

Current Jewish Questions

Religious Coercion

I. Recent Incidents

1. A spitting incident sets off Israeli frustration with Jewish zealotry

December 27, 2011

<http://www.csmonitor.com/World/Middle-East/2011/1227/A-spitting-incident-sets-off-Israeli-frustration-with-Jewish-zealotry>

The harassment of an 8-year-old girl by ultra-Orthodox Jews in the Jerusalem suburb of Beit Shemesh is shaking Israel's self image to the core, stirring nationwide outrage about escalating religious zealotry and creeping public segregation of women.

For months, Na'ama Margolis and classmates at her school endured insults and spitting by the neighborhood's strict Orthodox Jews – known in Hebrew as "Haredi," or God fearing – who complain that they should dress more modestly. When their story was featured on a weekend news magazine several days ago, it ignited already simmering worry about efforts of the ultra-religious to exclude women in places like public buses or the army.

"I think the whole country needs to wake up ... that it's not just a corner in Beit Shemesh," said Ailsa Coleman, a 42-year-old neighbor who volunteered to escort Margolis's classmates outside the school and was also spat on. "It's happening everywhere."

In recent days there have been repeated clashes between ultra-Orthodox protesters and police and attacks on news crews in Beit Shemesh. Thousands of protesters gathered in the city with signs reading "Segregation of Women is my Red Line" and warning of an Israeli theocracy.

The segregation reflects the Haredi minority's growing influence on Israel's politics and economy. Civil rights advocates and Beit Shemesh locals say that the government and law enforcement authorities have turned a blind eye, even though the examples of exclusion proliferate.

They point to special arrangements for ultra-Orthodox communities where women are relegated to the rear of the buses, have separate lines in eateries, and sit in health clinic waiting rooms that are divided by gender. There are also efforts to erase images of women from public billboards. Last week, a secular woman was heckled for riding in the front of one of the buses and pressured to move.

"This ties into whether we are democratic liberal state that protects women's rights, or whether we're not going to be a democracy in a future," said Einat Horovitz, a spokeswoman of the Religious Action Center, an Israeli nonprofit which challenged the bus segregation in Israel's Supreme Court. "Politicians don't realize

that being a democracy isn't only about the rule of the majority, its about protecting human rights and the rights of the minority, and this has escaped our politicians."

In Beit Shemesh, prominent signs calling for modest dress and excluding women from certain sidewalks near synagogues have been tolerated for years in the ultra-Orthodox neighborhood near the elementary school, which happens to serve a less strict group of Orthodox Jews.

2. J'lem man charged with calling woman 'whore,' spitting

01/08/2012

<http://www.jpost.com/Headlines/Article.aspx?id=252691>

The Jerusalem District Court charged Ze'ev Frank with harassment on Sunday, after he was arrested on Thursday for calling a pedestrian a "whore" and spitting on her. He is also being charged with assaulting the officers who arrested him while physically resisting arrest.

According to the indictment, the woman was walking in the Jerusalem neighborhood of Mea She'arim when Frank, a resident of the city, harassed her.

3. Mea She'arim 'mafia' harasses, vandalizes businesses

09/08/2011

<http://www.jpost.com/NationalNews/Article.aspx?id=237131>

A bookstore in the capital's ultra-Orthodox Mea She'arim neighborhood is struggling against a wave of attacks by a haredi group called Sikrikim ("Sicarii") that other business-owners have called the "mafia of Mea Sha'arim."

Since the bookstore, known as Or Hachaim/Manny's, opened in March 2010, men have smashed its windows several times, glued its locks shut, thrown tar and fish oil, and dumped bags of human excrement inside.

Chief Rabbi Yona Metzger was harassed and had stones thrown at him while leaving the store last year.

The bookstore, located on Mea She'arim Street, is popular with Anglo residents and tourists and carries many English-language holy books and Judaica items in addition to Hebrew books. The harassment stems from the bookstore's refusal to accept demands made by the neighborhood extremist group, which would require all businesses to observe specific "modesty standards."

