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WORLD UNION FOR PROGRESSIVE JUDAISM

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THE LAW OF RETURN: IT'S POLITICAL AND RELIGIOUS RAMIFICATIONS.

By Dr. EZRA SPICEHANDLER.

When Israel's first Knesset passed the Law of Return it was universally hailed by World Jewry as their triumphant answer to the infamous White Paper of 1939. The White Paper was the illegitimate child of the spirit of Munich, and had restricted Jewish immigration to Eretz Israel to a trickle. The last door of escape had been slammed shut in the very face of European Jewry at the outset of the gory nightmare which we call the Shoah. Few Jews in 1950 anticipated that the adoption of this law would become the focal point of a major political and ideological conflict in the Jewish world. In 1950 the air which Jews breathed was still heavy with the stench of the burnt flesh of six million martyrs. Everybody, Jew and Gentile, thought he knew who was a Jew. To Israel's legislators the very idea of defining the term Jew was simply outside the parameter of their existential experience.

The law did not define who is a Jew but simply stated:

1. Every Jew has the right to immigrate to the land as an Oleh.
- 2b. ....unless the Minister of Immigration is satisfied that the applicant (i) is engaged in an activity directed against the Jewish people (ii) is likely to endanger public health or the security of the State.

To these restrictions a further clause was added in 1954 excluding "a person with a criminal past likely to endanger public welfare".

The short time allocated to me is hardly adequate to trace all the legal, political and religious ramifications of this law. The delegates to this convention are, I assume, well informed about the many controversies which the law engendered. I shall therefore devote most of the remarks this morning to more recent developments. Before doing so, however, permit me to outline briefly the turbulent history of the Law.

The first major controversy occurred when Israel Bar Yehudah, who was then serving as Minister of Interior, issued a directive in 1958 instructing registration officials to register as Jews any immigrant who declared in good faith that he was a Jew or - if children, those whose parents had declared them to be Jewish.

Bar Yehudah's directive was in keeping with the secular views of the majority of Israelis that the term Jew was now an ethnic rather than a religious designation. The National Religious Party, which views Jewishness as an ethno-religious concept, reacted violently to this interpretation. It resigned from the Government in protest and did not return to



the Cabinet until an agreement was reached that a ministerial committee would be set up in order to solicit the counsel of prominent Jewish scholars and personalities in Israel and the Diaspora on the proper definition of Jewishness. Mr. Baruch Litwin has compiled these responses in a book entitled "Jewish Identity", published by Feldheim Publishers in New York, 1970. Disallowing for the editor's pro-Orthodox bias, the book is required reading for anyone concerned with our subject.

One must bear in mind that the terms of reference of the interministerial committee were to formulate registration rules "in keeping with the accepted tradition among all circles of Jewry, Orthodox and non-Orthodox of all trends and with the special conditions of Israel, as a sovereign Jewish State in which freedom of religion and conscience is guaranteed and as a centre for the ingathering of the exiles.

Now although the Government rescinded Bar-Yehudah's directive it did not legally resolve the issue until after the Shalit case in 1968. However, following the election of 1959, a political decision, which I think was a very erroneous one, turned the Ministry of the Interior, now charged with immigration, over to the National Religious Party. Mr. Moshe Shapiro, the new Minister, soon issued a directive which ordered that "in cases of mixed marriages involving a non-Jewish mother the child should be registered either as belonging to any non-Jewish religious and national group designated by his parents, or that the nationality line in the register be left blank, and that under religion the entry be made "Father Jewish; mother non-Jewish".

In 1958 the issue erupted in a different form. Brother Daniel, a Carmelite monk, born of a Jewish mother and father sued to be registered as a Jew, since according to the Halacha, he was a Jew. The Supreme Court ruled that Israel is not bound by the Halacha. In the eyes of modern Jews, an apostate to another religion is no longer considered to be a Jew. Brother Daniel's petition was therefore rejected. In 1968, the Shalit case questioned the legality of the Shapiro directive that a child born to a non-Jewish mother may not be registered as a Jew. The Shalits claimed that their child was an Israeli or Jew by culture and nationality, despite having a non-Jewish mother. They agreed that the children were not Jewish by religion, but they requested that they be registered as Jews or Israelis by nationality - La-om. At first the Supreme Court cognizant of the ideological and legal difficulties involved, tried to avoid a decision, by recommending that the Government change registration procedures by deleting reference to religion and nationality in the register. However, when the Government refused to do so, the Court was impelled to try the case, and by a majority of 5 to 4 ruled in favor of the Shalits, without dealing with the theoretical issue of "Who is a Jew". The majority simply declared that since the registering officer was neither an investigator nor a legal expert, he must simply record information submitted in good faith by honest citizens. If the parents declare that their child is Jewish, for the purpose of registration, he is Jewish. The Ministry was ordered to register the Shalit child as Jewish by nationality - La-om.

Again this decision triggered off a furious political crisis.

Mrs. Meir was compelled to agree to an amendment to the Law of Return which was introduced into the Knesset and passed in 1970. For the first time a definition was arrived at and was inserted in the Bill. "A Jew", ~~says~~ the Bill, "is a person born of a Jewish mother, or who has become converted to Judaism, and who is not a member of another religion". The Law, however, extended the rights of olim to children, grandchildren and spouses of Jews,



and to the spouses of children of Jews, and grandchildren of Jews. The National Religious Party was of course unhappy that the phrase "converted to Judaism" did not include the words "according to the Halacha". This omission was deliberate, as Mr. Yaakov Shimshon Shapiro (not to be confused with Moshe Shapiro), then Minister of Justice explained in the Knesset debate on the new Bill of 10th February, 1970. It clearly altered the directive issued by the Ministry of the Interior in 1960. And I quote Mr. Shapiro: "there the words 'according to Halacha' were included." "We know" said Mr. Shapiro, "that there are Liberal, Conservative and Reform Jews of all kinds, and that they perform conversions. I (meaning I as Minister of Justice) do not want to fix Halachot, We therefore say that whosoever comes here with any certificate of conversion from any Jewish congregation, as long as he is not a member of another religion, will be accepted as a Jew".

