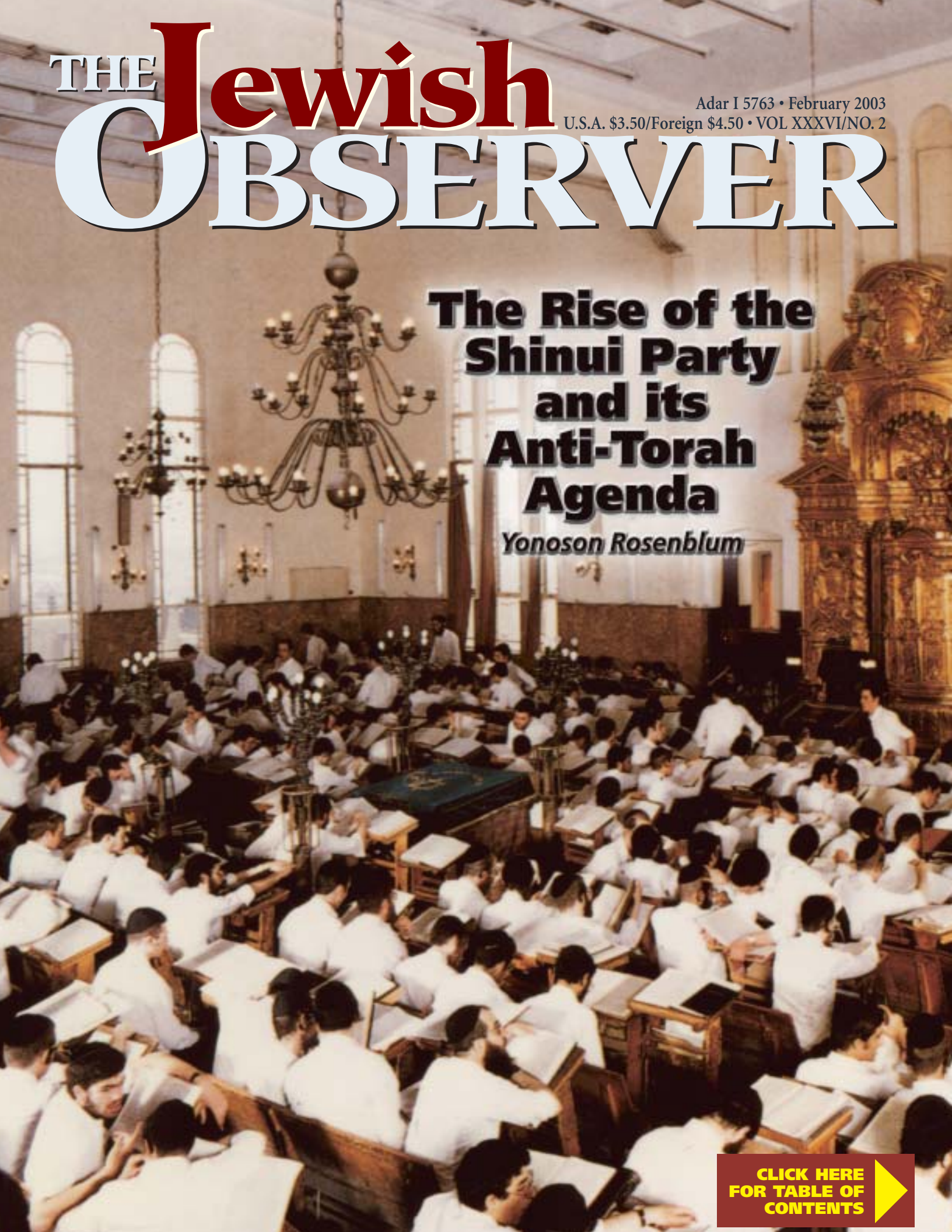


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The Rise of the Shinui Party and its Anti-Torah Agenda

Yonoson Rosenblum



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About the cover: The safety and security of *Eretz Yisroel* and its inhabitants are dependent on the study of Torah, as we find in the *Talmud*: Rabbi Yehoshua ben Levi said, "What is the meaning of: 'Our feet were standing in your gates, Jerusalem?' (*Tehillim* 122,2) Who caused us to prevail in battle? The gates of Jerusalem – wherever they were engaged in the study of Torah." *Makkos* 10a.

Cover photo courtesy of Ponevezh Yeshiva, Bnei Brak. Photo on page 6, courtesy of Hamodia

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Remembering the Columbia

We join the American public, as well as Jews the world over, in mourning the terrible loss of human lives in the Columbia disaster, wherein the space shuttle carrying seven astronauts, including Ilan Ramon י"ע, an Israeli, disintegrated over Texas on Saturday, February 1.

We take special note of the emphasis that Ilan Ramon, not known to have been observant in his personal life, focused on the Jewish aspect of his identity. It seemed that he recognized that in the eyes of the world, he functioned not only as an ambassador at large for the State of Israel, but, in effect, was also a representative of *Klal Yisroel*. As such, he took pains to demonstrate that the essence of *Klal Yisroel* is most faithfully conveyed by adherence to the laws of *kashrus*, as reflected in his diet; the personal mementos he took aboard with him – including a *mezuzah* and a small *Sefer Torah* entrusted to him by a Holocaust survivor who had used it at his bar mitzva in a concentration camp; his acknowledgment of the advent of *Shabbos*; and a stirring declaration of “*Shema Yisroel, Hashem Elokainu Hashem Echad!*” when the Columbia passed over Jerusalem – a declaration of *Kiddush Hashem* heard throughout the world.

This tragic episode has moved even ostensibly irreligious people, Jew and gentile, to recognize, as they cast their gaze to the skies, the Hand of the Creator in determining the fate of man's dreams and aspirations. The President of the United States was inspired to say:

In the skies today we saw destruction and tragedy. Yet farther than we can see there is comfort and hope. In the words of the prophet Isaiah, “Lift your eyes and look to the heavens: Who created all these? He who brings out the starry hosts one by one, and calls them each by name. Because of His great power and mighty strength, not one of them is missing.”

The same Creator who names the stars also knows the names of the seven souls we mourn today.

The crew of the shuttle Columbia did not return safely to Earth. Yet we can pray that all are safely home. May G-d bless the grieving families, and may G-d continue to bless America.

(What a pity that *Kol Yisrael* and *Galei Tzahal* – Israel's national radio networks – in line with their general rejection of broadcasting religious thought and sentiments, chose, in their reporting of the President's remarks, to excise precisely these noble sentiments from the full text of his speech!)

