

WHO IS A JEW?

WHO IS A JEW?

Dedication

Dedicated in profound humility to the millions of men, women and children who for nearly 3800 years sacrificed everything, including their lives, for God, Torah and Israel.

In their merit we live this day. Because of them we are witnesses to the greatest miracle in all of history: the survival of the Jewish People after so many (too many) centuries of galut (exile) marked by nearly universal persecutions, and the ineffable Holocaust in our very own generation.

Because of them we live this day. With their spirit we and our children will continue to exist as God's "Kingdom of Priests and a Holy Nation," a "light unto the nations, that My salvation may be unto the end of the world."

INTRODUCTION

The need for a new edition of Who Is A Jew? is personally gratifying, but also troubling. An author is happy when his work is well received and in demand. On the other hand, it is rather sad that there remains a great need for the clarification of this issue.

Unfortunately, we are witnesses to a tragic deterioration of the situation.

The elections in Israel (November 1988) had the side-effect of bringing the issue of "Who Is A Jew" to public attention as never before. The realistic possibility of finally having an amendment to the Israeli "Law of Return" generated an organized barrage of wild accusations and stormy protests by opponents to the amendment, which appeared to tear the Jewish world asunder. They pulled all plugs to use the general media and to draft American legislators and diplomats to help them wage their partisan battle. Implicit and explicit threats of financial repercussions for Jewish charities in the USA and Canada, as well as for the State of Israel, forced social and communal organizations (like Jewish Federations, the Canadian Jewish Congress, and the American and Canadian UJA) to abandon their historical policy of strict neutrality in matters of religion and politics, and to side with them.

The groups opposing a correction of the Law of Return did not base themselves on careful study and responsible deliberations. They did not appeal to reason, but set out on a deliberate campaign of misinformation and disinformation, scare-tactics and false rumors, literally demonizing the orthodox rabbinate and community. It was a campaign of Greuel-Propaganda, maliciously utilizing the technique of "the Big Lie": "Repeat a lie often enough and it will be believed."

How sad and tragic that Jews became disciples of our worst enemies less than half a century after the Holocaust!

To skirt the real issue, they propagated all kinds of new arguments, such as:

- Amending the Law of Return is tantamount to delegitimizing the Jewishness of all Jews who are not orthodox.
- Amending the Law of Return will preclude the State of Israel from serving as a haven of refuge for those who may be persecuted because of their Jewish descent.

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- Amending the Law of Return is an orthodox ploy to impose orthodoxy upon all Jews.
- The "Who Is A Jew"-issue is an artificial issue created by the orthodox to fight and destroy the reform and conservative movements.
- The "Who Is A Jew"-issue is a purely religious problem and must be removed from the political agenda of the secular parliament of Israel.
- Retaining the status quo of the Law of Return as it stands now is the sole way to preserve Jewish unity.

Having said all this, I feel most sincerely that there is a beautiful silver lining around the stormy clouds of the present controversy: millions of Jews have become aware that there is a problem. A great many of these are now thinking about the issue, and for the first time feel compelled to give serious thought to their Jewish roots and the Jewish future of their children.

One of the most gratifying effects of this book was the tremendous response of letters and calls received by the author from people who unwittingly were victimized by illegitimate "conversions." Reading this book made them realize that they had been deceived and they sought advice how to rectify the situation.

No less gratifying were the comments of numerous readers who found in this book a source for learning and understanding basic concepts and ideas of Judaism. Such results justify all my efforts and proved them more than worthwhile.

As already stated in the preface to Part One, this book is not intended for polemical debates. Its sole purpose was, and remains, to teach, to clarify, to reason, and to reaffirm the fundamental principles of "justice, truth and peace." As such it forges an inviolable bond between the author and all those who share these ideals.

J. Immanuel Schochet

Toronto, Ont., 3 Adar-I 5749

NOTE: This entire document is found at <http://www.jewish.to>

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PART ONE PREFACE

"Accept the truth regardless of its source." - Maimonides

The burning issue of 'Who is a Jew' has become one of the most controversial problems in Jewish life today. It has stirred up much debate, animosity and recriminations. It threatens to split the Jewish people as perhaps never before in its history.

Accusations and attacks, more often than not descending to the personal level and appealing to base sentiments, misinformation and disinformation, are hurled about in a free-for-all that seeks to take advantage of the general ignorance about the issues and problems involved.

This book will hopefully throw some light into the darkness. It does not pretend to offer new information or make new revelations. It tries simply to bring some order and clarification where there is so much chaos and confusion. It may appear repetitious, at times, but only where it is relevant and necessary.

Our purpose is not propaganda, nor polemics. Many questions have been, and continue to be asked. Very often these are tendentious, but more often they are expressions of sincere concern. We quote these questions and offer our answers. We will not necessarily change anyone's mind. No doubt that some people will disagree with a number of statements and propositions. Some may even feel offended, especially by Part Two. If Part Two appears to be polemical, careful reading will reveal that it is not.

In the last few years there has been much activity to establish interfaith dialogues between certain Jewish leaders and their colleagues in other faith-communities. They have become so involved with the outside-world, that they forget and neglect our own, Jewish world. While our enemies are striking out at us in every conceivable way, we are torn asunder from within.

There is no more reasoned dialogue between Jews of different persuasions. We hardly talk to one another, except to argue and to condemn one another. Power-hungry groups demand that they be appeased and accepted on their own terms, regardless how this may and will affect the unity, sanctity and survival of the Jewish people and faith. To achieve their personal ends, they lower themselves to the gutter-level of issuing threats and acts of boycotts, financial blackmail and sanctions against their co-religionists and the State of Israel. Self-interest, arrogance and narcissism (on the individual and organizational levels) within our own people threaten to achieve what our worst enemies could not.

This book, then, is an appeal for communication, a response to the prophetic cry of "Come and let us reason together." We do not propose compromise, where there can not be compromise. We do not believe in appeasement, where that would be self-defeating. But we do believe in, and propose, reason, knowledge, and understanding. And above everything else, we believe in, and propose, truth and peace. Not a chameleonic truth and artificial peace, but one that is based and built on justice.

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Our sages of old taught that the world endures by virtue of "justice, truth and peace."
(Avot 1:18) They taught also that these three are totally intermeshed and
interdependent to the point of being really one and the same.

This book is dedicated to this affirmation.

J. Immanuel Schochet, Toronto, Ont., 28 Menachem Av, 5746

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1. WHAT IS THE DEFINITION OF A 'JEW'?

It is often debated whether Jewishness refers to (1) a race, (2) a nationality, or (3) a religion. The problem arises when seeing so many different kinds of Jews: religious and non-religious; black and white; oriental and western; and even some who proclaim themselves as atheists or secularists. What is their common denominator? Let us look at the three possible definitions:

Race:

A racial definition of Judaism is obviously impossible. There is no such thing as a "Jewish race." "Race" denotes a biological distinction, common ancestry, etc. Yet there are Jews of every race and color: black and white, oriental and occidental. Descendants of every conceivable race have joined the Jewish people throughout the ages. They have become integrated with the Jewish people and were universally recognized as Jews.

Nationality:

Nationality can hardly be a definition for a people that has been dispersed throughout the world for close to two thousand years, without a country or homeland of its own. For about two thirds of the years of its existence, the Jewish people lived among different nations: Egyptians and Babylonians; Persians and Greeks; Romans and Arabs; Germany; Poland; France; Russia; America; China; etc.

During these years of dispersion the Jewish people was joined by thousands of men and women none of whose ancestors had ever been in the ancient Land of Israel.

To define Jews, then, as a nationality, is historically untenable.

Religion:

Religion remains as the only logical definition.

Non-Jews became Jews, and were integrated and accepted as such, universally, by converting to the faith of Judaism. It did not matter who or what they were, where they came from in terms of race, color, creed or nationality: by accepting the Jewish faith, they and their descendants became Jews.

It is the Jewish faith that distinguished the Jew from the non-Jew, that made the Jew unique or different in non-Jewish environments. In fact, it is also the Jewish faith exclusively that relates the Jew to the Land of Israel (the 'Holy Land'). If not for the Bible, if not for the religious aspects and obligations relating the Jews and the Land of Israel, there would be no bond whatsoever between the People of Israel and the Land of Israel.

In short: Those who partook in the original covenant of the Jewish faith, which established the eternal bond between G-d, Torah and Israel, and those who decided to join this covenant at later stages, they and their descendants are Jews.

This now raises an obvious question: CAN ONE BE A 'NON-RELIGIOUS' OR 'SECULAR' JEW?

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2. CAN ONE BE A 'NON-RELIGIOUS' OR 'SECULAR' JEW?

To join a faith-community is not a light matter. It is a commitment. The original Jews chose to enter into a covenant with G-d. They chose this for themselves and for their descendants. Those who joined at a later stage (converts), too, made a commitment -- for themselves and their descendants -- to enter this covenant.

The simple biological fact of birth to Jewish parents, then, automatically confers Jewish identity. This may be compared to citizenship in a country: The founding members of a nation, and those who later decided to join them, established and/or assumed citizenship. Most nations have a rule that the biological fact of birth within the geographic boundaries of the country automatically confers citizenship. You may not like the country, you may disapprove of its social and legislative system, you may even agitate against it, but you are a citizen nonetheless.

The analogy, however, is not complete. National citizenship can be renounced or revoked in various ways. This is not the same with membership in the Jewish covenant. The Jewish faith determines Jewishness as an integral and permanent characteristic of the Jew, somehow analogous to a racial or ethnic identity. To be sure, everyone retains the freedom and liberty to act as he or she pleases, even to the point of ostensibly dropping one's religious identity or joining groups without beliefs. Such behavior will forfeit for him/her all the privileges of Judaism. Nonetheless, that person would still be regarded as a Jew and remain subject to all the obligations of the Torah.

Without contradicting our definition of Jewishness in Question no. 1, there is, then, a 'racial-ethnic-nationalist' aspect to Jewish identity as well. It differs though from the normative definition of racial or nationalist identity.

The latter is usually understood in terms of a common source of genetic or geographic origin, and/or common physical features. Quite obviously this does not apply to any definition of Jewish identity. The 'racial,' 'ethnic' or 'nationalist' aspect of Judaism and Jewishness, and the 'common denominator' shared by all Jews, is based on, established, and defined exclusively by the religious criteria: the religious premises of Judaism determine who is a Jew, what constitutes Jewish 'race,' and how we define Jewish nationalism.

(Note that this has a parallel in secular law as well: some countries will view their natural citizens as subject to their own laws even if they have renounced their citizenship.)

As Judaism is essentially a religion, the terms "non religious Jew" or "secular Jew" are anomalies, self-contradictions. Nonetheless, the Jewish faith regards such people as Jews. Even as one cannot renounce the fact of biological relationship so one cannot renounce the fact of this covenantal relationship which is determined by the very rules and principles of the Jewish faith.

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3. ARE ALL OFFSPRING OF JEWISH PARENTS 'JEWISH'?

Before answering this question, we must understand an important principle:

Every country, and only that country, can determine the rules for citizenship within itself. Likewise, every organization, and only that organization, can determine the rules for membership within itself. Now the very same principle applies to religion as well.

The religious code of a faith-community is the sole authority to determine legitimate membership within itself.

As stated above, Judaism is a religion. The foundation and guiding code for this religion is the "Jewish Bible", the Torah. The Torah defines for the Jew his religious obligations. It sets the rules as to what is obligatory, permitted or forbidden. The Torah, the "constitution" of the Jewish faith, determines what constitutes a Jew or Jewish identity.

The rule with regards to "offspring of Jewish parents" is quite simple: The status of the biological mother (exclusively) determines the status of the child. If the biological mother is Jewish, then, regardless of the biological father, all her children are Jewish. If she is not Jewish, regardless who or what the father is, all her children are not Jewish either.

4. DOES IT MAKE ANY DIFFERENCE TO A PERSON'S RELIGIOUS STATUS IF JUST ONE OF THE BIOLOGICAL PARENTS IS JEWISH?

The only difference is as stated above, in Question no. 3 If the mother is Jewish, her offspring is Jewish; if the mother is not Jewish, neither is her offspring. The father's status is altogether irrelevant.

In other words: Judaism recognizes only matrilineal descent. Judaism does not recognize patrilineal descent at all. [1]

For the relative purposes of some purely secular census, for tracing identities of purely physical descent in purely mathematical terms, one may perhaps speak of "half-Jews", "quarter-Jews", "eighth-Jews etc., even as one speaks of "half-black" or "quarter-black", "half-American" or "quarter American" etc. In reality, however, in terms of true definition, there are no such things. "Jew" and "non-Jew" are mutually exclusive opposites. "To be or not to be," that is the question. There is no in-between.

NOTES ON PART ONE, QUESTION FOUR:

1. For purposes of tribal affiliation, functional status (e.g., the status of kohanim or Levites; laws of succession etc.), the Torah decrees that the father's status determines that of his offspring (except where the natural parents' union was religiously illegitimate). The very same Torah also decrees that the religious status is determined exclusively by the biological mother! (See Bibliography for source-material.)

5. IS IT POSSIBLE FOR NON-JEWS TO CONVERT TO JUDAISM?

Most definitely, yes!

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6. HOW DOES A NON-JEW CONVERT TO JUDAISM?

Conversion to Judaism involves two basic steps on the part of the would-be convert:

- 1) Acceptance of the principles, the teachings and the practices of the Jewish faith; and
- 2) Circumcision and immersion in a mikveh (ritual pool) for male converts, and immersion in a mikveh for female converts.

These two steps must be undertaken with the guidance and supervision of authorized representatives of the Jewish people (a qualified Bet-din to be defined and explained below, nos. 11 and 12).

Now let us explain in greater detail what all that means:

7. WHAT DOES "ACCEPTANCE OF THE PRINCIPLES, TEACHINGS AND PRACTICES OF JUDAISM" MEAN?

Before answering this question, we must first define what 'conversion' means:

To choose or accept a religion means to accept for oneself a special way of life. Religion is not a social affair, like joining a club or organization. Nor is it like choosing a new wardrobe or acquiring some other product.

Religion means intellectual and emotional conviction: a profound conviction of what the believer perceives as absolute truth regarding the ultimate values of life, or reality. Religion teaches the concepts of G-d, revelation, morality, ethical conduct, man's purpose, after life, and so forth, and it alone defines its perception and definition of these.

In other words, religion deals with the most important aspects in human life. It involves both conviction and commitment. By implication, then, it is the most serious decision one could make.

To speak of "conversion for convenience's sake" is thus altogether absurd. One does not change convictions, understanding of truth, or moral standards, for the sake of being sociable, to be accepted in certain circles, or even for the sake of marriage. Religion is not a frivolous thing. It is not some thing to experiment with, or to change, even as one changes a dress or a hairdo.

Proper and meaningful conversion to Judaism, therefore, requires: (a) a basic knowledge of Judaism - what it is, what it teaches, what it stands for, what it demands; (b) a sincere conviction on the part of the would-be convert that Judaism reflects his perception of truth; and (c) a compelling desire and decision to follow this truth in practice, and to become part of Judaism regardless of anything else.

A country will accept as new citizens only such candidates who are willing to accept the prevailing constitution, codes of law and norms of that nation, and agree to share in all obligations and responsibilities. So, too, with citizenship in the faith of Israel.

Conversion, therefore, means a full acceptance of the principles, teachings and practices of Judaism. By definition, this is not only the very first, but also the most important aspect of conversion, the very essence of conversion. It signifies a total, profound and comprehensive transformation of one's inner nature and being.

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Only then can we move to the second step: the formal, ritualistic induction into the faith of Israel by means of circumcision and immersion in a mikveh.

8. WHAT IS THE SIGNIFICANCE OF CIRCUMCISION AND IMMERSION IN A MIKVEH?

Circumcision is the "sign of the holy covenant." The Almighty entered into a holy covenant with Abraham (who, through his special covenant with G-d, became the first Jew) and his offspring. On the human part this covenant is demonstrated and reaffirmed by the circumcision in the flesh of every male that is, or becomes, a part of Israel.[2]

Immersion in a ritual pool, as designated and defined by Torah, signifies rebirth. Man cannot survive immersed in water. Total immersion in the waters of a mikveh, then, signifies cessation of previous existence or status.

The one who leaves the mikveh is reborn, as it were; not the same as the one who entered it.

Note, however, that these two acts are of a ritual nature. They are absolutely essential, and without them there is no conversion. Nonetheless, they are basically formal, comparable to the formal or external requirements and procedures performed when becoming a citizen.

NOTES ON PART ONE, QUESTION EIGHT:

2. The Torah regards women to be in the covenantal status of being circumcised, from birth. (This is not some 'modern apologetics' to appease feminists, but a Talmudic ruling with Halachic implications.)

9. WHO CAN CONVERT TO JUDAISM?

Any non-Jew who feels sincerely convinced of the truth and relevance of Torah, who is prepared to follow and observe the traditions of Israel, and therefore wishes to join the community of Israel, is welcomed as a convert.[3]

NOTES ON PART ONE, QUESTION NINE:

3. There are some Biblical exceptions to this rule, excluding certain nations from becoming part of Israel. If, however, these nations are not identifiable (as is the case nowadays), no one is excluded from conversion.

10. HOW DOES JUDAISM VIEW CONVERSION AND CONVERTS?

Conversion, as stated above, means a transformation. It must grow from within the convert himself, from his own consciousness. When forced upon a person by physical force, emotional pressure, brainwashing, or induced by the expectations of personal gains (whether material or spiritual), it is altogether devoid of any religious or moral value, thus worth less and meaningless. Little wonder, then, that Judaism is opposed to any form or manner of proselytizing! [4]

If, however, the convert wishes to join the community of Israel out of conviction, as stated earlier, he must be welcomed and becomes a full-fledged Jew in every sense of the word. For all practical purposes, he/she is like a newly born Jew whose past is, as it were, erased. [5]

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NOTES ON PART ONE, QUESTION 10:

4. Yevamot 109b, and Tossafot (s.v. ra'ah) there. Maimonides, Hilchot Issurei Bi'ah, end of ch. 13, and beg. of ch. 14. Shulchan Aruch, Yoreh De'ah, ch. 268.

5. There are some restrictions in terms of appointing converts to certain offices of leadership. This may be compared to the stipulations of the constitutions of many democratic states which restrict certain national offices to native citizens.

11. WHAT IS THE MEANING OF "WITH THE GUIDANCE, APPROVAL AND SUPERVISION OF AUTHORIZED REPRESENTATIVES..."?

Conversion to Judaism means to become part of Judaism, to join the Jewish people. There are thus two parties involved: the People of Israel and the convert.

Membership in Israel, even as in any other association, cannot be a unilateral act. The convert must wish to join, and the People of Israel must agree to accept the new member.

The People of Israel, by definition, are a people united by religion. To join Israel, therefore, means to join a religious association. This requires, then, religious consent; that is, the conversion must be sanctioned by religious rules and regulations relating to conversion. This consent can be given only by the religious authorities, i.e., by those authorized to pass religious judgments.

Conversion, therefore, requires an ecclesiastical court of judges who have been ordained to serve as religious judges. Such a court is called a Bet Din. The Bet Din is charged to examine the would-be convert and to see to it that all requirements for conversion have been followed properly. It will supervise the procedures and grant its approval of the conversion. The convert will then become a legitimate member of Israel.

Here again we draw upon the analogy of acquiring citizenship: there are specific authorities designated especially to supervise the proper and legal procedures of attaining citizenship and then to grant it.

12. WHO IS AN "AUTHORIZED REPRESENTATIVE" TO SERVE ON A BET DIN?

The Bet Din is to represent the faith or religion of Israel. First and foremost, therefore, to be a member of the Bet Din one must be a Jew wholly and totally committed to the traditions of Israel and the observance of its laws and statutes.

It is self-evidently absurd, and altogether unacceptable, to appoint as a representative of the Jewish faith someone who denies all or a part of that faith.

Here again, we draw on the analogy in secular law and procedures: Most countries demand that members of the government and the judiciary must be sworn in with an oath of allegiance and commitment to uphold the constitution and laws of the land before assuming office.

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Secondly, a member of the Bet Din (called dayan - judge) must be fully familiar with all relevant laws. One can hardly pass judgment when ignorant of the law. Familiarity with the law does not mean simply a reading and memorizing of the basic principles stated in the Shulchan Aruch (Code of Jewish Religious Law), but also familiarity with all nuances of the law as expressed in the canonical literature (commentaries on the Shulchan Aruch; the Responsa-literature; and so forth). It implies tested and proven ability to decide legal problems in conformity with the Jewish code of law.

Thirdly, in addition to knowledge of the law and a commitment to its observance, one must also be ordained, that is authorized by a legitimate and qualified Bet Din to act as rabbi and dayan.

In some instances there is an allowance for laymen to be associate-members of a Bet Din, provided, however, that (a) they are religiously committed and observant Jews (following the dictates of the Shulchan Aruch), and (b) that the Bet Din is chaired or guided by a qualified dayan.

13. IS THERE NOT MORE THAN ONE INTERPRETATION OF JEWISH LAW AND TRADITION?

There are many different groups or organizations who differ in their view of Jewish law. In America, for example, there are those who call themselves Orthodox, or Reform, Conservative, Reconstructionist, and even Secular Jews. Some of these groups subdivide into several segments, each holding its own views on matters of Jewish beliefs and identity.

The basic difference between all these groups, to put it most simply, is their attitude to Jewish law and tradition.

The so-called orthodox accept the whole Torah, the "written Torah" (the Bible) and the "oral Torah" (recorded in Talmud and Midrashim), as Divinely revealed: All the commandments and laws of the Torah (codified in the Shulchan Aruch) are obligatory and binding for all times. This includes customs and traditions that have been sanctioned and incorporated in Jewish law in the course of time.

The non-orthodox groups reject the principle of the immutability of the Torah-laws. Some say that the commandments and laws are purely optional nowadays. They may concede that observance of the laws may offer 'cultural identity' and 'ethnic continuation,' but say that they are not obligatory or binding. Others again do recognize an authoritative legal tradition (Halachah), but view it as subject to change and adaptation. They claim that as the circumstances and conditions of social norms, modes and life-styles change and mutate, so does religious law. A simple motion and vote by their individual or collective leadership, or membership, is sufficient to adapt or change traditional laws, customs and practices, be it moderately or drastically.

To be sure, this split or division is not a new development of the 19th and 20th centuries alone. It has occurred earlier as well, and already in the times of the Holy Temple in Jerusalem there were different sects who questioned or denied minor or major parts of Jewish tradition. By the same token, however, it is universally agreed that Pharisaic (Rabbinic or Talmudic) Judaism was and remained the mainstream of Judaism, "original Judaism."

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Whether one admits the immutable character of the Torah and its laws, or not, is not really relevant to our purposes. The issue on hand is not whether or not one must still this day fast on Yom Kippur, sit in a Sukah on Sukot, refrain from work on the Sabbath, refrain from eating or possessing chametz (leavened bread, etc.) on Pesach, refrain from eating pork or lobster at all times, and so forth. When speaking of original Jewish law and tradition, all, without exception will agree and admit that the above laws are prescribed by the Torah. No one, not even those who regularly eat and enjoy them, will ever dare suggest that bacon or lobster are kosher and acceptable according to the Torah.

To return then to the question about different views of Jewish law: Different people or groups may offer different opinions, and some will even try to justify their personal beliefs. There is no disagreement, however, as to what is stated in the Bible, Talmud and the Shulchan Aruch. The degree of personal observance, or lack of it, will not change the explicit formulations of the laws which, throughout the ages, have been followed by the vast majority of Jews all over the world, and were recognized as the code of mainstream Judaism.

