

Flashes of Exile  
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*Galus*. Exile. It was a term that Avrum knew well. The memory of Jewish exile was an everyday part of religious life and a focus of daily prayers. It was as if the destruction of the Second Temple 2,000 years ago was a mere blink away. Many observant Polish Jews like Avrum maintained a fully-packed suitcase in their household, so that they would be ready when the messiah came to whisk them away from a country in which they were unwelcome. Avrum's family clung to their faith despite the fact that they were spit on and taunted on their weekly walk to synagogue.

Avrum, my maternal grandfather, was lucky enough immigrate to the United States prior to the Nazi invasion of Warsaw. As a U.S. citizen, he became Arthur, and was eventually drafted into the Air Force. Unable to keep kosher or observe the Sabbath, and regularly insulted by fellow draftees (he often boasted about having punched George Wallace in the face after being called a *kike*), his experience of *galus* continued throughout his service. Nonetheless, he survived the war, unlike much of his family.

Since I was old enough to comprehend what the word Auschwitz meant, or why we had a cousin with numbers on his arm, I have had an aversion to publicly displaying my Jewish identity. This aversion was reinforced by my upbringing. Despite being raised in a thriving, diverse Jewish community in South Florida, I listened to my parents when they told me to tuck my Star of David necklace under my shirt in public, and to take off my *yarmulke* as I walked out of Hebrew school. "You never know who's out there," my mother would say. There were even times that I felt lucky that I did not have a recognizably Jewish surname, such as Goldstein.

When I arrived in Berkeley for my first year of law school, I felt as if I had entered my own personal *galus*. How could I practice Judaism here, with a Jewish community exponentially smaller and less observant than the ones in which I had lived? Worse yet, how could I make time for Jewish activities when I had to spend my Sabbaths digging through casebooks and drawing up outlines?

My experiences in the International Human Rights Law Clinic have answered these questions for me. Researching the complexities of Lesbian Gay Bisexual and Transgendered (LGBT) identity in El Salvador has occurred alongside a process of reexamining my identity as a Jewish community member and future lawyer. In the stories of the Salvadoran LGBT community, persecuted and marginalized on the basis of an identity as central to them as my own Jewish identity, I saw flashes of *galus*. I felt a pang of guilt at how fortunate I was to live in a country where people are condemned for committing hate crimes, and where victims and their surviving relatives have access to a functioning justice system through which they can vindicate their rights. Who was I to shy away from my identity, when transgender advocates in El Salvador regularly risk their personal safety just by walking down the street? In assisting the LGBT community in empowering itself through the law, I have emerged with an understanding of the powerful role that lawyers can play in correcting societal ills and aspiring to defeat the mechanisms that enforce exile on the basis of personal identity. At the same time, the LGBT community's struggles have inspired me to seek out my own small victories as a member of the Berkeley Jewish community.

### In the Beginning

Initially, I did not see the connection between myself and the Salvadoran LGBT community. On a superficial level, I was more interested in the subject matter of the Cambodia

or Guatemala projects. Aside from my Spanish degree and a summer spent working with LGBT, Latino clients at a local non-profit, I was unsure of what else I could bring to the table for the El Salvador project. I did not have the personal connections to LGBT communities in the U.S. shared by my teammates. I felt like the LGBT clients were miles away from me in a personal sense. At my summer internship, I had been able to at least forge personal connections with my clients. How could I feel passionate about people I had never met, or about identity issues that I, as a straight male, could never truly understand? I felt concerned that I would “slip up,” at a team meeting, and accidentally say something ignorant about LGBT individuals, forever sinking my chances at relating to my more savvy teammates. Nonetheless, I took Bill Quigley’s advice that I “willing to be uncomfortable”<sup>1</sup> to heart, and embraced the LGBT rights project.

