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"Jewish Identity." Transcript. 8 September 1986.

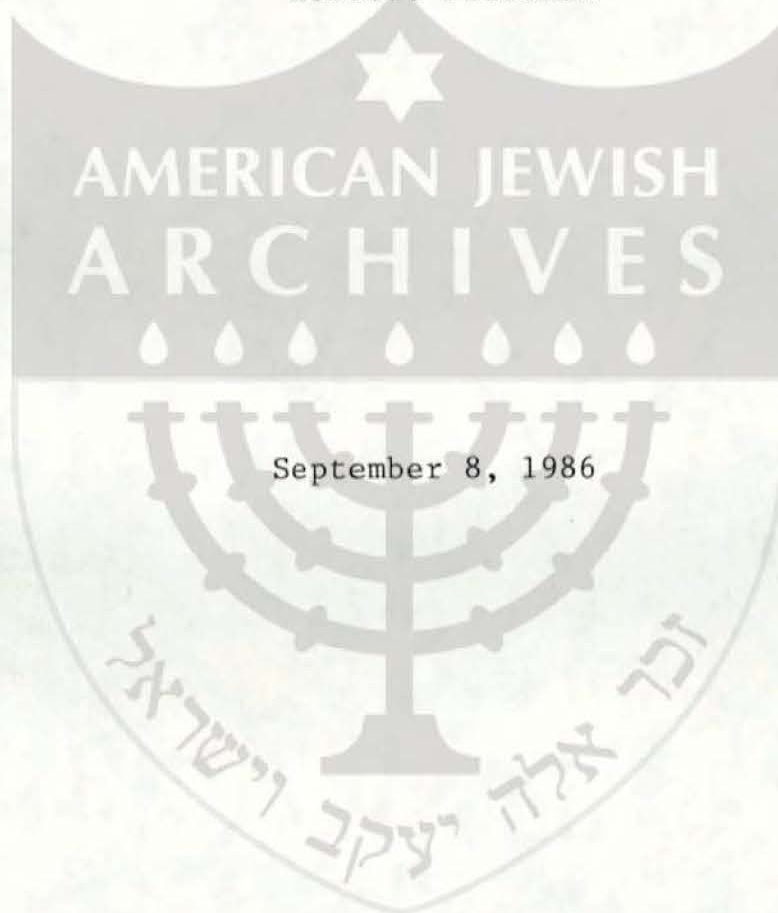
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JEWISH IDENTITY

by

Herbert Friedman



TAPE ONE, SIDE ONE

David, welcome. So, the only one whom I haven't gotten checked off yet is Bob Bluestein? First of all, let me welcome you in a non-dramatic fashion, simply say it is good to have you here and without making any big, long, emotional speeches, it is a very important thing that is happening here on the 8th of September. How important it is we will know five years from now or some future time, and don't anybody be impatient. The fruits will fall from the tree continuously.

I would like to thank some people who helped me in putting this whole thing together. Wayne Feinstein was very helpful and friendly at the beginning when he was still here and I went to him for assistance in bringing together lots of the professional people in the community, and I had a conversation with ten of them, all of whom submitted names and we started out this process with sixty-odd names, having been thrown into the pot by all sorts of sources, and I want to thank all of them anonymously. They were executive directors of agencies and they were lay leaders. And then after Wayne left, Michael Birke picked up the attitude of helpfulness and came down to Columbus once to watch how that group went so he could report back. I would lastly like to thank Joe Talbert who, at that time that I first came, was chairing the board of the Federation, and the meeting was called in which there were eleven members of the executive committee who wanted to know what this program was all about and why Detroit should come in on it and they wound up being enormously positive and friendly. They were all uninvited to join in spite of their protestations because they were all much too old. And so, having received that putdown they



relaxed and I would like Mike to take back to them my thanks for having helped get this thing started.

So the ship is launched, we're here. You've gotten the notebooks and you've gotten the first books. I want you to know in all of the world in existence there were 50 copies of that book on Jewish Identity and in all of the five cities in which we are working there are 86 students so 36 of them are using xerox copies and why you got bound copies, I don't know, but somebody was looking out for Detroit.

COMMENT: Unintelligible.

REPLY: I had no idea, that would have been a good reason for you not to have gotten the bound copies, because he might have had 50 of them squirreled away down in the cellar. If anybody knows him and if he is still alive...

COMMENT: Unintelligible.

REPLY: You don't know what we went through to find these 50 copies.

I thought now that everybody's here, Bob, let me check in Bob Bluestein and return the pencil to whomever I borrowed it from, I don't remember. Thank you very much. You take attendance with a pencil, you see, not with a pen. It's like pencilling things into your appointment book that you are not sure will be kept. When it goes in in pen, it is fixed.

Let me make the announcements now that everybody is here. Number one, you were mailed some bookplates, a package of them, I don't know how



many, 10, 12, 15. Would you do me a favor please, and take the responsibility of pasting them into all the books that are sent to you as the year goes by? You shouldn't have been burdened with that task, we should paste them in as we mail you the books, but somebody in my office goofed while I was sick, thank G-d I was sick, great excuse.

Secondly, you will be receiving postcards, this is serious, requesting you for your intention as far as attendance at the December retreat is concerned. The reason for that is that Scanticon, the Conference Center right outside of Princeton where this is being held, has given us until September 30 to give them a firm figure. I don't know why they are being so beurocratic and so sticky, but they are. For December 12th meeting to demand a firm attendance list by September 30, it seems to me to be a bit arbitrary, but there is such an enormous demand on them for space, that they will give us a margin of 10% one way or the other, so if we want 50 rooms, we will get 55 at most. If we want 80 rooms, we will get 88, if we need them. So I have got to give them an accurate account. So you are going to get a postcard asking you if you intend to come, and if you intend to bring a spouse. And in each family, the whole situation is totally different, and you know what the rules and regulations are about that. Spouses come on their own financial steam. Members of the group come as guests of the group. It is 45 minutes from Newark airport and we will arrange for transportation from Newark down to Scanticon. The cast of characters is set. We will have Yehuda Bauer, coming from Israel who is the big boy on the Holocaust in the world, and now the head of the Department of Contemporary Studies at the Hebrew University. We will have, secondly, from Israel a man by the name of Shlomo Gazit, former Major General, or presently Major General in the reserves, formerly head of military intelligence, following which when he left the Army after 28 years he became President



of Ben-Gurion University, and after he left that after about 3 years he became the director, well, he didn't like the fund-raising. He became the director-general of the Jewish agency where he now is. Quiet, low-key, terribly intelligent, perfect type of Israeli, the kind you like, non-~~fan~~atical in any direction, totally well-informed. Shlomo will make a special trip over. So we have two people who are coming over especially to be present at that weekend. The other two people in attendance will be a Rabbi by the name of Gordon Tucker, who is the Dean of the Rabbinical College of the Jewish Theological Seminary. Tall, skinny, red-headed man who's as charming as an English actor. Terribly knowledgeable and what I wanted to talk about was the manner in which Rabbis are recruited, taught, and sent out into the community to work. Because when we talk about leadership, one of the elements of leadership is the Rabbinical element. And the condition of the Rabbinate of today is not what it was in the great days of yesteryear when there were great giants on the scene and today there are more Pygmies than giants and everybody knows it and everybody wonders why and everybody talks about what can be done about it, and there are a whole series of complaints on all sides. The Rabbis saying that the Federations have taken over the role of leadership and the Federations are saying no, we will make peace with you and the Rabbis are saying well, would you please use us for something more than giving an invocation, because I ain't gonna do that anymore. And if you want to use me for something reasonably important, okay, you've got me, but I am not there to adorn the dias and explain to G-d what this meeting is all about. And so the tensions are legitimize and they are real and there is justice on both sides. But the important matter is the quality of the manpower, the quality of the manpower. And ~~he~~ <sup>there</sup> is the Dean of the Rabbinical School and he is just as disturbed about



it as I am and as the rest of us are. And he is going to talk on that subject when he comes to the retreat.

And the fourth person we have, who's the fourth person? Bauer's on the Holocaust...oh yeah, yeah, sure. Professor Goldman, Marshall Goldman, from Harvard and Wellesley who is probably the greatest expert in America today in the academic world on the situation of Russian Jewry, that is his specialty. Goldman speaks Russian fluently, he is totally acceptable to Moscow, he is invited to teach once a year at Moscow University for periods from as short as one week to as long as a whole semester, and you can't get any better information from anybody. This is not an organizational man who is propagandizing for a certain point of view, who says we should treat the Russians this way or we should treat the Russians that way or we should have mobilizations of 50,000 people on the street or we should not anything, we should be very quiet. I mean if you work inside the Jewish organizational world, you get every possible point of view you could think of. Marshall Goldman sits there on the side and he says listen here are Gorbachev's characteristics. Here is the kind of person he is. I have known him for quite awhile. Here is what I think is the best way to approach him and why. And if Armand Hammer says thus and such to him it means more than if Edgar Bronfman says thus and such to him. And Goldman, in a very quiet, analytical way, will give you as much of the lowdown as you can hope to get from one man. And it is obviously not all the knowledge in one head, but there is more of the knowledge in that head than, I think, in any other single head.