In the election of December 1973, the Labour coalition lost 7 seats in the Knesset. It was now even more dependent on the Orthodox party to assist it in forming a viable majority. However, within the National Religious Party, an extremist wing of young leaders, who favored the destruction of the traditional alliance of the NRP with Labor on the issue of the held territories, insisted that their party should not join the government, unless the Law of Return was amended to read "converted according to the Halacha". They succeeded in winning support of two leading Orthodox authorities in the United States, the Rabbi of Lubavich and Rabbi Soloveitchik of Boston. But above all they elicited an opinion from Schlomo Goren, the Chief Ashkenazi Rabbi of Israel, which enjoined any Orthodox Jew from participation in the government unless the law was altered.

The Syrian war of attrition finally served as a pretext for the NRP to join Mrs. Meir's government in February 1974 but only after the new government promised to establish an inter-ministerial committee whose task would be to consult with various Jewish religious leaders in Israel and abroad and to present a recommendation to the government on how to resolve the issue within one year of its appointment.

With the release of the Agranat report on the causes of the Yom Kippur War, the Meir government was forced to resign. Yitzhak Rabin was no Golda Meir and this time the MAFDOL refused to join the new government, much to the dismay of its erstwhile allies. The present Rabin government commands a bare majority of two and has not given up hopes of convincing the MAFDOL to return to the coalition.

Constant efforts have been made in this direction. The Labor Party leadership has offered a compromise formula which reads: "converted to Judaism in accordance with Jewish practice from generation to generation." This formula was until recently opposed by Chief Rabbi Goren and his American colleagues. Rabbi Goren has now accepted it and rumor has it that on his recent trip to the U.S., both he and Mr. Pinchas Sapir were able to convince Rabbi Soloveitchik to agree to the formula.

From the very beginning, both in Israel and abroad, leaders of our movement have engaged in a campaign to persuade Israeli leaders that the Law of Return should not be altered. We have met until now with a considerable degree of success.



On the American side, our leaders were able to solicit the support of the Conservative movement in opposing the change. Our Conservative colleagues and friends realize that the issue is not whether conversions should be according to Halacha, but whether the power to recognize such conversions should be given to the National Religious Party, and the Israeli Chief Rabbinate, which has steadfastly refused to recognize the halachic competence of Conservative Rabbis. They agree with us that not the Knesset - which contains non-Jewish members - but the communities and the religious leadership of world Jewry in Israel and abroad should decide this purely religious matter. Together with our Conservative colleagues, we have been able to elicit the support of major Jewish organizations in the United States, South Africa and Europe to oppose vigorously this surrender to Orthodox demands.

In Israel our Progressive, Conservative and Reconstructionist rabbinical colleagues, and particularly Rabbi Richard Hirsch and I, have been engaging in the wearying but not unsuccessful campaign in the communications media, and particularly with the members of the Knesset to prevent the erosion of the Law of Return.

We have enjoyed the full support of three small political parties who are members in the governmental coalition and, thus far, have threatened to leave it if the larger Labour Party capitulate to Orthodox demands: they are the ILP, the MAPAM and Shulamit Aloni's Citizens Rights Party. We also enjoy considerable support with the Labour Party. We believe that if parliamentary whips would allow a free vote on this issue, a sizeable group of Labour Party deputies would vote for us.

We are not unaware of the problems faced by the Rabin government. A slim majority requires constant parliamentary vigilance, makes it difficult for ministers and vice ministers to engage in ministerial tasks too far away from the Knesset building, lest a sudden opposition vote call bring down the government. Members of the Knesset often cannot be away from the capital or go abroad on missions of Jewish and Israeli significance.

Above all there is the constant nightmare that the rupture with the NRP will become permanent, resulting in its joining the right wing coalition headed by Mr. Beigin. Such a shift to the right could have serious foreign policy consequences - swinging the pendulum toward a more hawkish position and disrupting the domestic liberal-labour policies of the Labour bloc.

Mr. Rabin has so far withstood these and other pressures. At the recent meeting of the Council of the World Zionist Organization, he repeated that changes in the Law of Return must be in such a form that it would be acceptable to all Jewish religious streams.

One need not stress how important it is for Progressive and Conservative communities and their constituencies throughout the world to continue to make their strong views on this subject known not only to Israeli representatives in their countries, but to UJA (JIA), Israel Bonds and Magbit as well as to the Prime Minister and President of Israel at every appropriate occasion - particularly when alerted from our Jerusalem headquarters. It should be clear that we in every way wish to advance Israel's cause and support campaigns upon its behalf, but the least we expect is that the people and government of Israel shall not be misled into thinking that the vast majority of world Jewry support the Orthodox position.



I now come near to the close of my remarks. The Israeli, and most European members of our Movement feel that for the sake of Jewish solidarity, constituents of the WUPJ should encourage conversion procedures which would be more consistent with the Halacha. They include: (1) a proper period of training and education before conversion. (2) A ritual bath for converts. (3) Circumcision ceremony for males.

In the eyes of the majority of Israel's so-called secular Jews, conversion without circumcision is an incomprehensible anomaly. I am aware of the fact that for many Progressive Jews even the re-examination of one's position on this issue strikes at some fundamental views as to the nature of our Progressive Jewish philosophy, but so did our re-assessment of our attitude to Israel and Zionism a generation ago. In a general world of shortened communications, and in a Jewish world which is more conscious than ever of ethnic relationships, ought we not reconsider practices that might lead to an ultimate rupture between Reform Jews and other Jews because of our own inflexibility?

All this is conditioned on the possibility that the majority of Jews, including most Orthodox authorities, would recognize our procedures as being in consonance with the Halacha. Our Orthodox colleagues constantly speak of the need for Jewish unity. Would it not be possible for them also to change intransigent positions in order to establish mutually acceptable conversion procedures?

Of course the better decision would be to avoid the entire controversy by eliminating the registration of religion and La-om on Israeli documents. All immigrants under the present amended Law of Return would then be given identical cards. Rabbinic courts could then examine the halachic "Jewishness" of individuals in any manner they may see fit. One would hope that they would do so by applying the old rabbinic dictum of "follow the majority." In an area where Jews are a majority, courts must assume the Jewishness of the average appellant. But this brings us to quasi-messianic speculations. Our Orthodox colleagues in Israel have chosen the way of Beth Shammai and not the way of Beth Hillel.