To put all this into somewhat different wording and into practical context:

It is readily seen and admitted that there are extreme differences in approach and belief. It is just as readily seen and admitted that all movements recognize 'orthodox' Judaism as a historically valid and legitimate expression of Judaism. All recognize that at all times large numbers of Jews could be classified as 'orthodox' in terms of the definition given above. They may disagree whether the orthodox view of Torah is correct, whether the mitzvot (commandments of the Torah) are binding and obligatory laws of G-d Himself, or human conventions; but even they concede that nothing is lost of "Jewishness" by following the mitzvot.

The 'reform' and 'reconstructionist' movements will also recognize the legitimacy of the 'conservative' movement. They would dispute the validity of the 'conservative' premises regarding the 'conservative' view of Halachah (even as they dispute the 'orthodox' view), but they can live with it as a legitimate expression of Judaism. The 'conservative' movement, in turn, may grant the reformers and reconstructionists de facto recognition, by affirming the reality of religious pluralism; yet at the same time they may also refuse to recognize the legitimacy of 'reform' and 'reconstructionist' policies and practices.

In fact, many leaders within the 'conservative' movement withhold recognition of legitimacy from colleagues within their own movement, because they deem them to have over stepped the boundaries of legitimate interpretation of Torah. Likewise with the reform movement: 'reform' strongly affirms the principle of "local autonomy" for individual congregations and their spiritual leaders; yet many among them will not necessarily grant validity to specific religious judgments and practices of their very own colleagues.

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The 'orthodox', too, acknowledge the fact of religious pluralism, but will never grant it any legitimacy. Orthodoxy is logically and practically precluded from granting such recognition to the leaders or ideologies of other movements. To recognize any of the heterodox movements or ideas as legitimate, would ipso facto undermine and deny the very beliefs and convictions of orthodoxy: One cannot believe in the Divinity of Torah, in the inviolable and immutable nature of the mitzvot and rulings dictated by the Shulchan Aruch, and simultaneously accept the validity of any system that denies these very premises.

There can be peaceful coexistence on the communal level, and even cooperation in matters of common concerns; but there is no common ground on the religious-doctrinal level.

'Reform' and 'conservative' can live with 'orthodox' standards and recognize the titular status of 'orthodox' rabbis. After all, 'orthodox' rabbis are ordained on the basis of their proficiency in knowledge and adjudication of Jewish law (Shulchan Aruch). This will not work in reverse, however, because the requirements for conservative and reform ordination are altogether different.

14. WHY WOULD THE 'ORTHODOX' REFUSE TO RECOGNIZE THE QUALIFICATIONS OF 'REFORM' OR 'CONSERVATIVE' RABBIS TO ACT IN RITUAL MATTERS (LIKE CONVERSIONS) WHICH REQUIRE AUTHORIZED RABBIS?

In nos. 11-12 we explained the Halachic criteria for some one to be authorized to officiate in all or any ritual matters which require an authorized rabbi or dayan. In no. 13 we explained the basic difference between 'orthodox' Judaism and the other movements. It is a deep-rooted difference concerning the most fundamental doctrines of the faith. Those three sections together, then, answer this question. But let us look at it also from another angle.

All people born of a Jewish mother (or converted according to the dictates of Jewish law) are Jews, without exception. The fact that some of these belong to heterodox movements, support them and promulgate them, does not affect their Jewish identity in any way or manner. To deny their Jewishness would be as wrong-headed and ridiculous as to ascribe Jewishness to non-Jews. There is a drastic difference, however, between accepting or recognizing the Jewish identity of individuals, and accepting or recognizing the Jewish legitimacy of their views and opinions. We cannot and must not confuse people and ideologies.

The mere fact that a certain idea, theology, or philosophy, is formulated and followed by a group of legitimate Jews does not, ipso facto, make it a legitimately Jewish theory or position. Alternatively, to take an extreme example, we would have to accept also Christianity which, after all, was originally founded, formulated and believed by members of the Jewish people. We would have to accept also the theology of the Donmeh (crypto-Jewish Sabbatians), the 'Hebrew Xtians' or 'Jews for Jesu', and so on and so forth.

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These or other groups may wish to choose a new way for themselves. In a democratic society they may organize and incorporate themselves, and develop an independent institution that is fully entitled to all rights and privileges enjoyed by every other religious or secular organization. They cannot, however, demand recognition as a legitimate continuation or replacement of an original institution that is still very much in existence, just because some - or even a majority - of that original institution has decided unilaterally to depart from the original ways, laws, conventions and ideas.

Let us take a simple example: Most countries and states have regulations for the practice of medicine or law. They have their own boards of examination or licensing. Most have their own schools for training doctors and lawyers in conformity with local standards. The fact that I may have completed an intensive course of studies in a renowned medical school in one country, and even practiced there for many years, or even having become recognized as a great medical authority with an international reputation, still will not mean that I can automatically practice medicine anywhere else. Most states will demand that I submit to their local boards of examination and licensing, and some will even demand a term of locally supervised internship. The same applies to the legal and other professions.

Now this applies even in cases where there is complete overlapping in subject matter. How much more so when the academic subjects or the adopted procedures in one medical school differ drastically from those in the others.

This is not a matter of mutual respect, equality, democratic rights, or discrimination. It is simply a matter of standards. Either they are the same, or fully comparable, or they are different.

The same applies to ordination. The traditional standards for 'orthodox' ordination and qualifications to act as a rabbi or dayan are quite different from those of other movements. Rightly or wrongly, 'orthodox' ordination is based essentially on proficiency in Talmud and Shulchan Aruch, proficiency and experience in adjudicating Jewish religious law in conformity with the dictates of the Jewish religious codes, and the would be rabbi's commitment to these standards. As stated already, we cannot appoint a rabbi who himself is not a role-model of a Halachic way of life.

The non-orthodox requirements for ordination are different. They differ not only in the academic subjects studied, but also in the practical procedures regarding the religious life of the Jew. If the approach, philosophy and ideological commitments are so drastically different from one another, there is no common ground.

The 'orthodox rabbinate' and the 'reform' or 'conservative rabbinate' are altogether different professions. There is obvious overlapping in terms of the general principle of ministering to the needs of congregants, of offering certain services in the life-cycle (e.g., officiating at marriages or funerals etc.), and of offering classes and lectures, and so forth. These, however, are more social or 'pastoral' roles rather than ecclesiastical ones. They do not relate directly to the essence of traditional ordination, which is the granting of authority of Yoreh Yoreh and Yadin Yadin (authority to render judgments in matters of what is ritually permitted or forbidden, and to render judgments in cases of civil litigation). This hatarat hora'ah (authority to act as a religious decisor and judge), and not the social or pastoral ministry, or the position of 'preacher and teacher,' is the essence, substance and function of the ordained rabbi in Jewish tradition.

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A lawyer or doctor may be the greatest in his chosen field, fully licensed and universally recognized as an authority, but that alone does not make him a legitimate dentist or plumber, and vice versa.

In short, then, the reason for 'orthodoxy' refusing to recognize non-orthodox spiritual leaders as legitimate rabbis or dayanim, is not one of trying to preserve a monopoly, a power trip for self-aggrandizement, or an act of discrimination. We are talking simply about altogether different and differing standards and positions.

This refusal by the 'orthodox' to acknowledge the legitimacy of the non-orthodox is not an ad personam bias, nor a political judgment against an organization. It is, rather, the refusal on principle to accept a philosophy and a way of life that contradict the foundations of Torah life, of Jewish tradition.

As noted before, 'reform,' 'conservative,' and other leaders, themselves, quite rightly refuse to recognize certain groups or individuals, regardless of their Jewish identity and self-proclaimed claims of Jewish authority. For the very same reason, 'orthodoxy' cannot recognize 'reform' or 'conservative' ideologies or spokesmen to have authoritative status in matters of Halachah. As stated earlier, to recognize the legitimacy of the heterodox is tantamount to denying the legitimacy of the 'orthodox.' Unless, of course, one were to reduce all religious beliefs or ideologies to mere social conventions, lifestyles or folkways, subject to the individual caprices of vox populi - i.e., whatever people may want or desire at any particular time and place; in other words, a popular and democratic 'opiate of the masses.' No doubt but that this is a position rejected by all who take religion seriously.

P.S.: The absurdity of legitimizing all forms of self-professed 'religious expression,' is easily seen by the following: For the 'orthodox' to recognize 'reform rabbis' without any pre-condition that the latter accept the norms of Halachah, would mean to accept all members of the official rabbinic association of the 'reform movement.' This, in turn, would mean that they have to recognize self-professed 'atheists' and 'agnostics' as rabbis and teachers of the Jewish faith and religion! It would mean further, that they have to recognize the hundreds of members of the CCAR (Central Conference of American Rabbis, the 'rabbinical arm' of the 'reform movement') who perform intermarriages between Jews and gentiles. About 200 (two hundred!) of the latter advertise publicly that they will officiate at intermarriages without demanding any form of conversion!

Nearly one half of these advertise that they do not object to a gentile clergyman participating in the ceremony, and many of these will officiate even in a church or chapel where there are visible signs of another religion![6]

To be sure, many - perhaps most - leaders of the 'reform movement' are unhappy with this unacceptable behavior, and disapprove of their colleagues who indulge in it. The fundamental doctrine of 'reform,' however, which proclaims freedom for every minister and congregation in their movement to act with absolute autonomy, ties their hands. Throughout the years there have been many motions before the CCAR conventions to condemn and delegitimize the incidents of its members officiating at intermarriages. The most they were able to extract, however, was a resolution of disapproval, even while reaffirming the principle of local autonomy.

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NOTES ON PART ONE, CHAPTER 14:

6. For specific details and documentation, see Part Two, nos.1-2.

15. WHAT IS THE CONTROVERSY OF "WHO IS A JEW"?

The State of Israel has a law which offers immediate entry and citizenship to any Jew wishing to immigrate to Israel. The question, though, is who is a Jew to qualify under this law? The Israeli parliament (Knesset) determined to recognize 'Anyone born of a Jewish mother, and anyone who has converted to Judaism.'

The law does not define 'conversion.' This means that anyone coming to Israel, with any kind of 'certificate' that he/she is a convert, is automatically accepted, receives citizenship and a registration-card issued by the Ministry of the Interior which states that the bearer is Jewish.

It is well-known and documented that there are a good number of so-called 'rabbis,' most of which are members in 'national rabbinic associations,' who set their own "requirements" for issuing 'conversion-certificates.' For some the requirement is a course of studies lasting a few months, for others a few weeks or days, and for still others just a few hours. For some it is enough that the candidate for conversion utter a simple affirmation of 'accepting Judaism,' while for others a set fee is the sole prerequisite. Some advertise 'conversion-classes' for individuals or groups, and many offer 'specials' of 'quickie conversions.'

From any historical, traditional and moral point of view, such conversions are altogether worthless and meaningless. Yet the way the Israeli law is worded at present, all and any of these conversions have to be accepted by the authorities.

If the State of Israel wants to grant citizenship to these or others, that is perfectly in order. The conferral of citizenship is a purely political decision. It is altogether different, though, for the State of Israel (a purely political entity) to issue identity cards which register non-Jews (by any standards) as Jews. For this, and no other reason, there is a demand by religious and conscientious Jews of all persuasions that the State of Israel recognize as Jews only such individuals who are born Jewish or who have converted in conformance with the universally recognized standards of Halachah.

16. WHO IS AFFECTED BY THE PROBLEM OF 'WHO IS A JEW'?

All members of the Jewish people, throughout the world, are affected by this problem. The fictitious 'converts' present themselves as Jews, both in Israel as well as in the Diaspora. This aggravates the already serious and painful tragedy of religious inter-marriage.

Not only Jews, but the fictitious 'converts' themselves, too, are affected. Some of them believe in all innocence that they are indeed Jews. Thus they, too, and their offspring, are being deceived.

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Most seriously affected will be the 'non-orthodox.' 'Orthodox' people, generally speaking, examine the origins of those who want to marry into their families. 'Orthodox' rabbis are obligated to investigate the antecedents of those applying to be married by them, in order to make sure that there are no Halachic impediments to the marriage. All this does not assure certainty in every case, but the likelihood of errors is minimized.

The major problem, then, will be for the 'non-orthodox,' who are unwary and not so careful. But as all the Jewish people, without exceptions, are one entity, like unto one body with one heart and one soul, it is a tragedy affecting everyone.

17. ARE ALL CONVERSIONS PERFORMED BY 'ORTHODOX RABBIS' AUTOMATICALLY VALID?

The answer is NO! It depends on what is meant by the label 'orthodox rabbi.'

The fact that someone attended an 'orthodox' seminary, was ordained by 'orthodox' authorities, is a member of an 'orthodox' rabbinical body, and/or serves as rabbi of an 'orthodox' congregation, does not necessarily mean that all or any of his actions are kosher! The one and only thing that really matters is how the conversion took place: If all the stipulations of the Shulchan Aruch have been followed (as explained above, nos. 6-7, and 11-12), the conversion is valid; if not, it is invalid - regardless who the rabbi is.

In other words, the labels 'orthodox,' 'reform' or 'conservative' are really meaningless per se. The only conversion universally accepted as valid is the one performed by a proper Bet Din (as defined above, no. 12), in conformance with the dictates of Jewish law.

18. WHAT IS THE STATUS OF A PERSON WHO UNDERWENT A NON-HALACHIC CONVERSION?

The status of a person who underwent a non-Halachic conversion has not changed from that person's original status as a non-Jew. He or she remains non-Jewish in every respect.

In the case of a woman, regardless of the status of her husband, her children, too, are non-Jewish.

Unilateral action by any one individual, group of individuals, or even large organization, within the body of a people or nation, which contravenes or ignores the universal standards of the whole body, has no value or merit in terms of the whole body of that people or nation. One cannot simply force individual ways upon others for whom these individual diversions are historically, legally and traditionally unacceptable.

The subject of a non-Halachic conversion may be accepted as a legitimate member of the congregation or movement of the one(s) performing that 'conversion.' Other congregations or movements, too, may perhaps recognize that 'conversion.' That is a purely internal issue relating to the private policies of the particular congregation(s) or movement(s). Acceptance will not, however, be universal.

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A person who underwent a non-Halachic conversion, at the very best, might be called 'reform,' 'conservative,' or 'reconstructionist' etc. He/she will not be a member of the Jewish people, but merely of an individual group. The one and only way to acquire Jewishness, unqualified membership in the Jewish people and faith, is by following the unqualified universal procedures of Halachic conversion.

19. IS NOT THE PROBLEM OF 'WHO IS A JEW' AN INTERNAL ISSUE FOR THE STATE OF ISRAEL?

Most definitely not! As explained earlier (no.16), it affects all Jews all over the world. The State of Israel only aggravates the problem of worthless conversions and intermarriages.

When alleged 'converts' produce nothing but their 'conversion-certificates,' their true status is easily determined. It is altogether different, though, when they come from Israel armed with an Israeli passport and an Israeli identity-card which states that the bearer is 'Jewish.' This must, and will, lead to chaos and tragedy in terms of unwitting intermarriages, and/or the traumatic effects when discovering before or after a marriage that this Israeli groom or bride is in effect non-Jewish.

Moreover, the political decision by the State of Israel to recognize all claims to conversion leads to the misunderstanding and deception that all and any forms of conversion are legitimate.

20. HOW CAN ONE RECONCILE THE PRINCIPLES OF PLURALISM AND DEMOCRACY WITH A NARROW VIEW OF 'LEGITIMATE CONVERSIONS'?

In a democratic society, anyone can adhere to whatever philosophy of life, religion, political ideology etc. he or she wishes to adopt. One can believe in democracy, autocracy, anarchism, communism or fascism. One can believe in white supremacy, black power, apartheid, slavery, polygamy, and what have you. One can believe in the tenets of any of the so-called major religions, atheism, agnosticism, Satanism, or of any group generally regarded as an anomalous cult. It does not matter whether any of these are formally organized or not.

Moreover, each organization, or individual, may choose to act on his/her beliefs, for as long as one does not interfere with the freedom and self-determination of others. The principles of democracy demand this freedom of association, beliefs and private practices. In that sense there is pluralism.

Obviously, though, the principle of freedom of speech, association and action is not unlimited and unbridled.

One cannot, for example, cry 'fire' in a crowded theater. No one can do anything that would disrupt, or interfere with, the orderly and normative running of society. Each individual's freedom does not include the right to infringe upon the freedom of another etc. If there is an unavoidable conflict of interests, democracy and pluralism demand to find a compromise in terms of 'lowest common denominator,' as a universal premise that is acceptable to all.

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In our context: From a democratic and pluralistic point of view, each group of Jews can determine its own constitution or charter relating to beliefs, tenets, practices, conditions for membership and leadership, interrelationships with others etc. These are individual and internal decisions. No group, however, has the right to impose its ideas and standards upon any other group or upon the whole people of Israel.

Any actions that affect the totality of Judaism must be based on a common denominator acceptable to all. The 'lowest common denominator' for all Jews, without exception, is the historical and traditional standard of Halachah.

Jews who do not believe in Halachah, can live with it without compromising their personal freedom and integrity. Jews who do believe in Halachah cannot live without it. Everyone can partake in a kosher meal, but not everyone can partake in a non-kosher meal. Everyone can accept Halachic conversions, but not everyone can accept non-Halachic 'conversions.'

Paradoxically, the narrow view of 'legitimate conversions,' i.e., Halachic conversions, is precisely the only view that can be defended on grounds of democracy and pluralism. It alone allows for the need of all Jews to be able to interrelate with one another.

21. HOW CAN JEWISH COMMUNAL UNITY BE PRESERVED IN VIEW OF THIS CONTROVERSY?

The only way we can preserve communal unity is by respecting one another, by applying the fundamental principles of democracy and pluralism, as explained above (no.20).

Respecting one another does not mean to respect and legitimize ideas or philosophies which are unacceptable to our own. It means to respect and recognize the humanity and identity of our fellow-beings. We must never confuse ideas with persons. A person qua person remains my fellow-being, a creature of G-d like myself, even if his/her philosophy is not acceptable or repugnant.

We must not lose sight of legitimate premises, hallowed by original traditions, which cannot be compromised.

Premises and ideas formulated by man are adaptable. Religious foundations, traditionally accepted as Divinely revealed, are not adaptable.

Those who have deviated from such religious foundations, for whatever reasons, will have to accommodate those who have remained faithful to them, when it comes to cases of communal conflict. Neither intellectual nor moral integrity would be compromised by such accommodation. Those who hold on to the tenets of their revealed truths cannot adapt them without in effect denying their own truth and forfeiting their integrity.

When understanding and appreciating these common-sense principles, Jewish communal unity can and will be preserved.

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22. IS NOT THE ISSUE OF 'WHO IS A JEW' A POWER PLAY FOR THE ORTHODOX RABBINATE AND ESTABLISHMENT? IS NOT THE WHOLE ISSUE AN ATTEMPT TO DELEGITIMIZE THE NON-ORTHODOX ELEMENTS?

Most probably there are unscrupulous persons in the 'orthodox' rabbinate and establishment, even as there are among all other groups. That, however, is not the issue.

The problem of 'Who is a Jew' is a problem about basic principles and Jewish survival. It affects issues which preclude compromise for the 'orthodox' position. It is not a case of competition, or a power play. It is not a battle between competing ideologies. As stated above (no.16), the gravest effects will be on the non-orthodox!

We are dealing with historical principles, with a historical tradition, which are the very essence of the religious identity of Jews and Judaism. If there is any power-struggle, it is not by those who seek to preserve the historical status quo of the Torah-way of life grounded in Sinai, the Bible, the Talmud, the Code of Jewish Law - but by those who seek to overthrow it, by those who unilaterally seek to impose their personal deviations from the historic norm.

The 'orthodox rabbinate and establishment' will not gain any benefits of prestige, power, or what have you, by prevailing in this battle for the soul and survival of Judaism. The sole concern is for the preservation of the unity and sanctity of the totality of the Jewish people.

23. WHY CAN WE NOT ALLOW THE PARLIAMENT OF ISRAEL TO RESOLVE THIS ISSUE AS IT SEES FIT?

First of all, the parliament of the State of Israel is a political body, and not a religious authority. The question of 'Who is a Jew' is a purely religious problem. It can be answered only by religious authorities. It is altogether absurd to have a secular, political body determine religious issues or make religious pronouncements. [7]

The parliament of Israel can, and should decide matters of citizenship and immigration affecting that state and political entity. It has no right to decide questions affecting Judaism or Jews throughout the world.

Secondly, the absurdity of the Israeli parliament determining religious issues affecting Jews and Judaism is clearly seen when considering the fact that many of its members are Christians, Muslims, other non-Jews, and non-religious (and even anti-religious) individuals. [8]

On the other hand, the Israeli parliament has already passed a political law to grant automatic citizenship to any Jew. This law obviously creates confusion. The reality of confusion - (as, for example, cases of natural Jews who have converted to other religions, or renounced their Jewishness in other ways) - compelled the parliament to define Jewish identity. By including in this definition 'converts to Judaism' without defining the meaning of conversion, a most serious problem remains - and with it, more confusion. Thus it is necessary for the law to be formulated in unequivocal terms to refer to conversions which are universally acceptable.

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The army of Israel must serve kosher food, so that all Jewish conscripts can partake thereof. The statutes relating to marriage and divorce are such as are based on minimal Halachic standards, so that the unity of all Jews can be preserved. So, too, any law relating to conversion must be based on minimal Halachic standards, to preserve the unity of all Jews in the State of Israel and throughout the world.

NOTES ON PART ONE, QUESTION TWENTY-THREE:

7. A secular body can determine which religious standards should be adopted, especially as these affect the order and welfare of its constituents, just as it legislates matters of health and safety. The Knesset of Israel thus can, and must, legislate the practical application of 'Who is a Jew' in terms of issuing identity-cards etc. They can also legislate the observance of the Sabbath as a national day of rest, or that only kosher food be served in all governmental bodies. This is not the same, however, as determining the Halachic criteria for Jewish identity, or the Halachic definition of Sabbath observance, or the Halachic rules of kashrut.

Just as the guidelines for policies of hygiene and safety are the prerogative of the professional specialists in those fields, so, too, any determination of definitions and criteria affecting the Jewish faith are the sole prerogative of Halachic authorities.

8. On January 16 1985 the Knesset voted (with a majority of 11 votes) against correcting the present law on 'Who is a Jew'. The New York Times, of January 17 1985, reported:

"Every time an Arab member's name was announced during the roll call, a wave of chuckles went through the chamber as the members themselves could not resist laughing at the irony of having Palestinian Druse and Arabs helping to determine who is a Jew...!"

This outrageous absurdity is compounded by the following facts: More than a million Israel citizens signed a petition asking the government of Israel to amend the 'Law of Return' so that it will state clearly that the criteria for Jewish identity are "born of a Jewish mother, or converted in conformance with Halachah."

Several official polls have shown that a solid majority of the members of the Israeli parliament agrees with this petition and would like to amend the 'Law of Return.' Dominant political parties (including Mapai), realizing this fact, succumbed to pressure from certain movements in the USA and prohibited their members to vote according to their convictions! They imposed the dictate of party-discipline to vote against any amendment.

Thus we have the anomaly of the very same people who demand and propagandize "democracy" and "pluralism" suppressing and denying the fundamental democratic right of members of parliament to vote according to their conscience and convictions!

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PART TWO PREFACE

The material following, at first and superficial glance, will appear to be polemical. To take it that way, however, would be a total misunderstanding. It is intended simply and exclusively to state facts which will explain some of the premises and statements in Part One. Facts may be unpleasant, but they can not be ignored.

The issue of WHO IS A JEW pits two philosophies of Judaism against one another. I make no apologies in stating that I am clearly committed to one of them. Acceptance of any one of these, ipso facto, implies rejection of the other. This rejection, however, is not one of simple disagreement or an attempt at self-justification.

