



THE JACOB RADER MARCUS CENTER OF THE
AMERICAN JEWISH ARCHIVES

MS-763: Rabbi Herbert A. Friedman Collection, 1930-2004.

Series H: United Jewish Appeal, 1945-1995.

Subseries 4: Administrative Files, 1945-1994.

Box
55

Folder
3

Union of American Hebrew Congregations. Religious Rights in
Israel committee. 1968.

For more information on this collection, please see the finding aid on the
American Jewish Archives website.



Handwritten initials

838 Fifth Avenue · New York, N. Y. 10021 · (212) 249-0100

Rabbi Maurice N. Eisendrath, President

June 6, 1968

Rabbi Herbert A. Friedman
United Jewish Appeal
1290 Avenue of the Americas
New York, New York 10019

Dear Herb:

As you no doubt know, the first meeting of our ad hoc committee on Religious Rights in Israel authorized the preparation of a comprehensive document concerning the entire subject of religious liberty in Israel. We were fortunate in procuring the services of Mr. S. Z. Abramov, a member of the Israeli Knesset, to undertake this for us. He has submitted a detailed and well documented volume of some 250 pp. which we hope we will be able to publish in the comparatively near future.

However, through the generosity of Rabbi David Polish, a precis of the Abramov report, which is extensive, has been done and I am forwarding it to you in the hope that you will react to it and give me any suggestions that you may have to offer as swiftly as possible.

Both the ad hoc committee and the Governing Body of the World Union for Progressive Judaism, at its most recent meeting, authorized the formal presentation of such a precis, together with specific requests, to the Prime Minister of Israel during or immediately after our World Union conference in Jerusalem this July.

Since I will be leaving for Israel on June 22, I would appreciate receiving your reply and comments at the earliest possible moment and definitely prior to my departure from the country.