At Or Hachaim, the Sikrikim's demands include putting up a sign asking customers to dress modestly, removing all English-language books, signs and advertisements, and closing its website, which is in English, all so as not to attract tourists, who are not dressed modestly, said Marlene Samuels, one of the three managers of the bookstore, along with her husband, Manny, and Meir Dombey. Manny Samuels previously ran Manny's Bookstore, which was well-known in the Anglo community.

"These people are very extreme; they terrorize lots of people here, and they are a very insular group," Marlene Samuels said. She added that despite filing four complaints with the police and providing surveillance footage that clearly identified four of the men who have been vandalizing their shop, the police has not gotten involved.

3. Mea She'arim bookstore hit again by extremist 'mafia'

09/15/2011 04:08

A bookstore in the ultra-Orthodox neighborhood of Mea She'arim, which has been struggling with violence from a mafia-style "Purity Committee" that objects to their English and Zionist books, was attacked once again early on Wednesday morning.

4. Mea She'arim shop accedes to vandalist demands

<http://www.jpost.com/NationalNews/Article.aspx?id=247516>

11/30/2011

After 20 months of attacks and a quarter million shekels in damage, a religious bookstore in the ultra-Orthodox Mea She'arim neighborhood of Jerusalem decided on Monday to accede to the demands of extremists responsible for the violence.

Under the terms of the compromise, Ohr Hachaim/Manny's put up a large sign requesting that all customers dress modestly. A mashgiach, who checks the store's inventory to make sure there are no controversial books, will go over the books in the coming week and require that some books be removed from the shelves, though they will not be permitted to remove any English books, said Marlene Samuels, one of the store's managers.

A haredi group called Sikrikim deemed the store as "promoting immodesty," and since Manny's opened in March 2010, the group has smashed its windows more than a dozen times, glued its locks shut, thrown tar and fish oil at the store and dumped bags of human excrement inside. The owners were also personally threatened multiple times.

At the end of September, police arrested one of the central figures responsible for the attacks. Since the arrest, and with the construction of steel shutters to protect the store at night, violence against the store has decreased. However, a large demonstration outside the store on Sunday night convinced the owners of the bookstore to meet with the Sikrikim to come to a compromise.

"Even though it looks like things have quieted down there were still problems looming," said Samuels. "The truth is it's very hard to get the better of these people... you can never beat them."

Samuels said the damage caused by the attacks, including hiring security guards to watch the store, has cost more than NIS 250,000 over the past year-and-a-half.