We pray that soon we will merit to witness fulfillment of the Prophet's vision, “*Ki miTzion.... The Torah will come forth from Zion and the word of Hashem from Jerusalem*” (*Isaiah 2,3*) – neither filtered nor impeded, but amplified and expounded by Jewish media, for the benefit of Jewish ears, Jewish hearts, and Jewish *neshamos*. ■



The Rise of Tommy Lapid and His Shinui Party

What it Portends, What We Must Do

I. SHINUI'S PLANS FOR THE CHAREIDIM

Two stories dominated the recent Israeli elections. First, Israeli voters bid adieu to the Oslo process, at least as long as Yasser Arafat still heads the Palestinian Authority. The parties most closely identified with Oslo – Labor and Meretz – were reduced to a total of 25 seats, and the Likud, under Prime Minister Ariel Sharon, a staunch opponent of Oslo from the beginning, jumped to 38 seats, making it Israel's dominant party to a degree not seen since the old days of Labor hegemony. The other major story was the meteoric rise of Tommy Lapid's virulently anti-religious Shinui Party¹. The Lapid phenomenon serves as an important warning to the chareidi community of certain long-range social trends in Israel.

Almost defunct four years ago, Shinui revived its fortunes by choosing Lapid to head its list in the 1999 elections. The outspoken "Archie Bunker"

of Israeli politics brought Shinui six Knesset seats with his non-stop attacks on the chareidi community.

Prior to the recent elections, *The New York Times* and *Newsweek* both profiled Lapid, and the *Jerusalem Report* put him on its cover with the caption "The Power Broker." After Shinui captured 15 seats in the election, the description as "power broker" could not be dismissed, and indeed Prime Minister Sharon was quick to call Lapid and ask him to join the new government coalition.

Shinui has always been known as a one-issue party, and that issue is "stopping the chareidim." Still, it would be a mistake to attribute the entire swell of support for Shinui to hardcore anti-religious voters. Widespread disgust with the Likud corruption scandals caused some voters who were intending to vote for Likud to look elsewhere². For most of those voters, Labor, with its platform of unconditional negotiations and unilateral withdrawal, was not an option. Many drifted to Shinui for want of any alternative.

A wave of national despair over the possibility of finding any solutions to the security situation or the current economic doldrums further helped Shinui.

Even though Sharon remains the overwhelming choice of the electorate for prime minister, only 26% of those polled believe he has a solution to Palestinian terrorism. Confidence in his economic leadership is no higher. An electorate that sees no hope of either major party solving the most pressing problems con-

¹ As of this writing, it is still too early to know whether Sharon will find a way to bring Shinui into a government with one or more of his traditional religious party allies, especially as Shinui has ruled out joining a coalition with any chareidi parties, except during a national emergency, and its platform is anathema to the National Religious Party as well.

² In order to wrest control of the Likud Central Committee from his chief rival Binyamin Netanyahu, Prime Minister Sharon engineered a massive registration drive of new party members to choose a new Central Committee. That Central Committee then picked the list of Likud Knesset candidates. Much evidence has accumulated that families with close connections to organized crime acted as voting contractors in the registration drive and then used their control over blocs of Central Committee members to solicit bribes from candidates in the Likud internal primaries.

In addition to the vote-buying scandals in the Likud itself, the police are currently investigating a number of allegations against Prime Minister Sharon and his sons. Those investigations were the subject of massive press coverage during the campaign.

Rabbi Rosenblum, who lives in Jerusalem, is a contributing editor to *The Jewish Observer*. He is also director of the Israeli division of Am Echad, the Agudath Israel-inspired educational outreach effort and media resource.

fronting the country feels freer to indulge itself in the pleasure of “sticking it” to the chareidim by voting for Shinui.

Whatever the reasons that voters have moved to Shinui, those voters must at least be comfortable with the party’s virulent anti-chareidi line.³ Though Lapid has made some attempts recently to flesh out his views on other issues, Shinui’s *raison d’être* remains its anti-chareidi agenda. That agenda consists of two parts. The first – a plan to “dry out” the chareidi community by cutting off government subsidies to individuals and institutions who do not toe the line. The second – a dramatic reordering of the religious status quo.

Shinui’s Knesset leader Avraham Poraz recently outlined for *Ha’aretz* the party’s legislative agenda upon entering the government. “First of all, we’ll demand everything that does not require legislation: an end to payments to fictitious *yeshivos*, an end to payments to kollels. In short, we want to end the preferential treatment of the chareidim. We’ll immediately dry up that flow of funding.” Lapid proposes a complete cut off of funding to chareidi schools unless they agree to a core curriculum of math, English, history, Zionism and citizenship.⁴

The second part of the Shinui agenda includes abolishing the Religious Affairs Ministry, government financing of the Conservative and Reform movements, and an order by the Transportation Minister ending the ban on public transportation on *Shabbos*. Those initiatives can all be achieved without any new legislation.

On the legislative front, Shinui

³ The past two and a half years of warfare with the Palestinians inevitably bring the issue of the draft deferment for yeshiva students to the fore, and that pattern has been exacerbated by the significant increase in reserve duty for those who serve in the army.

⁴ Economic dependence on the government has long been the point of vulnerability for the chareidi educational system. Sooner or later that dependence virtually assured that conditions would be placed on government support. Of late, proposals for curricular changes in the *chadorim* and *yeshivos ketanos* have come from Likud Education Minister Limor Livnat, not just from Shinui.

demands repeal of the Tal Law, which for the first time formalized in legislation the draft deferment for yeshiva students, and the institution of civil marriage – first for those couples unable to marry religiously, and later for all couples who prefer a civil marriage.

Playing the Hate Card

Lapid does not confine himself to his issues. He seeks to arouse a visceral hatred of chareidim, and delights in expressing his contempt for every aspect of Jewish tradition. Shinui’s number two man Yossi Paritzky has even introduced Knesset legislation to keep stores open on Yom Kippur, the one day viewed as sacrosanct by virtually all Israeli Jews.

One of Shinui’s campaign handouts shows a baby in a crib surrounded by seafood and pork. The baby boasts, “I eat what I want when I want it. That means I exist.”

Shinui shamelessly traffics in the same stereotypes of haredim that anti-Semites once employed vis-à-vis all Jews. Lapid’s portrayal of kashrus certification, for instance, as a tax on consumers – rather than as an advertising expense designed to lower per unit costs by increasing demand – can be found today on neo-Nazi websites as well. After the Dolphinarium homicide bombing in which over 20 young immigrants from the FSU – many of them not Jewish – were killed, Lapid filled the airwaves on *Shabbos* with pure incitement. He charged, without any basis, that the burial society had refused to bury the victims and compared the burial society to the Islamic jihad: “The Islamic jihad attacks live youths while the burial society strikes at dead youths by refusing to bury them.”

Last summer, Israelis were inspired when a group of 400 North Americans made *aliya* in the midst of the ongoing violence and deepening recession. Not Lapid. He told an interviewer from a Florida newspaper, “Quite frankly, Israel could do without [religious North American Jews].” Even the sacred cow of immigration did not cause him to bite his tongue.

