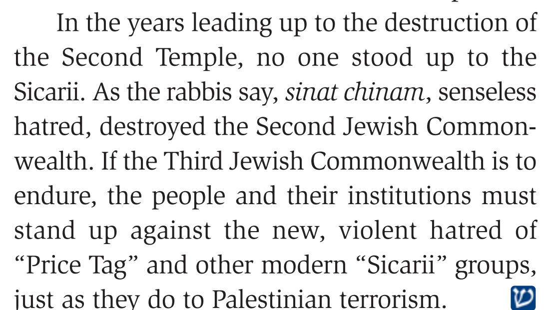
More significant than what these groups call themselves, however, is their belief that they, like the Sicarii of old, can silence moderates. Some fringe settler groups (such as the Hilltop Youth) today feel the same sense of self-righteous certainty that all of Israel's problems stem from its enemies within.

The closest inheritor of the Sicarii mantle — which Israeli officials have not yet addressed appropriately — is a group known as "Price Tag." This shadowy group, which also invokes the name of Sicarii, seeks to exact a "price" from Palestinian civilians by burning their fields, vandalizing their other properties, and attacking Israeli security forces in retaliation for any action they perceive to be against the interests of the settlement movement, including the removal of settlement outposts deemed illegal by Israel's own law. This group may be as small as a few dozen people, but it is possible that they are enjoying the tacit support of a wider group. They have become increasingly brazen, even vandalizing mosques.

Israel Defense Forces (IDF) Brig. Gen. Nitzan Alon, until recently deputy commander of the IDF Central Command (Israel's military authority in the West Bank), has said that more needs to be done to stop this group.[1] As Alon concluded his term as deputy commander last summer, he declared, "Even today, an extremist minority, small in number but not in influence, could bring about a major escalation via acts that are dubbed 'price tag,' but amount to terrorism. [These acts] should not just be condemned for their inherent injustice and stupidity; they must be stopped, and their perpetrators arrested."

In July 2011, settlers attacked Alon's military jeep at Tapuah Junction. They also protested outside his family's moshav home in an effort to intimidate his family members. Yet, this extreme settler group's assault on an IDF army base inside the West Bank several months later stunned even the military. An IDF spokesman attributed the attack to rumors of an imminent eviction of settlement outposts.

In the years leading up to the destruction of the Second Temple, no one stood up to the Sicarii. As the rabbis say, *sinat chinam*, senseless hatred, destroyed the Second Jewish Commonwealth. If the Third Jewish Commonwealth is to endure, the people and their institutions must stand up against the new, violent hatred of "Price Tag" and other modern "Sicarii" groups, just as they do to Palestinian terrorism.



[1] I have known Alon for nine years, since he was selected by the IDF to join a think tank I run (the Washington Institute for Near East Policy). He previously served as the head of Sayeret Matkal, the IDF's elite commando force, and he has impressed many with the skills of a natural leader: bravery, moderation, professionalism, and the capacity for balanced and forward-thinking consideration.

Discussion Guide

Bringing together a myriad of voices and experiences provides *Sh'ma* readers with an opportunity in a few very full pages to explore a topic of Jewish interest from a variety of perspectives. To facilitate a fuller discussion of these ideas, we offer the following questions:

1. How might we change the discourse on challenging and charged Jewish conversations to reflect that complex issues cannot be defined simply in dichotomous, "win-lose" ways? How might we approach a discussion of how Israel can recognize such complexity?
2. Is passionate devotion the province only of the devoutly religious? What price do liberal Jews pay for their lack of religious certainty? Is our tolerance for others grounded in our inability to be certain of our own beliefs?
3. Is there a relationship between uncertainty and tolerance? If so, what is it? What would be the dangers of that relationship?
4. What is the basis for your understanding of pluralism, and what are its limits?

Polarization:
Now at the Fringes, but Endangering the Future

KALMAN NEUMAN

Gloomy prophecies of polarization are endemic in the Jewish state: The Jewish proclivity for dissent, the transformations that our people have undergone in the past 200 years, the attempt to create a polity from an amalgam of immigrants while undergoing a constant military and political crisis — all make prognostications of schism easy.

What are the different axes that could have constituted a basis for polarization among Israeli Jews?[1] Some of the "poles" seem much less worrisome, such as the receding Ashkenazi-Mizrachi gap. Notwithstanding income inequality and the tent protests of last summer, economic issues are not threatening the social fabric.