With warmest personal greetings, I am

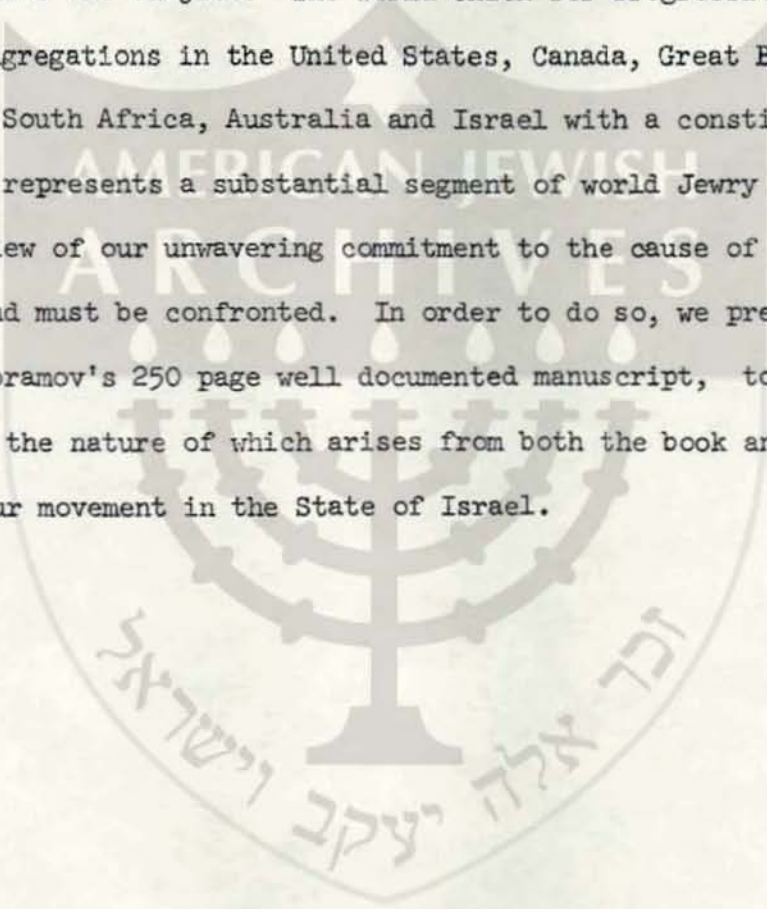
As ever,

Maurice N. Eisendrath

Maurice N. Eisendrath

enclosure

We are honored to present for your consideration a précis of a forthcoming book by Knesset Member Zalman Abramov, entitled "Jewish Religion in the Jewish State." As Reform Rabbis and laymen and as members of the World Union for Progressive Judaism, we bespeak the concern of vast numbers of Jews with the contradictions and inequities of the religious situation in the State of Israel. Residing in lands where religious freedom is inherent, we are distressed by the extensive disabilities to which non-Orthodox Jews in Israel and potential olim among our adherents are subject. The World Union for Progressive Judaism consists of 750 congregations in the United States, Canada, Great Britain, Western Europe, South Africa, Australia and Israel with a constituency of 250,000 families. This represents a substantial segment of world Jewry and we feel, especially in view of our unwavering commitment to the cause of Israel, that the issue at hand must be confronted. In order to do so, we present to you a précis of Mr. Abramov's 250 page well documented manuscript, together with the following book, the nature of which arises from both the book and the historic experience of our movement in the State of Israel.



Précis of "Jewish Religion in the Jewish State"

1. The origins of the religious issue are political, not halachik. Early in the development of the Zionist movement, two factors determined the course of religious events in Eretz Yisrael which had little bearing on Halachah or on Jewish precedent. The first was the difficult political situation in which Zionist leaders had to struggle in order to achieve unity within the movement, with the consequent necessity for compromise with Orthodox elements. The second was the inheritance by the State of Israel of Turkish, then British legislation dealing with the status of religion in what was then Palestine.

At the Fifth World Zionist Congress, a resolution sponsored by Chaim Weizmann and Martin Buber was adopted, calling for a secular school system in the future state. This appeared to Herzl as a threat to the separation of religion and state, and in order to reassure the Orthodox, he encouraged the creation of an autonomous, religious party (Mizrachi) within the World Zionist Organization. Following Herzl's death, the World Zionist Organization attempted to establish a balance by subsidizing both the "secular" Herzliya school and the religious Tachkemoni school in Palestine. Out of this situation emerged two principles: one, parents may determine whether to give their children a secular or religious education; second, the World Zionist Organization must contribute toward the support of both types of education. As a consequence, Mizrachi came to regard itself as an integral part of the State-in-becoming, and developed a network of religiously oriented schools in Palestine.

With the creation of the State, and out of a desire to secure Orthodox cooperation, Ben-Gurion agreed to the following: the personal status of Jews would be regulated by Halachah; Shabbat and festivals would be official days of rest; parents have a right to place their children in state-supported religious schools; Kashrut would be kept in public institutions.

2. The Turkish mellah system was inherited by the Mandatory power. Under this system, power over the personal status of religious adherents was granted to Jewish, Christian and Moslem courts. In addition, the British authorized the designation of two chief Rabbis and the establishment of a Rabbinical Council, to be guided by "the fundamental principles" of the Jewish religion and "in accordance with the demands of justice and equality of the present era."

(Emphasis ours.) Provision was also made for Rabbinical Courts, giving them exclusive jurisdiction in matters of marriage, divorce and personal status.

In 1926, the Palestine Government promulgated the "Religious Communities Ordinance" whereby a compromise between the secular and theocratic aspects of the Yishuv was worked out by which the Rabbinical Council would be an organ of the Jewish community and receive its budget from it. It is important to stress that ultimate jurisdiction was given to the "Community of the Jews of Palestine" and to its representative body, the Vaad Hanivcharim. An effort to separate the synagogues from the organs of local autonomy failed, and the Rabbinate and its institutions became state supported. Moreover, during the period of the Mandate, the power of the Rabbinate was limited, nor did it attempt to exert undue influence, since the real power was vested in the High Commissioner who had to pass on expenditures. "The Rabbinate is thus the creation of the British Administration" (Abramov). "For the first time in its history, Judaism is adopting . . . a kind of ecclesiology hitherto found only in Catholicism" (Rottenstreich).