Also last summer, Shinui’s number-two man, Yossi Paritzky, fired off a letter to *Ha’aretz* urging that the state of Israel should not permit any religious judges. The cause of his ire – an opinion by Stephen Adler, Chief Judge of the Labor Court, in which he ruled that *Shabbos* under the statute governing “Days of work and rest” begins at sundown and not at midnight, as a Tel Aviv district court had ruled.⁵

Ignoring the fact that two non-religious judges had joined in Adler’s opinion, Paritzky argued that the opinion could only be explained by the yarmulke that Adler wears. In his anti-religious frenzy, Paritzky led himself into an obvious absurdity: according to his reading of the statute, all businesses would have to remain closed on *Motza’ei Shabbos* until midnight.

One wonders whether Lapid and Paritzky would be dismayed to find that their fulminations against religious immigrants and judges only serve to prove the rabbinic dictum, “Hatred breaks all protocol.”

II. WHAT HAPPENS NOW

By the time this issue of *The Jewish Observer* arrives, the coalition negotiations to form a new government will likely be completed and Prime Minister Sharon will have chosen one of the two major options facing him the morning after the elections. Either he will have opted for a narrow coalition of the Likud’s traditional allies among the right-wing and religious parties or a grand “secular coalition” of Likud, Labor and Shinui. The latter would be the first Israeli government without religious representation. Complicating matters for Sharon is the fact that Labor leader Amram Mitzna says Labor will not sit in a national unity government led by Likud, and Shinui insists it will not sit with any chareidi parties. Of the latter promise, at least, we can be sure.

Even if Shinui once again finds itself outside the governing coalition, how-

⁵ All Israeli holidays, including secular ones like Independence Day, begin and end at sunset.

ever, it would be a serious mistake to believe that its influence will not be felt. The other major parties will attempt in various ways to appropriate the issues that Lapid has popularized.⁶ Running against the chareidim has long been considered the safest and surest path for currying public favor. The rise of Shinui will only reinforce the popular political wisdom.

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In the area of dramatic cuts in the social transfer payments, it appears inevitable that the next government will move in the direction of Shinui. As the poorest sector of the population, the chareidi community will feel these cuts most intensely. The previous government was forced to cut billions of shekels from the budget in the middle of the fiscal year due to plummeting tax revenues, and experts unanimously predict that billions more will have to be cut from the just passed 2003 budget because of the declining economic situation.

Globalization has made it unthinkable that any country, Israel included, can continue to incur large budget deficits. To do so would lead to a downgrading of Israel's international credit rating and the implosion of the economy. The International Monetary Fund imposes budget austerity on poorer countries seeking its aid, and even the economically advanced countries of Western Europe are subjected to steep fines by the European Union if they incur budget deficits in excess of 3% of Gross National Product. These iron rules of economics will not be suspended for Israel.

Finance Minister Silvan Shalom has made increasing the rate of the participation in the labor force – Israel's is the lowest in the industrialized world – the centerpiece of his economic plan. His goal is to break patterns of generation-to-generation poverty in much the same way that the Clinton welfare reforms did in America. Accordingly, cuts in unemployment insurance, and onerous conditions on recipients, occupy pride of place in his budget slashing plans. Since the income supplement payments received by approximately 10,000 poor

families headed by full-time Torah students are designed to parallel unemployment insurance, they too will be cut, perhaps drastically. Child support payments, which make up a considerable portion of the chareidi family budget, are also prime targets for the budget cutters.

The dramatic cuts in chareidi family budgets are likely to be accompanied by severe cuts in government payments to the major chareidi institutions. Already, funding for students in *yeshiva gedola* under the age of 18 has been stopped – a particularly serious blow to the Chassidic *yeshivos*. The Education Ministry has also proposed limiting funding of *yeshivos ketanos* to only those with over 150 students – a virtual null set. With the education budget to be cut by hundreds of millions of shekels, chareidi institutions can expect to share proportionately in this cut, and they will consider themselves fortunate to do that well.

In short, for reasons only partially related to Shinui's proposals for "drying out" the chareidi community, thousands of *kollel* families may find their personal income diminishing dramatically just as tuition costs increase sharply.

III. WHAT CAN WE DO?

Typically, the chareidi community was slow to recognize the magnitude of the threat posed by Lapid. Once again, we find ourselves responding to a situation of vital interest at five minutes to midnight, if not five minutes after midnight.

An overall strategy for dealing with the Lapid phenomena would first address the anti-religious hostility of the Israeli media. With the sole exception of

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⁶ Holland provides a good example of this process. Prior to the 2000 Dutch elections, Pim Fortyn broke a longstanding taboo by making the threat of Moslem immigration to Dutch society and culture the centerpiece of his campaign. The success of the eponymous Fortyn List (named after Fortyn, who was assassinated in the course of the campaign) led every Dutch party in the recent January 23 election to place restrictions on immigration and the preservation of Holland's national character at the top of their electoral agendas.

the *Jerusalem Post*, there is not one paper in the country with a regular chareidi columnist. Not surprisingly, Lapid and Shinui have received almost a free ride in the mainstream Israeli press. Lapid has been treated as the celebrity of the election season, and his party turned into the “hip” party of the smart set. Only *Ha’aretz* has openly criticized Lapid – not because of his anti-chareidi tirades, of course, but because he is siphoning off the traditional anti-religious vote from the paper’s preferred party, Meretz.

A full-page headline in last week’s *Ma’ariv* proclaiming “Seculars attacked on the streets of Bnei Brak,” will briefly indicate the extent of the press problem. The article begins: “It is not recommended for secular Jews to walk on the streets of Bnei Brak at night, lest they be beaten by a private security company hired by residents of the city.” The clear implication is that Bnei Brak has hired a security company to keep secular Jews off its streets.

In fact, the security company was hired because of an ongoing problem with gangs of youths in the area who were terrorizing and robbing chareidi youth. There was no sanction, rabbinic or otherwise, for preventing secular Jews from using the streets of Bnei Brak. Yet this improbable claim was not only reported in *Ma’ariv*, but picked up eagerly by all the morning radio talk shows.

To counteract such distorted news stories a group of trained volunteers needs to be organized to call in to radio talk shows. The leading newspapers also have active on-line discussions of news items, and there too a well-organized cadre of volunteers could make an impact. A little more than a year ago, a young *rosh yeshiva* presented the Am Echad-Israel office with precisely such a plan for training volunteers, but the project ultimately went nowhere for lack of funding.