And so when I said to him look, come on down to he said look, I have a lecture to give the day before in Vienna. I said in Vienna? So we



looked at the airplane schedule and he'll make it. So we will get him on the Sunday morning, he will leave Vienna on the Saturday night and we will get him on the Sunday morning, and that will be the climax of our weekend, and so we will break out after lunch on Sunday.

So we have those four people for that weekend. Therefore, would you please, when you get that postcard asking you who is attending, send it back just as quickly as you can and remember the 30th is the deadline by which we have to give them the number of rooms we want.

Number three in all of this housekeeping stuff. Vis-a-vis the spring retreat which is in March, which I would like to hold at a beautiful conference center in Houston, about an hour outside Houston called Woodlands, if anybody has ever been out there, it is one of the nicest in the country, I think they are having trouble with the fact that we want the catering to be kosher, I think they are unfamiliar with how to handle that, and I tell them we are going to get a kosher caterer out of Houston, it is only an hour away and they say what is our head chef? And I say hey, do you want the business or not? That is really the wrong approach because they are overloaded with business. So we are negotiating. So far that is where it is going to be. There is a problem with certain communities about dates, dates. Somebody called up and said have you checked the school vacations? Well, the school vacations are as follows: the public schools, I couldn't possibly call all the private schools. The public school breaks are from April 16-24 in Pittsburgh, Detroit, Milwaukee, and Columbus. In Minneapolis they are March 23-27. Therefore, this weekend we are talking about which is March 21-23 is clear of the



school break for everybody. It is the weekend before the school break takes place in Minneapolis but it in no way effects the other four cities. There is a private school problem in Columbus to which alot of the children of our group members attend because the vacation for the private schools in Columbus is March 14-March 30, which kills their attendance possibly at that Spring Break. But we are going to go ahead with that date anyhow, we have no choice. We will be sending you a postcard in January about March reservations.

This invitation from the University of Indiana doesn't effect you. And the last announcement has to do with an additional assignment for next time. For next time you have the assignments to read those various articles on matrilinear, patrilienar and that whole crazy business. I would like to add a book called Judaism as a Civilization, author is Mordechai Kaplan. The book was written in 1942, the book has been reprinted, was reprinted two years ago in honor of his 100th birthday, it is long since out of print, but thank goodness, he reached 100 and so now they have a paperback thing and we will be mailing it to you within the next day or two. The assignments are to read part #, pages 173-224. And the conclusion chapter pages 511-522. There are alot of other interesting stuff in the book, but I really can't overload you because those magazine articles are quite lengthy and here I am adding another 60 pages of reading. Maybe some day during the year you will pick it up and read the other things. What he said about Zionism 50 years ago, he had a brain. Okay. Sir.

(SOME VAGUELY INTELLIGIBLE COMMENTS ABOUT RECEIVING BOOKS)

HERB: Let me mark it down, books for Telushkin lecture not received by Dr. Guyer, who else? Peter Alter, Zack, Andy Zack, and Moiseev.



Okay, Moiseev missing Prager book. Everybody else got? Okay.

COMMENT: Unintelligible.

HERB: I would like to make a suggestion which I think will answer that problem and lots of other problems that will come up such as I didn't get books or whatever, whatever, or I will want someone to contact and say the guy didn't show up to give the supper last time so fire him, get somebody else. I would like to make the following suggestion. You take all the dates on the calendar, one person agree to be the marshal for each separate date, give us the names. Then if we know that ~~Telushkin~~ Telushkin is snowed in in Kodiak, Alaska, and ain't getting out, we will have one person to call for that day's lecture, that one person who has got to get the news around. And for all the details. If I want to send three maps out and I want the maps here, whoever was the chairman, I call it the marshal, whoever was the chairman for that day, or the responsible officer for that day, so among yourselves, do me a favor, somebody organize it. All I want is a list. Today is September 8. Okay? Good point.

Number two. Roster. Do you think there is somebody in the building now who has a xerox machine open and functioning? Here is a roster. Let's get it done right, now. It is only two pages.

COMMENT: It has phone numbers on it?

REPLY: Yes. Who wants to take it and run around. Make 20, please.

So you will have a roster. Somebody organize who will be responsible for which date, beginning next time, September 22, so and so, October



so and so. Just run down the year and put somebody's name down next to every date. And, if for some reason, that person is not going to be present the day he is the responsible officer, pick a substitute and let us know. Then we will always have one person to be in contact with on whatever problems will emerge for any particular day.

COMMENT: If we are not going to be at a session, do you want to be notified?

HERB: I'd like to be notified in advance. And what I'll do, I simply mark into the attendance book, somebody is absent for the following reason.

COMMENT: Because Monday, September 22, I will not be present..

HERB: Monday, September 22, what's the name? Ash. Mission to Israel. And Peter, you were the same?

COMMENT: Different mission, though.

HERB: Okay. Anybody else know any exact date?

COMMENT: February second and March nine. Two dates. Both Feldman's?

HERB: Both Feldman's, two Feldman's.

COMMENT: November 3.

HERB: Alright Susan, tell you what. We'll mark it down with a tentative that you might be there and you might not.

COMMENT: Unintelligible.

HERB: Retreats, if I may, I would like to have in writing from you and then we will keep all of the postcards, and then we will know. And then it is not that I have made a note somewhere and forgotten to turn it in. We don't have a very large office staff, there are only four of us total. And yet things fall through the grate whereas if we take the pack of cards, we have got them all together. Okay? Other matters remarkably little housekeeping, it is all pretty clean.

I read somewhere a very simple sentence which to me is the guts of what we are going to be trying to do here for the next couple of years and maybe for longer than that. The heart of a young person's education, it doesn't apply to you, but it does. The heart of a young person's education is to know who he or she is. To know who you are (that your identity, subject of my lectures to you, your identity). The heart of a young person's education is to know who he or she is, and where he or she is going (goals). If you know your identity and you know your goals, then you have achieved absolute maximum equilibrium in life. You have no personality problems, you have no psychological problems, you have got no problems at all and if you know where you are going you are not sitting on your behind twittling your thumbs at 24 and saying what do I do now? I don't want to work for Daddy, and the Wall Street boom will be over and there will be no jobs down there at a quarter of a mil per year or age if you are 21 you can make a quarter of a mill if you are 22 you can make a half a mil. It is absurd what is going on down there. That is all over. That is what



we, in this Foundation , are all about. Looking for the answers to who we are and where we are going. That is what we are all about and that is what you as leaders must seek. You must seek the answers to those two questions. Who are you, who are we as a people, who are you as an individual and where are we going as a people and this goes much deeper than all of the cliché words of survival, we are fighting for survival, survival for what? You have got to define it. Okay.

<sup>have been</sup>  
I asked why we have insisted upon such a small group. I have been asked the question over and over again. What is the difference if you have 20 people, 25 people, 30 people. And I would like to tell you, and this is the first item on the outline. It is roman number I.A The Value of Studying in Small Groups. One of the mentors in my life is the President of Yale University, which I attended with a great deal of amazement and joy in the early years of my life there was numerous clouses at the University when I entered in 1934, 5% of the student body was Jewish. 400 freshmen was the entering...and they were socialites and rich and the 400 were hand-picked, creme de la creme. So you had 20 Jews around you, what the hell was that? It wasn't enough yeast in the dough to cause the bread to rise. Harvard had just gone through its extraordinary period where there were 25% of the student body were Jewish, and President Elliot decided that was absolutely unconscionable, and he was going to cut it to 10% which he did manage to do within a few few years. It has crawled back up now, that was in the early 1920's. Sixty years later it has crawled back up to 30% and President Elliot is twirling in its grave. Yale's timing was quite different. Yale began slowly and steadily to permit an increase in the quota so that today the entering body is 25% Jewish and Harvard is 30%. And these two the most prestigious Universities in America face a Jewish population which constitute less than 3% of



the United States total population, and 30% of Harvard and 25% of Yale. President of the University just left the job and is now commissioner of baseball for one of the leagues, I forget which one. National. And he and I have become good friends over the years. Giamatti. And he gave a baccalaureate address when he left in June several months ago, and this is what he said, about the business of small groups. Indeed my shipmates, there is in this ancient place a powerful surge to connectedness, people being connected with each other. And the minutes I started reading those lines I started thinking about the formation of these groups, which one of the main objectives is to bond a group of people. Because you will serve yourselves better and you will serve your community better if you are inside a corpus of people who are able to move mountains. Touted by congregationalists, Yale has always been marked by an instinct for groups, assemblages, aggregations. The place effortlessly generates congregations and while Yale has been, and I trust forever will be hospitable to the entrepreneur of the mind, the solitary genius, the happy loner, the intellectual social landscape is nonetheless dotted with prolectivities and soladities, small bands and teams and caucuses and societies and committees and gaggles and clutches. Their size never fixed but ideally, never varying much between the dozen and the dozen and a half. Such a span, embracing most singing groups, theatrical groups, publication staffs, many joint research efforts, senior societies, all seminars, a large number of clubs and organizations and the board of the Yale Corporation itself. No more than a dozen to a dozen and a half, because inside that small congregation, that is where you can achieve numbers.