The problem of "Who is a Jew" may not be soluble in this post-emancipation era. What Dr. Max Weiner called the Jüdische einheits kultur no longer exists. In a modern, technological society religious pluralism not only cannot be avoided but perhaps should not be.

There is a lovely story told by Reb Nachman of Bratslav. The moon once lodged a complaint against the sun. You, argued the moon, are out during the day, when the skies are bright and the weather is warm, and in the winter your outdoor hours are drastically curtailed. I, on the other hand, must work in the long dark hours of the cold winter nights, although it is true that in the summer my hours are cut down to a minimum. The sun agreed that the Moon's plaint was just and suggested that one should clothe her in a warm garment to protect her against the winter cold. So both great tailors and little tailors were summoned by the sun. He turned to the great tailors and ordered them to sew a cloak for the moon. After a week the great tailors returned in despair to say that the task was impossible because "the moon constantly changes her shape. How can we possibly sew a garment to fit her at all times?" they wailed.



Now the little tailors rushed up and shouted, "Let us sew the cloak". The sun replied, "If the great tailors have failed, how can you possibly succeed?"

Ever since the Emancipation the great scholars of Israel have endeavored to sew a cloak for the changing, inconstant, multi-shaped body of modern Jewry. None has succeeded. Where the great have failed - how can the little dare to hope to succeed?

Perhaps we need more than one cloak - a beautiful wardrobe of cloaks to fit the varying needs of an ever-changing Jewish world. But let us hope it can be sewn out of the same cloth - or at least the same matching principle of Jewish brotherhood would preserve the identity of all who wear and adhere to it.



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## "פשרה" מוזרה

קשה להבין מה יכול היה להגיע את ד"ר יוסף בורג ד"ר יצחק רפאל להציע לראש הממשלה את אשר הציעו לגבי הכרת הגזיר שבתוך לארץ, פרט להרגשה כי הישארותה של המפד"ל מתוך למסגרת הקואליציה הממשלתית כמות כגזירה שהמפלגה לא תוכל לעמוד בה. יתכן כי הרגשה זו אינה לגמרי נטולת בסיס. ממל מקום היו זמנים בהם הטעם לקיומם של המזרחי, הפועל המזרחי ומפלגת הדתיים-הלאומיים היה נעוץ, בעיני הציבור על כל חלקיו, בכך שזוהי מפלגה, דתית" אשר רואה את ייעודה הסגולי בגמולות לשיתוף פעולה עם מפלגות, "חופשיות", וזאת היתה השיבולת שהבדילה בינה לבין סיעות אגודת ישראל. ואם קיומו של ייעוד זה היה כרוך בתוכחות מצד חוגי האדוקים הקיצוניים על שהמפד"ל פטרניק מדי — אין לומר שפולגת מתמדת זאת גרמה לה נזק.

תהליך הרדיקליזציה שחל בתוך המפד"ל בשנים האחרונות — הן לגבי נושאים, "דתיים" הן לגבי נושאים של מדיניות חוץ וביטחון — הוציא את המפד"ל למעשה אל מחוץ לתחום כשותף לקואליציה ממשלתית אשר המערך, ולא הליכוד שבהנהגתו של תנועת החירות, משמש לה עמוד "סדרה" לא המערך דחף את המפד"ל החוצה; היתה זאת, "עבודה עצמית" של המפד"ל, ואין לפטור את ההנהגה המיניסטראלית הקודמת שלה מהאחריות לכך. היא היא אשר הסתבכה בתימרון של הפניית שאלה למועצת הרבנות הראשית אם נוסחה מסוימת תיחשב כמניחה את דעתה של זו כדי להבטיח את כניסת המפד"ל לממשלה; ואין תימה כי מי שוויתר על האוטונומיה של המפד"ל במפלגה פוליטית — אך בכל זאת משתוקק שלא להיות נדון לנדודים במדבר הפוליטי — נדחף לעבר להסטים שאין בהם כדי לספק אף צד.

ההגדרה הקיימת בחוק לפיה יהודי הוא, "מי שנולד לאם יהודית, או התגייר, ואינו בן דת אחרת", אומרת למעשה שמדינת ישראל מכירה בפלוראליזם הדתי שהיכה שרשים בעם ישראל. מהכרה זו אין לתזז, ואם ה"ה בורג ורפאל הציעו עתה כי לא תידרש, במידעם החושבים ובתעוזה הוחתה, לאוטונומיה של עולים חדשים שעברו בחו"ל תהליך גזיר כלשהו, משך שנה אחת — הרי יש בכך משום ביטול ההכרה ההיא לגבי רבנים בני הזרם הקונסרטי באטיבי הזרם הרפורמי. ואין נחמה בכך שהעיסוב המוצע עלול לפגוע גם ברבנים אורתודוקסיים; כל מה שנוסחה זו מסוגלת להשיג הוא שגם חלק ניכר של המפד"ל עצמה נדחף לפסול, "פשרה" מוזרה כזו.

בעוד ימים ספורים תחלוף התקופה של שלושת חדשים אשר ראש הממשלה ראה להתנן מבלי לאיש, דרך קבע, את המשרדים שהיו תפוסים בעבר על ידי נציגי המפד"ל. כאשר במשלת מאזר הבטיחה להקים ועדת שרים שתבדוק את גורא הגזיר בתוך לארץ, "תוך התייעצות עם הרבנים הראשיים בישראל", הגיעה עד לגבול הפטרנות שאין להרחיק לכת ממנו. מאחר והמפד"ל דרשה לאחר מכן יותר, ומוסיפה לדרוש יותר — יש עתה למתוח קו על העבר, על ראש הממשלה למנות למשרדי הפנים, הסעד והדתות שרים משורות המפלגות של הקואליציה הנוכחית, ולא להאריך עוד את הזמן ששלושת משרדים אלה ינותקו, למעשה, על ידי מנהלים כלליים.



27-9-74

## CASE PREMIER QUOTED NOT TYPICAL

# 'Keep religion out of politics'

Dear Mr. Prime Minister:

May I respectfully call to your attention an inaccuracy in a statement you made before the nation in an interview you gave over TV broadcast on September 20 and 21. You stated that "one of the heads of the Reform movement in New York who contacted me in order to oppose the current proposal for the entry of the N.R.P. (into the Government), officiated at a marriage ceremony on the evening of Tish'a B'av with a Christian minister in a church."

