

Passover Feature

IN HONOR OF PASSOVER, WHICH COMMEMORATES THE ANNIVERSARY OF THE LIBERATION OF THE ISRAELITES FROM EGYPTIAN BONDAGE, THE LAS VEGAS ISRAELITE WILL PUBLISH A SERIES OF FEATURES. THIS YEAR THE PASSOVER FESTIVAL IS INAUGURATED AT SUNDOWN ON THE EVENING OF MONDAY, APRIL 20, AND ENDS ON APRIL 28.

"Who is a Jew?" Revisited

by Julius Berman

PRESIDENT National Jewish Commission on Law and Public Affairs.

The measure of unity achieved among the Jews in Israel and throughout the world as a result of the Six-Day War and its aftermath suffered a setback recently, when the Supreme Court of Israel ruled - in a split decision that the children born to Lieutenant Commander Benjamin Shalit and his non-Jewish wife could, as a matter of Israeli law, be registered as Jewish despite the fact that, according to the Jewish religion, a person is Jewish only if born of a Jewish mother or converted to Judaism.

The news media, is reporting these developments in Israel, generally have conveyed the impression that it is simply another in the continuing series of battles between the Orthodox and the non-Orthodox, with the religious parties and the Chief Rabbinate lined up on one side and the Conservative and Reform Rabbis and the other parties lined up on the opposite side.

The plain and simple fact is, however, that the overwhelming majority of Jewish leaders in Israel and throughout the world, Orthodox and non-Orthodox alike, are of the view that Jewish nationality cannot be divorced from the Jewish religion. This question - whether one can be a Jew by nationality though not by religion - is neither novel nor original. The controversy surrounding the "indivisibility" of Jewish religion and nationality seems destined to be a perennial issue in Israel.

It was just over ten years ago that former Premier Ben-Gurion attempted to accomplish by administrative fiat what the Supreme Court tried to do this year by judicial decree. A brief look at that occasion may help to clarify some of the basic misconceptions that have

arisen this year with respect to the problem.

In 1958, Mr. Ben-Gurion attempted to modify the registration rules to provide, in effect, that a person neither born of a Jewish mother or converted to the Jewish faith could nevertheless be registered as a Jew. The negative response from the Israeli Rabbinate was loud and clear. The National Religious Party also resigned from the Government.

In an obvious maneuver to outflank the opposition, Mr. Ben-Gurion solicited the views of "Hachmei Israel" (Sages of Israel) in all parts of the globe, in Israel and outside, Orthodox and non-Orthodox rabbis, scholars, jurists, authors and essayists. While the various responses received by the Premier diverged as to sources and reasons for their respective conclusions, the common thread was clear - the overwhelming majority of respondents, Orthodox and non-Orthodox alike, agreed that Jewish nationality cannot be divorced from the Jewish religion and the Premier would forthwith drop the attempt to modify the registration rules.

The following response to Mr. Ben-Gurion's query may serve to illustrate the point. One Jewish sage wrote:

"Concerning the question before us, it is perfectly clear and without a shadow of a doubt that a son born to a Jew by a non-Jewish wife is not called his son and is considered a non-Jew in all respects. Any declaration, proclamation or promise, whether made by the father or the mother, will not alter the situation one whit; without belaboring the question further, the son must meet all the traditional legal requirements to be considered a proselyte."

One would assume that the foregoing response, in all its didactic and autocratic style, must have been made by a fanatic right-winger. The fact is, however, that this statement was made by Professor Saul Lieberman, the Dean of the Rabbinical Department of the Jewish Theological Seminary, the cradle and bastion of Conservative Judaism.

Nor were his views unique. Although advancing differing practical reasons for this conclusions, almost all the respondents agreed that Jewish nationality cannot and should not be divorced from Jewish religion.

For example, some referred to the fact that Judaism is not only a system of beliefs and precepts, but also a covenant uniting a community and forging it into a

congregation of B'nai B'rith - sons of the covenant. The State of Israel may have proclaimed itself a secular state and not a theocratic one, but that meant that it did not have a ruling religion or religious compulsion; it did not and could not change the definition of Judaism.

An additional reason offered was predicated on the linguistic necessity for reserving the word "Jew" to describe a member of the Jewish religion, now that the term "Israeli" encompasses both Jewish and non-Jewish citizens of Israel and thus has lost all religious significance.

Another argument offered was based upon the ever-present fear of intermarriage, and the effect of the Premier's proposal upon this problem. While nobody disputes that Jews throughout the world and especially in America recoil from intermarriage and parents do all within their power to prevent such a catastrophe, allowing the children of an intermarriage to be registered as Jews would lead to the ultimate tragedy. The children will justifiably argue that if it is permitted in Israel than most certainly it should be permitted in America.

Indeed, during the recent debate in the Israeli Knesset over the issue, Premier Golda Meir, in a n emotional speech defending the Government bill to reverse the Supreme Court ruling, stated that assimilation was decimating the Jewish people and jeopardizing their survival and that it was ridiculous to urge that the Jewish people did not have the right to defend themselves against such disastrous results.

The irony of the entire issue is best pointed up in the following pithy comment from the above-quoted response by Professor. Saul Lieberman:

"Let us not bring matters to such a state where people will say: 'If you wish to divorce your non-Jewish wife, travel to Nevada; if you wish to marry a non-Jewish woman and have Jewish offspring from her, travel to the Holy City of Jerusalem.'"

TEL AVIV (WNS) -- The Tel Aviv Rabbinical Court has denied the claim of a Bat Yam girl that her paramour had in effect accepted her in marriage because they had cohabitated. The court ruled that "in this day and age, sexual intercourse between single people, even after the man has given a promise, does not constitute a binding obligation to go through with the marriage." It said that the biblical law listing cohabitation as formalizing wedlock was not a hard-and-fast rule and allowed the young man to marry another girl.

PEACE FOR PASSOVER

*to our friends in the
Jewish Community*



central telephone company