None of Lapid’s tirades against the chareidi community – not even the army issue – so resonates with the secular population as the charge that chareidim are “bloodsuckers,” constantly extorting

from the government a disproportionate share of the national resources. Shinui had *Hareidi, Inc.*, a book-length “exposé” of this phenomenon by *Ha’aretz* journalist Shahar Ilan, translated into Russian and distributed in the Russian-speaking community. Among Ilan’s fantastic charges is the claim that the average chareidi family is subsidized by the state to the tune of 17,000 shekels (over \$35,000) monthly. So far no full-scale refutation or analysis of Ilan’s data has been undertaken though the book has been widely cited in Israel.

A systematic, professional analysis of the national budget, as well as local

budgets, is required to refute the claim of chareidi extortion. A few such studies have been made on the local level, including one dealing with the Jerusalem education budget. The study of Jerusalem’s educational budget demonstrated that contrary to the popular perception chareidi schools are the victims of significant discrimination. Many such similar studies, however, are required, if the chareidi community wishes to respond effectively to either popular perceptions or those of Treasury budget-cutters. Once again no funding has been forthcoming to do such

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IV. DO WE BEAR PART OF THE BLAME?

The remarkable jump in support for a party based on arousing visceral hatred of other Jews should be a matter of concern for all Israelis. Most disturbing is that Shinui is even more popular among educated young voters than among the general population. Lapid is “cool.” That popularity reflects the degree to which our young are cut off from any sense of themselves as Jews.

One would expect the Lapid phenomenon to have provoked some soul-searching in the chareidi community. Yet to a remarkable degree that has not occurred. We have not yet addressed the question: Have we contributed in any way to the present situation in which young Jews do not hesitate to express their contempt for all things Jewish?

Shahar Ilan is no friend of the chareidi community, but one can share some of his wonderment over the lack of self-scrutiny occasioned by the rise of Lapid. “Has the chareidi community considered how it is possible that a party whose main message is ‘stop the chareidim’ has doubled its strength in the polls and sprung from six to 12 mandates?” Ilan writes. “Has a rabbinical committee been appointed to investigate this failure?... Hard to believe – but the answer is No. A survey of editorials in the ultra-Orthodox media shows there has been no debate on issues like – *How did we make ourselves so hated?*... By contrast, there is ... public debate ... in the chareidi media about who will be United Torah Judaism’s fifth Knesset member – the representative... [from

this or that Chassidic group], and who will rotate with whom.”

Admittedly, there are serious limits on what the chareidi world can do to lessen the hatred. We will not cease to be chareidim and send our yeshiva *bachurim* to join the army *en masse*, or empty the *kollelim* in order to silence our critics. That is too high a price to pay for secular approbation.

At the same time, it would be a mistake to think that there is nothing that we can do to improve the situation. The first step is to unequivocally disassociate ourselves from those who bring disgrace to the Torah in the name of religion. Here we should learn from the settlement enterprise, which has been delegitimized in the eyes of the vast majority of Israel’s Jews, in large part due to the actions of a relatively small number of violent settlers.

The same can happen to us as well. Many who witnessed the first stirrings of a mass *teshuva* movement after the Yom Kippur War blame the *Shabbos* stone-throwers on the Ramot Road with having dampened the spirits of secular Israelis. Torah Jewry became identified in the public mind with the stone-throwers. Today, the descendants of those stone-throwers, now moved to Ramat Beit Shemesh, blacken the name of Torah in the same way by throwing rocks and sending burning shopping carts hurtling at motorists hours after the end of *Shabbos*.

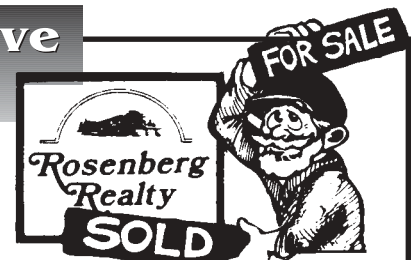
A community that feels itself under constant attack finds it difficult to disavow those who wrap themselves in the mantle of believing Jews, but when they falsify the Torah by their actions, we have no choice.

Similarly, a community under siege is loathe to ever concede any point to its

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critics. But sometimes a proactive response from us would be the best defense. For instance, one of the Shinui's top agenda items is the closure of all the religious councils around Israel. What if we were to admit that there are, in fact, many sinecures on the religious councils and members drawing large salaries for doing little or nothing? What if we were to agree that only the very largest cities require two chief rabbis, one Sephardi and one Ashkenazi? By showing a willingness to confront the waste of public funds, we would thereby strengthen our case for essential funding.

Lapid has made "religious coercion" one of his signature issues. "Let me help you go on enjoying yourselves," he tells young audiences. As Yair Sheleg, himself a frequent critic of the chareidi world, pointed out in the January 22 *Ha'aretz*, religious coercion is a fake issue. Not a single piece of religious legislation has been introduced since 1993, and even that was only to restore a long-standing administrative ban on the import of the non-kosher meat, which had been struck down by the Supreme Court. In every area, including most dramatically commercial activity on *Shabbos*, the religious "status quo" has been eroding.

Nevertheless cries of "religious coercion" succeed in rallying the secular population. In part, that reflects fears of a religious takeover caused by the rapid growth of Shas. Shas and Shinui exist in perfect symbiosis. Each derives its strength, in part, from fears of the other. In such a situation, it is particularly incumbent upon us not to do anything to encourage such fears. No threats to turn the Knesset into a Beit Knesset; no musings about legislation to make the recitation of *Tehillim* mandatory during the moment of silence observed for fallen soldiers.

Counteracting the "Us Only" Image

No image harms the chareidi community more than that of being exclusively and single-mindedly devoted to our own particularistic interests. That image is demon-

strably false. Virtually every major medical referral organization in the country was founded by chareidim, and there are dozens of chareidi organizations devoted to the needs of the entire community.

The media, however, focuses almost exclusively on Zaka, as if it were the exception proving the general rule of chareidi indifference to the well-being of secular Israelis.

Chareidi representatives on the Knesset Budget Committee are regularly described as holding up the passage of the state budget until the Treasury guarantees continued funding for chareidi institutions. On occasion, we have haplessly played into this perception. The Big Family Law, which increased child allowances only from the fifth child on, is a classic example. At a time of budgetary constraints, passing a law that primarily benefited only chareidim and Arabs, and offered little additional support for the vast majority of children living under the poverty line, was a major tactical blunder.

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The Large Family Law became a lightning rod for criticism, and rendered all child allowances vulnerable to the budget cutters in the Treasury. Not surprisingly, the first cuts in child allowances proposed by Finance Minister Silvan Shalom were aimed at those who do not serve in the army. A law designed to provide benefits for chareidim and Arabs begat an Emergency Economic Plan designed specifically to cut benefits to those groups.

We must broaden our measure of political success to include more than simply the size of the budgetary allocation secured. Larger budgetary allocations must be balanced against the cost of increased secular hatred and the further alienation of the secular population from Torah.