At one time, it seemed that the most divisive issues, billed as "the coming crisis in Israel" and as a "perpetual dilemma," would be questions of religion and state such as the Orthodox monopoly on marriage and divorce and the perennial issue of "Who is a Jew?" Surprisingly, they remain on the back burner. Solutions have been found to sidestep some of the most contentious issues, most famously (or notoriously) the institution of weddings in Cyprus — a popular alternative for couples unable or unwilling to be married by the Orthodox rabbinic establishment.

Another perceived flashpoint was the tension between Jewish uniqueness and cosmopolitan globalization. On this front, there are indications that instead of polarization, postmodern Israel has developed multiple models of interface between tradition and modernity. The fluid and multiple identities encouraged by contemporary culture have allowed a plethora of alternatives, and not just a binary choice. One is no longer surprised to find Israeli cultural icons studying Jewish texts, recording *piyutim* (liturgical poetry) as pop music, and visiting holy gravesites. Recent publications have focused on phenomena like the *mesorati'im* ("traditional" Jews, not to be confused with the Masorti movement, the Israeli brand of Conservative Judaism), who brew their own broth of old and new, or the *datlashim*, the "formerly religious," whose personal odysseys allow for new types of coexistence between tradition and autonomy. Even a newspaper like *Makor Rishon*, which caters to the settler population and their supporters, includes a weekly supplement that challenges traditional dichotomies of religious and secular, and calls for the creation of an inclusive Jewish culture. The Israeli center, it seems, does hold, as has been illustrated in the recent Gutman Center for Surveys/AVI CHAI report, "A Portrait of Israeli Jews: Beliefs, Observance, and Values of Israeli Jews."[2]

On the other hand, recent events in Beit Shemesh and in the West Bank, even if instigated by extremist fringes, might be the tip of an iceberg and reflect issues that challenge the fabric of Israeli society.

These Religious Zionists would perceive withdrawal as part of a process of eradicating the Zionist, Jewish nature of the state.

The first challenge is the Haredi community and its place in society. We know now that reports of the ultimate demise of ultra-Orthodoxy were premature, if not false. Its endurance is based upon a strategy of self-segregation that is cultural and often geographic. It is unrealistic, perhaps unfair, to expect the Haredi community to engage in Israeli public discourse. Haredi participation in the public square is limited to apologetics or proselytization. The funeral of an eminent ultra-Orthodox *rosh yeshiva* will go unnoticed by an Israeli public with whom he had no interest in communicating. On the other hand, few in the non-Haredi world support a melting-pot agenda of imposing enlightenment on the ultra-Orthodox. A policy dating from early statehood granted them a culturally separate and geographically distinct sphere; then, full autonomy was given to their schools and the streets of Mea Shearim were closed on Shabbat.

The current conundrum should be framed not as a quest for cultural coexistence or for the forging of common civic values, but rather as one of demography and ultimately of economics. The growth of the ultra-Orthodox population and its limited participation in the workplace is creating an ever-growing drain on the Israeli economy. Demographic pressure creates a need for constant expansion, thus bringing Haredi mores beyond the pale of their enclaves. This, in turn, threatens the lifestyle of existing neighborhoods and communities. The tension in Beit Shemesh is to a great extent the result of Haredi expansion and the ensuing fear

Dr. **Kalman Neuman**, a rabbi, teaches history at the Herzog College in Gush Etzion and is a researcher at the Israel Democracy Institute.

[1] I am unqualified to speak about the Arabs in Israel, but I do acknowledge that what happens to Israeli Jews will also impact Arabs.

[2] See www.idi.org.il/sites/english/events/Other_Events/Pages/GuttmanAviChai.aspx

of ultra-Orthodox hegemony in the town.

In order to lower the flame, there must be soul-searching and openness to change on both sides. We must begin to distinguish which issues would allow for compromise and accommodation — even if ideologically problematic — and which would not. For example, in order to encourage Haredi participation in the workforce, should Israeli policy allow them to forego army service (or replace it with a token "national service")? Does the goal of having Haredim enter the workforce (or the goal of having Haredim serve in the military) justify acquiescence with gender segregation in public transportation, in the workplace, or in army units?

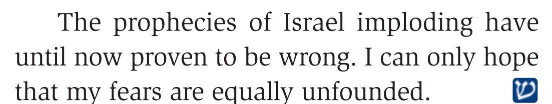
Can Haredim accept educational reform that would introduce the study of English language and math proficiency, but would not jeopardize an ideology that could be threatened by the study of literature and history?