This description does not fit any leader who approached you or communicated with you officially on behalf of any of our American or international Reform Jewish organizations. We are aware of an advertisement placed in the Israeli press by an organization calling itself "The Movement for Unity of the Nation" which contains a photocopy of a notice in the "New York Times" of a rabbi who did so officiate. There is no rabbi by that name who belongs to the Reform Movement. There is a rabbi with a similar name who is known to perform such ceremonies, but that rabbi does not even have a congregation, and he certainly does not represent the movement nor is he representative of the movement. The official position of the Central Conference of American Rabbis as adopted in June 1973, is as follows: "The Central Conference

Following Prime Minister Yitzhak Rabin's interview on Israel Television last Friday night, which contained references to Reform Judaism, Rabbi Richard G. Hirsch puts on record, in a letter to the Premier, that the marriage to which Mr. Rabin referred is by no means normal or accepted Reform procedure. Rabbi Hirsch is Executive Director of the World Union for Progressive Judaism in Jerusalem.

of American Rabbis, 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." Outside the United States, there is no known instance of any Liberal, Reform or Progressive rabbi affiliated with our world movement who has ever officiated at a mixed marriage.

We welcome your statement that a solution to the conversion controversy should be found which is acceptable to all of the movements in Judaism, but when the Prime Minister uses as an illustration such an exceptional example (which, in-

identally, did not even involve a convert, and therefore in no way can be considered a valid Jewish marriage) the atmosphere becomes less conducive for arriving at an amicable resolution of the problem.

It is essential to recognize that there is no connection between the Law of Return and the problem of intermarriage abroad. Unfortunately, intermarriage is a growing phenomenon throughout the Jewish world. It is a phenomenon reflecting the ineffectiveness and insufficiency of Jewish education, a weakening of the bonds of the Jewish home and the Jewish family, and the status of the Jew as an accepted member of an integrated, open society. These

and other factors are responsible for the rise in intermarriage, and the Reform movement continues to play a key positive role in preventing assimilation and intermarriage through its religious, educational and cultural programme, not the least important of which are programmes oriented to inculcating esteem and love for the people and State of Israel. Mr. Pinhas Sapir, reporting on his recent trip, stated that the intermarriage rate in Latin America is up to 40 per cent. In all of Latin America there are four liberal rabbis, none of whom officiates at intermarriage. And in America the conversions performed by Reform rabbis are intended to, and indeed do, have the effect of combatting the harmful consequences of intermarriage.

It is therefore fallacious to assume that a Knesset revision of the Law of Return recognizing only conversions performed in accord with the Orthodox interpretation of Halacha, will prevent intermarriage. In our experience the problem of intermarriage is unrelated to such questions as who performs marriage or conversion ceremonies. Unfortunately, intermarriage is a problem which plagues the Jewish world, including Orthodox Jewry. No movement or group of Jews is immune from its contagion, and no group has a sure-fire preventive.

Nothing is gained, therefore, by

recrimination and unfounded generalizations. Everything is to be gained by recognizing our common responsibility and by having all responsible Jewish groups join together in mutual respect and in the conviction that differences in approach and emphasis are salutary in attacking a problem common to all.

Over and above the specific statements in your interview, I should like to call to your attention again, our firm conviction that these most weighty issues affecting Jewish survival in the Diaspora should be discussed by the religious movements themselves and by Jewish leaders in Israel and the Diaspora in an atmosphere removed from the controversies of Israeli politics.

To make religion the basis for negotiations between Israeli political parties is to distort both Judaism and the democratic process. It is inconceivable that a minority branch of Judaism should use the political process as a tool to achieve religious objectives which it cannot achieve through education and suasion. And it is inconceivable that political leaders use Judaism as a tool to achieve political objectives unrelated to Jewish religious concerns.

Because of these factors we have been and continue to be opposed to the politicization of religion and the religionization of politics.

RABBI RICHARD G. HIRSCH



279-74

# מעדיב שן שנת

## שמואל שניצר • האמת על הגרים

החדשה שלמי אמונתו התמימה הלכת ונת' הוות מעבר לאוקיינוס, שום אומה חדשה לא צמחה שם, ערכוב עמים הוא עצמו, וכשנים אחרי רונות גילו המרכיבים השונים של האוכלוסיות המעורבת הוא שבצעם אינם רוצים להיטמע ולהפך לבלייל אחד.

הורם הרפורמי, בשלבו הראשוני, היה ממון כולו אל הרעיון הבלתי-אפשרי של התבונן ללות, המציאות הכיסה אותו, והוא נאלץ לחזור ולבקש דרך אל השוני, שהוא מנות יהודית מובהקת.

בין כה וכה איבד את הכושר לשמוע על הייחוד היהודי, דרך הפירצה שהוא פתח בחומת היהדות, בורחים שנהיגה שלושית אחת מן היהודים האמריקניים ה' צעירים אל שטח-התפארת שבין הדתות ובין הלאומים.

מאבק המתנהל עכשיו איננו על גרים, המאבק הוא על מתן לגיטימציה יש' ראלית לזרם הרפורמי שביהדות. אילו בא וביקש הכרה במעמדו ועמו הוכחות חותכות להישגיו בשמירה על קיומו ועל ייחודו של עם ישראל בתפוצה, היתה תביעתו מעוררת הדיון הרבה יותר מיוזמים, אלא שהוא בא ובידו המספרים המחרדים האחרונים על המנוסת התמונית של היהודים האמריקניים הצעירים ממקורות הוותיקים, וכל מה שיש לו להציע כמחסום וכסכר הוא — להרוס את שארית החומות ולהבריק על היהדות כשל אדמה פרוצה שכל תרופה — בא אליה ואלו היא — קם והולך.

ואין הוא בא ומביא אלינו המוני עולים, על מנת לשכנעו באמצעותם שהוא ענף חי ופעיל של תנועת התחייה היהודית, הוא בא וידיו ריקות-יכמעט, והוא רוצה שאנחנו ניהו את הנושפנקא גם למעשיו המבורכים בתחום הסלידאריזציה היהודית, גם לתעויות בשאלות היהדות, וגם לשלונותיו הבלויסטים לעיני.

ואנחנו, שהאחרות היהודית היא לנו דגל ופיקר-אמונה ומשאת-נפש — איננו יכולים להיענות לו.