Counteracting the image of selfish chareidim requires not only the avoidance of tactical blunders but also recalling the primary purpose of religious representatives in the Knesset. Those representatives are charged not just with protecting the narrow inter-

ests of the chareidi community. They are also charged with demonstrating the relevance of the Torah to every challenge confronting *Klal Yisroel*. The insistence that every major issue – not just those dealing with mixtures of milk and meat – is within the ambit of the *gedolei Torah* is what distinguishes the chareidi parties from Mizrahi. To make that clear, our elected representatives must speak in the name of the *gedolim* on all the major issues.

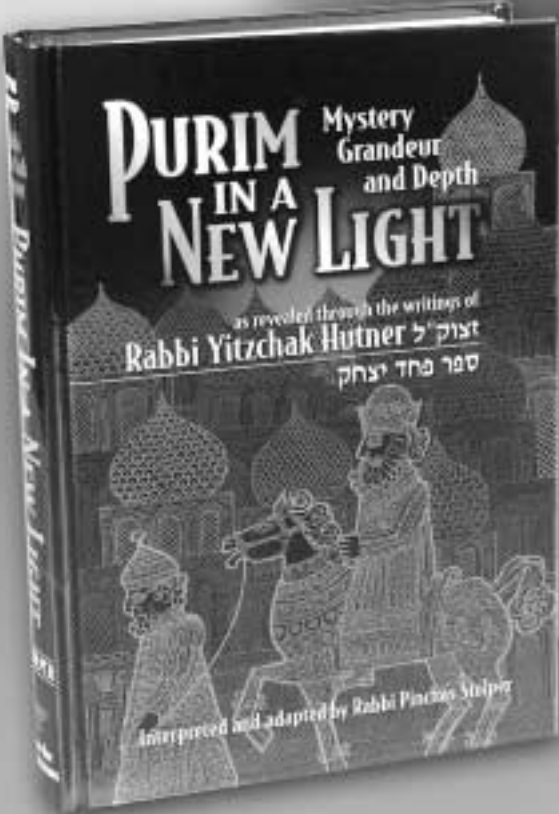
The election propaganda of United Torah Judaism in the recent campaign indicates the party's appreciation of this point. That propaganda plays up the party's support for social legislation and the efforts of MK Rabbi Moshe Gafni on behalf of the environment.⁷ This promising start, however, reminds us of how long it has been since the general Israeli public knew, for instance, of the views of Rabbi Shach זצ"ל on the settlements, or other major national issues.

Above all, we must do everything possible to share the Torah with our

secular brethren – not just for the purpose of *kiruv*, but to give them a feeling of connectedness. The thousands of *avreichim* organized by Lev L'Achim who go door-to-door in non-religious neighborhoods asking, "Is there anything in the Torah you would like to study?" provide the model.

From a young age, we must instill our children with a determination to make every interaction with non-religious Jews – and there are many such interactions – an affirmative one. In addition, we must ensure that those occasions when secular Israelis are

⁷ The case of Rabbi Gafni shows some of the obstacles placed before chareidi MKs who wish to demonstrate the Torah's concern with every aspect of Israeli life. The media gives no coverage to his efforts as head of the Knesset Committee on the Protection of the Environment. *Ma'ariv* even ridiculed the UTJ election ads for portraying the party as champions of the environment. In response, the chairman of the Society for the Preservation of the Environment wrote the paper lauding Rabbi Gafni's efforts and rebuking the paper for deeming it inconceivable that a chareidi representative could be so involved in an ostensibly "non-religious" issue.



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more or less forced into contact with the religious establishment are positive experiences. *Batei din* (religious courts), for instance, should start on time, and litigants leave impressed with the dignity and concern shown them. Unfortunately, the opposite can be the case.

Every Jewish bride is required to register with the Chief Rabbinate, where she typically hears a cursory review of some relevant *halachos* in a group of similarly uninterested young women. A pilot project in selected localities to provide each new bride and groom with a specially trained counselor to discuss Jewish marriage over several individual sessions proved a great success. Yet rather than expanding to meet the requests from other localities, it shriveled due to lack of funding.

V. THE LARGER MEANING OF THE LAPID PHENOMENON

Chareidim have good cause to fear Tommy Lapid and the enactment of any part of the Shinui program. But secular Israelis should be equally concerned about what he reveals about secular Israeli society. He has provided a chilling snapshot of the national soul.

The general malaise and hopelessness reflected in the popularity of a one-issue hatermongerer is the first source of concern. Messianic movements, both secular and religious, in Jewish history have always sprung from such despair. The entire Oslo process was an outgrowth of the shock occasioned by the first intifada when Israeli tanks proved incapable of quelling stone-throwing youngsters.

That hopelessness is exacerbated by the alienation from any sense of one's own Jewishness. (See "Israel on the Brink," by this author in *The Jewish Observer*, Nov. '00, pp. 6-8.) Without that alienation, Lapid would be unthinkable. The Palestinians' belief in their future triumph has been fueled to a very large extent by their sense that the Jews of Israel have lost all connection to their roots. (*Ibid*, pp. 8-10.)

The pervasive lack of hope among the Israeli Jews and their lack of sense of their own place in the panorama of history of the Jewish people are not unrelated phenomena. Those lacking any vision of what brought us to this Land, any sense of themselves as the bearers of a glorious tradition, can find no real purpose in persevering.

They will fight the Palestinians because they have no wish to leave the land in which they were born or to commit suicide. But at some point,

without a positive vision of Jews in *Eretz Yisroel*, they will ask themselves whether the struggle is worth it, and head for safer places. Among the upper socio-economic strata to which Lapid has exclusively pitched his message, many are doing so already.

When we combat the Lapid phenomenon, we do so not only to save ourselves but on behalf of *Klal Yisroel*. It is incumbent upon us to answer those who speak only to the fears of secular Israelis with a vision of hope. ■

Simcha Guidelines

THE VORT

- The *Vort* celebration is to be discontinued. The *L'chaim* (held at the time that the engagement is announced) should also not turn into a *Vort*.

THE WEDDING

- Only 400 invited guests may be seated at the *chassuna seuda*.
- The *kabbolas panim* smorgasbord should be limited to basic cakes, fruit platters, a modest buffet, and the caterer's standard chicken or meat hot dishes.

- The menu for the *seuda* is limited to 3 courses followed by a regular dessert.
- No Viennese table and no bar.

THE MUSIC

- A band may consist of a maximum of 5 musicians (one of the musicians may act as a vocalist) or four musicians and one additional vocalist.
- A one-man band is recommended.

FLOWERS & CHUPA DECOR

- The total cost of these items for the entire wedding should not exceed \$1,800.