My initial assignments assuaged my fears of ridicule. My early work consisted of translating reports from Spanish into concise memos. This I could do. My personal and physical distance from the LGBT community made it somewhat easier for me to stomach the depressing *Alianza* report<sup>2</sup> about the Salvadoran LGBT community. I unflinchingly pulled choice quotes about transgender murders, exclusion from educational institutions, and police abuse. As a natural reaction, I tried to consciously insulate myself from the information that I was translating, treating the victims as a remote, abstract idea. I slept fine at night, feeling none of the vicarious trauma discussed in the Gangsei article.<sup>3</sup>

I was proud of my initial work, and received positive feedback from my teammates. This was an empowering feeling, certainly. However, at the same time, I felt that I lacked the emotional connection that my teammates had to the issues. When we presented our work in our

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<sup>1</sup> Bill Quigley, “Letter to a Law Student Interested in Social Justice.”

<sup>2</sup> Alianza por la Diversidad Sexual LGBT, “Sistematización de hechos de agresión a la comunidad de lesbianas, gays, bisexuales, y trans de El Salvador” (2009).

<sup>3</sup> David Gangsei. “Vicarious Trauma, Vicarious Resilience and Self-Care.”

Thursday morning meetings, I noticed how much more emotionally involved my teammates sounded when discussing the issues. I tended to be more antiseptic.

Nonetheless, my emotional involvement with the project started to germinate when I had the fortunate opportunity to assist Allison with an interview via Skype. Interviewing Ana, a lesbian activist, moved me away from viewing the LGBT community as an abstract mass, and instead caused me to visualize the report's potential impact on the lives of individuals. Ana painted a stark picture of the lesbian community. Overshadowed by more powerful gay men's organizations and silenced by society at large, it is as if El Salvador has no lesbian community. This, in turn, disconnects lesbians from the global LGBT struggle, stifling their ability to make their struggles known to society. Talking to a live person helped me to see the LGBT community's experiences through the lens of one's own personal struggle.

#### A Parallel Narrative

As I transcribed the audio from our interview with Ana Cisneros, I could relate to her feelings of exclusion. Obviously, the exclusion she described was much more concrete and devastating on a personal and practical level, but nevertheless, I could not help but draw a parallel to my own struggle with exile as a religious Jew in the social justice community.

A coworker this summer at the non-profit where I interned asked me what I was doing one Friday night, and I responded that I was going to synagogue. She started to ask me questions about the nature of my synagogue. Eventually, I told her that men and women pray separately. "That is just backwards," she told me. "It's sexist. *You're* sexist!" While I was upset to hear these words, I held my tongue. In my mind, though, I was shaken. Here was a fellow social justice advocate, who purported to be open-minded, but who did not hesitate to draw conclusions

about an entire people. I became increasingly concerned that her reactions were representative of the social justice community as a whole.

As this semester began, I felt concerned about having openly Jewish events at Boalt. What would be the reaction if I were to bring a “sexist” Orthodox speaker to Boalt? What if Judaism and social justice were mutually exclusive?

Nonetheless, this semester, I learned that my fears were unfounded. Judaism has, in fact, played an indispensable role in my examination of social justice lawyering. In late August, I decided that on a weekly basis, I would study Jewish ethics in order to fortify my understanding of personal responsibility. Throughout the semester, I have drawn strength and gained insight from reading the same texts that my grandfather’s family clung to in Poland.

Reading Jewish texts has helped me to better understand my role as an advocate. A particularly memorable tractate is a 1740 text by Rabbi Moshe Chaim Luzzatto, regarding the virtue of alacrity. “Every new moment can bring with it some hindrance to the fulfillment of the good deed,” Luzzatto wrote.<sup>4</sup> We should be enthusiastic to jump to a task not to “get it over with,” but rather in order to ensure that we are able to complete the task while the opportunity presents itself.<sup>5</sup> I could relate these statements to my understanding of responsibility to one’s clients. We are taught to zealously advocate, and to carry with us at all times an understanding of duty to our clients.