II. Halakhic Enforcement

<p>5. M. Sanhedrin 9:6 If one steals the kiswah, [The service vessels [of the Temple]] or curses by enchantment, or cohabits with a heathen [lit. Syrian] woman, he is punished by zealots.</p>	<p>5. משנה מסכת סנהדרין פרק ט:ו הגונב את הקסוה והמקלל בקוסם והבועל ארמית קנאין פוגעין בו</p>
<p>6a. B. Berachot 19b R. Judah said in the name of Rav: If one finds mixed kinds in his garment, he takes it off even in the street. What is the reason? [It says]: There is no wisdom nor understanding nor counsel against the Lord; wherever a profanation of God's name is involved no respect is paid to a teacher.</p> <p>6b. Rambam Kilayim 10:29 If one sees his friend wearing clothing of biblically forbidden mixtures, even if the friend is walking in the market (i.e. in public), he grabs him and tears it off of him immediately. And even if the person was his teacher who taught him Torah, because the honor of a person does not take precedence over an explicit biblical prohibition.</p>	<p>6. תלמוד בבלי מסכת ברכות דף יט עמוד ב אמר רב יהודה אמר רב: המוצא כלאים בבגדו פושטן אפילו בשוק, מאי טעמא +משלי כ"א+ - אין חכמה ואין תבונה ואין עצה לנגד ה' - כל מקום שיש חלול השם אין חולקין כבוד לרב.</p> <p>רמב"ם הלכות כלאים פרק י הלכה כט הרואה כלאים של תורה על חבירו אפילו היה מהלך בשוק קופץ לו וקורעו עליו מיד, ואפילו היה רבו שלמדו חכמה, שאין כבוד הבריות דוחה איסור לא תעשה המפורש בתורה</p>
<p>7. Rambam Divorce 2:20 If judgment has been given that a man is forced to divorce his wife and he does not want to grant a divorce, any court in Israel in any time and place may beat him until he says, "I want [to give the get]," and the get is written and it is a valid get... And why is this get not invalid for behold it was coerced either by non-Jews (enforcing a Jewish court's judgment) or by Jews? For we do not say someone is pressed or pushed to do something which is not commanded by the Torah to be done, or until he distances from the prohibited action, this is not compelling him, but rather he has compelled himself with his evil mentality. Therefore, this person who does not want to divorce his wife, he still wishes to be one of the Jewish people he wishes do the commandments and to distance from sin, and it is his inclination which is attacking him. And since he is being beaten until his inclination is weakened and he says he already has divorced according to his will.</p>	<p>7. רמב"ם הלכות גירושין פרק ב הלכה כ מי שהדין נותן שכופין אותו לגרש את אשתו ולא רצה לגרש, בית דין של ישראל בכל מקום ובכל זמן מכין אותו עד שיאמר רוצה אני ויכתוב הגט והוא גט כשר... ולמה לא בטל גט זה שהרי הוא אנוס בין ביד גוים בין ביד ישראל, שאין אומרין אנוס אלא למי שנלחץ ונדחק לעשות דבר שאינו מחוייב מן התורה לעשותו כגון מי שהוכה עד שמכר או נתן אבל מי שתקפו יצרו הרע לבטל מצוה או לעשות עבירה והוכה עד שעשה דבר שחייב לעשותו או עד שנתרחק מדבר שאסור לעשותו אין זה אנוס ממנו אלא הוא אנוס עצמו בדעתו הרעה. לפיכך זה שאינו רוצה לגרש מאחר שהוא רוצה להיות מישראל רוצה הוא לעשות כל המצוות ולהתרחק מן העבירות ויצרו הוא שתקפו וכיון שהוכה עד שתשש יצרו ואמר רוצה אני כבר גרש לרצונו. לא היה הדין נותן שכופין אותו לגרש וטעו בית דין של ישראל או שהיו הדיטות ואנסוהו עד שגירש הרי זה גט פסול, הואיל וישראל אנסוהו יגמור ויגרש, ואם הגוים אנסוהו לגרש שלא כדין אינו גט, אע"פ שאמר בגוים רוצה אני ואמר לישראל כתבו וחתמו הואיל ואין הדין מחייבו להוציא והגוים אנסוהו אינו גט.</p>