Policy analysts and pundits disagree about how to advance the necessary changes: Would it be better to impose them by legislation and judicial action or by letting internal processes proceed incrementally by implementing a nuanced carrot-and-stick strategy of creating new alternatives within the Haredi community? All are concerned about the future if the status quo remains.

Another danger of polarization fomenting in Israeli society is in the Religious Zionist community and in the perpetual Israeli dilemma of the ultimate status of the occupied territories/Judea and Samaria. While the stereotype of the bearded, gun-toting settler is unfair to the diversity among those who live beyond the Green Line, Religious Zionists are the most ideological inhabitants. They are, overwhelmingly, the ones who live in settlements outside of the blocs contiguous to Israel and beyond the separation wall, and they are therefore most in jeopardy of losing their homes and communities in the event of an agreement with the Palestinians or in the case of a unilateral withdrawal of some type. These areas contain from 70,000 to 130,000 Jews (depending on where one draws the line), including a few thousand Jews who live in the "outposts" or "unauthorized settlements" that (according to the 2005 Sasson Report commissioned by then-Prime Minister Ariel Sharon) were built without proper governmental authorization, but with the unlawful participation of various governmental or quasi-governmental agencies. These Religious Zionists are linked to the larger Religious Zionist community by ideological ties as well as by family and friendship. For them, many of whom are aware of no reality other than the post-1967 borders, a mass evacuation of the settlements would be an act of aggression against their deepest beliefs. The fear of such a withdrawal is traumatic enough to make even the dismantling of minor "outposts" a *casus belli* and to bring fringe elements to violent efforts. For some of them, the political debate has cultural overtones, as a struggle between an Israel grounded in the Jewish past and one committed to contemporary global culture. They would perceive withdrawal as part of a process of eradicating the Zionist, Jewish nature of the state.

At the present time, the political process is at a standstill and violence is at the fringes. The implications of a major withdrawal from the settlements — which would mean a massive evacuation or leaving behind tens of thousands of Jews within a Palestinian entity — might, I fear, create polarization on a scale with the American or Spanish civil wars or the partitions of India or Ireland — all of which have left scars for decades or more.

The prophecies of Israel imploding have until now proven to be wrong. I can only hope that my fears are equally unfounded.



'Black Bus': The Pain of Defecting from the Fold

TOBY PERL FREILICH

Anat Zuria's spare, eloquent and moving new film, "Black Bus," is sure to fuel the roiling controversy over extreme gender segregation within Israeli ultra-Orthodox sectors. The conflict has provoked embarrassing comparisons between Jerusalem and Teheran, and sparked a critical debate on the tensions inherent in a free society's commitment to protect cultural as well as individual rights.

In Israel, where for decades scantily dressed women venturing into certain Haredi neighborhoods could expect a sharp rebuke, the clash of differing codes of modesty is not new. What is new is its spillover into the civic sphere, where female images gradually began disappearing from billboards across Jerusalem, and women have

Toby Perl Freilich is a documentary filmmaker. Her film, *Inventing Our Life: The Kibbutz Experiment*, will premiere at New York City's Quad Cinema on April 25.

been denied the podium at governmental ceremonies featuring ultra-Orthodox ministers.

Although newspaper headlines have included growing numbers of these flashpoints, Zuria's film focuses on segregated "*mehadrin*," or stringently kosher buses in which women are asked to sit in the rear.

Zuria's films zero in on the stickiest reminders of Orthodoxy's patriarchal structure, ranging from women doomed to a life of limbo because their husbands have refused to grant them halakhic divorces ("Condemned to Marriage"), to the intrusive nature of Jewish laws of ritual purity ("Purity"), which dictate the rhythms of an Orthodox couple's sex life based on a woman's menstrual cycle.

In "Black Bus," which was named the Best Documentary Film at the Haifa International Film Festival in 2009, Zuria takes on a relatively new, halakhically contested issue that has come into widespread practice in the last decade, mandating strict gender segregation in all public arenas. (Unlike the American racial segregation it invokes, women are relegated to the back so as not to incite impure thoughts in men, and so as to facilitate a means of travel for thousands of ultra-Orthodox men and women committed to a voluntary code of sexual modesty and holiness that governs all aspects of their lives.)

The roving *mehadrin* buses provide an irresistible example of the spread of this preoccupation with gender segregation across circumscribed geographical boundaries. They also graphically illustrate the real nub of the film: that in the male-dominated ultra-Orthodox world, women — physically and humanly — are being constrained within ever-narrower limits.