More importantly, Jewish ethics impressed upon me a central idea of human rights discourse: dignity. “Whoever destroys a soul, it is considered as if he destroyed an entire world.”<sup>6</sup> In the Torah and the works of ancient rabbis, I found widely accepted source material stating that all human lives are equal, regardless of what they have to offer. This source material

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<sup>4</sup> RABBI MOSHE CHAIM LUZZATTO, *THE PATH OF THE JUST*, at 41-43 (Feldheim Publishers ed. & trans. 2004) (1741).

<sup>5</sup> *Id.*

<sup>6</sup> Mishnah Sanhedrin 4:5; Babylonian Talmud Tractate Sanhedrin 37a

was right under my nose, and had been available to my ancestors for 3,000 years. I wish I had looked there sooner. Contrary to what I had been told, Judaism could be a source of social justice, rather than a source of societal ills.

Just a week before our interview with Ana, I chose to intertwine Judaism even further with my understanding of social justice at Boalt. Risking the ridicule of my peers, I brought a local orthodox rabbi to Boalt to give a lunchtime talk on Jewish ethics. Walking through a crowded Café Zeb with a bearded, black-hat-wearing rabbi was surreal. At the same time, it was empowering. I felt as if, in a small way, I was defeating my own feelings of exile and rejection. The rabbi's first talk, about the Jewish view on telling lies, was successful. Since then, he has spoken at Boalt four more times about such topics as capital punishment, incarceration, and torture. People from a variety of backgrounds have attended the talks, and have concluded that Judaism is anything but "backwards," or "sexist."

I have continued to turn to my roots to fortify myself as a social justice advocate. A talk given by a psychologist during one of our seminar sessions provided me with an affirmation of the utility of this practice. He explained the importance of having a way to de-stress and of setting aside times of the week to separate work from one's personal life. As I listened to his words, I realized that I had been doing just that all along when I observed the Sabbath. Each Friday night, I cease working and go to synagogue. Connecting with a mostly non-lawyer community helps me to decompress and think about other perspectives. Saying the same prayers that my ancestors have said for thousands of years offers me consistency and connects me to a vast historical narrative of survival in the face of adversity. This, in turn, jolts me from the tunnel-vision and complacency that is all too common among law students.

I reached another level of inspiration this semester when I helped host an interfaith dinner with Boalt's Christian, Sikh, Jewish, Muslim, and Hindu student groups. At the event, I saw many familiar faces within the social justice community in attendance. We all found inspiration for our roles as advocates through our respective faiths. One professor in attendance stood up and told us that there was one tenet that was not contradicted by any religious texts that he knew of: "Love thy neighbor."

### Grim Realities

As I reached the mid-point of the semester, I would learn in a stark manner that "love thy neighbor," could not be farther from the truth in El Salvador. After completing the simpler tasks assigned to me, I began to write the "Education and Employment" section of the report. This would be my chance to dig thoroughly into interview notes and audio, and also to reach new understandings about personal dignity in human rights.

Poring through hours of audio recordings and interview notes, I shuddered as I read the statements of LGBT individuals in El Salvador, particularly those in the transgender community. In their stories, I saw reflections of my grandfather's *galus*. Transgender individuals, too, were treated as outsiders. They, too, were publicly insulted. They, too, were marginalized by society. They, too, lacked the ability to be who they wanted to be.

Prior to examining the situation of transgender individuals in El Salvador, I had taken the right to identify as one chooses for granted. Transgender individuals are barred from studying because they cannot change their gender on their ID cards. This blocks them from most gainful employment and forces many of them into sex work. Engaging with the interview notes and listening to the audio led me to question my own life of comparative comfort. What if I lived in a society in which I could not identify publicly as I chose? What if I was barred from education

and gainful employment because of factors beyond my control? These possibilities were not too far fetched, as I have Russian Jewish friends who immigrated to the U.S. and Israel because their IDs listed them as Jews, thereby barring them from certain universities and jobs.