3. From the outset the Orthodox community was unprepared for a Jewish State. The halachik system was not equipped to deal with a modern state and in fact had evolved as a response to the non-autonomous nature of galut. The response of orthodoxy to the reality of the State has not been to make the Halachah more malleable but more rigid. While Jews were in galut, and not responsible for civil

administration, they could observe the Halachah because the civil authorities, in providing all the necessary services for existence, made compliance with Halachah possible. The non-Jewish society did for Jews (civilly), what Halachah would not permit them to do for themselves. In Israel today, certain Orthodox elements take the same attitude toward the Jewish State. They insist on Halachik observance with the tacit understanding that the rest of the community must violate it in order to enable the Orthodox to live and function.

4. This has created unease among certain Orthodox elements. First, despite the great influx of Orthodox Jews from the East, the percentage of Orthodox voters has remained at about 15%. Large numbers of observant Jews prefer to vote for other parties whose concern is not confined to ecclesiastical matters alone. Professor Efraim Urbach writes: "Any form of coercion in matters of religion and faith is contrary to the spirit of Judaism and carries with it no Halachik authority."

5. The strategy of threat and coercion against deviants from Orthodoxy has frequently outraged public opinion and in a number of instances has had nothing to do with the upholding of Halachah. What the Halachah cannot enforce, some elements in Orthodoxy attempt to foist by illegal methods. While the establishment of Liberal Synagogue is clearly compliant with Israeli law, efforts to dislodge them by recourse to economic sanctions against those who rent them facilities, have aroused resentment in many circles. According to Dr. Benjamin Oppenheimer, the classical Yeshivot have become breeding grounds for hostility to the State.

6. One of the anomalies of the present situation is that the most determined efforts at religious coercion come from those Orthodox circles which repudiate the State, which reject its claims to their allegiance, which refuse to partici-

pate in its strivings, which nevertheless enjoy the benefits not only of its services and protection but the privilege of living according to the Halachah because the State makes this possible. Yet these forces do not hesitate to bring their considerable moral power to bear on other Orthodox groups within the State to enforce their demands which, ironically, often work hardships on large numbers of Jews who do accept the sovereignty of the State, who do make sacrifices for it, and who in many instances are loyal to their religion. While the Neturei Karta repudiate the State, they have nevertheless been instrumental, by a domino device, in obstructing army service for women, a course which the more moderate Mizrachi was less eager to pursue.

7. What Halachah cannot enforce, Orthodoxy seeks to impose by attempting to use the legislative arm of the government. They insist that they have a right to legislate religious compliance because the question of conscience for the non-Orthodox is irrelevant since such people are driven by "evil impulses" to violate Halachah. The Torah is binding on all and is not subject to democratic decisions. This attitude results in attempts at encroachment upon civil authority, such as efforts to impose the authority of Religious Courts over civil courts in clearly civil matters. The Rabbinate has pressed for a law enabling the Rabbinate to dissolve mixed marriages, although this is against Halachah. The Knesset has refused on grounds that this would infringe on religion of Christians or Moslems.

8. The Israeli courts have resisted these encroachments in a number of instances. The principle of religious freedom has been upheld by Israel's Supreme Court in the case of Israel Peretz vs. the local Council of Kfar Shmaryahu who were denied use of a local hall for religious services in 1962. The Court decided in granting use of the hall, that religion is not a matter of Halachah but of faith.

In Aksel vs. the Mayor of Natanya, the Court ruled that a municipality may not use its powers to enforce religious compliance. In Lazarovich vs. the Food Controller in 1956, the Court ruled that only an enactment by the Knesset could enforce religious compliance. This accounts for the zeal of the Orthodox to secure Knesset legislation supporting their position.