של סיבולנות והבנה תודית שקשה לערער עליהם.

ואולם בשעה שהם בוטחים מאוד בליבן רליות שלהם, יהדותם איננה מושתתת על אותם יסודות אתניים, הם כרתו את שרשי המסורת היהודית שסמנה צמח ו' מצאו את עצמם מרחקים בחלל של ערכים כללי-אנושיים, שרק חלק מהם זיקתם אל היהדות ברורה ובלתי-מעורערת. אין מדה אנושית טובה שאינה משוננת בתורה, ה' רחמים והצדקה, הצניעות והענוות, הצדק והבריאות וההבנה הרע, הם חלק מן המורשת והיהדות — אבל לא ממה בלבד. כל חברה אנושית מהוגנת, שלא איבדה את הכושר להבחין בין טוב לרע, דוגלת בהם. הנצרות האדיאלית (להבדיל מזו שבתיסטוריה וזו שבהווה) מושתתת עליהם לא פחות מן ה' יהדות, אלא שתייהדות היא יותר מאלה — היא גם אמונה בעקרונות, משמעת, אורח חיים, היא תצורה לגאולת, האופטימיות שאינה ניתנת להריסה, החתירה המפתחת לתקון העולם, הסיפוח המתמיד של ה' לימוד לשמו, היא התבונה בין קודש לחול, בין טהרה לסומא, בין הנעלה והנחשב, עתירות ורציפותה הן סימני ההיכר שלה; יכולתה לשאת עמה לאורך כל ההיסטוריה שלה רצינות, דמיון, מנהלים, פסקים, תפילות — כל דבר שחומתם של נצחיות טובה בו — היא עיקר מהותה.

אי אפשר להתנער מאלה, להיפטר מצבר ומסורת, להתנתק ממורשת התולדות שבי' שרשרת העתידה, ולקיים יהדות אמיתית, היהדות הרפורמית גיסתה — והיא שרונה במשבר כרוני. היא באה לעולם — אין לשכוח זאת — כחיס של תמיכה והתבוללות. היא ביקשה לעשות את התהוות דומה ככל האפשר לנצרות. היא דגלה ברעיון שיהודים הם דת ולא אומה, היא מחקה את תוחלת הגאולה הלאומית מסמפי התפילה שלה, מפני שסבורה היתה שיהודים ייבאלו, עם האנרי שות כולה, על ידי התשכלה, על ידי הסוכר לנות, על ידי הענן המודרני הנגזר, היא גיערה את הצהנה גם מלשון הקודש, ותיר' גמה את תפילותיה לשפת הארץ.

היא חזרה בה, לאחר מכן, היא שינתה את יחסה לארץ ישראל, למעדי ישראל וללשק העברית, היא הבינה שבלי אלה — אין לה ציחין כל עיקר, היא שינתה גם את יחסה — הנפשי, אם לא המעשי — אל התלמוד, היא נמשכה, במפרס אל האור, אל המסורות המנהגים היהודיים העתיקים, אך נרתעה מלתת להם תוקף של מצוות מחייבות.

היא תנועה של אנשים מחלבים, כיוון שאינה רוצה לקבוע מערכת דינים מחייבים, היא משאירה לכל רב שבכל קהילה את החופש להציע גבולות משלו בתחום הרעיוני והמסורי, המקובל והמחויב, היא מסירה שם שיו בעובדה שליוהדות יש דפוסי חיים, סמל לים וטקסים שצריך לספקם, הוא רואה את עצמה כחלק מכלל ישראל, והיא מנייחת לטאבקים היהודיים העליליים.

אני סבור שהיא נמשכת, לאטילאט, בחזרה אל צד המהפכה, שעה שקצת מרועיה ה' רחמים עוסקים עדיין באכספרימנטים בתחום שיתוף הפעולה עם כמות נוצריות, קרונן האמיתית שלת הוא עם היהדות המקורית, שמשאותיה הן המאירות את דרכה.

איננו מאמין שהכינוי, יהדות מתקדמת" יפה לה, היא, אליבא דאמת, יהדות שבה ממיקסם-שוא על עולם שכולו טוב ובו בני כל הלאומים אחים הם, היא חזונית, בצעדים אוטטים ובתציות מייגעות, אל תמיסה מציאותית יותר של זהות אתנית וייחוד לאומי שהם נכסים יקרים המצויים שמירה, מפני שעמים, כמותם כיחידים, לא נבראו בצלם אחד ואי אפשר לעשותם דומים זה לזה בלי לפגוע בחירותם ובזכויותם להיות שונים.

הוכוח להיות שונה היא, לגבי אמריקה ויהודיה, בגדר חידוש, במשך דורות אחדים היתה זו שאיפתו של כל מהגר שהגיע לעולם החדש, לאבד מהר ככל האפשר את סימני התיכר המיוחדים שלו ולויתמע בתוך האומה

ה' לי לגרום אכזבה לקהל עדת ישראל, אבל הגרים הרפורמיים האמורים לגור בתוכנו ושמיכם מתחוללת כל הפעולה, ה' מיכנים שעל ידי הקפאת רישומם פקודה המפדיל לשוב אל שולחן הממשלה, קרבנות השערוריות הנוראה שלמענם עלתה התנועה לזכויות האזרח על הבריקדות, המופלים והמקופחים שלהגנתם שולחים הרבנים ה' ליבוליים והקונסרוטיביים של אמריקה את כל המברקים הנחשיים לדעת הקהל בארץ באמצעות מחלקות המודיעות של העיתונים הישראלים, אינם קיימים במצי' אות, הם המצאה של להטוטרים פוליטיים, המנצלים את המימיותנו כדי לגרוף אותנו לתוך מחלוקת מלאכותית.

מעולם לא התנהל פולמוס סרע' כל כך על נושא אפסי כל כך, כל המובאות מן המקרא, כל העיסוסות ממגילת העצמאות, כל המליצות הנשגבות על חירות ושוויון אינן באות אלא לזרות חול בעינים ולהסיה את דעתנו מן העובדה הפשוטה שהייכוח הוא על עורו של דב שעדיין לא ניצוד: היכולת שלנו להביא עולים מן העולם החפשי ממוצעת בכללה, היא מסתכמת אולי באלף עד אלף ומאתיים נפש בחודש, רובם יהודים אורתודוכסיים, היהודים הרפורמיים הם מיעוט ועיר כחוק העליה הוות — כמה עשרות בחודש, הגרים שבתוך העליה מן ה' מערב הם קומץ קטן — אולי שנים בחודש, והרפורמיים שבתוך קהל הגרים ה' זה הם בגדר קוריוז נדיר: לפעמים — אחד בשנה, ולפעמים שנים, ובשנת שיא — שלוש.