Now, he points out, and I will not take you through the rest of the baccalaureate, but he does point out that there is a danger in this



because this may lead to parochialism and it may lead to smugness on your part and it may lead eventually to being intolerant to anyone who doesn't hold your ideas, and I admit that. I am trying to create a group in which there is an ideology formed, and yet I am the first one to admit that that contains within itself the possible seed of intolerance as he points out. Therefore, what is the remedy for that? Open-mindedness in a liberal education is the way to avoid indoctrination. And here is where we have to understand each other. I would like for you to create an ideology. Shape a point of view, reach a conclusion about a set of priorities, what you think is important for the life and health of this community. And the whole basis of national Jewish life is simply resting on the foundation of what happens in the local community, that is where all the action is, that is the battlefield. I want you to have an ideology, I want you to have a point of view, I want you to have a set of priorities, but I want us to achieve that by mutual discussion and not arrive it by indoctrination. Not by indoctrination. Therefore, if it is not a matter of indoctrination, you are not going to be intolerant of somebody else who doesn't have the same point of view. You must achieve a point of view. Otherwise you are a fence-sitter, and a fence-sitter is not a leader. But, having achieved a point of view, never be intolerant of somebody who doesn't hold that same point of view. And try to bring him around to your point of view not by indoctrination and not by force, but by the persuasion of the intellect and by the persuasion of the heart, the mind, and the emotions. This balance, lastly, will turn out leaders who care for more than themselves, and that is the whole thing. You have got to get out of your own skin. It is natural, but inside your own skin you should care for yourself. My wife, my family, my kids, my nucleus, perfectly legitimate. But if that is all you care for you are nothing. If I am only for myself, now many times you heard that



from the \_\_\_\_\_. So, if you achieve that balance of having a point of view and not being intolerant of others who don't have it, and seek to persuade, then you will have the balance which is the characteristic of a real leader.

Maybe I ought to send you this whole baccalaureate address by Giamatti. When he finished, there is a professor by the name of Yama Shlat Telekon, who has just written a great book on Jesus, the most authoratative book. He has been the professor of history at yale since 19-whatever. He is speaking about the departure of Giamatti as the President, called him a genuine conservative, conservative, which shocked everybody, because Giamatti is a liberal in the political sense. I mean, Yale never had the student riots on its campus as Harvard and Columbia and everybody else did, not to talk about Berkeley. Yale has a tradition of extreme political liberalism. So when Telekon called him a conservative, nobody knew what he was talking about, but this was what he meant. In the sense of Edmond Burke who believed that society was indeed a contract, a partnership, not only between those who are living, but those who are living, those who are dead, and those who are yet to be born. Society is a contract in perpetuity between all the generations -- the dead ones, the present ones and the unborn ones of the future, and that is a conservative. A man who believes that is a conservative because he is attempting to conserve the past for the sake of the future. Okay.

I read that and I suddenly thought how reminiscent that is of our own passover Hagadah which says "in every generation each of us should feel as though we ourselves have gone forth from Egypt as it is written...and you shall explain to your child on that day it is because of what the Lord did for me when I went forth from Egypt". Remember



that in the Hagadah? It stressed over and over again, it was the central theme. And then that other passage in Deuteronomy, much less well known in which Moses makes his final speech before he is dying, he is over there across the Jordan, he is not going to get in the promised land, he is standing up on Mt. Nebo, the exact location of which no one knows to this day, and therefore Moses has never become a venerated figure or a divine figure, you can't worship at his grave, so you never worship him. He is just \_\_\_\_\_, as it goes in Yiddish. Just before he died he reminded the Israelites that G-d had made a covenant with them, a brit, cut into the flesh. This covenant is made not with you alone (this is Deuteronomy Chapter 29:13,14) but with those who are standing with us today before the Lord our G-d, and those who are not with us today, that is, those who are already dead or those who are not yet born. The covenant is made with every generation or eternity. So we are a people living in history, possessing a sense of connectedness in time with all generations of eternity from the beginning to the end. He continues, the trouble with much so-called conservatism in the academy no less than in politics is that it does not always have a clear conception of what is to be conserved. Conservatism of that sort is nothing more than a fancy name for ignorance. And so when I wrote down in my own head, from my own head what I thought we are trying to conserve in this program if ours, it is the following six elements of knowledge which give us our ideology, our raison detre, our sense of uniqueness.

We are trying to conserve one: Bible, and this really is the agenda of what you really have to learn in your life; two: history; three: religion; four: law; five: philosophy; six: Israel. That is the agenda, that is what we have to learn. We learn it best in small groups.



And we chew it over and over again in the course of two years you are going to have so many aspects of these six subjects presented to you that gradually it will coalesce in your minds and gradually out of it will come a personal philosophy of life for yourself which is a point of view.

Point B under the introduction, I said that I will tell you something about my personal life and beliefs. Very quickly so that you will know who I am and what I believe in and you can give that whatever weight you choose to give it. You can choose to ignore it or you can choose to see how it shaped me and some of those elements might be useful to shape you.

What I have done in my life is to consider myself a civil servant of the Jewish people. I don't know any more about G-d or any of the mysteries than you do. And I don't think anybody who calls himself a Rabbi does. They are not a Catholic Church with the revealed truth. There is only a small portion of the Jewish people that believes that. At any time in our history there was only a small portion with that kind of certainty of revealed truth. Today you see the Orthodox world in a rampant state of aggression. It is though they hold the entire truth. There never was more than a small handful of people with that point of view. Most of the Jewish people were doubters or worriers and tried to find what they believed in. I knew from the beginning that I had not become a Rabbi in order to explain G-d or good and evil or life after death or any of those great theological questions. I don't know the answers to those questions, so we can put that aside. What I did conceive of this profession as being, was to serve as a civil servant of the Jewish people and in



role in which I might be able to influence them at a time which was particularly trying. I got out of the University in 1938. Hitler had been in office 5 years. I was disturbed at what I saw was the apathy and the indifference and the fear of the entire American Jewish community, let alone its leadership, there was only one leader at that time who amounted to anything and that was a man by the name of Rabbi Stephen Weiss. And he was yelling let's have a boycott against Germany and let's have a meeting in Madison Square Garden and let's protest and let's wake up and the rest of the American Jewish Community in this country was scared of your Father Coglin here in Detroit who was mesmerizing everybody, making everybody scared to death because he was teaching pogrom and their own weakness and their own lack of strength of any central Federated organizations and the pussyfooting of any national organizations of the American Jewish Committee saying shhh, don't talk so loud, don't talk so loud. That came to be called as a slang of expression, the Sha Sha Jews. B'nai B'rith and the Anti-Defamation League didn't amount to anything, so I said to myself, what can I do in my life, what can I do to see if I can wake up this Jewish community and you need a platform from which to do that and the platform of the pulpit given to you in the congregation in which you serve is a place in which you could talk and somebody else had to listen. Okay.

The war came along very quickly and we were accelerated and we were at school through the summer and we finished in the Rabbinical School in three years instead of the usual five. I was sent out to a congregation in Denver, I have only had two in my life, one was in Denver, and one was in Milwaukee. They were interrupted by four years in the Chaplaincy in WWII. And after that I never had a congregational

job because I went into the UJA and became the CEO and did that for the next 25 years of my life.