The documentary's Hebrew title, "*Soreret*," or "She Who Strays," is a more accurate description of its dramatic thread: the story of two young women — Sara, who writes a blog for ex-Haredim, and Shulamit, a law student — both of whom have left the ultra-Orthodox fold and are enduring the painful psychic and social consequences of their defection. Ostracized by their families and communities, their very sanity is questioned for abandoning the Torah way of life.

Shulamit is also a gifted photographer who compulsively records Haredi street life, and her photographs are beautifully woven into the film. In one scene, as Shulamit snaps her picture, a young mother pushing a stroller instinctively drops to a defensive crouch, cowering behind the carriage to hide herself from view.

The play on "seeing/being seen" is skillfully evoked in two separate scenes as Sara and Shulamit preen in front of the mirror. Question marks haunt their mirror images: Who am I? Was it worth it? Can I survive?

The survival question is not a rhetorical one; both have either seriously contemplated or actively attempted suicide. Sara, an engaging mother of two, is an active cutter, and her scars are noticed by a sensitive Hasid who seeks her out after discovering her blog on Google. His face is never shown on camera, as he is still considering his own "coming out." The loaded metaphor is a crucial reminder that living an identity lie threatens all those in Haredi culture, male and female, who cannot abide its imposed behavioral conformity.

With regard to gender segregation, the religious obligation has gradually shifted from men enjoined not to look to women pressed to disappear.

Still, with regard to gender segregation, the religious obligation has gradually shifted from men enjoined not to look to women pressed to disappear. Speculation is rife about the root causes of women's excision from public view, and "Black Bus" theorizes about indoctrinated disgust with the female body, for example, which eventually invades the marriage bed, draining physical affection from the holy act of reproduction.

Many aspects of Haredi culture should be celebrated: its piety; its purposeful way of life; and its joyful emphasis on family, charity, Jewish identity, and ritual. But it's a community tacking sharply to the right, pushing stringencies *ad absurdum* and relying ever more frequently on totalitarian tactics of spying, intimidation, and fear to keep its members in check.[1] Zuria's film draws a disturbing and deeply human portrait of those dissidents who are cruelly ejected from its embrace.

[1] In the film, Shulamit is spotted taking photographs and reported to her father for immodest behavior.

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William Liss-Levinson is a healthcare publishing executive, a member of the board of directors of the Jewish Book Council, and a lifelong student and traveler on the road of Judaism. He welcomes your comments at bliss-levinson@castleconnolly.com.

Rachel Eryn Kalish, M.C., is the founding facilitator of the San Francisco Jewish Community Relation Council's Project Reconnections and its Year of Civil Discourse Initiative, which has led almost 1000 people in open, vibrant, conversations about Israel. For 30 years, she has pioneered work with hotly conflicted groups. She can be reached at www.workplaceconnections.com.

Beth Kissileff is the editor of *Reading Genesis*, a forthcoming collection of writings on the book of Genesis, (Continuum Books, 2013). A novelist and freelance writer, she has taught English literature, Bible, and Jewish studies at Carleton College and Smith College.

Klaudia Klimek is the founder and editor of Jewrnalism (www.jewrnalism.org), a nonprofit networking platform that helps citizen journalists write about Jewish topics in Europe.

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> "... Any person who possesses haughtiness of spirit, the Holy One, blessed be God, declares, 'I and he cannot both dwell in the world.'"
>
> —*Tractate Sotah, 5a*

How are we supposed to understand this statement? Likely, there is no person who does not display, to some degree and on some occasion, haughtiness of spirit, yet we still "dwell" in this world. And, clearly, God still "dwells" in this world despite our haughtiness. Perhaps this statement can give us insight into the biblical concept of *hester panim*, the hiding of God's "face." When we act with haughtiness of spirit, we diminish the presence of God within our own face and also diminish our ability to recognize God's image — *tzelem Elokim* — in others.

When we speak with absolute certainty about the "truths" we "know" — unyielding pronouncements of what God wants and doesn't want, what processes God favors and doesn't favor, who is defending Judaism and who is contributing to its demise — we fuel the fires of hostility, polarity, and *sinat chinam*, baseless hatred.

The rabbis teach that there are 70 faces of God in the Torah (Numbers Rabbah 13:15-16). When we suggest that the "other" with whom we differ or even despise is expressing a view that we smugly *know* is outside of the "acceptable" views, *we* cause God's face to be hidden from our own face and those of others. And then, in effect, God is, for that time, not dwelling in the world that *we* created.