The Rabbinate permits no possibility of the amendment of Halachah in these matters. Thus, "To subject persons to religious law . . . in matter of marriage and divorce . . . is forcing them to participate in religious rites." (Dr. Aaron Rubinstein.) "By this measure, Israel has, in effect, formally denied the validity of Conservatism and Reform as Jewish religious expressions" (Professor Ben Halperin). What makes all this especially onerous is that the State is used as the means of enforcement in matters of marriage and divorce. (Viz. case of Yechya Abraham, imprisoned for refusing to grant get to his wife.)

From time to time the Supreme Court refutes Rabbinical claims to jurisdiction over Jews married outside of Israel, or to make decisions not consonant with established civil law, viz. an Israeli statute regulating exemptions from punishment for bigamy. "The Civil Courts in Israel are on guard against any encroachment upon the rights of the individual . . . and will not hesitate to curb the expansionist tendencies of the Rabbinical courts" (Abramov).

9. Nevertheless, two factors make the power of Orthodoxy difficult to cope with. One is the official Orthodoxy is represented in the government. The Orthodox bloc is not concerned with special issues and is ready to join any coalition (nationally and locally) regardless of its politics, as long as their religious safeguards are protected. They take a stand on only two "secular" issues -- against electoral reform and a written constitution. On a local level, concessions are extracted, such as the designation of a religious deputy mayor, subventions for Rabbinical Councils, the prohibition of urban transport on Shabbat, etc. "The municipalities have had to toe the line." The Orthodox "have to be continually bought off" . . .

"This does not enhance the image of democracy in the eyes of the public."

The other factor is that in those areas of control granted by the government, the Rabbinate is intransigent. While the Mandatory Power gave a measure of leeway in matters of personal status, the Rabbinate, following the creation of the State and with the authority of the Rabbinical Courts Jurisdiction Law (1953) brought all Jews in Israel under its jurisdiction in matters of marriage, divorce, and chalitza.

10. Some proposals for a separation of religion and state have been made. There is "the vital need of preventing religion from . . . turning into a government department of a secular authority . . . a state-maintained religion where the state is non-religious . . . From a religious point of view, there can be no greater abomination than a clerico-atheist regime." (Professor I. Leibovitz) "If religion is free and emancipated, it will be able to confront the secular reality" (Rabbi Menachen Cohen). In this context it should be noted that progressive minded Orthodox leaders recognize that unless Rabbinic action is taken, public opinion will compel the government to legislate civil marriage. Moshe Unna favors establishing civil marriage in limited categories, but the Rabbinate objects to this.

11. At the heart of the entire issue lies the insistence of the Rabbinate that it alone can determine who is a Jew. This has the farthest-reaching implications for Jews the world-over and contains the danger of religious schism. The Bnai Israel of India represent a paradigm of the attitude of the Rabbinate toward all Jews, in and out of Israel, whose marriage practices do not conform to the requirements of the Rabbinate. This issue is of utmost importance because it brought a historic confrontation between the Rabbinate and the Knesset. In a monumental declaration, Prime Minister Eshkol made the following statement in behalf of the Cabinet and approved by the Knesset:

"a. The government of Israel declares that it regards the Bnai-Israel of India as Jews in all respects without exceptions, who are equal to all other Jews in respect of all matters, including matters of personal status.

"b. The Government declares that the Rabbinate should pay regard to public opinion, and remove the causes that have given rise to a feeling of injustice and discrimination."

Mr. Eshkol told the Rabbinate that they must concern themselves as much with the national interest as with Halachah. "The Aliyah absorption of these brethren of ours is a matter of Pikuach Nefesh." Here he was alluding to Russian Jews as well as Conservative and Reform Jews.

The Government is now considering a similar dilemma involving Karaite Jews.

12. The Rabbinate has consistently refused to recognize the spiritual possibilities inherent in the processes of land-building, Pidyon Shvuyim, and the people's redemption. Its almost exclusive concern has been with the stringent requirements of personal status and Kashrut. Thus the only confrontation between "secularists" and Orthodox is in the area where the former are subject to the authority of the latter. For various reasons, knowledge of other forms of Jewish religious expression is limited and the idea is encouraged that there is "no other legitimate expression of the Jewish faith." Views about Reform are distorted and insist on overlooking the realities of contemporary Liberal Judaism.