Part Two is trying to explain WHY traditional Judaism cannot accept, or grant legitimacy to, ritual actions under taken by the spiritual leaders of the reform and conservative movements. This part too, then, serves the purpose of information and communication, to help us understand one another.

The reader is asked to listen to the argument, to the premises, and then to draw his/her own conclusions. Look at what is being said, and not at who says it. Look at what is being said, and do now allow the implications which may affect you negatively to distort an open-minded understanding of the issues.

Truth must be accepted regardless of its source or its possible implications. Judgment must be based on nothing but the evidence presented. Whether you will agree or disagree with our position, that is all we ask for.

1. WHAT IS THE BASIS FOR THE ALLEGATIONS ABOUT THE PRACTICES OF 'REFORM JUDAISM'?

The preceding presentation seems rather one-sided and perhaps polemical. What is the basis for the allegations about the practices of 'Reform Judaism'?

All and any references to the practices of the 'reform' movement and its leaders, are based on their own statements and publications:

1) First and foremost among the official documents relating to 'reform' practices is the "1972 Lenn Report." The Lenn Report was commissioned by the CCAR (Central Conference of American Rabbis; the 'rabbinical arm' of the 'reform' movement) to study the background and attitudes of "Reform rabbis, their wives, their congregants, their youth groups. and Reform seminary students." [1]

According to the Lenn Report, 41% of the CCAR 'pulpit rabbis' officiate at intermarriages, and another 30% refer inquirers to 'rabbis who do officiate at intermarriages' because they themselves do not. Thus over 70% of the 'reform rabbinate' is involved with intermarriage. If we take into account (a) the non-pulpit (retired etc.) reform rabbis, and (b) present circumstances (the Lenn Report was completed in 1971), then that percentage will increase significantly!

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Note on the sample picture [6] the heading of a list from the 'Rabbinic Center for Research and Counseling;' offering close to 200 members of the CCAR who advertise openly that they will officiate at intermarriages. There is another list, "restricted to circulation among 'fellow-rabbis' only," which has nearly twice that number of members of the CCAR. The list available to this author at the time of writing is already outdated, as it is from the year 1982. Judging by the earlier lists, there is a steady increase from year to year in the CCAR members performing intermarriages. [2]

What is the "official" position of the CCAR? On June 19, 1973, the CCAR adopted the following resolution by a vote of 321 to 196:

"The CCAR, recalling its stand adopted in 1909 that 'mixed marriage is contrary to the Jewish tradition and should be discouraged,' now declares its opposition to participation by its members in any ceremony which solemnizes a mixed marriage.

The CCAR recognizes that historically its members have held and continue to hold divergent interpretations of Jewish tradition..."

Even this resolution is accompanied by the proviso that "Resolutions of the CCAR are advisory and therefore, rabbis continue to officiate at mixed marriages."

When this resolution was adopted, another resolution had been proposed by the CCAR Committee on Mixed Marriages, calling on its members:

1. to refrain from officiating at a mixed marriage unless the couple agrees to undertake, prior to marriage, a course of study of Judaism equivalent to that required for conversion;
2. to refrain from officiating at a mixed marriage for a member of a congregation served by a Conference member unless there has been prior consultation with the rabbi;
3. to refrain from co-officiating or sharing with non Jewish clergy in the solemnization of a mixed marriage;
4. to refrain from officiating at a mixed marriage on Shabbat or Yom Tov."

This proposed resolution was defeated! [3]

We have here the anomaly of the CCAR officially declaring that mixed marriage is contrary to Jewish tradition, and simultaneously allowing its members to perform these nonetheless!

ii) The same standard of "no standard" applies to conversions. Again, see the Lenn Report, and the official policy of the CCAR that all or any requirements "vary depending upon the rabbi of the community under whose auspices the program is sponsored." [4]

iii) In 1983, the CCAR decided to recognize as 'fully Jewish' children of non-Jewish mothers who are married to Jewish men. This new breach with Jewish law and tradition was roundly condemned not only by the 'orthodox,' but also by the 'conservative'! That unilateral action by the CCAR must result in the tragedy of splitting the Jewish people, within decades at most, into "mutually divided, hostile groups unwilling and unable to marry each other." [5]

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In June 1985, at the annual convention of the CCAR in Minneapolis, Alexander M. Shapiro, then president of the Rabbinical Assembly (the 'rabbinical arm' of the conservative movement) was invited to address the reform group. He begged them to reverse themselves and to return to the traditional standard that says Jewish lineage can be traced through the mother only. The New York Times of Tuesday, July 2 1985, p. All, reports:

"Rabbi Shapiro's Reform audience here was polite but not overly receptive to the proposal. 'It would be better for Rabbi Shapiro to lead his movement into the future than ours into the past,' said Rabbi Alexander M. Schindler, president of the UAHC, the association of Reform synagogues.

Rabbi Schindler, a chief sponsor of the 1983 adoption of the liberalized standard on lineage, predicted that Conservative Judaism would follow the Reform lead in another decade. 'It usually takes them about 10 years - like on the woman's issue,' he said.

Rabbi Schindler was referring to a decision by the Conservative rabbinate earlier this year to accept women as rabbis. The Reform Movement began ordaining women in 1972. The Orthodox continue to ordain only men.

Rabbi Schindler questioned the usefulness of dialogue on theological differences, saying it was more beneficial to discuss issues that united the Jewish community, such as support for Israel, Soviet Jewry, economical justice and improved Christian-Jewish relations.

'On theological problems,' he said, 'either you accept halacha or you are outside halacha. We have chosen to be outside!'

Rabbi Schindler, the Reform leader, said he was not concerned about divisions that could result from the split over lineage standards..."

All this raises the question: Who is creating divisiveness? Who is insensitive to Jewish unity?

NOTES ON PART TWO, QUESTION ONE:

1. The Lenn Report was published by the CCAR and distributed at its 1972 convention. Some significant excerpts appear in D. M. Eichhorn, *Jewish Inter-marriages: Fact and Fiction*, Satellite Books, Satellite Beach Fla., 1974. (This quite interesting book was written by a radical 'reform rabbi' to defend and promulgate the practice of officiating at mixed marriages. Eichhorn obviously is no scholar, as evident from the very first page where, in his dedication, he mistranslates and misquotes a Midrashic passage - in addition to many other misquotations and misinterpretations throughout the text; but he is honest and consistent in his own way. He does not hesitate to draw the logical conclusions that follow necessarily from the premises underlying 'reform.'

In spite of his rabid hatred of 'orthodoxy' and Halachah, and the often comical irrationality of his blind faith in the principles of 'reform,' the book is an eye-opener for many who are not familiar with current practices and beliefs in the 'reform movement.'

2. Note that this list has grown by about 50% since December 1973, when it had only 119 names!

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3. Note also the enlightening 'Minority Report' of the CCAR Committee on Mixed Marriages, in the CCAR Year Book 1973.

4. See also Eichhorn's book, esp. ch. 10-11. A typical example of the chaos and travesty of the current state of the 'Who Is A Jew' controversy in Israel, is the following report in Sports Illustrated, April 29, 1985 (one of very few incidents that could not be hidden by certain officials):

ROUNDBALL RABBIS

The U.S. isn't the only country that has basketball scandals. Israel has one, too. That country has been stirred by allegations that American players have secured unkosher conversions to Judaism in order to play professional hoops there. Each of Israel's 12 pro teams is allowed to sign one foreign player a year, but many Americans evade the rules by becoming Israeli citizens. The easiest way for a gentile to obtain citizenship is to convert or to marry a Jew. and now the government claims some teams have been recruiting non-Jewish Americans and arranging quickie conversions for them.

Such chicanery is apparently a recent development. Americans began playing pro ball in Israel in the mid-'60s, and most of the early ones were Jews. Non-Jewish whites followed without much trouble. Then came non-Jewish blacks. One of them, Aulcie Perry, a 6' 11" veteran of the ABA, converted to Judaism without fuss and is now a hero in Israel, where he's called Alisha Ben-Abraham.

The cases of two other American players, Philip Dailey and Chris Rankin, aroused the ire of the Ministry of the Interior. Dailey and Rankin arrived in Israel in 1982 brandishing conversion certificates signed by three Milwaukee rabbis. Coincidentally or not, their team, Maccabi Petach Tikvah, generously donated \$6,000 to the rabbis' synagogue. But the documents were invalidated when somebody in the ministry noticed that they'd been dated four years before the alleged conversions took place. Undeterred, the team tried to smuggle Dailey and Rankin in again by marrying them to a couple of matronly women, both 30 years their senior. The players were shipped home.

The furor over Dailey and Rankin eventually led investigators to 6' 9" John Irving, who was born a Baptist in Baton Rouge and played college hoops at Hofstra in the mid-'70s, leading the nation in rebounding as a sophomore. But Irving never quite reached the NBA. Instead, he drifted off to play pro ball in Europe. Three years ago he resurfaced in a Brooklyn gym, where an Israeli pro team recruited him. "Do you want to play basketball in Israel?" Irving was asked. "And would you like to be a Jew?" Sure, he said.

Irving says he was sent to a rabbi in Manhattan. The Rabbi handed Irving a book entitled *What Is a Jew?*, asked him some perfunctory questions and told him to come back in a few days. On Irving's next visit. The rabbi talked to him for 10 minutes, shook his hand and said. "Welcome to Judaism." Conversion papers were signed, entitling Irving to citizenship under Israel's "law of return" and the right to play basketball in the pro league. Next stop, the Promised Land.

And it came to pass that Irving had a bountiful career. As a rookie with Elitzur Tel Aviv, he averaged 28 points a game, fourth best in the league. He settled into the country and opened a couple of ice cream parlors. Last year his wife gave birth to a sabra, an Israeli-born child. But two months ago the Israeli government revoked

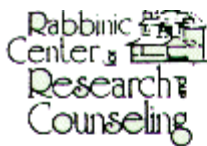
WHO IS A JEW?

Irving's citizenship, challenging his conversion. Ministry officials had looked at his papers and found the names of the same three rabbis who signed the Dailey and Ranking certificates. Only one of the rabbis could be located, and he denied ever meeting any of the three players.

In Israel the question of who is a Jew is an intense religious, social and political issue. Now it's a sports issue as well. And for Irving, it's a personal one. "I came to Israel assuming I was an Israeli citizen and that I'd converted," he says. "I haven't broken any laws. I've invested all my savings. I pay taxes. I feel I'm being cheated."

5. The New York Times, July 2, 1985, quoting Irving Greenberg, president of the 'interdenominational National Jewish Research Center.'

6. List #5 November 1982, C.C.A.R. RABBIS WHO OFFICIATE AT INTERMARRIAGES WITHOUT REQUIRING CONVERSION



Irvin H. Fishbein, Rabbi, D.Min.
Director

List #5
November 1982

C.C.A.R. RABBIS WHO OFFICIATE AT INTERMARRIAGES WITHOUT REQUIRING CONVERSION

This list has been compiled with the understanding that it may be given to anyone who requests it. In addition to the conditions specified, most rabbis require a pre-marital conference and encourage a program of Jewish study. Some rabbis have requirements above and beyond those that are recorded. For most rabbis, a commitment to establish a Jewish home means that the home will not contain religious symbols of another faith. Condition #1 always includes condition #3. Condition #5 may refer to membership either in the synagogue with which the rabbi is associated or in any synagogue. Where a rabbi is listed without a telephone number, either no phone number is available or no referrals are to be made. The following number code has been used:

1. Requires commitment to establish a Jewish home and/or raise children as Jews.
2. Requires commitment to pursue a course of study in Judaism after marriage.
3. Requires that children not be promised to another faith.
4. Requires course of study in Judaism prior to marriage.
5. Requires synagogue membership.
6. Requires ceremony to be held in the immediate vicinity.
7. Requires two or more hours of premarital counseling.
8. Requires referral from colleague.
9. General, special or additional requirements set with each couple during the pre-marital conference.
10. Requires Jewish ceremony be the only ceremony.
11. Requires rabbi to be the only officiant with no participation by non-Jewish clergy.
12. Requires rabbi to be the only officiant but permits non-Jewish clergy to offer prayers that contain no references to religions other than Judaism.
13. Shares with non-Jewish clergy a service that contains no references to religions other than Judaism.
14. Shares with non-Jewish clergy a service that contains references to religions other than Judaism.
15. Officiates on Shabbat or Yom Tov.
16. Officiates in a church or chapel where Christian symbols are visible.
17. Questionnaire was not returned. Name was carried over from previous list.

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2. IS NOT THE WHOLE DIFFERENCE ONE OF THEOLOGICAL POLICY?

Is 'Reform Judaism' not entitled to its own interpretation of Jewish Law and tradition, just like the 'Orthodox' and 'Conservative'? Is not the whole difference one of theological policy?

The only theological principle, policy, or doctrine recognized and affirmed by 'reform Judaism' is that "there is no such thing as a Jewish theological principle, policy, or doctrine." Let some of their most prominent leaders speak for themselves: [6]

W. Gunther Plaut is a former president of the CCAR, a leading historian, scholar and representative of the 'reform movement.' He is generally regarded to belong to the very moderate, right-of-center (if not rightist altogether) reformers.

According to Plaut, "the average Reform Jew, like the average Reform rabbi, considers any mention of halacha or its equivalent as the expression of Orthodoxy or Conservatism. " [7]

Plaut argues consistently that the 'reform movement' should have some guidelines, some form of 'code' of practices incorporating selected mitzvot, customs and rituals. But he qualifies immediately that any such 'code' or 'guide' must "most important of all, accept the fundamental principle of Liberalism: that the individual will approach this body of mitzvot and minhagim in the spirit of freedom and choice. Traditionally Israel started with harut, the commandment engraved upon the Tablets, which then became freedom. The Reform Jew starts with herut, the freedom to decide what will be harut - engraved upon the personal Tablets of his life. [8]

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Plaut recognizes that this liberal anarchy of 'reform' means that traditional Jews "and the membership of Reform congregations no longer speak the same language." [9] This does not seem to worry him. His major concern, it would appear, is with self-preservation, the survival of 'reform':

"One cannot escape the concomitant conviction that Reform Judaism in its present non- or even anti-halachic form does not possess the key to the total Jewish future. If the movement does not now turn decisively away from its post-classical, radical phase, then indeed, its critics will probably be right: it will have no future...

Without a recovery of the sense of halacha, Reform Judaism will dissolve into a shallow post-Einhornian ethicism. We may not go as far as Einhorn's son-in-law Emil G. Hirsch and remove the Sifrei Torah from the ark, but we will be assisting at the final surgery which removes the marrow from Jewish existence." [10]

But even as moderate a thinker as Plaut is, he is not prepared to return to the roots of Judaism, to the three concepts of God, Torah and Israel, which have forever been the foundation of the Jewish faith and the force that bound all Jews together:

"The traditional trilogy of 'God, Israel, and Torah' is no longer operative as a Liberal consensus.

As for Torah, the early Liberals excluded from it the oral law, and the latter-day Liberals, because of eclecticism abetted by biblical criticism, reduced Torah to a symbolic accouterment of the service and little else.

As for God, Reform Jews continue to render lip service to His existence but generally deny Him any compelling force when it comes to moral or practical commandments. These latter have been further reduced by relativism and by the general inability of our movement to translate 'the demand of God' into more than a philosopher's concept.

In addition, it is probably safe to say that an increasing number of Reform Jews do not believe in God at all; many of them will not deny the possibility of His existence, but they simply will refuse to take Him seriously as a force influencing or compelling their own existence. I have no statistics to bear me out, but I would not be surprised to find that more than fifty percent of all Reform Jews may be classified as deists, if not as outright agnostics or even atheists. For this reason, much as I regret it, it becomes essential to devise a basis for halacha which includes this important segment of Jewry..." [11]

(Incidentally, Plaut's suspicion about the large numbers of atheists and agnostics have been born out by many surveys. According to the '1972 Lenn Report,' this popularity of atheism and agnosticism is not restricted to the laity but applies to the 'reform rabbinate' as well.)

Plaut's search for a new 'halacha' that can accommodate the "faithless" majority of the 'reform movement' concludes with the categorical imperative that "neither God nor Torah can be considered as universally commanding sources for Reform halacha!" [12]

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The traditional trilogy 'God, Israel, and Torah' "must be supplanted by a spectrum that ranges from Israel to man to self... where all who count themselves as part of this fellowship agree that, through Israel, individual as well as human uniqueness is validated in a special way and that whatever Judaism has to say must speak to and of and through this uniqueness." [13]

With this new "God-less and Torah-less Judaism," Plaut and 'reform' have come full circle to what he calls the "transmutation of non-halachic Judaism into ethical culture," flourishing as a "Jewishly inspired Unitarianism, spread as a broad and pleasant middle-class establishmentarianism, with American or Canadian banners gaily affixed to it," albeit by adding or restoring some moorings in Jewish history. [14]

"But whatever Reform halacha will be, it will not be law in the old sense... With the demise of the operational quality of Torah law in our liberal world, halacha as law has become a skeletal term. " [15]

Another scholar of the 'reform movement,' at least as moderate and right-of-center as Plaut, is Jakob Petuchowski, senior professor of Rabbinic and Jewish Theology at the Hebrew Union College-Jewish Institute of Religion in Cincinnati. He, too, is disturbed by the chaos and anarchy governing 'reform' beliefs and practices. He anticipated most of the weaknesses in Plaut's approach and confronts them in a frank and honest way:

"The endeavor to foster Jewish observance by a 'sales appeal,' in imitation of the marketing of cigarettes and soap ('Five hundred congregations from coast to coast can't be wrong!') is merely further proof of the fact that, judging only by the official statements of Reform doctrine, there can be no halacha for Reform Judaism!

Where individual rabbis encourage 'ceremonies,' they do so either because they have Reconstructionist leanings and treasure 'folkways,' or because modern educational theories have opened their eyes to the necessity of audiovisual aids, or again; because they feel the need to lend a certain warmth and emotional appeal to an otherwise 'cold' worship service. All these reasons and motivations are good for an ad hoc 'ritualism'. But it will be conceded that we are dealing with 'religious pageantry' - not with halacha" [16]

Petuchowski is one of the first 'reformers' to recognize and admit the striking similarity, nay - the equivalence, between the theology of unbridled 'reform universalism' and Christian theology. The Columbus Platform of 1937, still the standard 'reform revelation' to this day, defined God as the One in Whom "all existence has its creative source and mankind its ideal of conduct." Revelation is defined as "a continuing process, confined to no one group and to no one age." Petuchowski cogently notes:

"It may well be that many Reform Jews view with favor this (backward) progress (sic) from Sinai to the elementary morality of the 'Seven Laws of the Sons of Noah,' whereas traditional Judaism knows of progress in the opposite direction. Paul, too, was fired by the thought of the pre-Sinaitic Patriarchs who were 'saved' without the law, and, in this sense, the new dispensation he preached was a return to pristine simplicity. There is, therefore, no need for halacha in circles where Sinai is either deplored or rejected, and where Torah simply means respectability and good will. " [17]

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As Plaut rightly observed, traditional Jews and the membership of Reform congregations no longer speak the same language. He does not, however, spell out the cause and implication of this terrible tragedy namely that 'reform' has moved away from Jewish roots, and, therefore, has lost every moral, legal and historical right to speak in the name of Judaism or Jewish tradition. For as admitted by Petuchowski:

"Historically speaking, halacha was the norm of Jewish life - either found in the Scriptures or deduced from them by a universally accepted system of hermeneutics. Where, as in the case of the Karaites, the hermeneutics or the authority of the interpreters was rejected, an attempt was made to base Jewish practice on the literal meaning of the Bible. But both Rabbanite and Karaite Jews submitted to their respective versions of Jewish law, because they believed that in observing it they were fulfilling the will of God, and that this will was expressed - directly or indirectly - in the pages of the Hebrew Bible." [18]

Plaut and other 'reform' moderates want to deal with the problem of standards, to devise some system of 'reform halacha,' though with the sine qua non condition that it be apart and devoid of any concept of Divine revelation. They fail to realize, as Petuchowski does, that "where this is done with logical consistency, it leads - as it does in Reconstructionism - to an affirmation of the content of halacha, and at the same time, to a transmutation of halacha into 'folkways'. This enables the humanist to observe the dietary laws with a clear conscience, but it also involves a frank and honest breach with the halachic tradition in Judaism. " [19]

Petuchowski, a thinker more logical and consistent than most of his colleagues, notes:

"Eloke Yisrael, the concept of the God whom Israel encountered in history, and who, in coram publicam, revealed His Torah to Israel, is the conditio sine qua non of any continuity within Judaism.

Whether American Reform Judaism is capable of undergoing such a revolution in theological thinking, whether it will be prepared to progress from the 'Seven Laws of the Sons of Noah' to the foot of Sinai is, of course, a question that many people will answer in the negative. It is one thing to pass expedient resolutions in favor of ceremonies. It is quite another to reinstate the God of Israel as the 'Giver of Torah,' when the very *raison d'etre* of Reform, as a denomination, is represented as the emancipation from this belief.

Here is the crux of the whole problem. Recent statements by men claiming to speak in the name of Reform Judaism have clearly shown that the process of denial goes beyond the denial of revelation. Once revelation is denied, the denial of God's existence is now seen by some as the next logical step. On the other hand, Reform Jews who are unwilling to give up their faith in God may find that, in final analysis, their 'God talk' is religiously meaningful only to the extent to which God and His Torah are interrelated. If one takes God seriously, one must take revelation seriously, and vice versa." [20]

What a pity, though, that even Petuchowski has not found a satisfying solution to reconcile and resolve the struggle between his mind and his heart, between his sound logic and his 'reform-commitment.'

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The above is not an 'orthodox' evaluation of 'reform Judaism,' nor an unrepresentative sampling of their radicals. These are the thoughts and statements of prominent and moderate leaders, teachers and spokesmen of the 'reform' movement.

By their own admission, by their own policies and practices, these actions and behavior are clearly seen not to be representative of the Jewish faith and tradition in any way whatsoever. They may reflect the vox populi of numerous Jews, but not the vox Dei, the voice of the God of Israel, the voice of the Torah of Israel, the voice of historical Israel, for which our ancestors were prepared (and did) sacrifice their lives ever since Abraham, the first Jew, to this very day.

NOTES ON PART TWO, CHAPTER TWO:

6. The quotes following are taken from Bernard Martin, ed., CONTEMPORARY REFORM JEWISH THOUGHT, Quadrangle Books: Chicago 1968. This book, sponsored and copyrighted by the CCAR, is a collection of essays by "rabbis who are alumni of the HUC-JIR, which is the fountainhead of Reform Judaism in America.

Three of the authors serve as professors at their alma mater;" p. V. (Most of the italics in the quotes following do not appear in the original; they were inserted here, for emphasis!)

7. Ibid., p.89.

8. Ibid., p.100.

9. Ibid., p.90.

10. Ibid.

11. Ibid., p.96-7.

12. Ibid., p.97.

13. Ibid.

14. Ibid., p.89.

15. Ibid., p.98.

16. Ibid., p.114.

17. Ibid., p.115 (see there also p.113).

18. Ibid., p.111.

19. Ibid., p. 110-111.

20. Ibid., p.121-2.

3. WHAT ABOUT 'CONSERVATIVE JUDAISM'? DOES NOT THE 'CONSERVATIVE MOVEMENT' FOLLOW HALACHAH?

Here, too, let the 'conservative' leaders speak for themselves. [21] The 'conservative movement' was indeed founded to conserve, preserve and safeguard Halachah and Jewish tradition.