—*William Liss-Levinson*

What William Liss-Levinson has written deeply echoes my inner experience, as well as what I have witnessed working with intensely conflicted groups conversing about Israel and the Israeli-Palestinian conflict.

Nothing can reduce our capacity to see the image of God, *tzelem Elokim*, in another person as quickly as when the brain's amydala is triggered into a fight/flight/or freeze response in a polarized situation. In the Jewish community, when Israel is the topic, it is easy to get stuck in a narrow sense of our own "rightness." Once we move from thinking, "I'm right" to thinking, "You're an an idiot," it is easy to disconnect from our own hearts, from others, and from recognizing God's image in each individual.

Neuroscience is validating what Torah teaches. When we are triggered, the neocortex, the deliberative, expansive part of our brain, becomes less accessible until we de-trigger and return to our own center, our own *tzelem Elokim*. The beauty of this is that we are constantly called to return to prayer, meditation, and study.

I am continually awed by what we are learning now that demonstrates the deep truth of our ancient wisdom tradition. Rabbi Abraham Joshua Heschel taught, "We are commanded to love our neighbor — this must mean that we can." I would add that we can, and in many communities, we are.

—*Rachel Eryn Kalish*

"The matter is from God." This seems, on the surface, a wonderfully pious statement about the nature of what we are supposed to say — that all things emanate from God. However, the speaker is Laban (Genesis 24:50), and he is responding to the story the servant of Abraham has told. The servant did not completely adhere to "just the facts, ma'am" in his telling. That makes Laban's certainty suspect, dependent as it is upon a misstatement of the situation. Laban's insistence that the matter is from God stems not from piety but from haughtiness. How can he be certain that he knows what God wants? This is, simply, something humans can never know with veracity.

Judaism encourages us to question our knowledge. And liberalism encourages us to question certainty. Fundamental to the Passover seder are questions that spur curiosity. As Rabbi Marc-Alain Ouaknin reminds us in his Haggadah, "Everyone — children, women, men, sages, etc. — has the obligation to question." A haughty demeanor and the implacable assumption about what God wants are a hallmark not of piety, but rather of the desecration of God's name.

—*Beth Kissileff*

Not without reason, the Jews, contrary to the followers of other religions, do not elevate any one person to a pedestal of knowing. Different interpretations of the Torah — and our holy books — are welcome. Jews realize that our interpretations are informed, in part, by the culture in which we live. As William Liss-Levinson writes, "When we speak with absolute certainty about the 'truths we know,'" there is a hidden trap. We forget that interpretation provides mobility through the translation of the text and its adaptation to modern conditions of life. It always leaves some uncertainty and room to learn more.

When we impose knowledge on others — if it is wrapped in certainty — we no longer see the face of God; we put ourselves on a pedestal. God no longer lives in the world (dwells in the world) — not because we manifest haughtiness of spirit, but because we did not leave space for God. Rather than risking banishing God from the world by expressing ideas as certainty and closing off debate, we should remain open to the opinions of others, even if they do not fit the comfortable and already accepted canons of Judaism.

—*Klaudia Klimek*

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Yehudah Mirsky, fellow at the Jewish People Policy Planning Institute

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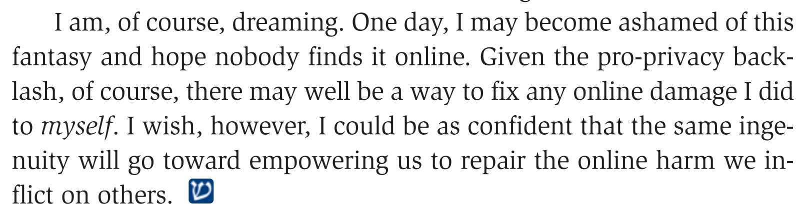
***Ethics** continued from page 20*

expressing a disrespectful approach to our victims, one that seems to say, "We're free to do this to you." By apologizing and repenting, we reverse that approach, and respect victims anew.

Perhaps, along with all the reforms recently proposed — for example, legal restrictions on the use of social media pages and "expiration dates" for online content — there could be a remedy for verbal insults that mimics the power of commissive speech acts. Some scanning and coding device, for example, could allow us to endorse or disclaim our online statements, separating out the words by which we continue to stand, and thereby stigmatizing, as unreliable, all that remain attached to our names. A new standard for online content could emerge that brands some of it as "owned" or "acknowledged" by its author, the rest as discarded and therefore disregardable.