III. Communal Enforcement

<p>8. B. Bava Batra 8b The townspeople are also at liberty to fix weights and measures, prices, and wages, <u>and to inflict penalties for the infringement of their rules.</u></p>	<p>8. תלמוד בבלי בבא בתרא ח:ב ורשאין בני העיר להתנות על המדות ועל השערים, ועל שכר פועלים, <u>ולהסיע על קיצתן.</u></p>
<p>9. Tur C.M. 231 A <u>Jewish court</u> is obligated to establish appointments who will return to the stores to ensure the weights, measures, and balances are correct, and anyone found to have a lesser measure or weight or an imbalanced scale, they have permission to <u>beat</u> him or to fine him, <u>as the court deems fit.</u> The people of a town are permitted to close its gates (i.e. restrict commerce) and fix prices and wages and to <u>fine</u> anyone who violates their decree...when is this said? When there is no great person or sage in the city to establish these things, but if there is such a sage then even all the residents of the town do not have permission to establish anything besides what the sage decrees and if they did and set up conditions without the sage's knowledge, it is meaningless.</p>	<p>9. טור חושן משפט סימן רלא חייבין <u>בית דין</u> להעמיד ממונים שיהו מחזרין על החנויות שיהו מצודקות המדות והמשקלות והמאזנים וכל מי שנמצא אתו מדה חסרה או משקל חסר או מאזנים מקולקלין רשאין להכותו ולקנסו <u>כאשר יראה לבית דין</u>...רשאין בני העיר לפסוק לכל השערים ולומר דבר פלוני בכך וכך ושכר הפועלים שלא ישתכרו אלא בכך וכך <u>ולקנסו</u> כל מי שעובר על תקנתו וכן כל בעלי אומניות רשאין לתקן תקנות בענין מלאכתם כפי מה שירצו ולקנסו לכל העובר על תקנתם בד"א כשאין אדם גדול וחכם בעיר לתקן עניינם אבל אם יש חכם ומנהיג אפילו כל בני העיר אין רשאין לתקן כלום זולתו ואם תקנו והתנו דבר בלתי ידיעתו אינו כלום:</p>
<p>10. Shulhan Aruch CM 231:29 The people of a town are permitted to restrict commerce as they see fit and to establish conditions between them such that anyone who violates them is subject to <u>fines.</u></p>	<p>10. שולחן ערוך חושן משפט סימן רלא:כז רשאים בני העיר לקוץ להם שער לכל דבר שירצו, ולהתנות ביניהם שכל מי שיעבור קונסים אותו כך וכך.</p>
<p>11. Encyclopedia Talmudit – Bnei Ha-Ir The medieval sages disagree: some reason that this only applies if there was already an established condition <u>between all of them</u> which is known from the collective will, and afterwards if one violates the decree then they may fine and punish him, but if the conditions were not agreed upon initially, the residents of the city have no power to force another in the city as they see fit when there is a profit to one and loss to another, and even seven dignitary have no power to change what was already previously established if it was not made with the knowledge (and approval) of everyone). And others say that any decree <u>which is agreed upon by the majority</u>, if they are considered the majority in number and wisdom, even if there is a minority who stand and protest, they are obligated to follow the majority on the grounds that any action of the majority is sanctioned by the Torah. And for any issue where the community agrees upon to follow the majority, the individuals must follow what the majority agreed upon, for if not, the community would never agree on anything. And so seven dignitaries who were selected from the community have the power</p>	<p>11. אנציקלופדיה תלמודית, [בני העיר] עמוד שעז טור 1 ונחלקו ראשונים: יש סוברים שדוקא אם כבר התנו ביניהם תקנה ידועה מרצון כולם, ואחר כך עבר אחד מהם על התקנה, יכולים לקנסו ולהענישו, אבל אם לא התנו בתחילה, אין כח בבני העיר להכריח אחד מבני עירם למה שירצו, כשיש ריוח לאחד והפסד לשני⁷⁰, ואפילו שבעה טובי-העיר* אינם יכולים לשנות דבר נגד הנהוג מקודם כשיש הפסד לאדם יחיד, אם לא נעשה מדעת כולם⁷¹, ויש אומרים שכל תקנה שרוב הצבור הסכימו בה, אם הוא רוב חשוב במנין ובחכמה, אף על פי שהמיעוט עומדים וצווחים, הרי הם חייבים במה שהסכימו הרוב⁷², ועל כל עסק של רבים אמרה תורה: אחרי רבים להטת⁷³, ועל כל ענין שהקהל מסכימים הולכים אחר הרוב והיחידים צריכים לקיים כל מה שיסכימו עליהם הרבים, שאם לא כן לעולם לא יסכימו הקהל שום דבר⁷⁴, וכן שבעה טובי</p>

⁷⁰ . מרדכי ב"ק פ"י סי' קעט וב"ב פ"א סי' תפ בשם ר"ת ושם סי' תפא; תשו' מיימוניות ל' שופטים סי' י; מהרי"ק שורש א ושורש קפ.
⁷¹ . מהרי"ק שם, וכ"מ בתשו' מיימוניות שם; רמ"א בשו"ע חו"מ סי' ב בשם יש חולקים.
⁷² . ריטב"א ע"ז לו א בשם מורו הרב; שו"ת ר"ח או"ז סי' רכב. ועי' שו"ת מהרשד"ם חיו"ד סי' קיז שמוכיח שכ"ד עוד כמה ראשונים.
⁷³ . שמות כג ב.
⁷⁴ . שו"ת הרא"ש כלל ו סי' ה, ועיי"ש כלל ז סי' א וסי' ה. ועי' שו"ת מהרשד"ם שם בטעם שר"ת וסייעתו אינם הולכים כאן אחר הרוב.