הסיבה איננה טמונה בהפליה הנוראה ש' אנו נוהגים בגרים הרפורמיים, זה שנים הם נרשמים כיהודים אם רצונם בכך ונהנים מכל הטובות המוענקות על פי חוק השבות. הסיבה נמצאת ב'תו' של הגיור ה' רפורמי: אין הוא יוצר יהודים חמים מאד ויוצאים מאד שמשתת צפפם הוא לבוא ולהיות בארץ של יהודים, גר רפורמי איננו חרד שמא ילדיו יתחננו עם גמים, ואין הוא מצר על שאינו מקיים את מצוות ישוב ארץ ישראל או את המצוות התלויות בארץ, עם גיורו המבירו לו שהמצוות המעשיות — עבר עבר זמנן, אפילו מילה וטבילה אינן בגדר חובה על פי השולחן-ערוך ה' רפורמי.

ה' רפורמיים הם בדרך כלל אנשים נחמדים הרוצים לעשות נחת רוח לחות' ניהם, הם יודעים שגם כומנים מודרניים אלה יש הורים יהודים לא מעטים המגויבים בצער עמוק ובאכזבה על החלטת בנם או בתם לבוא בברית הנישואין עם מי שאינו יהודי, אין שום דבר שהורים יכולים לעשות כדי להניא את ילדיהם מנישואי תערובת, פרט לגסיון שידול, שבדרך כלל אינו עולה יפה, אבל אדם הגון המתחנן עם בן-רוג או בת-רוג השייכים לדת אחרת, איננו רוצה לגרום לקרע במשפחה, גיור רפורמי הוא מוצא אלגנטי המאפשר התמימות בלי להצניג תביר צות מצפוניות קשות וכלי לחייב שימו' דראסטי באורה החיים.

הגיור הזה, שכיחותו ומשמעותו, קשורים איפוא קשר הדוק אל התופעה של ריבוי נישואי תערובת בקרב יהודי אמריקה, ואי אפשר להפריד ביניהם.

כמעט אין נתונים סטטיסטיים מוסמכים על יהודי ארה"ב, אם אמרים, דרך משל, שיש 6,115,320 יהודים בארה"ב, זה אומדן שיסודותיו רעועים למדי. ברוב המדינות האמריקניות אין רשומים את דתו של אורח, וחלק ניכר מן היהודים האמריקניים אינם רשומים בשום קהילות, המחקרים הסטטיים טיים המעטים שנערכו, נעשו על פי מדגמים, ולא ברור באיזו מדה מייצגים מדגמים אלה את כלל התפוצה האמריקנית, יש מספר לא קטן של יהודים שהצליחו לנתק את סרביית הקשרים שקשרו אותם אל עםם ואל דתם, קצתם אף לא נדירו את עצמם כיהודים, הנתונים שיובאו להלן, בסיסם הוא איפוא רופף למדי; הם מסתמכים בעיקר על מאמר שנתפרסם בשנתון היהודי האמריקני של 1973, המנתח מחקר סטטיסטי מודגם, ממאמר זה יוצא, שבשנים האחרונות חלה עליה תלוי לה בשיעורם של נישואי התערובת ביהדות אמריקה: בשנים 1966-1967 בתרו קרוב ל' שליש (31.7 אחוז) מן הנישואים היהודים בג'וזוג לא-יהודי.

באוכלוסיה של יותר מ'6 מיליון נפש, מספר הנישואים בשנה בתנוה ייתה יותר ממאה אלף, לפחות כ-30 אלף מהם נישואים ללא-יהודים, על פי הנתונים של השנתון היהודי האמריקני בשני שלישם של המקי רים גברים יהודיים הם הנישואים נשים נכריות, לפי האומדן הנלמי שלנו מקיפה איפוא התופעה כ-20,000 צעירים יהודיים וכ-10,000 צעירות מדי שנה בשנה.

ב'6 הנישא נערה יהודיה, אינו רואה צורך, גיור המסרים, להתגייר, אבל כרבע מן הנערות הנכריות הנישואות ליהודים — כ' 5,000 בשנה — מתגיירות, וזוהי תעשיות גיור בעלת היקף.

אין נתונים סטטיסטיים המאפשרים לנו למיין את התופעה של נישואי תערובת על פי השתייכותם של הצעירים לאחד משלושת הזרמים היהודיים בארה"ב, יש מקום לשער שהתופעה שכיחה פחות בקרב הנוער ה' אורתודוכסי מאשר בקרב הקונסרוטיבי, ו' שהגברים עם הקהילות הרפורמיות והליבי רליות נוטלים בת חלק עיקרי, בקרב ה' רפורמיים יש יהודים לא מעטים שאינם רואים שום בנישואי תערובת, יש רבנים רפורמיים (הם מיעוט, אבל הם קיימים) המצוינים לקדש זוג מעורב בלא גיור, ויש אפילו רבנים המברכים על ה' תופעה ורואים בה סיכוי להתחנות דת חדשה שתהא מייבית של יהדות ונצרות, ואולי אף ראשינו של תהליך בלתי-נמנע של שקיעת היהדות (השנתון היהודי האמריקני, 1970, עמ' 118-119).

ו' וחתמי עם רבני קהילות ליברליות ב' ארה"ב, אנשים אינטליגנטיים כולם, מקסימים כולם, המאמינים אמונה עמוקה בחשיבותה של ישראל כמסד לקיום הייחוד היהודי וכמקור של הסלידיות וההזדהות שאיפתם לזכות בהכרה מסעם המסודות ה' מתוקקים בישראל כנה; אמונתם בזכותם של יהודים לחפש פדות ולפעם בכל דרך הנראית להם מבוססת על עקרונות ליברליים



האיגוד העולמי ליהדות מתקדמת  
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ירושלים

Office of Executive Director

לשכת המזכיר הכללי

September 8, 1974

Mr. Yitzhak Rabin  
Prime Minister  
State of Israel

Dear Mr. Prime Minister:

I am very disturbed by the nature of our telephone conversation on September 6, and, out of personal friendship for you and respect for your office, I am writing this letter to present some thoughts for your consideration.