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Rosh Hayeshiva, Mirer Yeshiva

Rabbi Elya Svei

Rosh Hayeshiva, Yeshiva Gedola of Philadelphia

Rabbi Shmuel Kaminetzky

Rosh Hayeshiva, Yeshiva Gedola of Philadelphia

Rabbi Yaakov Perlow

Novominsker Rebbe

Rabbi Yosef Yitzchak Feigelstock

Rosh Hayeshiva, Yeshiva of Long Beach

Rabbi Moshe Wolfson

Mashgiach, Yeshiva Torah Vodaas

Rabbi Aron Moshe Schechter

Rosh Hayeshiva, Yeshiva Chaim Berlin

Rabbi Yosef Rosenblum

Rosh Hayeshiva, Yeshiva Shaarei Yosher

Rabbi Eli Simcha Schustal

Rosh Hayeshiva, Bais Binyomin, Stamford

Rabbi Yisroel Rokowsky

Rabbi Yisroel Simcha Schorr

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Rabbi Dovid Kviat

Chairman, Conference of Synagogue Rabbonim of Agudath Israel

Rabbi Shlomo Mandel

Rosh Hayeshiva, Yeshiva of Brooklyn

Rabbi Ephraim Wachsman

Rosh Hayeshiva, Mesitza Meor Yitzchok

SOLOMON'S NIGHTMARE



Custody Disputes That Put Orthodox Children At Risk And What Can Be Done

The article by Dr. Sylvan Schaffer provides valuable information and insights in regard to matters that must be addressed in marital separation agreements and in court orders dealing with children whose lives are so seriously affected by the dissolution of a marriage. Sadly, with considerable frequency, in the bitterness that often attends divorce, the parties lose sight of the best interests of the children. We have in the past addressed the need for greater civility and less confrontation in the divorce process*. Unless we rid divorce of the extreme personal bitterness, the ability to accomplish the laudatory goals that Dr. Schaffer addresses will be hard to achieve. Where war is the first order of the day, children become pawns in the battle and ultimately its first casualties. To minimize collateral damage, religious divorces must also be civil.

*For example Dr. Meir Wikler's "Two 'Ex's' and a 'Why?'" (March '93) and "From Step-Families to Blended Families" (Nov. '96).

Zalman Abraham, father of three sons who attend a yeshiva day school in Chicago, is ordered by

Sylvan Schaffer J.D., Ph.D. is both an attorney and clinical psychologist who practices law and psychology, and is affiliated with NYU, Einstein Medical School, and Hofstra Law School.

a court to send his sons to spend several weeks during the summer with his ex-wife, who, despite attending Bais Yaakov schools from childhood, has abandoned religious observance. To "get back" at her former husband, she takes the boys to non-kosher restaurants, enrolls them in a Catholic day camp, and takes them to a circus on the Seventeenth of Tamuz (a fast day).

• Baruch Isaacs, who still wears a yarmulke and a beard, is awarded custody of Avi, his teenage son, after a protracted court battle. Dena Isaacs' lawyer assumes that Baruch will certainly keep Avi in a yeshiva, and therefore the custody agreement states only that the boy must attend "a Jewish school." Baruch then moves to Connecticut, where he enrolls Avi in a Conservative day school. The mother's legal challenge to this move is rejected by the courts.

• Batsheva Yellin is ordered by a court to drive her children on *Shabbos* to meet with Mark, their father, who is no longer observant.

• Ahuva Sanders, who became observant sometime after her marriage, files for divorce and is granted custody of her four young children. Her ex-husband, Stanley, then charges that the children are being raised in a cult and persuades a judge to take the children away from

*The names and identifying details of these cases have been changed to protect the confidentiality of the parties.

their mother and out of yeshiva. The children are now attending public school and Ahuva has very limited contact with them.

These anecdotes are based on real cases*, some of which were brought to the attention of Agudath Israel of America in search of legal assistance in resolving these dilemmas. Imagine the trauma and shame for children brought up to be strictly observant and *yirei Shamayim*, who are forced to get into a car on *Shabbos*, sometimes in front of their friends and neighbors. Picture the horror of a caring parent, a *shomer mitzvos*, who is watching this occur after pleading in court to prevent this scene!

It is our responsibility to do whatever possible to make certain that these unfortunate situations are either avoided or minimized. First, however, it is essential to understand how helpless and vulnerable children become trapped in such a state of affairs.

ROOT CAUSES OF TRAGIC SITUATIONS

These scenarios are the end result when child-custody disputes arise between divorcing spouses who differ in their religious observance and philosophy. This happens in two

primary ways: first, both parents were originally observant and one later began to stray from observance; or second, the couple was originally non-observant and one party became more religious and raised the children in this manner with the consent of the non-practicing parent. When these parents decide to divorce, the religious upbringing of the children becomes an issue, and sometimes may be used as a weapon despite the damaging impact it may have on the children.

In addition – this is especially true for families living outside of large Orthodox communities – when the couple begins the divorce process, they may engage attorneys who themselves are not Jewish or observant, and therefore may not be familiar with the religious nuances and requirements that must be put into matrimonial agreements in order to protect the children. For example, the agreement may say that the children must be raised as “Jewish,” without defining the specifics of what that means, i.e. Orthodox, Conservative or

Reform, or failed to spell out the myriad ramifications of “raising a child as an Orthodox Jew”: *Shabbos, Kashrus*, and educational influences. Thus, the critical details of a child’s religious upbringing may be left up to a judge to define, and he may have little knowledge about such matters, or may harbor negative myths about Orthodox religious practices.

Such cases may ultimately be dealt with through litigation by attorneys and expert witnesses who are familiar with such issues and the psychological impact they can have on the children, but this method is usually pursued as a last resort. Litigation is generally resorted to only after other methods have been tried and failed, since trials are very costly, and the child may already be in the traumatic situation while the lengthy litigation process grinds on. Also, the outcome of a trial is uncertain, since a judge will make the decision, which is then imposed on the parents.

AN ALTERNATIVE: EARLY PREVENTION

Far more effective is early prevention. Planning for the religious needs of the children must begin very early, and the rabbinate can play a very important role in making their congregants aware of the need for such planning. The rabbi often has been involved with a couple since the early stages of their relationship, including the premarital period.

A *rav* may detect early warning signs and then speak to the couple about his observations. He may suggest ways to strengthen their marriage before the divorce process even gets under way. Such prevention, aimed at preserving *shalom bayis*, enhances the spiritual and psychological environment of the children, as well.