Now, the period in those four years was extremely crucial to the shaping of me because when the war was over in May of '45, I was in Germany with the 9th Infantry Division, 3rd Army, General Patton, and the smell was in the air. There was no way to avoid it. The German cities were destroyed and there was powder and dust and brick and pollution (end of side 1)

(Side 2)

..kilometers north of Munich. Munich stank because there were 50,000 dead bodies buried under the brick. But with \_\_\_\_\_ another 100,000 dead bodies to add to the smell. Okay.

I was recruited into the Haganah. The Haganah was an underground organization run by the Yishub, the community in Palestine, which was making an effort to rescue the Jews from the continent of Europe. The Haganah's primary role was defense inside Israel, it was the underground Army of the Jewish people. But at the time the British were running the country and Haganah was not fighting the British in the same way that other terrorist organizations were fighting the British and hanging British soldiers. They had their own history and you know that history. The Haganah decided that it had to try to rescue some of the remnant, and the remnant was in Europe. I was recruited, I was down in Southern Bavaria by the Austrian border, running trucks through the woods, picking up remnants of Jews, young



kids who didn't know their names, older people who were totally traumatized and shellshocked and I would just throw them in the back of the truck and if there was any question of whether I had a Jew or a Ukranian or a Bulgarian or somebody there was a simple way to find out and that is just drop your trousers. So, collect as many Jews as I could and look for places to put them and any place that had four walls and a roof, which was quite rare, became what we called a DP camp, a displaced persons camp. I found a hospital once, which was the greatest treasure in the world in a little village outside of Sankotillian outside of Outsbourg and there were 1,200 German wounded in that hospital and it was as clean and neat as a pin. I walked in and banged my .45 on the table in front of the German Doctor Colonel, I was a Captain and he was a Colonel, and I was the victor and he saluted me and he said at your command, Captain. I said empty this joint, this place is now requisitioned by the United States Army. He said under whose authority? I said mine. And this, and banged the table with the .45 and whatever authority else did you need? It was chaos, it was anarchy. And I said I want this place empty and I want everybody out and I want it clean as a whistle and I will be back tomorrow, 24 hours. And that is the kind of language they understand. I came the next day and there were 1,200 Germans out on the gravel all in order, lying on the ground. The place inside spic and span, every bed made. I don't know how I did it, I didn't care. I had 1,200 beds for 1,200 Jews who didn't know what it was. You couldn't have given me Buckingham Palace and it would have meant as much as that. Okay. I had been doing that for months, and we had a thousand people here and we had a thousand people there, and we had...in the beginning we were collecting, we had 30,000 and we had 40,000 and we had 50,000, and the Army began to feed them 2,000 calories a day. I am going off.



I got a call from a lady who had invited me to meet her in room 203 of the Royal Monso Hotel in Paris and I was 26 years old, so what the hell, wouldn't you go? So I went. And I knock on the door and I take a look and I see it was a wasted trip. She said, will you work for us and I said who is us? And she said the Haganah. Sometimes something happens to you where you don't have any data, you don't have any basis for forming an opinion, you have nobody to consult, your intuition, purely and simply has to guide you and you know there is a moment and you have either got to say yes or no. And those are the rare moments in life who are always pure magic. I said yes. She kept me waiting still in the corridor on the threshold. She went across the living room of those hotel, of this suite, and she, from the door of the bedroom out comes this little guy about 5'2" and he walks across the living room and she said to him, this is Friedman, and Friedman says he'll work for us. And he shakes hands with me and he said thank you and he turns around and walks out and I didn't see him for a year. That was Mr. Ben-Gurion. She explained to me that that was Mr. Ben-Gurion and he was the leader of the Haganah, and I said who is Mr. Ben-Gurion and I could see that she was about ready to throw me out of the window. She sat me down and gave me a cup of coffee and told me I could take my coat off and treated me like a minch and explained to me who he was and gave me my marching orders which were that I should get myself a house in Berlin, that is Berlin, a little tiny island inside the big Russian zone of Germany. And the house should have four walls and a roof, and that is going to be the center of the operation. And I should steal myself six trucks and enough gas tickets for the year, because every night I was going to go here up the Russian-Polish border to a town called Stein, there it is and there Jews who had been brought from the East, this is



Poland, and this is Czechoslovakia and this is Hungary, and here is Romania and here is Russia and here are the Ural Mountains in Siberia in which the Russians had saved lots of Jews by sending them way far out there to work as slave labor, but that saved their life. We were filtering everybody back Westward to the American zone of Germany. U.S. Zone of Germany. They were coming into the U.S. zone of Germany through two routes, one was here, called the Northern Route, Stettin down to Berlin, and there I had to hide them, as many as 5-10,000 at a time, but then we had to get them out of Berlin through the Russian zone over near the British zone and then down into the American zone or through the French zone down to the Mediterranean down here to the coast of the Riviera of France or over here to the Italian coast, we used Italian ports, Genoa, Asolo and others. And the second route in was what we called the Southern route. They came in from Lower Silesia in Poland, down here in Prague, from Prague back here to Bratislava and then into Vienna across here and to Salzburg right here and to the U.S. zone of Austria and then the U.S. zone of Germany and then they mostly came in to Munich which is down here.

So the two big entry points were Munich down here and Berlin up here. I ran the Berlin operation and we pulled 100,000 people through. This map was printed in July, 1944. This map is marked Confidential and Not to Be Distributed. In July, or previous to July, this map was previous to July, sometime earlier than July in the beginning of '44. The war doesn't end until May 1945, but over a year earlier Germany had been cut up into the zones. This map remains dead secret. There were three or four copies of it and then it was printed by National Geographic for larger distribution to a couple of thousand people, but the allies cut up Germany, and Russia got the biggest hunk. Russia



got the biggest hunk. And that's what was in the Russian zone is today East Germany. And that is how Germany became divided into two countries and it will always remain two countries, there will be no reunification for a long time, if ever.

And I lived inside that Russian zone and inside the American sector of Berlin -- Berlin was divided into four sectors, and I dealt with the Russians for a long time and I know something about their mentality. And just to finish that part of the story, every night with the six trucks, we had 50 Jews on a truck, we had 300 people. The price that was agreed upon between us, the Haganah, and the Russians and the Poles, who took -- each side took a slice of the bride -- was one carton of cigarettes per Jew. A few bottles of vodka, okay. One carton of cigarettes on the black market was \$150. A carton, \$150, and you are talking 300 a night, you are talking \$45,000 worth of cigarettes every single night, night after night after night... Even the Detroit campaign couldn't pay for that at that pace. And where are you going to get the cigarettes from? The GI's got a ration at the PX of one carton a week, ten packs. A pack of cigarettes went for \$15. A pack of cigarettes bought you a woman for the night. A pack of cigarettes bought a bottle of whiskey. A pack of cigarettes bought a camera. A carton of cigarettes bought a whole set of Rosenthald China, 200 pieces of it and you made up a whole wooden box and sent it back home to your wife or your girlfriend, or your mother. I mean, what was going on there was totally incredible. It was chaos, it was anarchy. Okay.

We had 2,000 Jewish soldiers in Berlin. Americans, Russians, French, and British. And I was the only Jewish chaplain in the city. And I ran around that town like a crazy man. Scrounging cigarettes. I



had my father sending me car -- big mail bags full of cigarettes. Cigarettes were \$2.50 in the United States. The postal authorities were saying to me what are you doing here? You are a millionaire? Every day I used to get 15-20 big mail bags full of cigarettes and the postal guys used to come over and count them and I would say come on, this is for our own private work. What private work? So finally I decided to tell everybody everything. And I became very friendly with General Clay, Lucious Clay, who was the commander of the American Forces in the Occupied Zone. I don't know if anybody ever heard his name, or remembers his name, and I told him everything.