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"The Conservative movement has tacitly recognized that even in an age which desires democracy in its institutions, the concept of democracy must be refined. Vertical democracy is a recognition that it is not only the present generation which has a voice in ongoing institutions. The past and the future must be allowed an equal vote." [22]

"Reform has asserted the right of interpretation, but it has rejected the authority of the legal tradition. Orthodoxy has clung fast to the principle of authority, but has in our own and recent generations rejected the right to any but minor interpretations. The Conservative view is that both are necessary for a living Judaism. Accordingly, Conservative Judaism holds itself bound by the legal tradition, but asserts the right of its rabbinical body, acting as a whole, to interpret and to apply Jewish law. While this principle has, for most of the life of the Conservative movement, been honored more in theory than in practice, it remains a fundamental outlook... " [23]

Orthodoxy is accused of having "distorted the formula ('God, Torah and Israel are one') in its own way. God and the Torah remained primary in its equation. The Torah, indeed, was accepted in all its jots and tittles as it had been developed in interpretation through the years and as it was formulated in the 16th century code of Joseph Karo and in the 16th century commentary of Moses Isserles. The Jewish people, however, received shorter shrift... The real distortion, however, appeared in the refusal to recognize the needs, the history and the sociological condition of the Jewish people as a factor to be reckoned with. Orthodoxy upheld the claims of the Torah irrespective of the needs of 'Catholic Israel.'" [24]

The 'conservative movement' is said to have restored the balance in the equation:

"It eagerly accepts God and Torah as the fundamentals of Judaism. But it asserts that the national sentiment which is part of Judaism must be acknowledged... It equally asserts that the needs and the state of the Jewish people must be taken into account and so it has been concerned to face the current facts in Jewish life." [25]

There is a claim of 'adherence to the authority of the rabbinical leadership' in all matters of interpretation. Yet at the same time there is an admission of 'controlled experimentation':

"The bent for interpretation of Jewish law and practice has also manifested itself in another way. Certain practices have grown up in Conservative congregations which are not the product of formal decisions, but rather the outgrowth of practice... These are all products of the philosophy that within tacitly recognized, but undefined limits, Conservative congregations may experiment in finding more effective forms for presenting Judaism. Some of these experiments have succeeded and have been generally adopted. Others have been attempted and abandoned." [26]

As for the alleged authority vested in the Rabbinical Assembly,

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"...the Assembly has conceded that it consists of three different groups: a left, represented by the Reconstructionist group, which is relatively small but articulate and active; a right, which is smaller still; and a center group to which the overwhelming majority of the members of the Rabbinical Assembly adhere.... The left actually commands more support than its formal numbers would lead one to suppose... The majority of the center is in many ways a standing army waiting for a direction in which to march, and so, on many issues it can be mustered to support a program of the left group. Furthermore, it is doubtful that there is really an effective right group... (they) have no power to initiate or control the course of action in the Assembly. Thus a picture emerges in which the left, after goading to action for a long time, finally sees action undertaken by the center, has it modified slightly by right-wing thinking, and finally sees it emerge as considerably less than it wants, but as somewhat more than the quiescent center would have been prepared to initiate itself." [27]

In other words, the Rabbinical Assembly is a body where the 'overwhelming majority' is a 'quiescent center' waiting, and allowing, to have itself 'goaded and directed' by a radical left, and where the 'traditionalist right' has no say but is condescendingly tolerated. Thus we have the birth of a new denomination:

"In the view of its founders, Conservative Judaism was a tendency which was designed to offer an acceptable alternative to Reform Judaism. It was hoped that it would give renewed vitality to traditional Judaism and ultimately capture the American Jewish public. For years its leaders denied that it was a party or denomination within Judaism and sought to avoid becoming one. However, the very development of an increasingly complex organizational structure, the debates on ideology, and the increasing projection of a Conservative viewpoint, have converted Conservative Judaism from a tendency into a movement. It is not only referred to as a movement, but it thinks and acts as a movement. Thus the Rabbinical Assembly is now prepared to take independent action in the field of law..." [28]

These words speak for themselves. Self-admittedly, the 'conservative movement' has moved away from its original intents and purposes, to become a separate, new denomination as opposed to a continuation of historical Judaism, and undertaking independent action in matters of Jewish law and tradition.

The Law Committee of the Rabbinical Assembly "which consists of representatives of the three groups, Right, Center and Left, has managed to avoid getting itself into a state of deadlock, and has succeeded in achieving consensus on some very important questions. That is due to two provisions: 1) that both majority and minority rulings be reported, leaving it to the members of the Assembly to follow whichever ruling they choose..." [29]

It is readily seen that the road to 'conservatism' was paved with good intentions, but somewhere along the way there was a radical detour. Even as in 'reform,' the vox populi took over. Logically speaking there is no philosophic difference between 'conservative' and 'reform.' There are no absolute criteria. The ultimate standard of self-determination is the same for both.

To be sure, the 'conservative' are not as radical as the 'reform.' They are much more nostalgic and 'conservative' about the past. They do want to preserve some sense of continuation, of tradition. Some still do pay lip-service to fundamental halachic premises, and will protest breaches of historical values and principles.

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For example, at the 1986 convention of the Rabbinical Assembly, this 'rabbinical arm' of the 'conservative movement' put itself officially on record as opposed to the so-called 'patrilineal descent' policy of the 'reform movement.' A resolution was adopted which stated that "ascription of Jewish lineage through a legal instrument or ceremonial act on the basis of anything other than matrilineal descent," or through a conversion omitting tevilah (ritual immersion) for women, and tevilah and brit milah (ritual circumcision) for men, "shall continue to be regarded as a violation of the halacha of Conservative Judaism." It further stated that such actions will be regarded from now on as "violations of a standard of rabbinic practice inconsistent with membership in the Rabbinical Assembly."

The resolution upholding matrilineal descent, which, it stated, "has been authoritative in normative Judaism for many centuries as the sole determinant of Jewish lineage," passed by a vote of 235 to 32. In effect, then, the 'conservative' movement refuses to recognize the 'reform' criteria for 'Jewishness' as well as their standard forms of conversion.

One cannot fail to wonder, though, why a vote was necessary to determine the halachic position of the Rabbinical Assembly. The principle of Halachah, and the principle of democratic votes about halachic procedures, are mutually exclusive. [30] Moreover, this vote is clearly but a temporary measure. Alexander Schindler's astute observation that in another few years the 'conservative' will follow the 'reform' initiative, is supported not only by past practices of the 'conservative' movement, but by the very principle of voting on it.

There is nothing to prevent the minority group of 32 to grow into a majority. The actions of precedents speak louder than the pious affirmations of the present.

This criticism of 'conservative' ideology is corroborated by statements of its leading teachers and spiritual leaders:

The crux of our problem, as already recognized by Petuchowski, is the attitude to Torah and revelation, to the halachic tradition of Judaism: is it binding and relevant? Some years ago, the editors of Commentary took a survey of leaders in 'orthodox' Judaism and the 'reform' and 'conservative' movements. The very first question was: "In what sense do you believe the Torah to be divine revelation? Are all 613 commandments equally binding on the believing Jew? If not, how is he to decide which to observe?" [31]

Seymour Siegel, a senior professor at the 'conservative' Jewish Theological Seminary, replied:

"...the Bible is not infallible... Both the divine and the human are bound up inexorably in the Torah and cannot be separated or distinguished by means of some formula... The process of reevaluating the mitzvot through interpretation goes on in the living community of the people of Israel... (The mitzvot) are the demands of God upon the community of Israel, which lives in time, and they are therefore subject to change, growth, and (all too frequently) decay. The community reinterprets and changes its structure of obligations in the light of their ability to express our faith and by their power to evoke faith. Some commandments are legislated out of existence... others fall by the wayside through neglect... The individual... is guided in the Law by those whom he accepts as its interpreters. He is also guided by his ability to observe the Law, and this is dependent upon his education and his spiritual preparedness. So long

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as he is serious about his responsibility and concerned about his Jewishness, he is doing the right thing in the sight of the Lord..." [32]

We have here the strange paradox of Siegel advocating for Judaism the very premises that the apostle Paul offered for Christianity: acceptance and observance of the Law depends on the personally perceived or imagined ability to do so. If it seems that a law cannot be observed, it is abolished. What matters is faith and sincerity. Not by actions, but by faith will you be saved. The very same argument used by Paul and the New Testament to renounce the Torah and Halachah, is the foundation for Siegel's perception of Judaism!

This policy of laissez faire appears also in the statements of other 'conservative' spokesmen. Max J. Routtenbeg replied:

'Ritual observance will be judged in terms of both their present worth and their powers of evoking historic associations. (The modernist) will want to retain those rituals which induce a sensitivity to the ethical dimensions of human life, a deep mood of reverence for life, and a sense of the mystery of the created universe. He will find meaning in those religious rites which provide him with a sense of oneness with Jews of all times and of all places; which link him to great events and great personalities in history, to their sacrifices and to their aspirations.

On the other hand, he will reject, or permit to fall into obsolescence, those commandments in which he cannot discern any divine purpose, or which have become totally irrelevant to his religious quest. God no longer speaks to him through these commandments and he cannot respond. He may well replace them with new rites and rituals which are in harmony with his spiritual needs." [33]

Hershel J. Matt's reply:

"In boldly asserting the right of... private judgment, I ought of course, to give much attention and weight to the wisdom, experience, and piety of the talmudic and post talmudic sages (including those of the present age as well), but since I am the 'you' who is being commanded, mine is the ultimate human responsibility to decide what it is that I am being commanded. " [34]

Harold M. Schuiweis' reply:

"The origin of Torah lies not in an extra-mundane source which has cast down absolute truths upon a receiving people, nor is it the arbitrary projection of human inventiveness flung upward. Torah is rooted in the matrix of a living organism, in a people which discovers out of its experience with failure and fortune the powers of godliness residing within it and its total environment. Torah as revelation is the product of Israel's creative transaction with history...

Should the ritual lose its symbolic power... or should it run counter to our contemporary moral judgment..., then the convinced religious leadership should allow the commandment to be abandoned. Unless the rabbinate exercises moral sensitivity and anticipatory wisdom in cases of moral obsolescence or irrelevance, the end will only be disrespect for all religious law. The acceptance of religious pluralism, which is a fact of Jewish religious life, and the encouragement of responsible group decisions as to ritual observance are the only valid alternatives to the extremes both of authoritarianism and anarchy." [35]

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There is a consistently singular thread in all these responses, which indicates a sense of agreement in the 'conservative' philosophy of, and approach to, Torah and Halachah. With full regard for their sincerity and good will, none of these leaders, unfortunately, provides us with any criteria for their much used terminology of 'worth,' 'sensitivity,' 'ethical dimensions,' 'reverence,' 'wisdom,' 'irrelevance,' 'ability,' 'responsible groups,' 'moral obsolescence,' and so forth. They all preach a religious relativism, a situational ethics, in which there is no other standard but that each individual is the measure for all things pertaining to himself. The 'here and now' is the only thing that matters.

There is then no Halachah for the 'conservative,' nor can there be, any more than for the 'reform.' The supreme ideal of Judaism "To do that which is right and good in the eyes of God" (Deuteronomy 6:18; also Exodus 15:26; Deuteronomy 12:28 and 13:19) is replaced by "Every man does that which seems right in his own eyes" (Judges 17:6 and 21:25), the very antithesis of Torah and Judaism (Deuteronomy 12:8)!

The leaders and members of the 'conservative movement,' just as in the 'reform movement,' are free to determine their own philosophy of life. They are free to express their religious sensibilities any which way they choose. Those among them that were born Jewish are and remain Jewish in spite of everything. Nonetheless, this does not mean that 'conservative rabbis' have the right, or are qualified, to undertake religious or ritual actions which affect all Jews. Insofar that neither their convictions nor their conduct conform to the dictates of Torah (Halachah), their ritual decisions and actions may be regarded authoritative by their own movement, but are not acceptable to the Jewish people as a whole.

P.S.: The heterodox views and practices of the 'conservative rabbinate' have become ever more pronounced in the last few years. This has now led to an open split within the Rabbinical Assembly and the 'conservative' movement. A 'rightist' group has broken ranks to form a new movement, Union for Traditional Conservative Judaism. Members of the UTCJ have spoken out publicly to condemn the policies of their 'conservative' colleagues. They have declared that they do not recognize decisions and actions that ignore or violate halachic requisites, whether these stem from 'reform rabbis' or their own colleagues in the 'conservative' movement!

Spokesmen for the UTCJ have declared, for example, that they do not recognize the ordination of women by the (conservative) Jewish Theological Seminary:

"Rabbi David Novak called (the decision to ordain women) 'contrary to Jewish law,' and warned that it would divide the Conservative movement:

'There is going to be a situation where the rabbinical acts of some members will not be acceptable to others,' he said. For example, if a woman is part of a three-member conversion tribunal, Rabbi Novak said, he would not accept the conversion as valid.

Rabbi Novak also criticized the method under which women were admitted by the Rabbinical Assembly. 'The procedure was a total subterfuge,' he said. 'Had this been done at the convention, the resolution would have been defeated.'...

Supporters of ordination for women said that the constitutional amendment procedure was used to avoid a fight over the issue at the annual convention..." [36]

There is no need for further comments on all this.

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NOTES ON PART TWO, QUESTION THREE:

21. The quotes following are taken from M. Waxman, ed., TRADITION AND CHANGE: THE DEVELOPMENT OF CONSERVATIVE JUDAISM, Burning Bush Press: New York 1958. This book was commissioned and copyrighted by the Rabbinical Assembly (the 'rabbinical arm' of the 'conservative movement'). The editor admits to facing the problem that "the Conservative movement has issued few formal statements; there are very few books which purport to state the philosophy and attitudes of the movement. The Conservative movement seems rather to have relied largely on its synagogues and institutions to represent its point of view by their actions and programs... in assembling this material... I acted upon the principle of including statements by men who are recognized as representative figures in the Conservative movement or pronouncements by bodies, such as the Law Committee of the Rabbinical Assembly, which are entitled to speak for the movement;" p. ix. (Here, too, most italics do not appear in the original, but were inserted for emphasis.)

22. Ibid., p.19.

23. Ibid., p.20.

24. Ibid.. p.15.

25. Ibid. 26. Ibid., p. 21.

27. Ibid., p.30-31 (see also the significant sequel there).

28. Ibid., p.34.

29. Ibid., p.308.

30. The Torah, Halachah, does indeed instruct us to vote and to follow the majority in certain cases (Exodus 23:4). The Talmud is replete with instances how the rabbis based practical decisions and rulings on majority-votes. However, it follows quite clearly from Scripture itself that this applies only where there is genuine doubt. Where the law has been established (by explicit statements or the traditional, legitimate ways of interpretation and deduction), there is no vote! All the people in the world cannot overrule a halachic principle and decision, as the very same Scriptural source states: "You shall not follow the majority for evil" (Exodus 23:4), that is, counter to the laws and dictates of the Torah.

Secondly, even where the Halachah is not clear, thus necessitating a vote, this vote is taken exclusively among the properly ordained halachic authorities who are well-versed in all aspects of Halachah in general and of the issue in question.

If "democratic votes" had any place in religion, Jews should have forsaken their faith a long time ago because the majority of mankind does not believe in the Torah! (See Vayikra Rabba 4:6) Likewise, the principle of "democratic votes" would imply that if there be a majority of non-believing or non-observant Jews, all Jews should follow that errant way of life. For that very reason the Torah stipulates not to follow a majority "for evil," i.e., for that which conflicts with Torah and Halachah. A "confederacy of wicked people" - regardless how many they are - is not to be considered and cannot be counted for purposes of any decisions (Sanhedrin 26a).

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Further details, and a discussion, of this principle, are to be found in Torah Shelemah on Exodus 23:4; and in Encyclopedia Talmudit, s.v. Halachah, sect. 7 (vol. IX, p.255-263).

31. Published in COMMENTARY, vol.42, no.2, August 1966; republished in book form, THE CONDITION OF JEWISH BELIEF: A SYMPOSIUM COMPILED BY THE EDITORS OF COMMENTARY, Macmillan Books: New York 1967. The quotes following are taken from the book (with italics inserted for emphasis).

32. Ibid.. p.224-5.

33. Ibid., p.186-7.

34. Ibid., p.147.

35. Ibid., p.216-8.

36. The New York Times, Thursday February 14, 1985.

4. WHAT ABOUT THE 'ORTHODOX' RABBIS: IS IT NOT TRUE THAT SOME OF THEM HOLD VIEWS SIMILAR TO THOSE OF THE 'CONSERVATIVE' RABBIS?

What about the 'Orthodox' rabbis; is it not true that some of them hold views similar to those of the 'Conservative' rabbis (re: Bible criticism, change and adaptation of Halachah to suit modern 'realities', etc.)?

This suggestion is a contradiction in terms. If they are 'orthodox,' this means that they feel bound to abide by the rulings and dictates of the Shulchan Aruch. If they do not feel bound by these, they are not 'orthodox.'

One cannot be a Jew affirming 'orthodoxy,' let alone a rabbi; if one does not affirm and accept the fundamental principles of the Jewish faith as defined by Maimonides. These include the principles that all the words of the prophets are true; that Moses was the supreme prophet, and his prophecy (the Five Books of Moses), therefore, is the ultimate standard for all and any prophetic truth; that the Torah given to us by Moses originated from God in toto; and that this Torah is immutable, that nothing can be added or subtracted from either the Written Torah or the Oral Torah. [37]

NOTES ON PART TWO, CHAPTER FOUR:

37. Every so often it is claimed by some that the 'orthodox' are divided into the "old-fashioned ultra-orthodox" and "modern orthodox." The implied suggestion is that the latter are not as strict or 'rigid' in matters of doctrine and practice. In truth, though, this claim is altogether false and misleading.

The term "modern orthodox" has nothing to do with belief in fundamental principles of the Jewish faith or with approach to the authority of Halachah. Those who call themselves "modern orthodox" do not differ in these from their older contemporaries who came to these shores from overseas or their predecessors. They may differ in terms of their garments, the language used for communicating with their congregants or students, and perhaps in terms of personal background and type of education. They will not differ, however, in affirming fully and literally the principles of the faith formulated by Maimonides, and the concomitant authority of the Shulchan Aruch. For that alone is the exclusive touchstone – sine qua non -- to define and apply any use of

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the term 'orthodox.' That alone is the exclusive standard which distinguishes the orthodox from the non-orthodox.

Quite noteworthy is the fact that in the Commentary Symposium referred to above, practically all the orthodox respondents are identified with the so-called modern-orthodox camp. All their replies show unqualified affirmation of the Divine origin of the totality of the Torah and mitzvot, and of the immutable nature of Halachah.

5. IS IT NOT PRESUMPTUOUS FOR ANYONE TO SIT IN JUDGMENT OVER WHO IS A 'KOSHER' RABBI, AND WHO IS NOT?

Is it not presumptuous for anyone to sit in judgment over who is a 'kosher' rabbi, and who is not? This smacks of a 'holier than thou' attitude and has overtones of a 'Jewish inquisition'.

This is a totally erroneous perception of the situation. The Torah, the Divine Law, sits in judgment, and not man.

In given situations there is place for legitimate differences of opinion on the exact requirements of the law or how the law is to be applied, albeit within the perimeter of Halachah. The Shulchan Aruch and the codifiers of Halachah sometimes offer several views on certain issues. In such a case, generally speaking, one may opt for one of those rulings rather than another. No one has the right to sit in judgment over another's legitimate choice. Nor can one impose non-obligatory rulings on anyone else. You may not like it, disapprove of it, and what have you, but for as long as a rabbi can show that his approach and ruling is consistent with Halachah, he cannot be condemned.

Here lies the crux of the whole matter: evidence that an approach or ruling is consistent with Halachah. This is not a matter of an individual qua individual sitting in judgment over another. There is only one judge and jury to determine what is kosher or non-kosher (be it in matters of food, ritual, ideology, or practice), namely the traditional Halachah as stated and defined by the code of Jewish law and the authorities following that code.

You may not like this authoritarian, theocratic view. But, then, religion, by definition, is not democratic. [38] God, and He alone, initiates and defines religion and revelation. God, and He alone, says what is acceptable to Him and what is not. Only God Himself can state and define what conforms to His will.

The foundation of Judaism is that the Torah is God's revelation of His will and of His demands from His people.

Torah, therefore, is the exclusive form of Jewish religious ideology and practice.

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NOTES ON PART TWO, CHAPTER FIVE:

38. There is no contradiction between this fundamental premise of religion and the halachic principle of "It (the Torah) is not in the heaven" (Deuteronomy 30:12; Baba Mefzia59b), which seems to leave the decision-making process in the hands of the rabbis. For:

a) "It is not in the heaven" means that the Torah has been revealed in toto, and there is nothing to be added to it. Not even a prophet claiming to speak in the name of heaven (and offering signs and miracles to verify his claim) can introduce any changes or innovations to the Torah revealed to Moses! (Maimonides, Yessodei HaTorah 9:1).

b) The seemingly 'human element' of the decision-making process, as manifest in voting and following majority rule, is not one of arbitrary democracy, but restricted to the perimeter of clearly defined Halachah (see above, note 30).

For a comprehensive discussion of these principles, see the fully annotated articles in Encyclopedia Talmudit, vol. V, s.v. Bat Kol p. 1-4); and vol. IX, s.v. Halachah (p.241 ff.)

6. IF 'REFORM' AND 'CONSERVATIVE' IDEOLOGIES ARE NON-KOSHER, AND IN CONFLICT OR DEFIANCE OF HALACHAH, DOES THAT NOT MEAN THAT NEITHER THEIR RABBIS NOR THEIR FOLLOWERS ARE REALLY JEWS?

Absolutely not! We cannot and must not confuse people and their ideas or practices.

Anyone born of a Jewish mother is a legitimate Jew. And so is anyone who has converted to Judaism according to the requirements of the universal Halachah. There is a fundamental principle that a Jew, even if he is a sinner, remains a Jew (Sanhedrin 44a)!

All those born Jewish - though they may be members of a 'reform temple' or 'conservative congregation,' or their spiritual leaders, or unaffiliated, self-professed agnostics, atheists, or secularists - are and remain Jews.

The only ones outside this status of Jewishness are those who did not convert or underwent a non-halachic conversion. Their affiliation and membership in whatever congregation or organization is irrelevant, and so is their sincere commitment to Jewish values and causes.

These illegitimate 'converts' may think, feel, and act Jewish to the very core of their being, in every conceivable way. They may be (and often are) the finest, most sincere people, with genuine religious sensibilities. That will still not change the fact that they remain non-Jews for as long as they fail to undergo a conversion conforming to the dictates of Halachah.

As stated earlier: to join the Jewish people, to acquire Jewish 'citizenship,' is an act that involves two parties, i.e., the would-be member and the existing membership. The existing membership can accept new members only in conformance with the organizational constitution, i.e., the Torah.

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To repeat once again: Religion in general, and Judaism in particular, is not a democratic organization where the majority rules. The Almighty Himself, and only He, makes the final decision. The Almighty's Will is expressed in the halachic tradition, and It alone has the power to approve or veto any actions involving the faith-community that would stand in a relationship with God. That Divine approval or veto is expressed in the Divine revelation, in the Torah (the Written Torah and the Oral Torah).

We are a people, a nation, a faith-community, only because of the Torah. Torah is the exclusive standard that can and does bind all Jews together. And Torah has set down the rules for what can be called a legitimate Jew and legitimate conversion.

7. HOW, THEN, IS ONE TO RELATE TO THE 'NON-ORTHODOX'?

This question is like asking how one is to relate to a son or daughter, a brother or sister, who have chosen a non normative way of life. Try as you like, you cannot renounce your relationship! They remain your son and daughter, brother or sister, your very own flesh and blood, regardless what they do or say!

The Torah decrees that we remain bound to love them, bound to help and assist them materially and spiritually.