There may be times, however, when the marriage cannot be saved and the parties begin the divorce process. This stage is not too early to launch the prevention process, aimed at avoiding the tragic scenarios that opened this article. At this point, the parent should seek out an attorney who is not only knowl-

edgeable about family law, but also familiar with the full range of needs of an Orthodox family. If such an attorney is not available, experts may be enlisted with whom the attorney would consult about these issues. One such expert is the rabbi, who can explain the vital religious details to the attorney. Also, the attorney can consult with Orthodox attorneys who can highlight key points that should be included in the separation, custody, or visitation agreement, and indicate time-tested approaches to avoiding unfortunate cases similar to those in the opening anecdotes.

Although the other parent may not cooperate prior to going to court, the Orthodox parent may attempt to bring the other party to a *beis din*, which would certainly be conversant with the religious issues. In addition, the parties may seek mediation with a knowledgeable, neutral party so that these issues may be dealt with in a non-adversarial environment.

SOME IMPORTANT POINTS

There are several points that are important in formulating separation custody, and visitation agreements. First, religious issues should be dealt with explicitly. Sometimes, they are actually overlooked. Second, general terms such as “Jewish,” “kosher,” or “Jewish education” do not in themselves convey enough information. Such terms need modifiers that are more specific. For example, “kosher” should be defined as to the specific types of *hashgacha* (rabbinical supervision) that are acceptable. Examples of the types of schools should be given, or specific schools should be named. If something is too difficult to define or specify at that time, one can name a rabbi whose definitions will resolve ambiguity problems, thus avoiding litigation.

It is also important to include specifics about the future of the children’s religious upbringing. These include: the type of *shul* that the children will attend; the distance from *shul* within which they must live; who will pay for the yeshiva education, and until what

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age; the specific neighborhoods and cities that are acceptable; the living arrangements in the home (especially who else will be living in the home); remarriage; what name the children will call a new spouse; which parent has control of religious standards; standards of religious practice in the non-observant parent's home during visitations, and methods of verification; bar mitzvas and weddings (religious, financial, and family issues); travel outside the country (i.e. studying in *Eretz Yisroel*); role of grandparents; arbitration by *beis din*; choice of doctors and therapists; summer camps; visitation schedules (especially as they involve *Shabbos* and *Yom Tov*); and other similar issues.

It is essential to make the agreement clear enough so that judicial involvement may be avoided or minimized, and the religious definitions are not left open for a judge to interpret. If religious observance issues are spelled out clearly in the visitation and custody agree-

ment, they are usually upheld by the courts. If religious observance issues are not spelled out clearly, the result is quite often the horror stories recounted at the beginning of this article.

Parents need to take these actions as early as possible in the custody process. Courts may question a parent's sincerity if an activity, which is labeled as objectionable, has been allowed to continue for a long period without protest. It should be emphasized to a judge that the child's religious observance is of interest even to a secular court, since its lack of continuity may have negative impact on a child's psychological stability.

A COMMUNAL CONCERN

These religion-based custody cases provide the Orthodox community with an opportunity to assist children who are suffering greatly, and whose lives may be drastically altered by the ordeal. The community

should provide emotional, financial, and informational support to the family in a time of personal and spiritual crisis. With proper planning and care, the children can be spared such traumatic experiences. ■



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Don't Judge the Book by Its Cover

The December issue of *The Jewish Observer* discussed "The Dangers of Dialogue," in response to the recently published book, *One People, Two Worlds*, which consists of a dialogue on fundamental principles of faith between Rabbi Yosef Reinman, a recognized Torah scholar, and Ammiel Hirsch, the leader of the Association of Reform Zionists of America. The appearance of the book prompted the *Moetzes Gedolei Hatorah* to issue a declaration rejecting the book's premise, and therefore the book itself.

Rabbi Reinman accepted the decision of the *Moetzes Gedolei Hatorah* and cancelled a promotional tour with the co-author. This move won the praise of many Torah leaders, but was criticized by the secular media. Reflecting on the episode, Rabbi Reinman has written the following article for the *Jewish Week*. With permission from the author and the *Jewish Week*, we are reprinting it in full.

The media have been busy for months with *One People, Two Worlds*, the book I co-authored with Ammiel Hirsch, and the promotional tour from which I withdrew after two appearances in deference to the Council of Torah Sages. Now that the dust has settled somewhat, I would like to add a few remarks and observations of my own.

A few weeks ago, upon his return from his now solo appearances on the tour, Ammi wrote a piece for the *Jewish Week* (01-03-03) in which he lamented the missed opportunity for the Orthodox. He had met "thousands of Jews... precisely the people Rabbi Reinman wanted to reach – mostly non-Orthodox Jews eager to learn more about Torah and the Orthodox world."

It was indeed a missed opportunity. My message resonated well with the people during the first two appearances – in the "State of World Jewry" forum at the 92nd St. Y and at a book fair in Indianapolis – despite my long caftan, beard and *peyot*. After the presentations, many people approached me with comments, questions and an overwhelming

Rabbi Reinman, a Talmudic scholar, author and historian, lives in Lakewood, New Jersey.

curiosity. We also connected on a personal level, and I loved it and them. By withdrawing from the tour, I had to forgo meeting hundreds of people under similar circumstances. A great loss.

But why did I withdraw from the tour? And even more important, why was this opportunity for an Orthodox rabbi to meet non-Orthodox people such a rare phenomenon?

Ammi offers us the answer. "The Jewish world needs you," he calls out to the Orthodox, "to bring your love of Torah, discipline, commitment, knowledge and passion to the Jewish world.... The enemy is not Reform Judaism. The enemy is apathy, assimilation and ignorance. We should see ourselves as allies in our common struggle to sustain and ensure Jewish continuity."

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to these wonderful opportunities. So Reform laypeople want to hear and learn from Orthodox rabbis? Fine, but only if those Orthodox rabbis acknowledge Reform rabbis as allies. It is like a parent using the children as pawns in a marital struggle. If the Orthodox rabbi stands on the stage side by side with a Reform rabbi, then he can speak to the people. Otherwise, no visitation.

But Reform rabbis are not our colleagues in the work of perpetuating Jewish continuity. Reform ideology embraces moral relativism, denies the divine authorship of the Torah, denies the divine covenant,

denies the binding nature of Halachah and, by doing so, rejects the Judaism of our ancestors. Reform laypeople know this full well, and that is why they are so eager to learn about Orthodoxy, the religion of their ancestors. They don't display the same interest in Conservatism and Reconstructionism, which are just different flavors of the liberal stream.

During these last few months, I have met and heard from numerous non-Orthodox people yearning for a stronger Jewish identity, and I wondered what motivated them to set themselves apart from American society. Then it struck me that the laypeople have never

let go of the religion of their ancestors, that the national memory of Sinai is still etched into their chromosomes, that deep down they know that the divine covenant between the Creator and His people is real.