13. The first public indication of concern with the religious situation in Israel came in a cable by seven American organizations to Prime Minister Eshkol, expressing dissatisfaction with the lack of religious freedom in Israel. Also, symptomatic of malaise are the search for Jewish identity in Israel and the danger of estrangement between the State and the Golah. There is a groping for religious expression in Israel. "In the very triumph of secularism lies its

weakness. And this weakness . . . fortifies . . . the position of religion" (Rottenstreich). Religious searching is noted both in cities and Kibbutzim.

14. Since the period prior to World War II, but especially in post-war years, non-Orthodox Congregations, most of which (seven) are products of the World Union for Progressive Judaism, have been established. The World Union Synagogues are found in Jerusalem, Tel Aviv, Kfar Shmaryahu, Haifa, Ramat-Gan. In addition, the Hebrew Union College School of Archaeology in Jerusalem has its own program. The response of Orthodoxy to this new phenomenon has been violent:

a. A protracted effort was made to prevent the building of the Hebrew Union College School of Archaeology. No halachik issues were at stake. The Chief Rabbi referred to it as "a menace to the nation and the state." In this connection, the freedom of religion seems to apply toward all religions, but not to all sectors of Judaism.

b. Aliyah by non-Orthodox Jews is regarded with misgiving. "All they can do in Israel is to create dissent and hostility." (Jacob Katz of Poale Agudat Israel, in the Knesset, May 23, 1966.) This is clearly defiant of the Law of Return which states, "Every Jew has a right to come to this country as an Oleh."

c. All non-Orthodox trends are to be rejected. "The State can recognize only one Halachah." (Minister for Religious Affairs Wahrhaftig, in Knesset, June 29, 1966.) There is only one Jewish religion, Orthodox; one law of marriage and divorce.

d. Lacking buildings of their own (in most cases) Liberal Congregations are harassed and compelled to move from place to place, under various kinds of threats to the owners of premises where the Congregations gather. The Kfar Shmaryahu incident of 1962, involving intimidation of private and civic institutions by the Rabbinate, is well known. No halachik issue was at stake. A similar incident occurred in Tel Aviv in September, 1963, and again in 1965; and at

Ramat-Gan in December, 1963. In Ashkelon, two school teachers attending Conservative services were officially threatened with dismissal.

e. Jews converted by Reform Rabbis are not permitted to enter Israel as Olim, creating the possibility of disunity within Klal Yisrael. This is particularly intolerable because in these instances the authority of the State is used to reinforce the policies of Orthodoxy. Despite the Supreme Court decision in the Brother Daniel case where it was determined that the Halachah is not the sole criterion for determining who is a Jew, the "Minister of the Interior has issued instructions . . . which run counter to the decision of the Supreme Court." The number of converted Jews denied admittance under the Law of Return is considerable, and in one reckoning (Amos Eylon) comes into the hundreds. Despite the assurances in 1954 by Moshe Sharett to the Union of American Hebrew Congregations, S. Z. Shragai, head of the Immigration Department, and a leader in Mafdal, wrote: "Every mixed-marriage couple is permitted to immigrate, but the Law of Return applies only to the Jewish partner." To Mr. Shragai, a person converted by a Reform Rabbi, is not a Jew, but a member of a mixed marriage.

f. "To the extent that the Jewish religion is the State religion as far as Jews are concerned, the non-Orthodox religious groups are completely excluded from the State religion." Their Rabbis are not considered Rabbis under the law. They may not celebrate marriages, officiate at funerals, or serve as army chaplains. This cannot be called freedom of worship.

Proposals

It is apparent from the foregoing that we are confronted with a religious superstructure, monolithic and top-heavy, based upon the premise of political power more than on its intrinsic authority. A religious system which requires legislation to support questionable Halachik principles which do not permit modification, is an anachronism in the contemporary Jewish world. The problem is not inherent in the value-system or religious structure of the Jewish people, but is the product of political factors which have no valid claim to permanence. It can be changed just as expediency originally invoked it.