Our movement has been opposed in principle to all efforts to impose Halacha on the State of Israel. In 1970, following the Shallit decision, we issued statements opposing the revision of the Law of Return, because we realized, as did the majority of the High Court, that once a Halachic definition of a Jew is injected into civic legislation, the State of Israel would be embroiled in continuing conflict over divergent interpretations of Halacha. During the high level Knesset debate on the Law in February 1970, many members of the Knesset, including members of your party, expressed views similar to ours. We continue to believe that the revision of the Law of Return in 1970 was a serious mistake, because it opened a Pandora's box which gave Orthodox groups in Israel and around the world a base from which constantly to seek further imposition of their beliefs and practices on the State, and through the influence of the State, on world Jewry.

During the course of the deliberations in 1970 representatives of the Reform and Conservative movements met with government leaders and were given assurance by Prime Minister Meir and Minister of Justice Shapira, that the revision of the Law of Return would recognize the conversions performed by any rabbi abroad. Mr. Shapira, speaking in behalf of the government, so stipulated in his address before the Knesset on February 10, 1970 - (see Knesset proceedings of same date). Mrs. Meir, throughout her administration, despite great pressures from orthodox groups around the world, maintained the government commitment. When the crisis rose again in your premiership, we continued to express our views in Israel, and around the world. You will recall that a delegation met with you on July 17, for an extensive and amicable discussion.



In the light of the extended history of the "Who is a Jew" controversy, and the involvement of groups around the world, I find it difficult to comprehend your contention that our opposition at this time represents the injection of religion into politics. If there is any issue which symbolizes the unfortunate politization of religion and the religionization of politics, it is the "Who is a Jew" issue. Our opposition to your proposal is based on a fundamental religious conviction that it is against the spirit of Jewish tradition to discriminate between converts and Jews by birth (see Leviticus 19:33,34). It is also based in large measure on our conviction that the integrity of both Judaism and the State is diminished when a clear-cut religious issue becomes the base for negotiations between political parties. We reject the notion that Orthodox Jewish groups representing a minority of the Jewish world can use the State as an instrument to impose through the political process, what they cannot achieve through the legitimate vehicles available - religious education, and moral and spiritual suasion.

Since the current controversy revolves around conversions performed abroad, we believe that the issue can be resolved only through discussions between the respective religious movements and not through decisions made by the secular instrumentality of the Knesset under the pressure of party politics and specific time limits. On the basis of the past record, we are fearful that the government and the Labor Party will continue the unfortunate process of acceding to the pressures of the religious parties, thus only encouraging further encroachments in the future.

In the light of the above we believe that we have not only the right but the obligation to articulate our views through the democratic political process. We believe that in so doing we are not only expressing the needs of our movement, but above all, that we are helping to shape an Israeli society with which all Jews will be proud to identify.

Our movement has come a long way. Within the last year alone we have transferred our international headquarters to Jerusalem, voted to affiliate with the World Zionist Organization, established the foundations for a Progressive kibbutz through the organization of a Nachal Garin, expanded our programs in Israel, and engaged in a host of activities abroad resulting in increased political and financial support of the State. In sum, we are committed to an ever more intensive participation in the greatest adventure of our time - the upbuilding of the Jewish State.

I hope that after reflection you will agree that the irritation resulting from a more activist role of the Progressive movement is indeed a welcome price to pay for a more dedicated involvement of a major movement in Jewish life.

Hatzlacha B'Chal D'rachecha.

Respectfully yours,

Rabbi Richard G. Hirsch



September 20, 1974

Mr. Yithak Rabin  
Prime Minister  
Jerusalem

Dear Mr. Prime Minister:

May I respectfully call to your attention an inaccuracy in a statement you made before the nation in an interview you gave over TV broadcast on September 20 and 21. You stated that "one of the heads of the Reform movement in New York who contacted me in opposition to the current proposal for the entrance of Mafdal, officiated at a marriage ceremony on the evening of Tish'a B'av with a Christian minister in a church."

This description does not fit any leader who approached you or communicated with you officially in behalf of any of our American or international Reform Jewish organisations. We are aware of an advertisement placed in the Israeli press by an organisation calling itself "The Movement for Unity of the Nation" which contains a photocopy of a notice in the New York Times of a rabbi who did so officiate. There is no rabbi by that name who belongs to the Reform Movement. There is a rabbi with a similar name who is known to perform such ceremonies, but that rabbi does not even have a congregation, and he certainly does not represent the movement nor is he representative of the movement. The official position of the Central Conference of American Rabbis as adopted in June 1973, is as follows: "The Central Conference of American Rabbis 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." Outside the United States, there is no known instance of any Liberal, Reform or Progressive rabbi affiliated with our world movement who has ever officiated at a mixed marriage.

We welcome your statement that a solution to the conversion controversy should be found which is acceptable to all of the movements in Judaism, but when the Prime Minister uses as an illustration such an exceptional example (which, incidentally, did not even involve a convert, and therefore in no instance can be considered a valid Jewish marriage) the atmosphere becomes less conducive for arriving at an amicable resolution of the problem.

It is essential to recognize that there is no connection between the Law of Return and the problem of intermarriage abroad. Unfortunately, intermarriage is a growing phenomenon throughout the Jewish world. It is a phenomenon reflecting the ineffectiveness and insufficiency of Jewish education, a weakening of the bonds of the Jewish home and the Jewish family, and the status of the Jew as an accepted member of an integrated, open society. These and other factors are responsible for the rise in intermarriage, and the Reform movement continues to play a key



positive role in preventing assimilation and intermarriage through its religious educational and cultural programs, not the least important of which are programs oriented to inculcating esteem and love for the people and State of Israel. Mr. Pinchas Sapir, reporting on his recent trip, stated that the intermarriage rate in Latin Americanis up to 40%. In all of Latin America there are four liberal rabbis, none of whom officiates at intermarriage. And in America the conversions performed by Reform rabbis are intended to, and indeed do have the effect of combatting the deleterious consequences of intermarriage.