I am, of course, dreaming. One day, I may become ashamed of this fantasy and hope nobody finds it online. Given the pro-privacy backlash, of course, there may well be a way to fix any online damage I did to *myself*. I wish, however, I could be as confident that the same ingenuity will go toward empowering us to repair the online harm we inflict on others.



Suggested Further Reading

- *The Big Sort: Why the Clustering of Like-Minded America Is Tearing Us Apart* by Bill Bishop
- *In Defense of Religious Moderation* by William Egginton
- *Excluded, for God's Sake* by Ricky Shapira-Rosenberg, (Israel Religious Action Center, PDF)
- *Going to Extremes: How Like Minds Unite and Divide* by Cass Sunstein
- *Standing in the Fire: Leading High-Heat Meetings with Clarity, Calm and Courage* by Larry Dressler
- Daniel Gordis: danielgordis.org/2011/11/25/a-tale-of-two-funerals-2/ www.publicconversations.org (Public Conversations Project)

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Sh'ma **Ethics** Sigi Ziering

This year, our Sigi Ziering column focuses on ethical issues arising from new trends in social media. Each month, an esteemed guest columnist will wrestle with what Jewish texts and our interpretive tradition teach us about privacy, connectivity, experimentation, and much more. This column is sponsored by Bruce Whizin and Marilyn Ziering in honor of Marilyn's husband, Sigi Ziering, of blessed memory. Visit shma.com to view the series and responses.

The Other Internet Problem

JEFF HELMREICH

One of the starkest contrasts between American and Jewish law involves humiliation. Today, Americans can literally embarrass someone to death (as in cyber-bullying) without committing a crime, even though they could face jail time for forcibly shaking someone's hand. Jewish law, in contrast, prohibits public insult in the strictest terms, likening it to murder.

This legal difference reflects a deeper one: Western society has promiscuously embraced the free expression and use of information, as it has promoted self-actualization through sharing and learning truth. In contrast, Jewish tradition has never much championed the flow of facts, and remains far more concerned with protecting people's good names than with our right to say or know more about them.

The growing nationwide backlash against online social media might be mistaken for a retreat from the American values that nurtured these outlets. In fact, it merely exposes a tension between two of those values: self-expression and access to truth. Though they often go hand-in-hand, today the ability to present ourselves as we wish is increasingly threatened by revelations about our past selves: drunken chats, vulgar tweets, and, most notoriously, compromising photos. Hence, the backlash.

In contrast, there is comparably little public outcry over the myriad ways in which the Internet has expanded our ability to insult and destroy each other. Indeed, verbal attacks, slights, excessive or nasty criticism, and riotous outbursts between erstwhile friends remain in place, poised to sting again and again. The Internet, in fact, has revolutionized the ways people can harm others, removing nearly all the checks and filters that ordinarily accompany confrontation, while infinitely increasing the range and reach of verbal attack. And few of the proposals for changing the social media giants, like Facebook or Twitter, target this problem.

What about the more traditional ways of redressing insults — apologies and repentance, for example? As it turns out, online wrongdoings are uniquely impervious to these forms of moral repair. Part of the reason is that such remedies rely on a special sort of speech act, which does not fit well in the online world.

The philosopher J.L. Austin identified statements like "I'm sorry" and "I forgive you" as commissives (or "behabitivies"), acts that commit the speaker to a certain stance on past events. The violation — the insult, assault or injury — represented a dark moment in the relationship between two people; the apology or forgiveness, in contrast, commits the relationship as a whole toward a brighter future. The wrongdoings were mere episodes; the speech acts of moral repair extend through time.

Now, however, so do the wrongdoings. Even after the most heartfelt reconciliation, we get to relive the humiliating message board post, or the hurtful tweet, or the list that excluded or included the wrong name. True, most of these transgressions can occur in printed form, too. But on paper they come cushioned by context: with datelines, for example, or the yellowish taint of age. An online insult, on the other hand, always looks fresh.

Apologies and similar speech acts, in other words, are losing the advantage of staying power. But they do have another power, which may prove more adaptable. These magical expressions allow us to accept or reject behavior that, left to stand, would add insult to injury by

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Jeff Helmreich is a doctoral candidate in philosophy at the University of California, Los Angeles, and a Program on Negotiation research fellow at Harvard Law School.