And that made it so much easier. We had a problem crossing from the Czech border from along this line and we never could solve it. Here was the Russian zone of Austria, we couldn't get across here. We finally found one border crossing point, up near here at a place called Hoff. I used to say to General Clay, tonight, at Hoff, would you mind ordering the Constabulary Captain to show a film between 12:00 midnight and 2:00 a.m., sir? So we have two hours and the guys are going to be inside the barracks looking at a film and the border is going to be nice and clean and open and we will move across what we can move across in the two hours. Night after night after night. It was just an indredible period of my life. I came back and I went back to being the Rabbi in Denver. I mean, you can't. What are you going to do, make book reviews for the sisterhood? It doesn't work. So I was out four days a week making speeches for the UJA as a volunteer. I was called the chairman of the Speaker's Bureau. 1948. That was the year I was running all the dynamite out of DuPont in Wilmington, Delaware. To myself in Denver. And that was the heavy artillery with which Israel was fighting the War of Independence during '48. \_\_\_\_\_

\_\_\_\_\_ was the head of the Haganah in the United States, he



was in a hotel in New York called the Hotel Fordin next door to the Copacabana on 60th Street. Next time you go on 60th Street to the Harmony Club and then the Copacabana, and then the Hotel Fordin, just look up at that tiny little entrance in that little lobby. It was a whorehouse. And the girls from the Copacabana serviced it. And Teddy was buried deep inside on the fourth floor and we had alot of male traffic going in and out which got lost among all the other male traffic going in and out and the Haganah functioned inside that Hotel Fordin for a lovely two years in the United States. The laws of the United States had an embargo on the sending of arms out of America to Palestine and we broke the embargo, constantly. But then I went into the UJA chapter and then after that we moved to Israel and we lived there for almost 10 years. I had a great idea about building a great Academy there like Andover and Exeter because I just believe in that kind of a great, classy school. And it is the only way that we are going to bring our kids up to snuff is to give them their Jewish education. I believe very firmly in the Day School Movement. Very firmly. It is strange from a Reform Rabbi point of view way the hell back then, I was a freak. Still am in many ways. You are going to give your kids the Day School education, which is the only way to do it, then the Day School has got to be as classy as your private school is. You have got a great school outside of Detroit. Granberg. I studied Granberg very carefully. It was one of the models I had for the school I wanted to build in Jerusalem.

Anyway, I couldn't get all the dough together. I needed 10 million dollars for the first stage, and I only for six. And I ran out of steam. And a million bucks in the U.S. government, because they believed in this. One great big classy boarding school in Israel where we would put in American leadership type kids and Israeli leadership



type kids and you have got them living together in a dormitory, you have got a school network forming. Thirty years later the Senator from Texas went to the Jerusalem Academy, and so did the Mayor of Petaricla and those guys have got to understand each other. And the Israeli leadership gets to understand the American mind which they still don't to this day after almost 40 years.

Anyway, I worked on that for several years and came back to the United States and now I am here with the Wexner Foundation. So that is the career of Friedman. And still playing the same trumpet. Find leaders, recruit them, shape them, build them, teach them, and surround the whole thing with an aura of class. That gives it dignity, that makes it mean something in the eyes of everybody in the community and they will take your guidance. You want to have a campaign of 50 million dollars in Detroit? You can have it. It is no reflection on anybody who didn't achieve it before. It is all there to be achieved now, at anytime. Just depends on a whole certain set of principles and a whole certain set of beliefs. And out of beliefs come the methodology which (by) you do it. Okay.

The beliefs are under Point 2 and I will go through them very quickly, A. B. 'C. D. One must, and I have taken the word fight and I have amended it. One must struggle and plan and organize to achieve goals. Nothing happens by chance. Nothing is handed to one on a silver platter. That is rule #1. If you don't plan and organize and work hard and fight for what you believe in and what you want to try to achieve, you are not going to get anywhere, you are going to make some mediocre result. And don't think anybody is going to give you anything. Somebody once asked a man by the name of Moe Levit, who was the director of the Joint for one whole long lifetime, how do



you raise money? And he says, there is one secret to fund-raising, you have to ask for it. Nobody comes to the window and hands it in. It is not like a bank. That is all the wisdom of the world in one sentence.

Second thing. In the Diaspora, local community Federations must develop a clear set of priorities. All too often they don't have it. Everything is important, so you do everything. And it hardly seems that some things are more important than others. Well in life you know that is not so. In life certain things are more important than other things. In real life, in personal life. Well, in communal life it should be that way and it is not yet that way because altogether too many of the strong community organizations don't know how to say no in a major way, they will say no in a minor way. They will nickel and dime some beneficiary who needs 30,000 more \$60,000 more or whatever and then the committee process is endless whereby you try to decide whether to give somebody the lousy \$30,000 they are looking for. You just raised whatever, 12 million or 20 million. \$30,000 -- what is all the fighting about? You want to try to alter your priorities? Then say we are spending 1½ million on our old folks' home and we are cutting it all out. Period. Full stop. This federation is just not going to handle any aged problem. It is a problem for the Federal Government, it is a problem for the State Government. It is a problem for middle-class Jewish families to handle. They are not all affluent but enough that they can carry their own elderly parents. What is this nonsense? We've never had old folks' homes in Jewish life. What the hell are we talking about? What the hell was the Moshab Skanim? The old folks' home in a Polish Shtetl. A high-rise apartment house with alarm bells? A Moshab Skanim in the Polish Shtetl was a room in the back of the Shul where if somebody had no father no mother, nobody to take care of them so you gave them a bench near an oven so he could



keep warm and you gave him an overcoat, and you gave him a roster of names of different houses where he could go to get some food. You took care of your elderly. I am not suggesting that you should close down the old folks' Federation -- the old folks' operation -- what I am saying is that Federations work across the board and they try to do everything and that comes out of a desire not to say no to anybody. Except for the nickel and dime stuff. That is not having a sense of priorities. Not at all. You must have a sense of priorities. If you think your priorities is your aged population, what the hell are you doing with a million and a half dollars a year? Throw six million dollars a year into it. Conversely, if you think the priority is not the past, because everybody in that old folks' home, biologically, is soon going to be dead, if you think the priority is the future, then throw 10 million dollars into the school system. I mean, you must decide where your priorities are, the decision can not be made by the UJA or the Council of Federations or anybody, the decision has got to be made by you, locally in your town based upon your sense of what is right and wrong. . P

Point C. Just as the local community is the basis of everything in the Diaspora, Israel is the center of global Jewish solidarity and survival. That is a cardinal point. Globally, globally, everyone of the 22,000 Jews in Turkey could get shot in the morning. The Jewish people will not die. If the 3½ million Jews now living in Israel are defeated and are forced to flee out in the Diaspora, and your share here in Detroit would be, I don't know 50,000, or probably someone would assign you a quota of 73,000, have a bit more than your local population, so you would have to double your population. But if 3½ million Jews in Israel are thrown out and are thrown out back



into the Diaspora pool, I am not so sure that the Jewish people will survive, creatively, affirmatively. I think Israel now is a place where we have put so many of the eggs in that one basket that we had better make damn sure that it is unbreakable, or else we have gambled wrong and should have never created...

The fact of the matter is, we wanted it, we turned down other offers that were made to us in other places, rich places like Uganda. Just think of all that uranium, oil, water, food, that is right. The beeper is underlining the value of Uganda. We didn't want it, we wanted the rocks. So we took the rocks. It is the \_\_\_\_\_ of the Jewish people. It is the heart, the soul.

And the fourth thing that I believe is Point D: A network of superior high schools, high schools, boarding and day, is the best instrument by which to develop pride in Judaism, thus reducing destructive assimilation and intermarriage. I am talking about a network of Hebrew High Schools. How many do you think we have in the whole big United States today, the rich America? We haven't got a hundred. Have you got one in Detroit? I don't know. High school. No? You have got to be kidding. A Hebrew High School up to grade 12. You have two? Two Hebrew high schools? Okay. These are the things I believe in. I believe in a lot of other things but I didn't put them all down I picked the main items just to make it as brief as I could. Let's stop here for a second and let's see if you have any questions you'd like to ask at this point. Yeah.

QUESTION: Unintelligible.

HERB: Haganah.



yes sir. Presumably . . . you're darn right. Well, General Clay used to say and General White and General Bull and General Peterson and General \_\_\_\_\_ and ten top two and three star generals whom I used to invite to my house periodically cause I had a big whiskey ration and we would sit and talk to the early hours of the morning about what Zionism was all about and what the DP's were all about. The top brass of the army is a terribly intelligent . . . of people, well educated, very good minds, these guys were fifty years olds and I was mid-twenties, but I knew more about this subject so they were willing to listen. When I said before in a half sentence that the army was spending two thousand calories per person translate that into dollars, the army was maintaining the Jewish refugees body and soul. So I said to them, why are you guys doing it? I got all the right answers. They believe in the Bible, they believe in God, they believe in Jesus and in Christianity and they believe that they know this comes from Jedaism. This is not some secret that someone discovered last year. Fifty years ago these guys were talking that way. So they were sympathetic and they were friendly and they knew that they had a problem on their hands they wanted to know how long these Jews were going to remain with them. I said do you think that these Jews wanted to stay in camps here in Germany? The best camp I can find for them is what some stable where the Nazis kept Russian prisoners or some place with cement floors with straw on the floor. You think these Jews liked that? Can they go home? Home in quotation marks. And boy I really explained to them clearly why there was no home to these people could return to. They can't go back. It's all a cemetary. So they got to go forward. Forward is the land of the dreams. We got to get this crazy place. Truman, President Truman came through