<p>to establish policies, even in a case where there is a loss to an individual, and this is the custom. And some write that this only applies if there is a known established custom in the city and it is up to the leaders of the city to rebuke/inform that the custom is as so.</p>	<p>העיר שנבחרו מאת בני העיר כח בידם לתקן, אפילו במקום הפסד לאחד⁷⁵, וכן המנהג⁷⁶. ויש שכתבו שדוקא אם ידוע שיש מנהג קבוע כך בעיר, ועל טובי העיר להוכיח שכך המנהג שם⁷⁷.</p>
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IV. An Important Qualification

<p>12. B. Yoma 86a Isaac, of the School of R. Jannai. said: If one's colleagues are ashamed of his reputation, that constitutes a profanation of the Name. R. Nahman b. Isaac commented: E.g. if people say, May the Lord forgive So-and-so. Abaye explained: As it was taught: And thou shalt love the Lord thy God, i.e., that the Name of Heaven be beloved because of you. if someone studies Scripture and Mishnah, and attends on the disciples of the wise, is honest in business, and speaks pleasantly to persons, what do people then say concerning him? 'Happy the father who taught him Torah, happy the teacher who taught him Torah; woe unto people who have not studied the Torah; for this man has studied the Torah look how fine his ways are, how righteous his deeds! . Of him does Scripture say: And He said unto me: Thou art My servant, Israel, in, whom I will be glorified. But if someone studies Scripture and Mishnah, attends on the disciples of the wise, but is dishonest in business, and discourteous in his relations with people, what do people say about him? 'Woe unto him who studied the Torah, woe unto his father who taught him Torah; woe unto his teacher who taught him Torah!' This man studied the Torah: Look, how corrupt are his deeds, how ugly his ways; of him Scripture says: In that men said of them,: These are the people of the Lord, and are gone forth out of His land.</p>	<p>12. תלמוד בבלי יומא פו:א יצחק דבי רבי ינאי אמר: כל שחביריו מתביישין מחמת שמועתו (היינו חילול השם) +מסורת הש"ס: [היכי דמי] + אמר רב נחמן בר יצחק: כגון דקא אמרי אינשי שרא ליה מריה לפלניא. אביי אמר: כדתניא, +דברים ו+ ואהבת את ה' אלהיך - שיהא שם שמים מתאהב על ידך, שיהא קורא ושונה ומשמש תלמידי חכמים, ויהא משאו ומתנו בנחת עם הבריות, מה הבריות אומרות עליו - אשרי אביו שלמדו תורה, אשרי רבו שלמדו תורה. אוי להם לבריות שלא למדו תורה, פלוני שלמדו תורה - ראו כמה נאים דרכיו, כמה מתוקנים מעשיו, עליו הכתוב אומר +ישעיהו מט+ ויאמר לי עבדי אתה ישראל אשר בך אתפאר. אבל מי שקורא ושונה ומשמש תלמידי חכמים ואין משאו ומתנו באמונה, ואין דבורו בנחת עם הבריות, מה הבריות אומרות עליו - אוי לו לפלוני שלמד תורה, אוי לו לאביו שלמדו תורה, אוי לו לרבו שלמדו תורה, פלוני שלמד תורה - ראו כמה מקולקלין מעשיו וכמה מכוערין דרכיו! ועליו הכתוב אומר +יחזקאל לו+ באמר להם עם ה' אלה ומארצו יצאו.</p>
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⁷⁵ . מרדכי שם סי' תפג בשם הראב"ה.
⁷⁶ . רמ"א בשו"ע שם. ועי' טובי העיר על מקור סמכותם, ואם כחם כשבחרו אותם בסתם לכל דבר או שבחרום במפורש לאותה התקנה, ושם כיצד בחירתם. ועי' שו"ת חת"ס חיו"ד סי' ה וחחוי"מ סי' קטז.
⁷⁷ . שו"ת נוב"י מהדו"ק חו"מ סי' כ, ועי' שם ש"כ גם בדעת הרמ"א. ועי' קונט' תיקון עולם בס' משפט שלום על חו"מ למהרש"ם ובספרים שצ"ן שם.