From the very inception of the Zionist movement, Reform Jewish leaders have contributed mightily to the advancement of Jewish Statehood and to the spiritual life of the Yishuv. No one can overlook the names and work of Rabbis Stephen S. Wise, Judah Magnus, Abba Hillel Silver, Barnett Brickner, James Heller, Nelson Glueck, Herbert Lehman and others of lesser rank but not lesser dedication. Nor can we disregard the very high degree of visibility of Reform Jews both in the leadership and among the investors and contributors to Israel. An analysis of the role of Reform and Liberal Jews in pro-Israel endeavors would dissipate many misconceptions about our movement which, unhappily are persistently fomented. It is anomalous that while their labors in behalf of Zion have never been open to question, their credentials as Jews, qualified to pursue their own expression of Judaism, have been challenged and maligned. A great segment of Progressive Jewry finds itself in the unhappy position of being challenged to help secure the integrity of the State and to make its contribution to Aliyah, but of seeing religious freedom denied to their fellow Liberals in Israel. This anomaly will become increasingly acute both in Israel and in the diaspora. In addressing ourselves to the problem at hand, we urge the application of the following principles. First, bearing in mind the highly significant position taken by the Government in the Bnai Israel situation, we urge that it be applied in all of

(Proposals (cont'd.))

its implications to Jews of all segments of Klal Yisrael. Second, we urge that the position of the Supreme Court on who is a Jew be given administrative as well as philosophic application. From these broad principles, certain specific considerations emerge.

These were adopted by our representatives in Israel, the MaRaM, and were approved by the Governing Body of the World Union and therefore will undoubtedly form the basis of the requests we place before the Israeli Government:

a. Progressive Rabbis in Israel should be allowed to marry those Jews who are registered in the Rabbinat as eligible for marriage. This is a modest request, since we are not demanding to handle the registration of couples for marriage. The demand for registration would require a change in the law. In the case of this demand, there is no need for legislation, nor are we at this point entering into the question of Cohen. Divorcee, Halitza and so forth. All of this is left to the Official Rabbinat which will continue to be responsible for registration.

b. Recognition of converts.

All those converted to Judaism by Reform or Liberal rabbis throughout the world, should be recognized by the State of Israel as Jews and admitted to Israel and granted citizenship as Jews, under the Law of Return. If and when our converts are allowed to enter Israel under the Law of Return, they will be recognized as Jews and our rabbis throughout the world and in Israel will have attained recognition in this important field. The Law of Return is a secular law. We have a fine precedent in the case of Brother Daniel. Although he is halachically Jewish, he was declared by the Supreme Court as unable to qualify for citizenship under the Law of Return. This law is based on the ordinary meaning of Jew, which means

those who are considered to be Jews and have not converted to another religion. The converts of our movement throughout the world are certainly considered to be Jews in their home-countries. The Orthodox claim that their interpretation of the law must be maintained in order to prevent a split in the Jewish people, but this is exactly what will happen if one is recognized as a Jew in the diaspora and deprived such recognition in the State of Israel. It is our conviction that public opinion will support this demand, which will prevent the feared split in the Jewish people and will prevent alienation of Jews in the diaspora.

c. The Progressive congregations of Israel shall receive full support and aid from the Ministry for Religious Affairs and the local Religious Councils, in full equality with Orthodox congregations.

We have a precedent for this with the Har-El Synagogue in Jerusalem receiving a I.L. 500.₵ from the Ministry; also three of our congregations have received Torah Scrolls from the Ministry. In other congregations such as Ramat-Gan, such aid has been refused. The chairman of the Tel-Aviv Religious Council openly proclaimed that not one agorah of the five million budget of the Religious Council would be given to the Reform congregations. There are some of us who in principle object to government agencies granting aid to religious institutions. However, the Israeli reality is such that material aid is part of the fabric of religious life here and therefore it is only proper that progressive congregations be treated as equals.