with a letter in which he said that he was authorizing General Clay to pay for the transfer of a hundred thousand of these DP's by that time we had a quarter of a million in the camps my hundred that I brought through Berlin was overwhelmed by more than that that came through the southern route through Austria into Munich. We had a quarter of a million Jews in those camps in Germany. We had sixty-four camps. I said these people want to go to their own country. They want to go to Palestine. That is what this is all about. The British are going to give it up. The British can't stand the hemorrhaging. The British are keeping a hundred thousand soldiers in Palestine. At the same time they got a hundred thousand soldiers in India. India wants her independence. The Jews in Palestine want their independence. The British Empire is bleeding from every pore it's going to surrender. Which it did do. I haven't got time to take you into the whole long story of a conversation that I had in the \_\_\_\_\_ in London in January of 1947 with Ernest Bevin, the foreign secretary. I mean this was a totally incredible day and I came back from that and reported to General Clay that there was no chance in the world that British would ever agree to Truman's letter of a hundred thousand Jews coming out of the camps to relieve the army of its pressure in Germany. And so, OK , we got to sweat it out until there is a final political solution and then General Bull and General Clay and General White you'll be and General \_\_\_\_\_ you'll be relieved of the problem. Not till then. So anything you guys can do to help get to a political solution is going to help ease the burden on you. And that's what I meant before when I said I told them everything I was doing. And they bought it. And I was friends with all these nice Gentiles for years after that. They bought because, then that's



when I became convinced at that stage in my life that we were dealing with an authentic item that was acceptable not just to the Jews but acceptable to the world at large. And that we could sell it. So, you know, I did do one bad thing. I don't want to be tempted. I'll try to do this thing in three minutes cause we got to break at seven o'clock any way for supper. Alfred Rosenberg, the philosopher of the Nazi Party, if you remember that name, had collected in depot in \_\_\_\_\_ that belonged to \_\_\_\_\_ and company a large chemical firm in Germany three million \_\_\_\_\_ books, religious objects, looted from every synagogue in Europe and from every Jewish home. And they were all thrown hogpog in this great big tremendous warehouse. One day a man came in from Palestine by the name of Profesor \_\_\_\_\_, the famous man who wrote the books on mysticism and \_\_\_\_\_ he died recently. He had ninety days to go through that warehouse and he picked out thirteen hundred items out of over three million percious fourteenth century manuscripts before the invention of printing, of gorgeous illuminated \_\_\_\_\_ all kinds of, thirteen hundred treasures He put them in five large packing cases, each one about the size of half a table, so there were five of them like this. He marked them on the outside which was a mistake cause made them easy and vulnerable for somebody to bust in and steal them. They would have brought heavy dough on the black market obviously. So rather than let some body else steal them, I stole them. And I stole the five packing boxes and I took them out of \_\_\_\_\_ in JDC ambulance on new years eve when . . . everybody was drunk anyway. And I took them over to Paris and drove them in freight car and slept in the freight car myself with them and \_\_\_\_\_ library was being shipped to Palestine in a boat from Antwerp. I got the packing



cases up to Antwerp and put them in and relabeled them as part of \_\_\_\_\_'s library but for the attention of Professor Schurl. Okay, the C. I. D. had me dead to rights. I mean they had the, they had the licence plate of the JVC ambulance they had the number of the freight car, and they had the number of the truck that I would have drove from Paris, and they had me, I mean they had me. And they walked into the office one morning and said the five cases which you have stolen are, uh, of at least a general court martial and you probably will get 25 years. And we just would like to fill in some of the little details we don't have: who held you, uh, what did Captain Bentwich have to do with this? What did Seargents . . . .

I said I don't know what you guys are talking about. And I grazened it out long enough to get them out of my office. I ran next door to General Clay's office and I told him. He said, "OOH... you know what he said . . ." He said, "Okay I gotta get a back from Palestine." I said Oh nothing doing don't subject them to another voyage. They are over there, leave them there. But the American United States council general go and open the packing cases, let them get Professor Shellum, check the history, see if there is one document missing. And if there isn't, then leave them there. And if you want to leave them under the custody of the U. S. Army cause they were stolen from the U. S. Army. He said but there is a Professor Finklestein in the United States from the Jewish Theological Seminary who says they shouldn't be sent to Palestine, they should be sent to the museum and the library of the Jewish Theological Seminary. So I said buggar him. There are twenty people in America who like them. But there's only one Isreal. You agree. So they were left there and indeed it all worked out very well. It was clear that nobody had stolen everything. Uh, that was in '47. In '48, uh, and they were brought into the library of the Hebrew University up on Mount Scopus. In 1948 we



lost Mount Skopus, in the war.. of independence. And Mount Skopus was under Jordanian control for the next seventeen years. And the manuscripts were up there. Except they weren't up there. Because every two weeks there was one Jewish company of a hundred and forty men who were left up there on Mt. Skopus as a symbolic little Jewish presence. And every two weeks they were brought down and releived and a hundred and forty other guys were sent up. So of course in seventeen years everybody put something on their shirn and we got all the manuscripts down, back into our own hands. And they formed the basis of the rare book collection at the Hebrew University National Library. But to go back to 1947 when Clay was convinced that I hadn't stolen anything and there was no personal gain involved in this he said to me okay buddy-boy, go home, enough. Enough. Now you've been telling us everything you've been doing including this last little adventure. But I don't think we want any more adventures around here so go to Camp Dixon and get yourself discharged and that's that. Well there's a whole other sequel to the story which I will not tell you. Because the food is on the table. We break, we eat, and we resume at seven-thirty.

Part 2, which is the Search for Identy in Modern Times.

And right away under Capital A is says the Nepoleonic Sanhedren and Immancipation raised the question what are we.

Well, that phrase, the Nepoleonic Sanhedren sounds like Greek or Sanskrit or anything if you don't know what it refers to. So, is there anybody who doesn't know the background of the Nepoleonic Sanhedren of 1806, 1807. If you don't know the background of it

hands up. Let's see who, well that's enough people so I'd better do it. Okay, it's a fantastic, fascinating chapter. It's incredible. I mean here was Napoleon sweeping all over Europe almost conquering

the Russians. Beat the Prussians. Fought the English. Fought the . . . everybody in the whole Europe. And yet this guy had his eye on what was going to happen in France at home base. And one of the things that he wanted was to make peace with all of the religious groups. Because if he had peace with them and there was to be no stab in the back from them then he could feel more secure about his imperial designs because what he had in mind he made other dictators look like punks. But clearly he understood this business of ingratiating himself with the religious factions in the country. So the first thing he did he made a Concordat with the pope. In 1801 and made Catholicism the official religion of France. All which it is to this day. Then of course the Protestants, and there's an old, long Hugonaut tradition of protest in France, that lead to all the beginnings of the American Revolution have an awful lot of French elements in it a hundred years earlier. So he didn't anywhere make a clear, clean cut deal with the Protestants. What he did was he granted the recognition as an official religious group. But they were not the official religion of France. They were simply an official group. At this point he has to decide how to deal with the Jews. Because they were nothing. And then he made a speech in which he attempted to ingratiate himself with them and he said if I were governing the Jews I would rebuild the temple of Solomon in Jerusalem. In other words I would make the Jews as important as the Catholics, I'd give them, the Jews their Vatecan. And they would be a big world religion. But he says I don't run them. And further more I'd have to determine one thing: and here is the nub of the whole matter. I have to determine the loyalty of the Jews to friends. And here we are face to face in 1806 with the question are the Jews loyal to the country in which



they live or are they loyal to some other seperate Jewish sense of identity which they have even nationhood, they have their own nation in the back of their minds. They have their own separate religion. They have a different language. They're different from everybody else. And here ladies and gentlemen you have to face it in a very hard way a hundred and eighty years later a hundred and seventy years later. What are we? Are we the same as allother Americans? Or are we the same and yet different in certain aspects? And does anybody want to face the fact that we are different? Or would you rather bury your head under the rug? What are you comfortable with?

So this question of identity is not an easy question. It's not a simple question and hasn't been solved from Napoleon's time to this. It goes through like pendulum or a ping pong ball at times we say we are like everybody else and other times we say no we are different from everybody else. And third, the third way that we phrase it is yes we are the same as everybody else, but there are some differences.