Fifty years ago, a group of leading Orthodox sages erected a firewall between the Orthodox rabbinate and the Reform rabbinate, forbidding any official contact whatsoever between the two; they placed no restrictions, however, on contact with Reform Jews as individuals. The sages felt that sharing common platforms with movements so antithetical to the religion of our ancestors would give them an aura of legitimacy they did not deserve. Since then, Orthodoxy has flourished, but the lines of communications with our non-Orthodox brothers and sisters have been shut down. Their rabbis have told them that the Orthodox hate them and do not consider them authentic Jews – absolute lies – and then they have stood guard over the people to make sure that no Orthodox rabbi speaks to them unattended.

So why did I write my book when I knew that our revered sages disapproved of sharing platforms with Reform rabbis? Was I breaking away and setting out in a new direction? Heaven forbid. There is a deep sense of desperation in the Orthodox community at the disintegration of the non-Orthodox world. There is a feeling that time is running out and that something must be done. The rabbis who authorized and supported this project decided, based on several fine distinctions, that it was an exception to the rule. To mention just one of these distinctions, since I am an independent scholar and writer rather than a member of the rabbinate, my participation was considered “individual” rather than “official” contact; I mention this distinction in the book several times. We felt we could thus circumvent the rabbinate and speak directly to the people.

We were wrong. The media completely ignored my explicit distinctions and depicted the exchange as a break-

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through, a breach in the Orthodox wall of rejection – which it was never meant to be. Most did not even bother to read the book. They just looked at the cover and, to my horror, painted me as the Rosa Parks of interdenominational dialogue. I have yet to see one serious, in-depth review of the book.

The declaration of the Council of Sages simply reaffirmed what we already knew – that the distinctions had failed to register with all those people eager to portray the book in a light that suited them better. Under these circumstances, the tour would just compound the error.

What could I say? They were right. And so, I withdrew. Unfortunately, the media ridiculed the Council of Sages as beady-eyed ayatollahs issuing fatwas against me and my family and bans of excommunication against anyone who dared pick up the book. This was all nonsense.

The members of the Council are wise, intelligent, highly principled people, most of whom I have known for years; two of them paid their respects

when I was sitting Shivah for my father last week. The sages just set policy; they never tell individuals what to do, and they certainly never threatened me in any way whatsoever. Their declaration treated me with kindness and respect, and when I issued my brief statement of acceptance and withdrew from the tour, they were surprised and responded with a nice complimentary statement. I have only good things to say about them.

In retrospect, the premise of the book was a mistake. But what is done is done. The book has taken on a life of its own, and I hope and pray that it does only good and no harm. Ultimately, the book will stand as convincing evidence that Orthodoxy is intellectually sophisticated and compelling, that our rejection of dialogue does not stem from fear and that our expressions of love for all Jews are genuine and sincere.

In the meantime, I urge all my Jewish brothers and sisters not to allow your rabbis to hold you hostage. If

they do not allow you to meet Orthodox rabbis, read the books I mention in the Afterword. If you need more guidance, write to me at the email address (yreinman@optonline.net) that appears there.

As Ammi mentioned, when we were at the 92nd St Y, the moderator asked me, “If someone has a choice between watching the Sopranos and learning Talmud with a Reform rabbi, what would you advise him to do?” Things had been going so well, and now this bomb. I tried to wiggle out, but the moderator pinned me down. What could I do? So I took a deep breath and said, “He should watch the Sopranos.” There was an audible gasp from the audience. I was mortified.

Afterward, Richard Curtis, my wise friend and agent, told me, “Don’t worry. People will respect your intellectual honesty. And besides, many people will go home wondering, What is so bad about learning Talmud with a Reform rabbi? Why would he say something like that?” Why, indeed. ■

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BOOKS IN REVIEW

"If There's Anything I Can Do..." by Rebecca Bram Feldbaum, (published by Feldheim Publishers, Nanuet, NY/ Jerusalem, 2003 \$21.95)

How often do we, as caring Jews, reach out to help someone, only to find we've caused more harm than good? How often does our "chizuk call" weaken the receiver to distraught tears? Are our pick-me-ups taken as put-downs? And do we find ourselves yet again wondering, "What *should* I have done or said?"

This new book by Rebecca Bram Feldbaum is a volume in sensitivity training. A widow at a young age, with four small children, she shares her experiences in an open, heartfelt way. Reading of her first confrontation with the title "widow," of her husband's funeral, of her children's experiences, she does much more than open her heart to us. She opens our hearts.

"Tzoros levovi hirchivu," David Ham-

Mrs. Rubenstein, who lives in Monsey, NY, has been the *Jewish Observer* layout artist for many years. This is her first literary contribution to these pages

elech says. "The troubles of my heart have expanded." Rav Hirsch, however, translates the *pasuk* to mean – "Troubles have widened my heart." Vicariously, we gain depth of feeling as we are confronted with the effect our words have on others. For example, did the woman begging for a donation know the effect of her words "Ani almana – I am a widow" when she addressed Mrs. Feldbaum on her first visit to the *Kosel* the day after *shiva*? Is an elementary school teacher aware that as she teaches *Bereishes* and the deaths of our forefathers, that the young child in class could be reliving his own father's death?

The scope of her book goes far beyond this. It is loaded with practical suggestions that would make recommended reading for high schoolers. They could be directed to chapters such as "Do's and Don'ts For Hospital Visits." For example, "Do not speak to a family member in the hospital room as if the patient isn't there. Do not discuss the patient's medical

condition in his room when you think he's sleeping..."

Even suggestions such as not bringing flower arrangements and stuffed animals to a patient who will be in a hospital for a short stay and may be inconvenienced by transporting it home.

Chazal tells us that when Reuvain saved Yosef from death at the hands of his brothers, he would have carried him on his shoulders back to his father had he known that his deeds would be recorded for generations in the Torah. One gets a twinge of similar lost opportunity when reading the last chapter, "Acknowledgements." How real and sincere are her thanks to all

those who stood by her in difficult times! Here are people who gave generously and kindly by being true friends. These are accomplishments each of us should strive to emulate in our circles. Reading Mrs. Feldbaum's acknowledgments is gentle *mussar* for all of us.

Just as the Chofetz Chaim opened up a whole new field of guarding one's tongue from slander, Mrs. Feldbaum – on her modest scale – opens up a world of guarding against causing emotional pain. She touches on topics of divorce, remarriage, childlessness and loss, while teaching caring and gentleness.

You may wonder why such a book has a bright blue cover with yellow sticks scattered around. In fact, as much as it tells of sadness, this book will make you laugh as the author's inner *simcha*, humor and *bitachon* glimmers through many pages. Somber, of course, but never morbid, this is a unique testimony of a true *ma'amin*, which teaches, inspires and prods its readers in uplifting, practical growth. You *can* judge this book by its cover, and you'll open it and turn to its wisdom again and again. ■



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Dedicated by Mr. & Mrs. Shmuel Boruch Wilhelm