With very few specific exceptions, this relates to all sinners as to saints. The Talmud puts it ever so succinctly:

When you hold a knife and cut yourself, you do not avenge yourself by cutting off the hand which held the offending knife. 'Let sins be consumed, and not sinners!'

Let it be stated loud and clear and unequivocally: There are no such things or people as 'Orthodox Jews,' 'Reform Jews,' 'Conservative Jews,' or 'Secular Jews!' All are simply JEWS, unqualified in any sense! Either you are Jewish, or you are not. There is no middle ground.

One can distinguish between more and less observant Jews. But all are, and remain Jews. "Even the emptiest among you are full of mitzvot like a pomegranate, (Berachot 57a) and are beloved unto God "like Jacob and his sons" (Rashi, Song of Songs 4:1).

As horrible, outrageous and distasteful, as the analogy may be, nonetheless, just as there was no distinction in Jewish identity between different types of Jews for the Crusaders, the Inquisition, and the Nazi gas-chambers, so there is none in the reality of Halachah and Jewish life.

To be sure, we must condemn wrong and misleading ideologies and practices. But simultaneously we must be of the disciples of Aaron the High Priest: "Loving peace and pursuing peace, loving our fellow-creatures and bringing them near to the Torah"! [39]

NOTES ON PART TWO, CHAPTER SEVEN:

39. For a full discussion of this subject see J. I. Schochet, 'Ahavat Israel,' *Di Yiddishe Heim* VIII:3 et seq. (nos. 30-33; 1967-8); and idem., 'Let Sins Be Consumed And Not Sinners,' *Tradition* XVI:4, Summer 1977.

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BIBLIOGRAPHY

For those interested in pursuing and studying the issue of WHO IS A JEW, in terms of

- a) the traditional sources of the Halachah on conversion and Jewish identity;
- b) the Halachic discussions and rulings on conversion and Jewish identity in the codes, commentaries and responsa-literature throughout the ages to our very own days; and
- c) the historical and legal implications of the WHO IS A JEW issue in the State of Israel and how it affects all of world-Jewry;

We offer the following bibliographical notes for all relevant materials:

I. Major Halachic sources about conversion:

1. The basic conditions, sine qua non, are (a) acceptance of the totality of the teachings and obligations of the Torah; (b) circumcision (for males); and (c) immersion in a mikveh:

Talmud, Bechorot 30b; Kerikot 9a; Yevamot 46a-b; Maimonides, Issurei Bi'ah 12:17 and ch. 13-14; Shulchan Aruch, Yoreh De'ah, ch. 268.

2. Conversion requires a Bet Din (Rabbinic tribunal) of three men competent and fit to act as dayanim (judges):

Yevamot 46b-47b; Kidushin 62b; Maimonides, Issurei Bi'ah 14:6; Shulchan Aruch, Yoreh De'ah 268:3-4.

3. Order of procedure in conversion:

Yevamot 47a-b; Maimonides, Issurei Bi'ah ch. 14; Shulchan Aruch, Yoreh De'ah, ch. 268.

4. Matrilineal lineage exclusively, and not patrilineal line age, determines the religious status of offspring:

Yevamot 17a and 23a; (Rashi on Deuteronomy 7:4); Maimonides, Issurei Bi'ah 12:7, and *ibid.*, 15:3-4 and 6; Shulchan Aruch, Even Ha'ezer 4:5 and 19.

5. Competence and fitness to serve on a tribunal for conversion, and those who are disqualified:

Nidah 49b; Maimonides, Sanhedrin 2:7, and Edut ch. 10-12; Shulchan Aruch, Choshen Mishpat 7:8, and *ibid.* ch. 8 and 34. CL also Torah Shebe'al Peh -XIII (Proceedings of the 13th annual symposium), Mossad Harav Kuk: Jerusalem 1971 (annotated transcripts of lectures on most general and modern issues relating to conversion in Jewish law); and also Torah Shebe'al Peh - XX, Jerusalem 1979 (lectures on authority and legitimacy of dayanim (rabbinical judges) and batei din (religious courts)).

II. English material dealing with the Halachic sources and rulings on, most questions relating to conversion (including modern issues and questions):

1. J. David Bleich, "The Conversion Crisis: A Halakhic Analysis," Tradition, Spring 1971.
2. *Idem.*, Contemporary Halakhic Problems, vol. I, Ktav: New York 1977, ch. XIII; and vol.11, Ktav: New York 1983, pp.103-107.

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3. Aaron Lubling, "Conversion in Jewish Law," *Journal of Halacha and Contemporary Society*, no. IX, Spring 1985.

III. Many of the sources cited in the references given above, and a comprehensive analysis of the issue of WHO IS A JEW, are to be found in:

1. Avner H. Shaki, *Mihu Yehudi Bedinei Medinat Yisrael*, 2 volumes, Publications of the Faculty of Law, University of Tel Aviv, no. 16; Machon Lecheker Hamishpachah: Tel Aviv 1977. (This is the most comprehensive work on the subject, and has rightfully achieved status as an indispensable classic for anyone seriously interested in, and concerned about, this issue.)
2. Avraham Korman, *Yehudi: Mi-hu U'ma-hu*, 3rd ed., Safriyati: Tel Aviv 1979. (This too is a very comprehensive work, with the principal emphasis on the Halachic and historical aspects.)
3. Litvin-Hoenig, *Jewish Identity*, Feldheim: New York 1965. (This valuable text contains the correspondence between PM David Ben-Gurion and the "fifty sages (sic) from all ranks and ideologies," when the question of WHO IS A JEW first became a controversial issue in Israel in 1958. Note that the overwhelming majority of the respondents, including the 'non-orthodox and secular sages,' urged acceptance of the universal Halachic criteria!)
4. Norman Lamm, "Who Is A Jew?," *Jewish Life*, May-June 1970. (An outstanding essay by a leading scholar and thinker, as timely today as when first written.)
5. Nissim Rejwan, "Who Is A Jew: Two Famous Non Questions Answered," *Midstream*, August-September 1985. (A penetrating essay, from a non-religious perspective, by a noted political journalist.)

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APPENDIX

- Norman Lamm, WHO IS A JEW: The Supreme Court and the Supreme Judge
- Nissim Rejwan, Who; a Jew: Two Famous Non-Questions Answered
- J. David Bleich, The Proposal for a "Neutral" Beis Din

WHO IS A JEW? [1] The Supreme Court and The Supreme Judge by NORMAN LAMM

One of the grand old men of Hebrew letters in Israel, Eliezer Steinman, has written, "Who is a Jew? One who doesn't ask, 'Who is a Jew?'"

The very raising of the question in our day is a troubling phenomenon. It means that our very identity, our Jewishness, has become problematical. It indicates that all of Jewish continuity has been brought under a question mark.

This issue has plagued the State almost since its very inception. Actually, the groundwork for it was laid in the Emancipation, at the end of the 18th century, when the Haskalah bequeathed to posterity one of its less luminous teachings, that one ought to be a "Jew" indoors and a "man" outside. This obfuscation of Jewish identity has now returned to monopolize public attention and stir controversy both in Israel and in the Diaspora.

The problem does not concern Israeli citizenship. A political state comprises many different ethnic, racial and religious groups. Even in ancient Israel, a non-Jew (ger toshav) was accepted as a citizen. What is at issue is Jewish nationality. Here the Halachah is quite clear: [2] a Jew is one born to a Jewish mother (regardless of his commitments or conduct) or properly converted to Judaism (in which case the conversion must be performed in a prescribed manner, and the convert must be genuinely committed to Torah). The Jewish tradition recognizes no other yardstick for entering Jewish peoplehood. Hence, any decision by the State concerning nationality (as opposed to citizenship) is of immediate importance to Jews the world over - as significant to the ten million Jews in the Diaspora as to the two million in the State.

II

In the most recent incident, the Supreme Court decided in the Shalit case to jettison the traditional criterion of Jewishness. A minority of four judges reaffirmed the Halachic standard, and in effect declared that there is no separation between nationality and religion; a Jew must fit into both categories or none. A majority of judges, five of them, decided to distinguish between nationality and religion, and permit a man to adopt Jewish nationality by simple declaration of intent, even if the Jewish religion does not regard him as Jewish. They preferred the subjective criterion (Do I love Israel? Have I sacrificed for the Jewish people?) to the objective Halachic rule (birth to a Jewish mother or conversion).

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The majority pointed to certain absurdities if the halachic standard were to be accepted. For instance, a son of a Jewish mother who joins the El Fatah and is an enemy of the State of Israel is considered Jewish, whereas the children of a non-Jewish mother and a Jewish naval officer who has participated in the life of the State and sacrificed for it, are considered non-Jewish. Justice Silberg, who wrote a profound opinion as one of the minority judges, responded that the El Fatah Jew is simply a contemptible, wicked Jew, whereas the children of the petitioner in the present case are wonderful and noble Gentiles. But Jewishness, as he put it, is not an honorary doctorate that is awarded for specific achievements or accomplishments.

It should be added that every law, by its very nature, is productive of anomalies. Any law, no matter how fair and just, can be made to look ridiculous by pointing to certain exceptional cases. Such an argument may score debater's points, but it is invalid and unfair. The Torah - and this is true for law in general - covers ordinary circumstances. There will always be unusual cases in which the law will prove onerous, even as it protects and benefits the major segments of society. Maimonides devotes a whole chapter of his Guide of the Perplexed (3:34) to the problem. It is worth citing some of the passages in this chapter:

The Law does not pay attention to the isolated case. The Law was not given with a view to things that are rare. For in everything that it wishes to bring about, be it an opinion or a moral habit or a useful work, it is directed only toward the things that occur in the majority of cases and pays no attention to what happens rarely... In view of this consideration also, you will not wonder at the fact that the purpose of the Law is not perfectly achieved in every individual and that, on the contrary, it necessarily follows that there should exist individuals whom this governance of the Law does not make perfect. It is impossible that the laws be dependent on changes in the circumstances of the individuals and of the times, as is the case with regard to medical treatment, which is particularized for every individual in conformity with his present temperament. On the contrary, governance of the Law ought to be absolute and universal, including everyone, even if it is suitable only for certain individuals and not suitable for others.

Hence, it is true that in rare instances the purpose of the law seems to be ill served. But we must realize that these rare cases are the price we pay for the greater good of the entire community. The only alternative is to abandon law altogether.

Furthermore, the Halachic standard, because it is objective, is much fairer than a subjective standard, in which judges may conceivably be called upon to check whether a man really has his heart and soul with the Jewish State. The objective standard is clear and identifiable, whereas the subjective one - the adoption of Jewishness by nationality on the basis of intent and wholehearted willingness to share in the State and its destiny - is something that could pave the way to a kind of modern Inquisition.

But the majority prevailed, and the Halachic definition was abandoned. The Court was asked, "Who is a Jew?" and answered, as if with a Yiddish shrug of the shoulders, "Who isn't a Jew!" Or, as the headline in an Anglo-Jewish weekly put it more wryly, "You don't have to be Jewish to be a Jew."

However, more recently, the Knesset has voided the Supreme Court decision and has thereby, confirmed the Halachic view of Jewishness.

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It has been charged by many in Israel that the Knesset vote was a matter of the majority bowing to political pressure exerted by the religious parties in order to maintain the coalition that gives the Government its stability. That is not the whole truth, or even most of the truth. A number of non-orthodox people in Government, according to their private remarks, simply found it more expedient to blame the religious parties for exerting political pressure on them. However, if there were no religious parties they would have to vote their own consciences, according to which, despite their secularism, the State must have some historic and spiritual continuity, which can only be provided by Jewish tradition and by Halachah as regards this most basic of all questions.

III

Why speak of this issue now that the Knesset has affirmed the Halachic criterion and the problem is solved?

Because the problem is not solved, it is only delayed. First, a Court decision of this kind is a symptom of a profound national malaise that cannot be overlooked; it has a moral force that must be reckoned with. Second, coalitions change, political realignments occur, new ideas take hold, and a new Knesset may decide to uphold the Supreme Court. Third, the problem has already been reopened and precipitated a crisis. The original text suggested for the Knesset vote was that one be recognized as a Jew who is "the son of a Jewish mother or one who has been converted according to the law of the Torah." In the final reading, approved by the Knesset, the last several words were omitted, and we are left only with a statement that one is recognized as a Jew if he is born to a Jewish mother or if he is converted - with no mention of its legitimacy "according to the law of the Torah." This means that the State must now face the problem of recognizing Reform conversions as legitimate.

Needless to say, orthodox Jews do not do so. Halachah regards a Reform conversion as utterly meaningless. Perhaps the typical American, in his ecumenical euphoria, would want orthodox Jews to be more "sportsmanlike" about accepting Reform conversions. We shall then have to declare, most regretfully, our lack of sportsmanship, and say that our principles, which are not subject to change by whim or caprice or pressure, do not permit us to accept a Reform conversion as Jewishly legitimate. Orthodox rabbis in the United States now check, as a matter of course, into the third generation of both bride and groom who come to them for marriage. If we discover that a Reform conversion occurred, we know that we cannot marry this couple unless conversion takes place.

Those who may consider such a policy as overly restrictive may find interest in the following information to support our inability to accept the genuineness of a Reform conversion: according to a leading Reform figure who is an expert in the field, a large number of his Reform colleagues will preside at the intermarriage of a Jew and a non-Jew without conversion by the non-Jew, and a much larger number of other Reform men will "refer" such couples to their colleagues who do preside at such marriages. There is reputedly a list of thirty five such men in the metropolitan New York area who will officiate at a Jewish-non-Jewish wedding. In a recent article, Marshall Sklare reports a list of over 100 Reform clergymen who will officiate at interfaith marriages - and this is not nearly the total number; those uncounted include such as are already too busy to accept more such "business" and those still ashamed of being publicly identified as ready to preside at outmarriages. Sklare tells of a recent convention of the

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Reform congregations at which it was proposed to revoke all pronouncements discouraging the ecclesiastical performances of intermarriage. A resolution to that effect was introduced from the floor, "and a lively discussion ensued, from which became evident that the motion enjoyed wide support among those who were in attendance."

Hence, the problem of "who is a Jew" is still unsolved, and very much with us. It no doubt will return to vex us in the near future.

IV

Why does this issue so agitate traditional Jews? It looms large because it touches the very core of our being, the very essence of our deepest commitments. Orthodox Jews regard the Israel Supreme Court decision as calamitous religiously, historically, and Zionistically.

Religiously, it strikes at what Judaism considers the essence of the history of the people of Israel: the B'rith or Covenant between Israel and G-d. The distinctiveness of our people, that which has safeguarded its perilous journey through the ages, is its special relationship to G-d confirmed at Sinai, a Covenant of which the record is the Torah and of which the Mitzvoth are the conditions. The Covenant legitimates the inseparability of G-d and Israel or, in other words, Jewish nationality and Jewish religion. "Silence! Hear, O Israel! Today you have become the people of the Lord your G-d" (D'varim/Deuteronomy 27:9). Now, one can violate one or another of the conditions of the Covenant without being guilty of reneging on the basic relationship. But when Israel declares that it divorces nationality from religion, it denies the essence of the Covenant - the principle that this people is the people of G-d. The Supreme Court decision, therefore, represents an act of betrayal by Israel. It strikes at the heart of the Covenant - and thereby breaks the hearts of those who are loyal to it.

Historically too it is a misfortune. The State of Israel was not created ab ovo, from an egg, completely new. It is the product of centuries of hoping and praying and living and dying. For the Jewish nation today to reject the Jewish religion which gave birth to it after a 3,500-year pregnancy, is a kind of matricide - a peculiarly contemporary Jewish aberration evidenced in some of our current literature reviling the heretofore sacrosanct image of the Jewish mother.

The logic of the Supreme Court decision does not stop with according the status of "Jew" to an atheist who is not Jewish by Halachic standards. It must include even those who have religious commitments other than the Jewish. Thus, we will now have "Christian Jews," "Moslem Jews," "Hindu Jews," etc.[3] But is this the mutation that generations of Jews labored to bring forth? Six million Jews died in the Holocaust, probably a majority of them religiously observant. At least retroactively they may have had some infinitesimal consolation, that out of their agony would rise a state that would perpetuate the memory of the Jewish people. They died with an ani maamin, a song of faith - if not on their lips, then deep in their hearts - that their anguish would not be meaningless, that something enduring would come of all this. But for what? For a State which will officially consider meshumadim as Jews? It is not merely that the Supreme Court decision will encourage and accelerate the rate of assimilation of many Jews. It is more than that - it is an effort to assimilate the whole people in one stroke.

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If this decision were implemented, or ever will be, it will contribute to the cutting of the roots connecting Israel's past and Israel's present, and will reduce the State of Israel into little more than a technologically muscle-bound, spiritually unimportant little democracy on the shores of the Mediterranean, and one which, in addition, will appear to aid and abet our enemies' charges that Israel is an outpost of Western cultural imperialism in the Arab world. So that historically too, the repute between nationality and religion is an act of betrayal or at least of ingratitude.

ZIONISTICALLY, such a decision is totally self-defeating. Our rights to Eretz Israel are grounded in the Abrahamic Covenant. In 1947 and 1948, Zionist leaders who presented our case to the United Nations maintained that the origin and sanction of our claims are contained in the Bible and in the subsequent history in which Jewish religion impelled us to return to the Jewish homeland. Recently the World Jewish Congress officials met with representatives of the World Council of Churches because the former were troubled by the Christian contention that the Bible is being misused to support Jewish views. "It was feared that this could be interpreted as challenging the Jewish view that the Bible justifies the claim to Israel as a homeland" (New York Times, February 14, 1970). Without Jewish religion, there is no Jewish nationality, and there is no Jewish "national homeland."

Truthfully, not all critics of the State of Israel are malevolent and antisemitic. Some of them, although assuredly not all of them or even most of them, genuinely try to see the conflict in which we are embroiled in an objective manner. And, from an impersonal and objective point of view, it is possible to conclude that Israel's case is not as air-tight as we have imagined, and the Arabs may have some merit in their contentions. It is only in the context of the Divine promise, of the Covenant, that we have inalienable and unalterable rights to the Holy Land. Once we have cut ourselves off from that Covenant, the whole foundation of our case collapse, and we are in danger of appearing as hyper-efficient outsiders who have unjustly exploited what we ourselves consider as nothing more than an ancient myth in order to usurp the land of others. It is the Covenant which says, above all else, that this people and G-d are intertwined with each other. And it is only that Covenant which assigns the land of Canaan to the people of Israel.

Rashi begins his commentary to Bereshith/Genesis with the following: Why does the Torah begin with a record of the Divine creation of the world? "So that if the nations of the world will say to Israel, 'You are thieves, for you conquered the lands of the seven nations (who occupied Canaan from antiquity),' you will be able to answer, 'All the world belongs to the Holy One. He created it, and He gave it to whom He pleased. He willed to give it to them, and He willed to take it from them and give it to us.'"

We cannot be eclectic and accept the Covenant only for political purposes and reject it for all other reasons. It is important to remember that were the relationship between nationality and religion severed at any point in the past, there would be today no State of Israel, and no Israel naval officers - and no Israel Supreme Court.

That is why religious Jews feel impelled to react vigorously. The State of Israel is too dear to us to accept without protest this grievous decision which can only exacerbate (as it has already begun to do) the deep divisions within Israel's citizenry and which threatens to alienate from Israel many of the Jews of the Diaspora, who are probably five times as numerous as those within the borders of the State.

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Committed religious Jews, inside of Israel and outside, will continue using the Halachic criterion exclusively, no matter what any Supreme Court says. Religious principle is not subject to majority vote. Even if the Knesset had not overruled the Supreme Court, that ruling would have no effect on us in our daily lives. We shall continue to look upon Jewishness as legitimated only by the Halachah.

What shall determine our conduct is not the decision of those whom the world regards as the Supreme Court of Israel, but the One whom Israel regards as the Supreme Judge of the world.

NOTES:

- 1) The following is part of an article by Rabbi Dr. Norman Lamm, President of Yeshivah University, reprinted with permission from JEWISH LIFE, May-June 1970.
- 2) The principle is so well-known that it requires no documentation. For general references, see Kiddushin 66b; Maimonides, Huchot Issurey Biah 15:4; sh. A. Even Ha~ezer 8:5. See, too, Ezra 10:2,3.
- 3) See the critique of the 1963 Israel Supreme Court decision in the famous Rufeisen case, by Dr. Avner Shaki in his monograph 'Mihu Yehudi, published by the Geshet Foundation, 1970. Shaki argues convincingly that the majority decisions in both cases are inconsistent with each other.

Who is a Jew? Two Famous Non-Questions Answered [1] by NISSIM REJWAN

At the end of a noisy and highly recriminatory debate on January 17 the Knesset decided, 62 to 51, to reject a proposed amendment to the Law of Return stipulating that conversion to Judaism be performed "according to Halakhah." The amendment, which was supported by all the religious parties and 32 out of the Likud's 38 M.K.'s, was presented by Abner Shaki of the National Religious Party, who said its aim was to prevent "paper conversions, fictitious conversions, conversions that distort the time-honored concept of giyur [the Hebrew term used for conversion to Judaism]." Shaki further argued that the objective of the proposed amendment was to ensure the unity and integrity of the Jewish people, which he said could be achieved if there were only one entrance gate to Judaism.

There was nothing either new or original in this line of argument, which the religious parties have been using ever since their repeated attempts started to add the qualifying phrase "according to Halakhah" to the definition of a convert entitled to emigrate to Israel in accordance with the Law of Return. Nor was there anything new in the arguments advanced by opponents of the amendment - with the possible exception of one passage in the government's reply, which was delivered by Prime Minister Shimon Peres. Pointing out that the government was not a religious authority, and that it cannot discuss a problem that is "more in the realm of Torah than in the realm of government," Peres went on to assert that the Law of Return was a Zionist law, not a religious one, and that as such it has no implications with respect to matters of personal status nor did it weaken the authority of the rabbinical courts.

The gist of Peres's argument was, of course, only a rehash of the argument advanced by the Supreme Court back in the Fifties in the famous case of Oswald Rufeisen, better known as Brother Daniel, who pleaded to the court that though a convert to Catholicism he was Halakhically still a Jew and entitled to Israeli citizenship according to the Law of Return.

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After a good deal of deliberation and not a little embarrassment, the court decided to deny Brother Daniel's plea - but it did so on the grounds of the understanding of Jewishness embodied in the Law of Return, which was a secular law, admitting, however, that according to Jewish religious law (Halakhah) Rufeisen was still a Jew. Peres's argument, which in reality amounted to saying that the Law of Return was a secular rather than a Jewish law, was taken up with alacrity by Shulamit Aloni of the Citizen's Rights List, who argued that the Law of Return, which was a Zionist law "aimed at furthering the ingathering of the exiles," must not only remain as it is today but ought to be amended to include a definition of a Jew as "anyone who declares in good faith that he is Jewish and has tied his fate to that of the Jewish people, and who has one Jewish parent."

Peres and Aloni, of course, were perfectly right in arguing that the Law of Return was a secular (Zionist) law while the question as to who is a Jew and how conversions to Judaism ought to be performed was more in the realm of Halakhah than in the realm of government. What they both omitted to mention was that in Israel there is no separation of synagogue and state, and that as long as this situation prevails the definition of a Jew and the way in which a non-Jew can be converted to Judaism must remain in the realm of Halakhah and cannot be decided by what is admittedly a secular legislation. Opponents to the amendments proposed by the Orthodox parties to the Law of Return cannot have their cake and eat it at the same time. As long as the rabbinical courts are allowed to decide on matters of personal status, and as long as these courts have to do this according to Jewish religious law, the government and its secular law cannot impose on them what is essentially a secular definition of a Jew or of a convert to Judaism.