Napoleon took the bull by the horns in a very clever way. He called a meeting which he named an Assembly of Jewish Notables. A hundred and twelve people were invited. Outstanding businessmen and financiers rabis and scholars. They arrived in Paris at the Hotel Diville, which is the city hall on July 26, 1806. There was an honor guard uniforms, brass bands, drums, and big speeches. The \_\_\_\_\_ flying from the CityHall and a large crowd of people watching this. thing. A friend of Napoleon, a count, Louie McCurlomay, not important to remeber his name except you may run across it from time to time, cause he is a classic French Anti-Semite, greeted these notables all 112 of them, all of whom were in full dress. With a coldly, insulting speech welcome. Jews were charged, he pointed out with being userers

and these charges were well founded. Nevertheless, the Emperor Napoleon would offer the Jews an opportunity to remedy these practices themselves without any punishment. If you admit that you are userers, then you will police yourselves. In fact, he went on, the emperor would preserve for the Jews their totality of rights as Frenchmen, providing that they prove themselves worthy of these rights. And what was expected of the assembly of notables was that they should define their attitude toward France by answering twelve questions. And then everybody went indoors and Count Moutet put the twelve questions on the table. And that assembly of notables in July and August of 1806 faced the twelve questions. What were they?

- 1) Are Jews permitted to have more than one wife?
- 2) Does Judaism permit divorce?
- 3) Can Christians and Jews marry?
- 4) In the eyes of the Jews are the French brothers or strangers?
- 5) What behavior does Jewish law prescribe for French Christians?
- 6) Do Jews born in France consider France their country?

Would you die for it in the army? Would you do anything it wants, does it command your highest loyalty above anything else? Are they willing to defend it and obey its laws?

- 7) Who names the rabbi?
  - 8) What police jurisdiction do the rabbis exercise over the Jews?
- How about that one? Because underneath it all everybody believes there is some secret kabowle because the elders of Zion, the rabbis of the elders of Zion and they are calling the shots and telling all the Jews what to do and so the Jews are loyal only to their own elders, they are not loyal to the French government. So do the rabbis have police jurisdiction over the Jews, why would the Jews give into the rabbis? There must be some secret power of the rabbis.



The rabbis wish they had some kind of secret power.

Every two years they get voted out of a contract and get booted out of the joint. I mean what you do to your rabbis I tell you is unbelievable.

Interruption: Do you know what the secret to rabbinical independence is? Don't have a contract. I never had one in my whole life. Not with anybody. Not with the congregation, and not with the UJA, not with Wexner, not with nobody. I don't have contract with nobody, not with nobody. Now you run a risk cause somebody can tell you to leave tomorrow morning. Your trick is leave before he tells you to. On the up side it's clear as hell nobody's got any club over you. Nobody can threaten you with a damn thing. You are a free man, you say what you want. And I have always found that to be the most important of the fall of the necessities of life, more than food and more than clothing. Freedom was the most necessary thing to me. So I haven't got any dough. But I've had a long life in which I have been totally free. And on balance, that's worth it. Close parenthesis. There are very few of my rabbinical colleagues who have taken this advice, so they are subject to the two year annual torture.

- 9) Are Jewish electoral forms and police jurisdiction prescribed by Jewish laws or merely by custom? Napoleon knew enough to ask the difference between deen and minhok. Law is law, he knows you have to follow it. Minhok is custom, he know you don't have to follow it. Thank you. That was quick work.
- 10) Does Jewish law prohibit the Jews from entering the professions? How quickly he found out the answer. Within ten years after this meeting there were more Jewish doctors than any other kind of doctors.
- 11) Does Jewish law encourage Jews to practice usury among their

own community?

- 12) Does Jewish law encourage Jews to practice usury among the Christians?

All of the questions are really designed to focus toward one point. What kind of people do you want to be if I make you French citizens? Do you want to be like all other Frenchmen? Are you going to be willing to intermarry with French Christians? Are you going to be willing to cut out all of this bad stuff like usury? That's what you've been doing for thousands of years. That's how you live, by your trickery and your wits. And you kept nobility under your thumb cause you had the money and they always had to come to you and borrow it from you. I mean you remember Ivanhoe? Are you going to be straight shooters? Are you going to be Honest, are you going to obey French law? Or are you going to be subject to the secret law of your rabbis? So all the questions in whatever form they were put, they all came down to one focal point: the assembly of notables discussed for three weeks and then came back with very skillful and dignified answers. Of course the Jews considered France their country and Frenchmen their brothers. Of course they were willing to defend France to the death. Of course the rabbis exercised no police jurisdiction. Their authority was purely spiritual. Of course the Jews were monogamous. The question of mixed marriage was the most complicated. For the rabbis were inconsciously bound to oppose marriage outside the faith. But the layman managed to come up with a compromise answer. The Bible the notables declared forbade marriage with heathen peoples in ancient times. That's the language of the Bible. Yet in as much as French Christians of the nineteenth century were manifestly not heathens, the prohibition did not apply to contemporary France. As for usury while money lending was not forbidden in the townhood Jewish law



was equally explicit that only a fair rate of interest might be charged. Napoleon was satisfied with the answers. He had received the professions of loyalty he wanted. Now he wanted a dazzling show of the whole business a kind of religious prestige on September the third, therefore 1806, he issued a summons for a sunhedron. That was heavy duty stuff. The sunhedron has not met now in almost eighteen hundred years. The last time the sunhedron sat was during the writing of the Misnah in the first century. And there's been no Sunhedron since then. Now we're in the nineteenth century. Bingo. The meeting of the Sunhedron, how do you pick who sits on it? The Jews were speechless with amazement. This would be the first Sunhedron in eighteen hundred years. The answers would become modern Jewish canon law. The assembly endorsed the emporer's call for a Sunhedron. The news spread all over Europe with hosannahs of joy. On February 4, 1807, the Sunhedron gathered in Paris. Eighty delegates, not seventy one which the old Sunhedron had, fourty-six of whom were rabbis, that was all the rabbis they could muster together in France. On nearly every issue the Sunhedron endorsed the answers of Glasgere's assembly of notables. Napoleon again was not disapointed. Once again it was affirmed that the law of Moses and the rabbis were exclusively religious in their application. France alone could claim the political allegiance of the French Jews. No one else, no rabbis, no nobody else. Only French government officials could claim the political allegiance of French Jews. The decisions of civil tribunals were declared to have priority over those of religious tribunals. This priority was made the basis for the answer on intermarriage. For the rabbis distained this time to give theological justification for mixed marriages. The delegates reaffirmed the love they bore their fellow Frenchmen and they encouraged Jewish participation in all occupations and



professions. They publicly condemned money lending at high rates of interest. In April 1807 the Sunhedron was adjourned. Abraham Fortodo, a member of the Sunhedron who had been president of the assembly of notables a year earlier declared that quote, "and here's the key line: "We no longer form a nation within a nation. France is our country. Jews such today is your status. Your obligations are outlined. Your happiness is waiting."

The Sunhedron's solemn renunciation of sepearte Jewish nationhood was truly of water shed importance in Jewish history. It set the tone for Western Jewish life for the next century to come. When one of Napoleon's comissioners wrote later that the Jews ceased to be a people and remained only a religion he perceived the significance of what the Sunhedron had done, even more accurately than did the Jews themselves. We are no longer a nation. We are only a religious sect. Out of that decision of the French Jewish community came the German decision and Germany it was much easier because the anti-Sematism was much tougher there. So it was easier for the Jews to knuckle under and say we are not a nation, we are only \_\_\_\_\_, Jewish citizens \_\_\_\_\_, of mosaic faith. We are German citizens of mosaic faith. Okay, so this was the way they figured they could buy their way in and what that led to ultimately, leading up to the Baptisms because it wasn't just assimilation and intermarriage it went the whole hog, all the way, why not convert? Like Moses Mendelson's family had done in Germany in the eighteenth century. Every decendant of Moses, Moses Mendelson was a great Jew, and Felix Mendelson Bratolghi is a converted Christian, his grandson. Moses Mendelson was the first Jew to translate the Bible from Hebrew into the German language in order to teach the Jews German, in order that the Jews could participate in German daily life. But he never in his wildest dreams thought that it would lead to the conversion of his own family.



Okay, in the United States in 1943, a long time later, the argument over Zionism in this country, a group of one hundred reformed rabbis ninety-three to be exact, walked out of the meeting of the Reformed Rabbinical Council which was debating the issue of whether reformed Judiasm and Zionism were compatable, could you be a good, loyal reformed Jew and believe in Palestine at the same time. And there were four hundred rabbis at that meeting. It was in June of 1943, I was there physically present and the vote was three to one in favor of the resolution. So the reform movement went on the line finally. The ninety-three guys who voted against the thing walked out and forme something called the American Council for Judiasm. And they said the same thing that the French said in 1807. We're Americans of the Jewish persuasion. What the hell do we got to do with Palestine-Zionism founding another nation. We're not a naiton. We have no pretenses to be a nation. We're Americans. And from 1943, when they organized themselves until 1948 when Israel declared the Declaration of Independence those five years, they fought tooth and nail to persuade the state department and congressmen and Christian ministers and newspaper editors against the idea of creating a Jewish state. Their chairman was a man by the name of Lessing Rosenwall. He lived in a suburb of Philidelphia. His brother was a man by the name of William Rosenwall. Who later became the head of UJA and here were two brothers diametrically, violently opposed and for fourty years never spoke to one another on that subject. Now Dr. Guyer shaking his head as though that is a common occurance, you don't do brothers like that.