Connecting with the transgender Salvadoran experience in this manner led me to experience a powerful moral outrage. Not only was this sort of discrimination wrong under the law, but it was also wrong on a universal, normative level.

My outrage was exacerbated as I began to draft the “Achievements and Recommendations” section of the report. Our team emphasized the need to be deferential to the government, since the current administration collaborated with the fact-finding team. It was challenging to simultaneously say “great job on passing Decree 56,” alongside raw facts that showcased forced HIV testing, unsolved transgender murders, and a legal system that allowed for persecution with impunity in the private sector.

At the same time, I grew to accept the need for deference, particularly as I began to understand the function of our report as an unbiased document with a practical purpose. Unbridled moral outrage would have made sense in a “savior-savage”-style of report, such as the *Harvard Shadow Report*,<sup>7</sup> which is essentially a chronicle of atrocities. Our report, however, takes a more holistic approach toward examining the LGBT community. The report takes a look beyond the atrocities themselves and examines at the gulfs between what the law *should be* and what is actually applied by the police forces, health care officials, schools, another private entities. I now understand the value of taking these practical realities into account, subduing one’s moral outrage in the name of achieving a specific goal. I would rather produce a document

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<sup>7</sup> International Human Rights Clinic, Human Rights Program, Harvard Law School, “The Violation of the Rights of Lesbian, Gay, Bisexual, and Transgender Persons in El Salvador: Shadow Report submitted to the United Nations Human Rights Committee” (October 2010).



that officials actually read than one that they simply dismiss as biased. At the same time, I feel that our report paints the picture of an LGBT community that is not complacent with being seen as victims at the hands of savages, but rather as a community with a vast potential for seeking positive changes through the law.

### The End is the Beginning

By the time the report was nearing completion, I had moved from doubting my personal connection to the subject matter to literally standing up and jumping around the room in outrage toward the Salvadoran police force. Part of my increased proximity to the issue is the result of forging a strong bond with my teammates. Toward the end of the project, we had the opportunity to edit each others' sections. We also holed ourselves up in a conference room for 14 hours to edit footnotes, which provided another opportunity to critically examine each other's writing. Our group's dedication led to me to experience a sense of camaraderie previous absent from my prior educational experiences at Boalt.

When the report is finally released, I will be proud to have contributed to combating a form of societal exile through the law. My main goal in the clinic was to transition from a direct services mindset to a more global, policy-based understanding of the law. While moving towards a more global approach to human rights, however, I was paradoxically able to personally connect with a distant LGBT community, viewing their experiences through my own lens. Contrary to my concerns that I was unqualified to understand LGBT issues, I gained confidence by looking to my own heritage as I examined human rights issues.

Connecting policy to individuals remains an essential aspiration to me, especially given my career choice. As my career will take me to a high-impact Federal government office this summer and the Judge Advocate General's Corps in the future, I will strive to visualize the

impact of these institutions' policies on individuals. Looking at the flaws in the Salvadoran legal system, much of the discrimination present is the result of societal ignorance that could be corrected by forward-thinking policymakers. I hope to be one of those policymakers.

On a deeper level, my simultaneous growth as a social justice advocate and Jewish community advocate has brought me back to the story of my grandfather's exile. Armed with a practical understanding of human rights law, I will do everything in my power to ensure that individual dignity is respected in the military, both by continuing to be unabashedly Jewish and by speaking out against reprehensible policies that marginalize individuals. While this may go "against the grain," as Bill Quigley would say<sup>8</sup>, this is a necessary aspiration for achieving change. To that effect, I am particularly enthusiastic in ensuring that the repeal of Don't Ask, Don't Tell is respected by the defense establishment, and I feel that this project has given me the tools to do so. As I have learned to oppose exile in both Berkeley and El Salvador, I intend to continue to do so throughout my legal career. It is finally time to unpack Avrum's suitcase.

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<sup>8</sup> Bill Quigley, "Letter to a Law Student Interested in Social Justice."