In the light of this, indeed, the question as to who is a Jew, and its twin, who is a convert to Judaism, are two non questions that have somehow been allowed to exercise the minds of otherwise sensible men and women for far too long. As everyone knows by now, a Jew is a person born to a Jewish mother or converted to Judaism. Implicit in this definition, of course, is the conclusive answer to our second question: a convert to Judaism - exactly like a convert to any other religion - is one who has been lawfully received into the new faith. Since, however, every human group or association, every ideology, religion, party, or club has its own set of rules for admitting members into its rank, it stands to reason that a person seeking admittance must conform to the rules of the group, ideology, or religion to which he or she wants to be admitted.

If, however, the answers to these two questions are so simple as to render them non-questions, why has so much fuss been made about them? Why have so many coalition governments in Israel fallen, so much energy been expended, such a great deal of Menachem Begin's and Shimon Peres's time wasted trying to answer them? The answer to this question is to be sought neither in a correct definition of the word "Jew" nor in the methods used to convert non-Jews to Judaism. The question to ask, briefly, is why suddenly there is such a great need to ask these questions in the first place. In other words, why do people, no matter in what numbers, want to convert to Judaism, and what are the circumstances leading to and necessitating these conversions?

Interestingly enough, the rabbis were quite alert to such potential difficulties and queries when they laid down the rules for conversion. Two points are worth elaborating in this connection.

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The Talmud relates how a non-Jew who seeks full conversion to Judaism is discouraged. He is told: "What do you see in Judaism? Be aware that Judaism imposes many restrictions that do not apply to the righteous non-Jew. Now you are not liable to observe them; the moment you convert, you will be (so) liable. And aren't you aware that Jews today suffer persecution and discrimination, and the moment you embrace Judaism you subject yourself to the ignominious lot of the Jews?" (Yebamot 47a)

Anticipating another kind of difficulty, Maimonides - a liberal enough sage and rabbi especially where gerim and converts are concerned - lays it down in the Mishne Torah that a non-Jew applying for conversion to Judaism is automatically disqualified if his or her motives for conversion should be found to fall within any of the following three categories: material gain, a desire for position and influence, and fear. It is only after making sure that the candidate has none of these three motives that he or she is confronted with the "warning" quoted above - and it is only after he or she has become aware of the said pitfalls that the various rites required are performed to bring the person in question "into the Covenant of our Father Abraham." (Hilkhos Issurai Biah, 13-14)

Clearly, a non-Jew who fulfills these conditions, accepts the burdens and disadvantages cited as implicit in being a Jew, and goes through the process of instruction and the related rites of circumcision and ritual immersion, can safely be said to have sought conversion out of conviction rather than for personal convenience of one kind or another.

It goes without saying, therefore, that a non-Jew cannot and should not be converted to some sort of dissenting, revisionist; or in some other way diluted version of Judaism - Conservative, Reform, secular, national, or atheistic (if such a term has any validity).

To be sure, the Law of Return as it stands today and as it will remain even should the Orthodox bloc manage to get enough votes in the Knesset for its proposed amendment, grants all Jews the right of return no matter what the state of their religious belief is and irrespective of whether they are Orthodox, Conservative, or Reform Jews. At first glance, therefore, the argument currently advanced by Conservative and Reform rabbis in the United States, namely that they ought to be allowed to make Halakhic conversions on their own terms, seems reasonable.

The argument, however, does not withstand closer scrutiny. The point here - indeed the crux of the matter and the reason I believe Orthodox objections are valid and logical - is that being a conservative, reform, secular, atheistic, or even "pagan" Jew are privileges open only to a person who was either born to a Jewish mother or became a Jew after having been converted according to Halakhah as defined and codified in the Jewish sources. The situation is reminiscent of a story by the American Jewish writer Abraham Cahan. The story concerns an Italian barber in New York who falls in love with a Jewish girl on Broome Street. The barber wants to marry the girl but her mother will not hear of it. Finally, the mother says that they can be married if the barber converts to Judaism. She makes him learn Hebrew and pray every morning with a yarmulke on his head. The couple lives with the mother-in-law and the barber doesn't get breakfast until he prays. But that isn't all. The bride has a brother named Joe, and Joe doesn't pray before getting breakfast. After a while, the barber asks his mother-in-law, "Why doesn't Joe have to pray before breakfast?" The matron's answer

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is as prompt as it is simple: "He is a Jew," she retorts. "I know he's a Jew. You've got to prove it!"

What the New York mother was saying is remarkably relevant to this discussion. A Jew remains a Jew even if he sins - or becomes an atheist, or even if he converts to another religion. But the demand now being made that ultimately non-Halakhic conversion should be accepted by the Orthodox - or, worse still, that one can be converted to anything but Judaism as it has been known and defined through the ages - is unjustified both on religious and on logical grounds. It is like applying for membership in a faith, a party, or a club, while declaring one's basic disagreement with its teachings, program rules, and even its conditions for membership.

For these reasons, and others we cannot go into here, it is clear that in this day and age only very few non-Jews would seek genuine bona fide conversion to Judaism - and my understanding is that they will always be welcomed by the Orthodox. Equally clearly, these persons will perforce choose to be Orthodox or perhaps ultra-Orthodox Jews and would feel at home only in these circles.

Yet the root of the current controversy in Israel on this subject is that most, if not all, of those non-Jews who have sought and managed to convert to the Jewish faith in recent years have done so not out of conviction but for personal convenience of some kind. In other words, according to the strict rules set by the rabbis for conversion they should have been precluded a priori from joining the Jewish ranks.

Now in the Diaspora these problems do not arise. A Gentile girl, say, who wants to marry a Jewish boy can either ignore the matter altogether or seek and easily receive conversion by a Reform or Conservative rabbi. In the case of a Jewish girl choosing to marry a Gentile, the difficulty does not have to be faced even should the couple want to raise their children as Jews or want them to be eligible for Israeli citizenship according to the Law of Return, since Halakhically these children are born Jews regardless of the father's religious allegiances.

Such difficulties do arise, however, when a mixed marriage couple decide to come to Israel as immigrants and demand to be registered with their children as Jews and to be treated as such by the rabbinical courts. There are also other cases. A friend of mine opposes Halakhic conversions because she does not want a Gentile volunteer, working and well-settled in a kibbutz, to be penalized simply because he isn't a Jew, and that therefore such a person should be allowed to become a Jew the easiest possible way - so that he or she can qualify for the privileges bestowed on Jewish newcomers by the Law of Return.

This attitude, remarkably similar as it is to that expounded by Shulamit Aloni, is of course tantamount to saying that Judaism and its laws as we have known them for close on two millennia, as well as Jewish rituals and practices, should be revised and adapted to the provisions of the Law of Return - a secular law promulgated to serve strictly secular ends. This of course cannot be accepted either by the Orthodox or by those of us who respect and accept a religion's definition of itself and the rules it sets for admitting strangers. I myself find it difficult to believe that no Israeli political party opinion leader, or public figure of standing - not even among those engaged in the fight for civil and human rights - has ever seen fit to decry this state of affairs, which in the final analysis amounts to anti-religious coercion.

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It is not often that I find myself in agreement with the religious leadership in Israel, but I am afraid that in this particular case the spokesmen for Orthodoxy are right in calling for a revision of the Law of Return in order for conversion to Judaism to be acceptable only if it is performed in accordance with the Halakhah. After all, Orthodox Jews - like anyone else - ought not to be forced to accept what is religiously unacceptable.

NOTES:

1) The following is an article by Nissim Rejwan, an Israeli journalist, author of *Nasserist Ideology*, reprinted with permission from *MID STREAM*, August-September 1985.

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The Proposal for a "Neutral" Beis Din [1] by J. DAVID BLEICH

The high incidence of intermarriage which has reached epidemic proportions is deplored by all concerned Jews. Many, particularly among the non-Orthodox, actively encourage conversion of the non-Jewish partner as a means of preserving the Jewish identity of the family. In Israel, the reluctance of the rabbinate to recognize many conversions performed abroad has generated much ill-will. The insistence of the religious parties upon an amendment to the Law of Return to provide for recognition only of those conversions which are carried out "in accordance with Halachah" carries with it the threat of a political crisis. This ongoing controversy is frequently shrouded in a lack of understanding, and, at times, magnified by a deliberate distortion of the motives and concerns of Orthodox Jewry.

Halachah does not in any way view conversion of a non-Jewish marriage partner as a palliative for the problem of intermarriage. Quite to the contrary, the performance of an inefficacious conversion ceremony results in erroneous acceptance of the non-Jew as a bona fide convert by the uninformed. The result is both personal anguish and a diminution of the kedushah of the Community of Israel.

Conversion can never be sanctioned in the absence either of ideological sincerity or of unreserved acceptance of the "yoke of the commandments." Thus no candidate may be accepted for conversion in the absence of a firm commitment to *shmiras ha-mitzvos*. Sincerity of purpose in face of obvious ulterior motivation can be determined only by a competent Beis Din on a case-by-case basis.

Moreover, Halachah recognizes the validity of a conversion only if performed in the presence of a qualified Beis Din. The qualifications for serving on a Beis Din are carefully spelled out by Halachah. Conversion, even when accompanied by circumcision, immersion in a mikveh as well as acceptance of the "yoke of the commandments," is null and void unless performed in the presence of a qualified Beis Din.

The current controversy with regard to Israel's Law of Return and the call for amending this statute in a manner that would recognize as Jews only those converts who have converted "according to Halachah" have given rise to a particularly vexing problem. A number of proposals have been advanced in an attempt to satisfy the desires and aspirations of the Conservative and Reform movements without doing violence to the principles of the Orthodox. The crux of these proposals is that all conversions be recognized as valid, regardless of the auspices under which performed, provided that halachic requirements of immersion and circumcision are properly carried out. Conservative and Reform groups would undertake scrupulously to adhere to these halachic requirements.

Alas, such proposals, well-meaning as they may be, are unacceptable because they ignore one crucial factor: conversion to Judaism is valid only if performed in the presence of a qualified Beis Din. There is, to be sure, a definite danger that a forthright delineation of why it is that conversions performed under non-Orthodox auspices cannot be recognized may be misunderstood. But, on the other hand, stony silence gives credence to those who insist that our failure to welcome an accommodation in this area is prompted by unworthy interests. Of such dilemmas one can but agonize, "Woe unto me if I speak; woe unto me if I do not speak." Brotherhood and harmony are very much part of the American tradition. No one wishes to exacerbate the rift

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which exists between Orthodox Jews and our "separated brethren." No one wishes to create a schism even greater than that which already exists. Most assuredly, refusal to recognize conversions performed by non-Orthodox clergymen is not born of selfish desire to protect vested interests. It is not even rooted in a quarrel over who has the power to interpret Halachah, as some Conservative spokesmen have charged.

In our country - as in most - a judge cannot sit on the bench without first being sworn to uphold the laws of the land. In the absence of such a commitment his judicial decisions are legally meaningless - regardless of whether or not they reflect the law correctly. Jewish law does not require an oath - other than the one sworn by each of us at Mount Sinai - but it does state clear requirements for holding judicial office. One need not necessarily be an ordained rabbi in order to serve on a Beis Din for purposes of accepting a convert, but one must be committed to the acceptance of Torah - both the Written and Oral Law - in its entirety. One who refuses to accept the divinity and binding authority of even the most minor detail of Halachah is, ipso facto, disqualified. Long before the Law of Return became a controversial issue, it was the stated opinion of halachic authorities that ideological adherents of Reform and Conservatism fall into this category. One of the foremost rabbinic scholars of our generation, R. Moshe Feinstein, has written in at least four different responsa which appear in his *Iggros Moshe* that all who identify themselves as non-Orthodox clergy must be considered to be in this category.

There is nothing in this position which should be a cause for animus directed against the Orthodox rabbinate. The Orthodox posture on this matter is based upon objective criteria of Jewish law and in no way reflects political, partisan, or personal considerations. Those who differ ideologically may disagree, and even deplore, this position; but intellectual honesty should compel them to recognize that it is a sincerely held view which is the product of a firm commitment to Halachah in all its guises. Nor should this position on the part of the Orthodox preclude cooperative activities in areas which do not involve ideological conflict.

The desire for harmonious relationships and the love of one's fellow Jews are not the exclusive prerogative of the non-Orthodox. Yet, no amount of love and good feeling can justify the compromise of Halachah. This is a matter over which we have no authority. Difficult problems do not always admit of facile solutions; compromise is not always a viable option. Halachah is simply not amenable to quid pro quo accommodations. The result may perhaps be painful at times, but is, alas, unavoidable.

It is most unfortunate that this position must be enunciated at a time of growing rapprochement, at a time when significant sectors within the Reform movement are showing an ever increasing awareness of the vital role of law and ritual in Jewish life. It would be most distressing if misunderstandings with regard to the issue of conversion were to become a factor in slowing this trend. The stirrings of change within the Reform movement are sincerely welcomed. We pray for the day when the return will be complete both in practice and belief, for the day when the schism which divides us will be breached and we shall all be united in the service of G-d. Then, shall we be enabled to sit together on a common Beis Din in true unity.

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ADDENDUM

We would like to add the following to Rabbi Bleich's incisive analysis:

The "Central Conference of American Rabbis (Reform)," at its 98th annual convention in May 1987, adopted a resolution "to explore possibilities for a North American Beit Din made up of rabbis from all Jewish religious movements to oversee conversion and divorce." In the preceding discussion, R. A. Soloff spoke against the proposal.

He quoted Walter Jacob, chairman of the CCAR Standing Committee on Responsa: "We have looked at Halacha in a different and, we believe, more creative way than other Jewish groups. We have not looked to the Orthodox for approval; rather, our responsa and the guides which we have written have linked the past to the present and sought to make Halacha meaningful to new generations."

Soloff comments cogently:

"Now in all honesty, this is not what rabbis of the Orthodox, or even the Conservative movements, have in mind when they use the term Halacha. We are all aware of the sharp divisions within our own Conference over various responsa regarding marriage. Would we want a Beit Din of the CCAR to decide Reform Halacha on these issues? This is the prior question, I submit, before we enter discussions with other movements.

"I urge the defeat of the 'Proposal for a National Beit Din' because we have not settled among ourselves what we want or what we are willing to give, regarding Halacha. The CCAR, which refuses to consider enforcing ritual requirements on our own members when they perform wedding ceremonies, is not ready to enter into discussions with other Jewish religious movements to explore possibilities for a North American Beit Din." [2]

All and any calls for a "national" or "neutral" Beit Din, therefore, regardless of who proposes or supports such, are clearly no more than smokescreens, deceptive exercises in futility which are a priori doomed to failure.

NOTES:

- 1) The following is an article by Rabbi Dr. J. David Bleich, Rosh Yeshivah and Professor at Yeshivah University, reprinted with permission from JEWISH LIFE, Fall-Winter 1977-8.
- 2) CCAR-Yearbook, volume XCVII, Tarpon Springs, Florida 1987, p.99.

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ADDENDUM

Menachem Begin, Who is a Jew?

J. Immanuel Schochet, Who is a Jew?

J. Immanuel Schochet, 'Who is a Jew': Facts and Fictions

WHO IS A JEW? [1] by MENACHEM BEGIN

In the discussion today, certain people would like to suggest that the time has come to change the status quo.

What exactly is meant by that?

We are speaking about passing a law which purports to separate Jewish nationality from Jewish religion.

(By the way, the term status quo is a Latin one, and more correctly it is not just status quo, but status quo ante, or status quo post.)

The status quo ante is the history of the Jewish people: a history that existed before there was a State of Israel, before there was a movement called Zionism; before there was a Socialism; before the Communist Manifesto; before the political concepts of right and left; before the Inquisition; before the tests by blood and fire that our people have undergone.

Can this be changed?

How can we logically imagine that by a bill we can change the status quo ante of the Jewish people?

On the other hand, to oppose this bill - to oppose this so-called 'change of the status quo' - is to affirm the continuity of the Jewish people, from the day it appeared on the historical arena until now.

To oppose this bill means that in fact there is no separation between nationality and religion, nor can there be.

And this is my personal view, that from the standpoint of religion or nationality, the question of "Who is a Jew?" is and will be determined only by Halacha - Jewish Law.

The War on Halacha:

Some people get very upset when they hear the word "Halacha." They shout, "This is reactionary! These people rebel against enlightenment! They are the carriers of darkness! They cannot be counted among progressive and modern thinkers!"

Sorry. I am neither shaken nor horrified. I only wonder, why are you so against Halacha? Why do you attack it? Why do you belittle it? Is not our whole civil life built up around Halacha? Is it not Halacha which has enabled us to survive all those trials by blood, fire, expulsions, and wanderings?

Yet these "progressive thinkers" spew out their obscenities against Halacha, and claim that it is racist, that it reminds them of Nazism. Woe to our ears that must hear this!

In these days, Jews slander Jews and call them Nazis!

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Our mortal enemies attack us that way. They say the liberation of our Land of Israel, is a "Nazi conquest." They who signed treaties with the Nazis, they who initiated events that unleashed all bounds of evil and led to World War II, now call us that ugly name!

And here, in our own country, our very brothers come and cast this same sort of insult against our people forever - that the Halacha reminds them of Nazism!

What do these "progressive thinkers" want? That our children should feel ashamed because their parents were born Jews? Do they want us to flee from the heritage of our fathers? Do they imagine that this will make them respectable people, and then no one will call them Nazis and racists?

Have we come here to feel ashamed of our Jewishness and our forefathers, or in order to continue their heritage?

Indeed, how do they claim that the Jewish Halacha which has been in existence for thousands of years is racist! Since the days of the blood libels cast upon our people, there has been no lie more terrifying than this one which we Jews have ourselves originated.

"The Ger" in Halacha:

Racism is vicious. Racism is cruel. Racism hates foreigners and proselytes. Halacha is just the reverse.

The concept of the "ger" has two meanings, the stranger and the convert. Concerning the stranger, the Halacha says:

"He dispenses justice to the orphan and widow, and loves the stranger giving him bread and dress.... Thou shalt love the stranger because you were strangers in the land of Egypt... And thou shalt not torment nor oppress the stranger, because you were strangers in the land of Egypt."

Every time we refer to the stranger, the order is repeated, "because you were strangers in the land of Egypt." Where can you find a more sublime anti-racist tradition?

The second meaning of the word "ger" is the convert. The Halacha says:

"If he is the son of converts, he must not be told: 'We remember the deeds of your parents.' If he is a convert and has come to study Torah, he must not be reminded of his past, or humiliated, for he has come to study the Torah which was given by the Almighty."

And the progressive thinkers would ridicule this! The Torah is profoundly anti-racist. Halacha rebuffs any person who reminds the stranger of his origin. Halacha greets the proselyte with love, with charity, with compassion, and with sincerity. And they call the Halacha racist!

Intermarriage and Racism:

True. The Halacha prohibits intermarriage between Jews and non-Jews. Is this racist?

If so, perhaps our Hebrew language is also racist. Why are we clinging to the ancient tongue? It was already forgotten in the course of the ages; but then we said, No. We shall speak Hebrew.

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And is our cleaving to the Land also racist? Yet for centuries, in the Diaspora, we have prayed for rains here in our Land, even though we were thousands of miles away, and could derive no benefit from our prayers.

So now, a "progressive thinker" stands up at this rostrum and tells us, "The time has come for a new proposal, for a change in the order."

I challenge him. Let him lock himself up in a room and ask himself honestly: "Would our people exist today if it were not for that prohibition against intermarriage? Would we not have disappeared along with other, more powerful peoples, who vanished without a trace?"

Perhaps only a memory of our people would have remained. The few facing the many - it was necessary to protect the few! Had mixed marriages been permitted, not a sole survivor would have been left!

Imagine. Our people is one of the oldest on earth. Its thread of continuity has not been broken even for one day in thousands of years. We ought to be 200 to 250 million souls! Why have only 13 million of us survived? There are two reasons: slaughter and assimilation. Who knows if assimilation did not take what slaughter spared; certainly millions in each generation. Were it not for the prohibition, we would surely have disappeared long ago.

Why Exist?

Yet some would even argue, "Why does the Jewish people have to go on existing?"

We Jews and Zionists have not accepted their argument. We do not accept the theory of disappearance. We ask for no justification to exist. We do not ask that our right to exist be recognized by the word of a king, a general, a ruler, or a government. We exist. We have the right to exist, and we shall continue to exist. We do not propose to step down from the stage of history. We do not want to assimilate. We do have something to contribute to ourselves and to all mankind. This is the essence of Judaism and of the national liberation movement called Zionism.

The Danger of Intermarriage:

This is the prohibition against intermarriage:

"And you shall not intermarry with them. You shall not give your daughter in marriage to his son, and you shall not take his daughter for your son, because your son will abandon Me and serve other gods."

Our Sages explained this verse, that when your son marries a non-Jew, their child is not Jewish. When your daughter marries a non-Jew, their child is Jewish. Therefore, you should not give your daughter to a non-Jew in marriage, because their child (who is still "your son") will go after other gods, and will abandon Me.

What about the child of your son who married a non-Jew? The Torah is silent. The child is lost. He is not a Jew.

This is how the Halachic ruling came about, that the son of a Jewish mother is a Jew, even if his father is not a Jew - but not the reverse.

Is this racist?

WHO IS A JEW?

Racism will seize a person, for a single drop of Jewish blood, and condemn him to a place of no return. While Jewish Halacha says: If the mother is a Jewess, even though there is no certainty that the father is a Jew, even though there is certainty that the father is not a Jew, the child is a Jew. He is one of us.

Were it not for that prohibition of intermarriage, were it not for that Halacha, who could have withstood disappearance and the problem of existence in the Diaspora?

And now, what do "progressive thinkers" want? That the Jewish State for which the Jewish people paid the price in human efforts, superhuman and even inhuman sacrifices, that the Jewish State proclaim to the world: There is no longer any prohibition against intermarriage. We do not object.

What fence will there then be to stem the tide of assimilation? Within a few generations our people will be doomed to disappear. Go to Scandinavia. See what is left of her Jewish residents as a result of the mixed marriages. In a little while there will be no more sign of them, save the synagogue which still stands on its foundations.

The Dignity of Halacha:

So then, considering that Halacha determines and legislates on the issue of "Who is a Jew," is the problem that we have grievances against Halacha per se?

Take a look at the way the State of Israel is run. Its laws are interpreted in the light of English Common Law. If in the days of Elizabeth I, Queen of England, a British judge passed a sentence, the Israeli judges are still bound by that precedent in their interpretation of our laws and in passing fair sentence.

The English Common Law is a fine humane creation. It has many beautiful things. Its panel procedure is one of the best on earth. It is by far the most humane and progressive of all penal law systems in Continental Europe.

Still, the English Common Law contains certain things which are outdated, which are no longer good. Yet no progressive thinker ever rose in the House to argue: Why do we continue to be bound by a Common Law that is hundreds of years old and contains certain things which are good and others which are not good?

What then is wrong, what is sinful with the idea that in the hugely significant matter of "Who is a Jew," we should be bound by the interpretation of the Jewish Common Law - pardon my expression - the Jewish Halacha, which is in force thousands of years? What intelligent person can be insulted by it?

Who is Compelling Whom?

Finally, Mr. Speaker, there is the question of compulsion: is one group of people forcing its views on others?

I propose the following rule to the entire Knesset without distinction of party:

That Judaism not be forced on any person, and that no person be forced on Judaism.

Consider what I say. Judaism shall not be forced on any person: If the mother is not a Jewess, the child is not a Jew. But if a person, being a non-Jew, wishes to join the Jewish people, he must go through with a conversion. Such is the Halacha. If the person does not want to be converted, he must not be converted. He will not be counted as a member of the Jewish people.

WHO IS A JEW?