It is therefore fallacious to assume that a Knesset revision of the Law of Return recognizing only conversions performed in accord with the Orthodox interpretation of Halacha, will prevent intermarriage. In our experience the problem of intermarriage is unrelated to such questions as who performs marriage or conversion ceremonies. Unfortunately, intermarriage is a problem which plagues the Jewish world, including Orthodox Jewry. No movement or group of Jews is immune from its contagion, and no group has a sure-fire preventative.

Nothing is gained therefore by recrimination and unfounded generalisations. Everything is to be gained by recognizing our common responsibility and by having all responsible Jewish groups join together in mutual respect and in the conviction that differences in approach and emphasis are salutary in attacking a problem common to all.

Over and above the specific statements in your interview, I should like to call to your attention again, our firm conviction that these most weighty issues affecting Jewish survival in the Diaspora should be discussed by the religious movements themselves and by Jewish leaders in Israel and the Diaspora in an atmosphere removed from the controversies of Israeli politics.

To make religion the basis for negotiations between Israeli political parties is to distort both Judaism and the democratic process. It is inconceivable that a minority branch of Judaism should use the political process as a tool to achieve religious objectives which it cannot achieve through education and suasion. And it is inconceivable that political leaders use Judaism as a tool to achieve political objectives unrelated to Jewish religious concerns.

Because of these factors we have been and continue to be opposed to the politicization of religion and the religionization of politics.

Sincerely yours,

Rabbi Richard G. Hirsch



Talmon 19.10.77

State of Israel is a  
state of and for Jews -  
but is not a Jewish state

Jewish dimension measured by:

1. Living out your life in a majority
2. Searching for roots - archeology
3. Sense of historical continuity.

People in Biblical times never  
proclaimed they were Jews,  
except Joseph and Jonah.

In Israel there is the emergence  
of a Hebrew culture, which requires  
a Jewish background in order to understand  
it - i.e. Agnon. It is full of Jewish  
experience, but not religion. There  
are cognitive limits.

Israel is a refuge for any Jew -  
and this is Biblical sense of city of  
refuge.

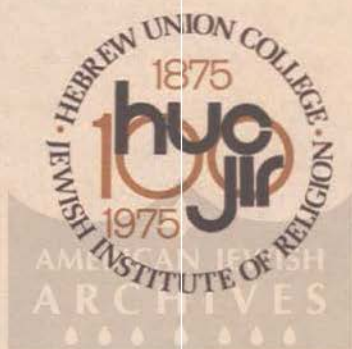
The law is a mixture of Turkish, British  
and traditional Jewish - with a trend  
to emphasize the latter.

In field of morality, we must apply moral  
norms to modern political situations,  
as is hard.

are not prepared to define what is  
right in the Jewish state. We are still  
in formation - need time.



Jewish religious civilization  
(Franz Rosenzweig) is what we should  
strive for - and can achieve in  
an actual life situation where we  
are a majority.



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# World Union for Progressive Judaism

September 30, 1974

From: Rabbi Ira S. Youdovin

To: Worldwide Leadership of the Progressive Movement

Subject: Law of Return

Dr. Ezra Spicehandler, Dean of the Jerusalem School of the Hebrew Union College-Jewish Institute of Religion and a Vice President of the World Union for Progressive Judaism, has prepared a strikingly cogent analysis of the controversy over Israel's Law of Return. It is essential reading for anyone concerned with the subject.

The paper was first presented this past July in London, England, to the 18th International Conference of the World Union. Since that time, the so-called "compromise" formula mentioned by Dr. Spicehandler (which would have amended the Law of Return to include converts who have been "converted to Judaism in accordance with Jewish practice from generation to generation") has been defeated. Our opposition was based on our consistently-held position that once a halachic or quasi-halachic definition of a Jew is injected into Israeli civic legislation, the State of Israel would be embroiled in continuing conflict over divergent interpretations of Halacha.

Then, in late August, the Labour Party, growing increasingly uncomfortable with its slim Parliamentary majority, proposed another vehicle for bringing the NRP into the Government. This plan calls for a one-year moratorium on registering all immigrant converts in the Population Registry. Labour Party leaders have assured us that the moratorium is intended only as a cooling-off period during which attempts will be made to find a long-range solution acceptable to all streams of Jewish life.



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These assurances, however sincere, are irrelevant. We oppose this plan as being anti-Jewish because it would distinguish between Jews by birth and converts, contrary to the classic Jewish position which does not permit discrimination (Leviticus 19:33-34). Strongly worded messages of opposition have been sent by the major organizations of both the Reform and Conservative Movements.

Despite its clear violation of Halacha, the proposal has been accepted by the NRP. During an extended internal debate, the party's older leadership, concerned over the prospect of permanently losing their ministerial portfolios, prevailed over the younger, more radical elements. It is certain that this latter group was mollified by an ill-disguised scheme by which immigrant Orthodox converts will be able to get a certificate of conversion from the Israeli rabbinate, and thus will be registered as Jews as if they had been converted in Israel.

As of this writing, there continues the unpleasant business of having an issue of profound religious significance decided on the basis of political vote-counting. The NRP has twelve votes to bring to the coalition. On the other hand, Ms. Shulamit Aloni is committed to removing her three. The balance will be tipped by the Independent Liberals and MAPAM, both of which agree with us ideologically, but are torn by their desire to put the Government on firmer footing.

We, too, sympathize with Mr. Rabin in his drive to form a strong government coalition; but we cannot remain silent while the rights of 2/3 of World Jewry are compromised in the process. History---and especially recent history---has demonstrated the unhappy consequences of tempering morality with political expediency.

The current "compromise" proposal shows, more clearly than ever, that when religion becomes a weapon in political negotiation, both Judaism and the State lose their integrity. In their attempt to use the Israeli government as an instrument for interfering in the religious life of the Diaspora, the Orthodox have not only threatened to shatter world-wide Jewish unity, but, in the process, they have embraced a position which is contrary to the very halachic principles they so ardently champion.

The only solution is the one suggested by Dr. Spicehandler in his paper: that the categories "nationality" and "religion" be eliminated from Israeli registration documents as being contrary to the spirit of a democratic, pluralistic society. This step, which for years has been the unswerving stand of liberal Judaism, is now absolutely essential.