But if he does not convert, according to Halacha, how can our courts then classify him as a Jew? Is that not compulsion? Is that not forcing him on Judaism? Is that not forcing him on the entire Jewish people, today, and for generations to come - on the millions no longer alive, and the millions still to be born? According to the knowledge and laws under which Jews have lived for thousands of years, this person is not a Jew. Yet certain people would say to them, "Accept him! Now he is a Jew!"

Other than Halacha, there is no constraint.

If a person does not want to convert, he must not be converted. If he does not want to be registered as a member of the Jewish nation, he will not be registered as such.

He can remain a citizen, a free man, enjoying full equal rights. If he wishes, he can write in, after the word, "nationality" - not registered. He can be a person without religion.

But why force a non-Jew on the Jewish people!

Compulsion is a serious matter when it applies to an individual. How much more so, when it applies to the majority of Jews who have ever lived on the face of this earth! Again, I repeat to the "progressive thinkers," Where is the compulsion?

NOTES:

1) Free translation of an address delivered by former Prime Minister Menachem Begin - then leader of the opposition - in the Knesset on February 9, 1970, in the discussion on amending the 'Law of Return.'

WHO IS A JEW?

WHO IS A JEW? In the end, the Orthodox approach is really the only one Israel can take

By J. IMMANUEL SCHOCHET [1]

Jews around the world are engaged in heated debate over attempts by Israel's Orthodox parties to tighten the Law of Return, which entitles every Jew to immediate entry and citizenship in Israel. The Orthodox parties, which hold the balance of power after the recent Israeli election, refuse to recognize conversions that do not follow traditional Jewish law.

The Law of Return affirms that Israel is the natural and historical homeland of every Jew. Its original wording was ambiguous, thus compelling the Israel parliament to define Jewish identity as "one born of a Jewish mother or converted to Judaism." This definition is based on Jewish religious law, and was the sole criterion throughout Jewish history. For purposes of Jewish identity, therefore, the secular parliament of Israel intentionally adopted a Jewish religious standard.

The current form of the law was adopted in 1970, and immediately generated new problems. Matrilineal descent is straightforward. But what constitutes conversion?

Jewish tradition stipulates the standards for a legitimate conversion. First, there must be a sincere conviction of the truth of Judaism and a commitment to abide by its laws and practices. This is followed by the rites of conversion, and all this must be done before a tribunal of three qualified religious judges.

A serious problem exists nowadays, because new Jewish movements no longer accept the binding nature of the Code of Jewish Law. Their spiritual leaders ignore the above requirements in whole or in part. Reform Judaism rejects the validity and binding nature of Jewish laws altogether, regarding them as mere cultural traditions that may be accepted or abandoned at will. Many Reform rabbis are self-professed atheists and agnostics.

The Reform movement has no compulsory standards for conversions, or other religious rites. Its procedures for conversion range anywhere from simple requests by would-be converts to become Jewish or a short interview in the rabbi's office, to formal conversion classes of varying duration.

Some Reform rabbis offer the rituals as an option, subject to the candidate's feelings, but the overwhelming majority does not. Recently, the movement breached all traditions by unilaterally equating patrilineal descent to matrilineal descent.

Both the Conservative and the Orthodox reject these conversions and other actions by Reform rabbis as altogether illegitimate.

On the other hand, more and more Conservative rabbis now also set their own standards without regard to Jewish law. Their conversions are rejected by the traditional branch of their own denomination (Union of Traditional Conservative Judaism) as well as by Orthodox Jews.

All these differences, however, must not be misunderstood as attempts to delegitimize any Jews. The Jewishness of the members of the heterodox movements is not in question at all. Traditional Judaism does not recognize Reform, Conservative, Orthodox or secular Jews. Either you are Jewish or you are not, regardless of personal beliefs or practices.

WHO IS A JEW?

The controversy over who is a Jew relates exclusively to the legitimacy of conversions that do not meet the universal standards of Jewish religious law. Reform conversions are rejected by everybody else. Conservative conversions are rejected by the Orthodox for the same reasons the Conservative reject Reform conversions. The only standard acceptable to everybody is the traditional procedure of the Jewish religious laws.

This controversy is not one of sibling rivalry. It is about fundamental principles, a battle for the very soul of Judaism.

No one in Canada can impose the constitutional changes of the Meech Lake accord without the universal assent of all provinces. Likewise, no one can impose constitutional changes in the faith of Israel; no one has the right to take unilateral actions to change the universal rules of Judaism and then demand recognition and acknowledgment as a legitimate expression of historical Judaism.

Reform and Conservatism have unilaterally broken the rules, and now demand that their changes be legitimized for the sake of Jewish unity. Thus they demand that traditional Jews abrogate their most fundamental doctrine of the divine source and authority of Jewish law. They seek to establish "Jewish unity" by having their opponents commit religious suicide.

Reform and Conservatism may determine any standards for themselves. They cannot, however, impose their acceptance upon world Jewry. Reform may permit its followers to eat pork. It is something altogether different, though, for it to declare pork to be kosher. That would be malicious fraud, punishable even by secular law. For Jewish law is the sole source and standard for what is kosher food and what is not. That selfsame Jewish law is also the sole source and standard for what is a kosher conversion and what is not.

Israel's Law of Return now makes Israeli authorities party to fraud and deception. For they affirm and register the unqualified Jewishness of anyone coming to Israel with a certificate of conversion, without regard to its authenticity. The Israeli government thus assumes illegitimate authority to decide a purely religious and theological issue. Obviously, though, it has no more right to determine anyone's Jewish status than it has to determine anyone's Christian or Moslem status.

If Israel feels compelled to determine the Jewish status of its immigrants, it can and may do so only in terms of universally recognized standards. The only such standard is "one born of a Jewish mother or converted to Judaism according to Jewish law." Anything else is fraud.

The Reform and Conservative argument that they represent large numbers is a shocking absurdity. Religious and moral issues are not settled by numbers. By their logic, they must also accept the United Nations resolution that Zionism is racism because it was adopted by an overwhelming majority.

Thus, in this context, it is tragic that neutral organizations such as the Canadian Jewish Congress and the United Jewish Appeal allowed themselves to be hijacked by their ultra-Reform and ultra-Conservative members to become involved in a purely religious dispute. The tyranny of the majority forced organizations that unite all segments of the community to fight on one side in this battle. Still worse is the treacherous act of involving gentile media and politicians to help exert political and financial pressure on Israel.

WHO IS A JEW?

This kind of behavior betrays the morality of those behind it. Numerical and financial might does not make right, nor will the most sacred end ever hallow the immoral means used to achieve it.

A number of Reform and Conservative rabbis, and many more laymen, do recognize that the unity of the Jewish people can be achieved only by adopting the lowest common denominator. That denominator is a universally acceptable standard. The only such standard is kosher conversion, a conversion based on Jewish law. That is why the Law of Return must be amended as soon as possible.

NOTES:

1) The following is an article that appeared in Canada's national news paper, The Globe and Mail, Friday, December 16, 1988, p. A7. Reprinted with permission.

WHO IS A JEW?

"WHO IS A JEW?": Facts and Fictions [1] By J. IMMANUEL SCHOCHET

The perennial problem of the "Who is a Jew" legislation in Israel is once again agitating Jews throughout the world. As with most emotional controversies, very few people understand the real issue, and see but the partisan propaganda flooding the media. What is the argument about?

The State of Israel has a "Law of Return," which entitles every Jew to immediate entry and citizenship in Israel. This law formally affirms that the state of Israel is the natural and historical homeland of every Jew. It also provides a safe refuge for anyone persecuted because of his Jewish descent, in case the world at large will again lock its doors to Jews as it did in the time of the Nazi persecutions.

The original wording of the law was very ambiguous. It was challenged in the courts, thus forcing the Israeli Knesset, or parliament, to define Jewish identity as "one born of a Jewish mother or converted to the Jewish faith."

This definition is based on Jewish religious law. It has been the sole criterion throughout Jewish history. For purposes of Jewish identity, therefore, the secular parliament of Israel intentionally adopted a Jewish religious standard.

Modern circumstances, however, present a serious problem. Jews are no longer monolithic in the definition and practice of their faith. There are groups who no longer feel bound by the traditional Jewish code of laws known as Halachah. The Reform and Conservative movements reject or suspend either all or part of Halachah as antiquated or irrelevant. They view the Bible as a purely human document with an undefined "Divine inspiration" restricted to some humanistic ideals. All precepts are subject to the variables of popular assent or rejection.

To limit these attitudes and practices to their own temples is one thing. It becomes something altogether different, though, when their actions affect the Jewish people as a whole. Problems arise when the heterodox groups ignore and violate the explicit religious laws relating to marriage and conversion.

There has hardly ever been a time that all Jews were fully observant. There have always been assimilationists, secularists, agnostics and heretics. Nonetheless, the unity of the Jewish people was preserved throughout by virtue of adherence to the universal standards relating to Jewish identity and family life. The whole crisis of "Who is a Jew" now centers around the unilateral violations of these standards by the heterodox movements.

Most leaders of the Reform and Conservative movements do not feel bound by any universal standards. Even the concept of the Deity, basic to any definition of religion, has undergone a drastic evolution in the minds of many of them. Studies undertaken and published by the Reform movement show that a large percentage of Reform rabbis are self-professed atheists and agnostics, and the majority of the leaders and members of that group are at best deists who deny the concept of a Personal God. It is likewise, or worse, with the Reconstructionist arm of the Conservative movement. The Conservatives do pay lip service to Jewish tradition, but make it subject to what they call "controlled experimentation" of each congregation's "outgrowth of practice," with "undefined limits."

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Orthodox Judaism is presently the only segment that adheres to the time-hallowed traditions of Jewish law. In the eyes of Orthodoxy, the stipulations of Halachah are Divinely revealed, sacrosanct principles: The Code of Jewish Law is the inviolable constitution of the Jewish faith, the covenant between God and the people of Israel.

Most Reformers and Conservatives have for long followed alternate lifestyles in matters of Jewish religious laws (as, for example, with the dietary laws and Sabbath observance). Until recent time, however, very few dared tamper in any blatant way with the laws of personal status such as conversion. They realized that this would lead to an irresponsible breach to Jewish unity, to the standards of universal Judaism.

But things have changed. Our open society brought with it ever-increasing assimilation and intermarriage. The reaction of the heterodox movements to this phenomenon has been twofold. Many have undertaken wholesale conversion of the non-Jewish spouses (and/or children), while others simply legitimized intermarriage without any conversion. Some Reform rabbis founded the "Rabbinic Center for Research and Counseling" in Westfield, N.J., which issues annual lists in which presently more than 200 members of the Central Conference of American Rabbis (CCAR), the central organization of Reform rabbis in America, advertise openly that they will "officiate at intermarriages without requiring any conversion.

In larger centers, as in Florida and New York, one can find Reform rabbis advertising in newspapers and the Yellow Pages that they will perform intermarriages and quicky conversions "while you wait." CCAR figures estimate that at least 70 percent of CCAR members are somehow involved with intermarriage.

The official policy of the CCAR states that "intermarriage is contrary to the Jewish tradition and should be discouraged," but it will not condemn, forbid or censure its practice. It declares that "resolutions of the CCAR are advisory and therefore rabbis (may) continue to officiate at mixed marriages."

The Reform movement does not demand any standards for conversion into the Jewish faith. Every Reform rabbi can and does do whatever he or she sees fit. They are accountable to no one but themselves. Recently Reform went so far as to abolish conversion altogether for children born of a Jewish father, equating patrilineal descent to matrilineal descent.

These practices are condemned and rejected by both Orthodox Jews and the Conservative movement. Thus neither the Orthodox nor the Conservative accept Reform conversion or "patrilineal members" of the Reform movement.

The Conservative movement itself has also undergone revolutionary changes. Leftist elements succeeded in having the Rabbinical Assembly and the Jewish Theological Seminary (the supreme bodies of the Conservative movement) adopt ever more resolutions that breach traditional standards in matters of Jewish law. This has led to a split within the Conservative movement and the founding of a "Union of Traditional Conservative Judaism." This group no longer recognizes the ritualistic procedures (as in marriage, divorce and conversion) of their own colleagues within the Rabbinical Assembly if they do not measure up to its own standards. Many Conservative procedures, therefore, are rejected not only by the Orthodox, but also by an ever-growing number of Conservative rabbis.

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The only actions and procedures that are accepted by everyone, without distinction, are the historical and universal standards of Jewish traditional law followed by the Orthodox.

At this point it must be stated loud and clear, and this cannot be over-emphasized: The "Who is a Jew" controversy relates exclusively to Reform and Conservative conversions! In spite of the malicious disinformation propagated by the opponents of Orthodoxy, no one questions the Jewish identity of Jews who follow the practices of Reform and Conservatism, or even of altogether secular Jews. Their status is not in question at all. By Jewish law and tradition, anyone born of a Jewish mother, regardless what he or she may believe or do, is no less a fully legitimate member of the Jewish faith than the most devout and observant Orthodox rabbi!

In Judaism there are no hyphenated Jews. There are no such things as "Orthodox Jews," "Conservative Jews," "Reform Jews or secular Jews." Either you are Jewish or you are not. All those labels are purely artificial and meaningless!

It has been said that the "Who is a Jew" controversy is really a question of "Who is a rabbi." There is much truth in this. For the term "rabbi" means a "judge of Jewish law." Now in any system, religious or secular, one cannot be a judge or legislator without a prior commitment to the constitution and legal code of that system. Thus one cannot be a legitimate rabbi without a prior commitment to the laws and tenets of Jewish law! Alexander Schindler, head of the Reform movement, declared loud and clear: "On theological problems, either you accept Halachah or you are outside Halachah. We [i.e., Reform] have chosen to be outside."

No group or movement, regardless how large they may be, has the right to take unilateral actions to change the universal rules of Judaism, and then to demand to be recognized and acknowledged by all as a legitimate expression of Judaism. Reform and Conservatism have unilaterally changed and broken the rules, and now demand that every body else must follow them for the sake of "Jewish unity."

This controversy is not one of sibling rivalry. It is a fight about fundamental principles. The Reform and Conservative demand to be accepted by the Orthodox as fully legitimate expressions of historical Judaism in spite of their violations of historical Jewish law. They demand that Orthodoxy abrogate its most fundamental doctrine of the Divine source and authority of Jewish law. Thus they seek to establish Jewish unity by having their opponents commit religious suicide.

Reform and Conservatives argue that they represent large numbers, perhaps a majority of American Jews. They forget that religious and moral issues are not settled by numbers. Christianity regards itself as the "New Israel," the continuation and fulfillment of Biblical Israel. Following the logic of the Reform-Conservative argument, therefore, these movements should accept Christianity by virtue of its much greater numbers! By the same logic they must also accept the validity of the United Nations resolution that "Zionism is racism," as it was adopted by an overwhelming majority of U.N. members! The absurdity of playing the numbers game is too self-evident to be belabored any further.

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This brings us back to the Israeli Law of Return. As that law stands now, the Israeli secular authorities are party to fraud and deception. For they affirm and register the unqualified Jewishness of anyone coming to Israel with a piece of paper signed by anyone purporting to be a "rabbi" and stating that the bearer is a convert to Judaism, without regard to who the signatories are. The Israeli government thus assumes the illegitimate authority to decide a purely religious and theological issue. The state of Israel has no more right to determine anyone's Jewish religious status than it has to determine anyone's Christian or Moslem religious status.

If the state of Israel feels compelled to determine the Jewish status of its immigrants, it can and may do so only in terms of universally recognized standards. The only such standard is "one born of a Jewish mother, or converted to Judaism according to Halachah." Anything else is fraud.

The Reform and Conservative movements may determine any standards for their own congregations. They cannot, however, impose these standards upon world Jewry. It is the prerogative of Reform to permit their congregants to eat pork and shrimp. It is something altogether different, though, if they would declare pork and shrimp to be kosher food. Everyone would recognize that to do so constitutes malicious fraud, subject to penalties, even by secular authorities. For Jewish law is the sole source and standard for what is kosher or non-kosher food. That self-same Jewish law is also the sole source and standard for what is a legitimate conversion and what is not. Traditional Jewish law is the sole authority to determine what constitutes a kosher conversion.

In this context it is sad and tragic that the Jewish Federations and the United Jewish Appeal allowed themselves to be hijacked by their Reform and Conservative members to become involved in a purely religious dispute. The tyranny of the majority (playing the numbers-game) forced communal organizations, which unite all segments of the Jewish community, to fight the battle of one side in this dispute by means of financial threats. Still worse is the act of high treason against the Jewish people by involving Gentile media and American legislators to exert political and financial pressure on the State of Israel. The crass immorality of such behavior betrays the sincerity and morality of those behind it. Financial or numerical might does not make right. The most sacred end will never hallow immoral means used to achieve it.

A number of Reform and Conservative rabbis, and many more layman, already recognize that the unity of the Jewish people can be achieved only by adopting the lowest common denominator, a universally accepted standard. That standard is only kosher conversions, conversion on the basis of Halachah. That is why the Israeli Law of Return must be amended, as soon as possible.

NOTES:

1) The following is an article that appeared in The Miami Herald, Sunday, December 11, 1988, p. 1D. Reprinted with permission.

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SUPPLEMENTS

A. The present 'Law of Return' as a SECURITY-RISK for the State of Israel: The Mubarak Awad Scandal

B. ARGUMENTS AGAINST AMENDING THE 'LAW OF RETURN':

1. Argument I: "If the 'Law of Return' will be amended to limit conversions to Halachic conversions, this would, in effect, delegitimize all Jews who do not accept, or adhere to, the principles and beliefs of orthodox Judaism!"
2. Argument II: "Amending the 'Law of Return' will preclude the State of Israel from serving as a haven of refuge for those persecuted because of their Jewish antecedents!"
3. Argument III: "The attempts to amend the law are an orthodox ploy to fight the non-orthodox movements and to establish an orthodox hegemony over Jews throughout the world."
4. Argument IV: "The 'Who is a Jew'-issue is a purely religious problem. It is within the purview of the rabbinate, and not of the secular parliament of Israel. Thus it must be removed from the political agenda altogether."
5. Argument V: "Retaining the status quo of the 'Law of Return' as it stands now, is the sole way to pre serve Jewish unity, because it grants tacit assent to religious pluralism."
6. Argument VI: "Now is not the time to amend the 'Law of Return'. Let us wait until the tempers will cool, and then we shall reconsider the situation."
7. Argument VII: "The reform and conservative movements represent the vast majority of the Jewish People. Their wishes, therefore, must be respected, and their ideologies are entitled to (at least) equal status."

A. The present 'Law of Return' as a SECURITY-RISK for the State of Israel: The Mubarak Awad Scandal

THE PRESENT 'LAW OF RETURN' AS A SECURITY-RISK FOR THE STATE OF ISRAEL

The Mubarak Awad Scandal

For years there have been calls to amend the 'Law of Return' for reasons of moral principle and religious integrity. Some proponents also suggested for long that the way the law stands now, it provides a grave security-risk to the State of Israel. This suggestion was generally dismissed as a far fetched and altogether improbable hypothesis. Hardly anyone took it serious. Recent events, however, proved that the threat is quite real and realistic:

In June 1988, Israel expelled an Arab-American agitator, Mubarak Awad, because of his leadership role in the riots of the intifadah. When Awad saw the failure of all his efforts to avoid expulsion, he threatened openly that he would simply convert to Judaism and gain re-entry to Israel under the present provisions of the 'Law of Return'! His conversion would clearly be a hoax, with no moral or religious validity whatsoever. For the present 'Law of Return,' however, it would be fully legitimate. Where could he obtain that sham-conversion? Let the record speak for itself:

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On Wednesday, June 15, 1988, the New York Times carried the following report:

REFORM RABBIS URGED NOT TO CONVERT AWAD By Ari L. Goldman

The leaders of Reform Judaism sent a letter yesterday to the movement's 1,500 rabbis in the United States and Canada urging them not to accommodate Mubarak Awad should he come to them seeking to convert to Judaism.

Mr. Awad, a Palestinian-American advocate of non violent opposition to Israeli rule in the occupied territories, was deported from Israel to the United States on Monday.

"Whatever you think of Awad or his deportation," the letter to the rabbis said, "surely we need not remind you that extraneous motivations, political motivations are not sufficient reason to respond to such a request."

Greater Autonomy

Reform rabbis have a great deal more autonomy than rabbis of the Conservative and Orthodox branches of Judaism. According to a rabbi familiar with the drafting of the letter, the message was aimed at Reform rabbis who might regard converting Mr. Awad as a way of correcting an injustice, in this case his expulsion.

Mr. Awad was born in East Jerusalem but is a United States citizen.

Mr. Awad reiterated yesterday in New York that he might seek to convert from Christianity to Judaism so that he could go back to Israel under the Law of Return, the Israeli statute that grants the right of citizenship to everyone born of a Jewish mother or converted to Judaism.

Reform Judaism, which has the fewest requirements for conversion among the major branches of the faith, would be Mr. Awad's easiest avenue to gaining conversion to Judaism.

Three prominent figures in the Reform branch of Judaism signed the letter. They are Rabbi Alexander M. Schindler, president of the Union of American Hebrew Congregations; Rabbi Eugene Lipman, president of the Central Conference of American Rabbis, and Rabbi Joseph Glaser, executive vice-president of the central conference ...

The letter to the Reform rabbis left open the possibility of a future conversion for Mr. Awad. The letter concluded "Of course, no one can rule out the possibility of a sincere conversion in anybody's case, but this must be proved at the end of a long period of instruction."

Here we have incontrovertible evidence of the worthlessness of reform conversions. Reform leaders are prepared to issue certificates of conversion as a simple business-transaction, for the convenience of the applicants, or as social and political statements. Their claim that "they mandate a period of study and an examination of motives before a conversion is performed" is clearly contradicted by the fact of this letter, the fact that they felt it necessary to appeal to its 'spiritual leaders' not to convert Awad in order to avoid an embarrassing exposure of the reform-movement before the eyes of the whole world. Moreover, there is an explicit admission in the words of the reform spokesmen that "the message was aimed at Reform rabbis who might regard converting Mr. Awad as a way of correction an injustice, in this case his expulsion!"

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The implications of this scandalous absurdity were spelled out by Yossi Ben-Aharon, director-general of the office of Prime Minister Shamir of Israel. To quote a news-release of INB, carried by some Jewish papers (though ignored by most, which also speaks for itself ...):

JERUSALEM (INB) - Passage of the "Who is a Jew" bill will prevent hostile Arabs from infiltrating Israel after undergoing quick conversions to Reform Judaism, according to a senior Israeli official.

Yossi Ben-Aharon, director-general of the Prime Minister's office, told reporters that the security angle was an additional reason for Likud's support of the "Who is a Jew" legislation.

Ben-Aharon cited the case of Mubarak Awad, the Arab-American who was expelled from Israel earlier this year because of his leadership role in recent Arab rioting. Following his return to the United States, Awad said that several Reform rabbis had offered to convert him so that he could re-enter Israel as a "Jew."

If the "Who is a Jew" bill is passed, Ben-Aharon said, conversions of doubtful validity will not be recognized, thereby disqualifying Awad and others like him from entering Israel.

Ben-Aharon pointed to quickie conversions performed in twenty-four hours. Not many Jews would accept such conversions as sincere, Ben-Aharon said, but unless the "Who is a Jew" bill is passed, such converts would be regarded as Jewish under Israeli law.

It could be argued that not too many reform-leaders are that unconscionable and irresponsible. But, first of all, that would be playing a negative numbers-game, saying "there are just a few rotten apples in the bushel." How many are 'just a few,' and just how much damage can we afford? What guarantees are there that these charlatans will remain "just a few" and not increase in numbers?

Secondly, for as long as the reform movement will not, and can not, clean its own house (because of their fundamental doctrine of the autonomy of each individual to set his/her own standards), all its members are under suspicion. If the movement as a whole will not regard its members' individual behavior as unscrupulous, and in fact defends it as their inalienable right (see above, Part II: questions I and 2), the whole movement must be viewed, judged and treated equally.

Thus even those people who, for whatever reasons, are not moved by the religious and moral arguments, must now reconsider their position for simply practical reasons and considerations.

WHO IS A JEW?

B. ARGUMENTS AGAINST AMENDING THE 'LAW OF RETURN':

Argument I:

"IF THE 'LAW OF RETURN' WILL BE AMENDED TO LIMIT CONVERSIONS TO HALACHIC CONVERSIONS, THIS WOULD, IN EFFECT, DELEGITIMIZE ALL JEWS WHO DO NOT ACCEPT, OR ADHERE TO, THE PRINCIPLES AND BELIEFS OF ORTHODOX JUDAISM!"

This is a malicious falsehood to deceive and inflame the public. One need not be a scholar in Judaism, or anything else, to detect the self-evident falsehood of this argument. For the Halachic definition of Jewishness is crystal-clear and unequivocal in stating that the exclusive criteria of Jewish religious identity are "born to a Jewish mother, or properly converted to Judaism."

The issue of "Who is a Jew" suffers from its misnomer (given to it by the late Prime-Minister David Ben-Gurion). The real question is not "Who is a Jew?," but "Who is a Convert?" The whole debate on amending the Law of Return deals strictly and exclusively with giving an explicit definition to acceptable conversions. (See above, Part I: question 15)

As already stated and explained at length in the preceding pages (Part I: questions 2 and 3, and more so in Part II: questions 6 and 7), there is no question whatsoever about the Jewishness of anyone born to a Jewish mother, regardless of that person's affiliation or practices.

Argument II:

"AMENDING THE 'LAW OF RETURN' WILL PRECLUDE THE STATE OF ISRAEL FROM SERVING AS A HAVEN OF REFUGE FOR THOSE PERSECUTED BECAUSE OF THEIR JEWISH ANTECEDENTS!"

This argument, too, is altogether incorrect and designed to deceive the public and to confuse the issues.

First of all, legislation to open Israel as a haven of refuge is a secular-political issue, and not a religious one. Any country may decide, at will, to enact laws granting rights of immigration and citizenship to whoever they want. This has nothing whatsoever to do with the principle and essence of the 'Law of Return' which simply affirms the inalienable rights of every Jew to the Land of Israel as his/her traditional and historical homeland.

The State of Israel, like many other countries, thus granted, for example, refugee-status to Vietnamese boat-people, i.e., gentiles without any claims to the land, allowing them to enter and live in Israel.

Secondly, and more to the point: The Israeli laws of immigration already make explicit provisions which expose this argument as either an ignorant or malicious falsehood.

On 2nd Adar-Bet 5730 (10th of March 1970) the Israeli parliament passed the following amendment to the Law of Return:

"1. In the Law of Return, 5710-1950, the following sections shall be inserted after section 4:

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4A. (a) The rights of a Jew under this Law and the rights of an oleh under the Nationality Law, 5712-1952, as well as the rights of an oleh under any enactment, are also vested in a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew, except for a person who has been a Jew and has voluntarily changed his religion. [1]

(b) It shall be immaterial whether or not a Jew by whose right a right under subsection (a) is claimed is still alive and whether or not he has immigrated to Israel.

(c) The restrictions and conditions prescribed in respect of a Jew or an oleh by or under this Law or by the enactments referred to in subsection (a) shall also apply to a person who claims a right under subsection (a).

4B. For the purposes of this Law, "Jew" means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion."[1]

The legal code of the State of Israel thus clearly makes provisions for people of Jewish antecedents, even if but one of their grandparents was Jewish. This law was enacted out of humanitarian considerations to allow the families of immigrants to remain together in spite of some members not being Jewish. It provides also a safe haven of refuge for anyone persecuted because of Jewish antecedents, as happened under the Nazis.

By the same token, however, this law is of purely secular nature. It has nothing to do with religion or the religious status of those who wish to avail themselves of its provisions. The only part that has to do with religion is section 4B, which seeks to offer a definition of "Jew." The present controversy deals with that section, because it does not specify the meaning of "converted to Judaism," and thus grants legitimacy to any claims or pretense of conversion.

NOTES:

1. Sefer Hachukim No.586 of the 11th Adar-Bet 5730 (March 19,1970), p.34.

Argument III:

"THE ATTEMPTS TO AMEND THE LAW ARE AN ORTHODOX PLOY TO FIGHT THE NON ORTHODOX MOVEMENTS AND TO ESTABLISH AN ORTHODOX HEGEMONY OVER JEWS THROUGHOUT THE WORLD."

This argument, too, has already been dealt with above (Part I: question 22). It is not only deceptive, but betrays an unbelievable naivete on the part of those who would fall for it.

Heterodox movements will not disappear when the law will be amended. Even in earlier times, when generally speaking there was Halachic hegemony, there have been heterodox philosophies and groups (Sadducees, Hellenists, Karaites, and so forth). The reality of human nature, combined with the human power of freedom of choice, makes this a natural phenomenon.

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The 'orthodox' never did, and never will, accept the legitimacy of heterodox ideas, while the 'heterodox' do not want to submit to the dictates of orthodoxy (in the literal sense of this word). Even so, the orthodox have no interest in waging war against the heterodox. One cannot conquer ideologies or philosophies on the battle-front of condemnations, recriminations, insults, and a physical or financial flexing of muscles. Education, enlightenment, open-minded and compassionate discussions based on reason (as opposed to emotion), are the only way. He who is motivated by chauvinistic ambition, fired by a simple desire for personal victory and defeat for his opponents, has already lost before he begins.

The controversy over "Who is a Jew" is not one of sibling rivalry. It is not a case of orthodoxy trying to impose its will upon others. There are certain principles which are not negotiable, where compromise is impossible and self defeating. The defense of such principles is not something personal or chauvinistic, but for the welfare and benefit of everyone. Torah, Halachah, demands material and spiritual concern for all Jews, whether they be orthodox or heterodox, whether they be observant or not, and whether they will change their ways and beliefs or not.

The insistence on safeguarding the historical criteria of Halachah for Jewish identity, therefore, serves but one purpose and one purpose alone: to preserve and safeguard the unity of the Jewish people. Torah is the exclusive 'common denominator' of all Jews. The standards of Halachah do not and cannot divide us. They are the only thing that unites all of us, irrespective of personal beliefs and practices.

To read anything else into the demand to amend the Law of Return according to Halachah, is false and misleading. Little wonder, then, that responsible and open-minded leaders of the reform and conservative movements have come to recognize this truth, and have stated openly that they agree that the law must be amended to accord with Halachah. [2]

NOTES:

2. See Worcester Telegram of Wednesday, October 29, 1986, p. 2A, article headed "RABBI KLEIN STUNS AUDIENCE: No longer Believes Reform Jew Policy That He Helped Write":

"Rabbi Joseph Klein, author of part of the policy by which reform Jews define what is a Jew, last night stunned an audience of 160 at Temple Sinai by saying he no longer believes in that policy.

"Rabbi Klein, who was the chief rabbi at Temple Emanuel from 1948 to 1977, said that reform Jews should rethink policies of personal status that separate them from conservative and orthodox Jews. The policy Rabbi Klein wrote was published in the manual for reform rabbis in 1961 and remains as policy today.

"One of the most serious differences among the orthodox, conservative and reform movements of Judaism involves who is a Jew. Both the conservative and orthodox believe that a formal conversion is necessary to be Jewish for anyone who is not the child of a Jewish mother.

"According to the policy for reform rabbis written by Rabbi Klein, a confirmation serves in lieu of a formal conversion process for the child of a Jewish father and non-Jewish mother .

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"Rabbi Klein, referring to reform Jewish policy, said, 'Why can't we retract our steps. Why can't we demand a 'get' (formal Jewish divorce). Why can't we demand conversion. And why can't we do everything we can . . . that prevents cleavage and keeps us in harmony with our orthodox brothers and sisters?'"

Dr. Bernard Mandelbaum, Chancellor-Emeritus of the (conservative) Jewish Theological Seminary, has oftentimes expressed the same sentiments. In a most recent article (The Jewish Press, Friday, December30, 1988, p.9) he writes:

Shouldn't the continuity and consistency of a long heritage of Jewish law (halachah) be binding on all Jews as to what makes a Jew? Isn't this the only way to assure Jewish unity, just as American laws of naturalization assure American unity?

"The issue in Jewish life, then, is clear. Those who respect the integrity of Jewish tradition have to be satisfied with the answer to this question: Is the conversion performed according to traditional law by a rabbi who practices it? Not his label, orthodox, conservative or reform.

"It seems so simple and obvious that one wonders what the fuss is all about."

The same issue of The Jewish Press, reports on p. M46 that Peter Wolcove, president of Allied Jewish Community Services of Montreal (the Montreal equivalent of Jewish Federation) joined the other Federations to protest any amendment to the 'Law of Return,' claiming to represent the strong majority of 100,000 Montreal Jews:

"Rabbis of the Board of Ministers, which includes Reform, Conservative, and Orthodox rabbis, as well as the Rabbinical Council of America, were summoned to the AJCS offices to endorse the statement.

"'Now you come to ask our opinion?' thundered Rabbi Wilfred Shuchat. 'who gave you the right to speak in the name of Montreal Jewry?'

"Shuchat is rabbi of Shaar Hashomayim, the most prestigious Conservative congregation in Canada, whose membership list includes some of the wealthiest Jews in North America .

"'Everyone comes knocking on our doors for money,' countered Mr. Wolcove. 'We are everyone's representatives.'

"'Just because someone gives me a donation, does he have the right to say things in my name - when I disagree?!' shouted Rabbi Shuchat.

"'The Conservative and Reform are to blame for this split,' continued Shuchat, whose synagogue is Conservative. 'Who is affected here? Are there more than five of our converts per year who move to Israel? Besides, we can't even agree among ourselves. The Conservatives won't accept a Reform conversion, just as the Orthodox won't accept a Conservative one. The proposed definition satisfies everyone. I see nothing wrong with changing the law,' he concluded....

These voices of reason are just a few samples of a growing chorus in the wilderness of public ignorance and confusion.

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Argument IV:

"THE "WHO IS A JEW" ISSUE IS A PURELY RELIGIOUS PROBLEM. IT IS WITHIN THE PURVIEW OF THE RABBINATE, AND NOT OF THE SECULAR PARLIAMENT OF ISRAEL. THUS IT MUST BE REMOVED FROM THE POLITICAL AGENDA ALTOGETHER."

No one could rightfully argue with his premise! We stated as much above, Part 1: question 23. Yet in the very simplicity of this truthful proposition also lurks its use for deception:

a) Ideally the rabbinate of Israel should assert its rightful prerogative to determine Jewish identity. However, without a legally established and enforced authority to do so, this will not solve the problem. Under present conditions this would only aggravate the problem, because the opponents of Halachah will not be satisfied. With peremptory calls for religious pluralism, they already demand that their own leaders (who reject Halachah) be granted authoritative status equal to that of the Israeli Chief-Rabbinate (which is bound by Halachah).

The official rabbinate of Israel, recognized by Israeli law as the supreme religious authority for Jews, has already oftentimes stated its unequivocal position of demanding purely Halachic criteria for conversion. Their ruling, however, had no impact whatsoever upon the secular authorities of Israel who continue to do their own thing.

Opponents of Halachah are fully aware of this. If they now claim that the issue be removed from the Knesset to the rabbinate, they do so as a hypocritical ruse, because (a) the Chief-Rabbinate's ruling is presently not enforceable by law, and (b) because they feel that the rabbinate will be an easier target for their attacks than the Knesset. If the proponents of this argument will have their way, therefore, the issue will not die but become ever more aggravated.

b) The only way that the issue can be removed from the political agenda is if, and when, the State of Israel will cease and desist from registering Jewish religious identity.

A legal precedent for this exists already in the amendment adopted in 1970, and quoted above in Argument II: the secular laws of Israel grant rights of immigration and citizenship to the non-Jewish spouses and offspring of Jews, and these are clearly not registered as Jews. Removing religious identity, therefore, would stop the unjustifiable governmental interference in a religious matter and solve the problem. This will also safeguard the government of Israel from no longer being a party to fraud and deception by registering non-Jews as Jews.

Complications that may evolve from this simple solution, as, for example, with regards to personal status affecting marriage and so forth, are already provided for by the legal statutes which grant the rabbinate full authority in matters of marriage and divorce for Jews.

On the other hand, many (including Israeli legislators) feel that this simple solution would create new problems with regards to national security and national identity. Thus they prefer to retain the present system. That is fine and good, but then they must also draw the logical consequences. They cannot have it both ways.

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The Israeli government is the sole authority for determining its secular laws and procedures. But the Israeli government has no authority to mix into Jewish religious matters. It has no more right to determine Jewish religious identity than it has to determine Christian, Moslem or Hindu religious identity. If it insists on registering the Jewish religious status of its citizens and immigrants, it may do so only on the basis of the universal criteria of Halachah. Anything else is fraud and deception. (See also above, Part I: questions 19 and 23).

Argument V:

"RETAINING THE STATUS QUO OF THE 'LAW OF RETURN' AS IT STANDS NOW, IS THE SOLE WAY TO PRESERVE JEWISH UNITY, BECAUSE IT GRANTS TACIT ASSENT TO RELIGIOUS PLURALISM."

This argument is again factually false:

First of all, quite clearly there is no unity at present, nor has there been since the issue arose. Traditional Jews cannot, and never will, reconcile themselves with accepting illegitimate conversions. The controversy will thus continue until a universally acceptable formula will be found. The only such formula is "conversion according to Halachah."

Secondly, as the law stands now it does not recognize the Jewishness of masses of members of the reform-movement. The reform-movement has arbitrarily adopted a policy of accepting the offspring of Jewish fathers as Jewish, even if the mother is not Jewish. This novel invention of the reform-movement, known as the principle of "patrilineal descent," is rejected even by the conservative movement (see above, Part II: question 1, pp.51-52, and question 3, p.64), and even by some reformers.

There is thus blatant inconsistency and hypocrisy in the demand of reform (and others) to retain the status quo of the 'Law of Return' as it stands now. It is, though, quite safe to assume that their present defense of the status quo is no more than a tactical and temporary ruse until they feel safe to make further demands, namely that the 'Law of Return' be amended to accept the validity of their unilateral and partisan standards and practices.

Argument VI:

"NOW IS NOT THE TIME TO AMEND THE 'LAW OF RETURN.' LET US WAIT UNTIL THE TEMPERS WILL COOL, AND THEN WE SHALL RECONSIDER THE SITUATION."

This argument betrays either an incredible naivete on the part of its proponents, or they are simply deaf and blind with regards to the events of the past two decades. Cynics will be excused for interpreting this argument as a camouflage for something else, namely, "Let us keep quiet for now, and eventually everyone will forget about the issue." The fact of the matter, however, is otherwise:

Our Torah commands us: "Do not stand still over your fellow-man's blood!" (Leviticus 19:16) Anyone who believes in the Torah, anyone moved by a sense of moral integrity, cannot stand still and idle when seeing how the Jewish people is rent asunder beyond repair. The issue of "Who is a Jew" threatens to break up the Jewish people into two camps which will no longer be able to marry one another and relate to one another, even as happened in the schism between Judaism and Christianity.

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For that very reason, to preserve Jewish unity and to preserve the Jewish character of the State of Israel, responsible Jews, Jews committed to "G-d, Torah and the people of Israel," have not rested since the day the Knesset adopted the amendment of 1970, and they will not rest until the 'Law of Return' is corrected. Their fundamental belief in "G-d, Torah, and the people of Israel," their conscience, their commitment to truth and morality, will not allow them to rest and to keep silent until then.

Those who reject the principles of Torah and Halachah will also not retire. Time does not cure or quiet them. On the contrary. The history of the past two decades has shown and proved beyond a shadow of a doubt that they become ever more vociferous. In the 1970s they kept relatively quiet, and there were many opportunities to have the law amended without too much trouble and tumult. If this had been done then, there would no longer be a problem, and even the heterodox movements would have reconciled themselves with the facts of reality.

The postponement of amending the law did not achieve any rapprochement. On the contrary: procrastination was seen by the heterodox as a sign of weakness. It encouraged them to become ever more arrogant. Instead of looking for accommodations to strengthen Jewish unity, they initiated new and more serious breaches in Halachah. By now they have become so sure of themselves, that they dared create a new precedent of crass immorality in Jewish history, namely, to persuade their members to use blackmail, financial and political threats, against the State of Israel and fellow-Jews, against Jewish educational and social institutions, to force their way.

The heterodox movements will thus continue hardening their position, and not soften it. This raises the simple question: "When will be the proper time?" Just as medical treatment and surgery cannot be postponed indefinitely, so, too, with this moral and religious issue. Our sad experience with 'Munich 1938' is the best answer to this argument.

Moreover, the State of Israel is essentially a secular state. Thus it incorporates a number of statutes and practices that are irreconcilable with Halachah. The 'Law of Return' in its present formula, however, is the only law that is directly, specifically and flagrantly aimed against Halachah. This constitutes a most serious chilul Hashem (desecration of the Divine Name, act of blasphemy) the worst of all sins (Yoma 86a)!

How, then, can any Jew, with even minimal pride in his Jewish identity and heritage, accept arguments such as, "Let us wait a while," or "The whole fuss isn't worth it for the (at most) handful of illegitimate converts that would immigrate to Israel every year," or "The whole fight is counter productive in view of the most serious financial repercussions for traditional institutions in Israel and abroad" etc., - in the face of an unparalleled chilul Hashem?!

Of what substance and value are teachings of Torah and morality when they are subject to expediency, when they depend on an income from selling ourselves and our most fundamental principles, which underlie that Torah and morality (see Deuteronomy 23:19; Isaiah ch. 1; etc.)?! This is the very hypocrisy decried and condemned by all our prophets as the ultimate antithesis of all that Judaism stands for.

Practical considerations, accommodations and compromise are possible in matters of personal disagreements, social or political conflicts and philosophical differences of opinions.

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They are repugnant and impossible, however, in matters of a priori premises of truth, morality and actual reality.

Argument VII:

"THE REFORM AND CONSERVATIVE MOVEMENTS REPRESENT THE VAST MAJORITY OF THE JEWISH PEOPLE. THEIR WISHES, THEREFORE, MUST BE RESPECTED, AND THEIR IDEOLOGIES ARE ENTITLED TO (AT LEAST) EQUAL STATUS."

It has been said that weak and fallacious arguments are usually defended by reference to statistics. With statistics one can play all kinds of games, 'cooking' the numbers and interpreting them whichever way will best suit the argument. The same applies here as well.

Spokesmen for the reform and conservative movements have come out with all kinds of wild and totally unfounded claims. Some went so far as to state to a gullible press that "95 percent of American Jews are not orthodox." So much for their credibility even in matters that are subject to empirical evidence. Even the membership-lists of their temples are totally unreliable. For these membership-lists include masses of gentiles: gentile spouses of Jewish members, gentile offspring of Jewish men (patrilineal descent), and alleged converts who are not Jewish because they were not converted according to Halachah. In any case, all this is totally irrelevant.

The whole argument is based on a numbers-game, which may be valid in sports, politics and gambling, but has no place whatsoever in religious, moral and philosophical discussions. Religious, moral and philosophical truth is not decided by popularity-contests and democratic votes. Truth, morality and logic are what they are, regardless of the numbers of their supporters, and even if no one is prepared to accept them. (See also above, p.65, note 30).

If there were any substance to this argument, its proponents would have no choice but to convert to Christianity. After all, the founders of Christianity were Jews, and a basic doctrine of Christianity is that it is the "new and true Israel," the "continuation and fulfillment of Biblical Israel." Christianity, therefore, claims to be "reformed Judaism," and succeeded in gaining numbers exceeding historical Israel more than a hundred-fold! (See also above, p.28).

By the same 'logic,' the proponents of this argument must also accept the validity of the United Nations resolution that "Zionism is racism," as it was adopted by an overwhelming majority of the nations of the world. The absurdity of playing the numbers-game is too self-evident to be belabored any further.

Moreover, this argument suffers from inherent inconsistency and hypocrisy. The followers of reform and conservatism argue for pluralism, for mutual recognition, but they do so only vis-a-vis the orthodox. In reality, there is division within the reform and conservative movements themselves, where various groups do not recognize the legitimacy of one another, even among their own colleagues. Furthermore, the official policy of the conservative movement rejects the validity of religious rites performed by reform. (See above, pp. 52-53, 64, and 69-70). So much for their sacred dogma of religious pluralism.

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The very same reasons and arguments used for justifying the mutual rejections of reform and conservative procedures and practices, underlie the orthodox rejection of the heterodox movements. If that reasoning is good enough for them, then it is good enough for everyone else.

Again, truth stands on its own. Judaism never did, never can and never will pay attention to numbers and trendy fashions. "It was not because you had greater numbers than all the other nations that God embraced you and chose you, for you are the smallest of all the nations!" (Deuteronomy 7:7) "Abraham was one" (Ezekiel 32:24): alone he stood with truth against the whole world, and that made him the father of the Jewish people and the personification of Judaism. Anyone who claims to be concerned about Jewish identity and survival, would do well to ponder the eloquent words of Rabbi Samson Raphael Hirsch:

"Was Judaism ever 'in accordance with the times'? Did Judaism ever correspond with the views of dominant contemporaries? Was it ever convenient to be a Jew or Jewess?

"Was the Judaism of our ancestors in accordance with the times, when compelled by the Egyptians to bend their necks during centuries under the yoke of slavery and to suffer their babies to be buried in the waves of the Nile?

"Was the Judaism of the Maccabees in accordance with their times, when they resisted to the utmost introduction of Grecian manners prevailing in their days?

"When the Holy Temple in Jerusalem was destroyed by the Romans and the sons of Judah were slaughtered, sold in slave-markets, cast before wild beasts or scattered through every country then known; when Worldly Wisdom would have taught, 'Now it is certainly impossible for us to remain Jews' - did not the Hillels and the son of Zakkai teach yet more earnestly the holiness of our laws and our customs, and so order and regulate things that not a fiber might be lost from the ancestral sanctuary?

"Was that Judaism in accordance with the times, for which, during the centuries following the Dispersion, our fathers suffered in all lands, through all the various periods, the most degrading oppression, the most bitter contempt, and a thousand-fold death and persecution?

"And yet we would make it the aim and scope of Judaism to be always 'in accordance with the times' .

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CONCLUSION

In conclusion: Let truth speak for itself. Above all, let us be honest and decent enough to accept the truth regardless of its source and regardless of its consequences. That is what our issue and everything else are all about.

And let it be stated again, loud and clear, so that there is no chance for misunderstanding and misinterpretation:

The demand to amend the 'Law of Return' has nothing whatsoever to do with chauvinistic ambitions, or with attempts to insult and vanquish other groups and movements!

The demand to amend the 'Law of Return' is based on nothing but the inviolable principle of the unity of the Jewish people, and the inviolable sanctity of every Jew and Jewess - regardless of his/her affiliation, beliefs and practices!

The demand to amend the 'Law of Return' is based on an absolute and unqualified concern for, and commitment to, every Jew and Jewess - regardless of his/her affiliation, beliefs and practices!

We do have serious differences in matters of belief, ideology and practices, but all Jews share common roots, a common bond that always does - and must - supercede our differences. If we are sincere in those things that divide us, let us argue our differences with vigor and conviction. At no time, however, are we permitted to forget what unites us. That which unites us is far greater, more powerful, and much more important, than anything that may divide us.

The writing of this book was motivated by these sentiments, which represent fundamental doctrines of our common faith. All those who share this spirit cannot but cooperate and help in promoting our ultimate goal of justice, truth and peace.