COMMENT: unintelligible

Mosha Arrons and his brother, okay, right.

He's thinking of his own brother.



It's in every family that that problem still exists. Finally the American Council for Judaism got beaten and they survived to this day. Lessing Rosenwall still funds them. They've become a completely pro-Arab lobby and they're like a fossil in history but there you have it, they have a perfectly good precedent for their thinking. The French Jews said that when faced with the issue do you want to be free citizens, don't forget Jews had just come out of the Ghetto, they weren't yet free, they weren't yet accepted, they didn't have their emancipation and Napoleon was offering them the whole world on a silver platter, wasn't he? French citizenship, equal rights, voting, everything. Inviting them into the professions, money would become less of a terrible thing than it had been, I mean there was Jewish poverty for thousands of years before that. Ghetto was not an easy place in which to live. So they're getting the whole world offered to them. And all they got to say is Well, nevermind these few little prayers in the prayer book where we hope for Zion to be rebuilt. Nevermind the three times a day when you recite the Schmunia in your prayers you are supposed to pray for the restoration of Zion. Forget it, wipe it out. We are good French citizens. We are only by religion and we'll even change some of the things in our religion in order to prove to you that we're good, loyal Frenchmen. I mean they sold the store. So when the German Jews followed suite, and a hundred years later when the American Jews, some American Jews followed suite, the American Jews should have had their orgasm earlier on to do it 1943, to '48, the toughest five years we've ever had to get that state created, that was treason. From their point of view they thought every Zionist Jew was a treacherous American and guilty of double loyalty. Now that dirty phrase raises its head. Do you feel that you are guilty of double loyalty. Loyalty to America and loyalty to some ideal? You are not a citizen of Israel, you are not



going to live there. So whatever feelings you are having for Israel are what? Emotional feelings? Are you inside of yourself caught in a tug-of-war? You better not be. You got to resolve this issue. Okay, that's the background. Go back here now.

Napoleonic Sunhedron and the Emancipation at the beginning of the nineteenth century raised the question what are we? The nineteenth century answers given indicated that some Jews preferred to be known as a religion only. This opened the path to assimilation and even Baptism. The twentieth century opinion has shifted. Since World War II and the Holocaust and the success of the Zionist movement, opinion has shifted and the answer at the end of the twentieth century seems to be that we have accepted the definition of ourselves as a global people or a global community. That's how we define ourselves now, a global people. You are now members of the Jewish people, all capitalized, THE JEWISH PEOPLE. Now what is implicit in that phrase: The Jewish People? Does it mean that we are a race?

Now let me get this mapped out up here. Let's put these others behind it. I just want you to see this map. 1812 . . . is that point here. Where Napoleon was attacking the Jews supporting the Russians. Did a good job of knocking Napoleon down. Whoever has any influence in Jewish, ugh, the United Hebrew School, would you tell them to put the board for an easel on the front, not on the back.

COMMENT: Unitelligible. Discussion of easel . . .

British subsidies to her European allies in the war against Napoleon was handled by the Rothchilds. The Rothchilds played a big part. The Rothchilds, one of the Rothchilds, Lionel, couldn't get seated. The ten times he was elected to Parliament. Ten times he refused

to take the oath as a Christian. Ten times Disraley and everybody else, every other prime minister tried to get a law passed through the comons altering the form of the oath. But they couldn't do it Victoria was not in favor of it. Finally Lionel died. His son then came along, was elected to Parliament. Victoria finally gave in when the Rothchilds said Hey listen, come on, we're going to buy the Suez Canal from England, which the Rothchild's did. At which point Victoria surrendered and agreed that the oath could be altered and then Rothchild could be seated. And the father's dead now, but the son gets it. It was in 1865 that the first Jew was seated in British Parliament, 1865. As recently as that. Where he could refuse to take an oath which was hundreds of years old and British tradition but it was the oath of a Christian, and he refused. And they wouldn't grant them the right to do that, until 1865. Anyway that's the Rothchild issue. Napoleon conveyed the Sunhedron. Napoleon curtailed Jewish money lending. And Napoleon gave them their first start. Frankfurt then granted citizenship to the Jews in 1811. Rome in 1810. Prussia and Westraillia and all the rest of northern Europe, one by one, province by province the Jews had to get their independence and their freedom all of them taking the same stand we are only a nationality. Okay, now we are only a religion, we are not a nationality. One thing we have to put to rest is this business of are the Jews a race? You hear the phrase used all the time.

COMMENT: Unintelligible

HERB: Depends on what you call a heathen.

I wanted to prove to you that there is no such thing as a Jewish race by indicating if you look at the small print there that we have had an infusion of many races and I listed three. The Czars, the Burbors, and the Ethiopians. Jews have been black and Jews have been yellow.



Because the Czars were decendants of the Monguls and the MOnghuls are from the Chinese and Jews are Burborous, which are what, I don't know what you want to call them, brown skinned, so we've got blacks and we've got browns and we've got yellows and we Jews have got everything of which Anthropologists call race. In our background. The Czars are particularly interesting. Just very, very quickly the Czars were a heathen, so they say, nomad people from central Asia way out here in Mongolia. In about 700 A.D. their King Bulah was converted to Judiasm. A later king Obakiah strengthened Judiasm, inviting rabbis into his kingdom and building \_\_\_\_\_. The Supreme Court consisted of seven judges, two Jews, two Christians, two Monguls and a heathen: religious toleration was maintained for the kingdom's three hundred years. The crucial thing about the whole business is that his territory, this territory between the Black Sea here, this is the Black Sea, here's Yaltur in the Crideah, here in this black space \_\_\_\_\_ and the Caspean Sea, which is this one right here, this territory in between the two seas is known as \_\_\_\_\_ and it has a very large number of Jews today. This is where the Czars lived and they expanded north of the Black Sea all the way up into the central part. Look at where they are, here at Colone, this is the same latitude as Moscow. They penetrated as far north into Russia as Moscow. As far west not east over here beyond the Caspean Sea, this is a vast territory and yet as it dwindled and diminished in the importance, the Czars migrated from here northwestward into what is today Russia and Poland. Russia and Polland. The question is asked often where did the milions of Jews who were in Russia and Polland in the tenth, eleventh, twelfth, fifteenth century by the fifteenth century you probably had 5 or 6 million Jews living in Russia and Poland, where did they come from?



Where did they come from? There's an author by the name of Arthur Kestler, now dead, committed suicide with his wife, one afternoon when the weather was very good and he wrote a book some years ago called the thirteenth tribe. And Arthur Kestler believed that we think the Jews had twelve tribes, no the Jews had thirteen tribes. One was called the tribe of Czarica. And the thirteenth tribe of Czarica contributed as many Jews to the world's total, or maybe more than the first twelve. Because out of the first twelve, ten tribes got lost. You've heard the phrase the ten lost tribes. They were taken off into captivity via Syria and Babylonia before the first temple was destroyed. Before. In the eighth century B.C. 722. Then Bukanetza, the king of Syria took the ten tribes of the north, the kingdom of Israel, into captivity. You've left with two tribes in the south kingdom of Judea. The tribe of Judea where you get the name Jew and the Tribe of Benjamin. Two little dinky tribes. Plus the Czars who were the major conquerors in the eighth century. Thousand years later. So he believes that they are the source. Now of course he admits when the Jews were driven out of Spain here Cordova, when the Jews were driven out of Spain in 1492 easy date to remember, 1492, they moved eastward. The Czars earlier had moved westward. Your Polish Jewish, Polish Russian Jewish major population of which you are ninety percent representative. How many people here are \_\_\_\_\_? in origin? How many people here are German Oshkinazi in origin? Zilch. Everybody else is what? How many people are Russian or Polish here in origin? Well that's it, I think there's only one, so you people now know that you have Turkik, Turkish, Turkik Spanish, Mongul blood in you. So there ain't any such thing as a pure race. And everybody says to you, my God, how have Jews managed to survive through all these thousands of years? Believe me, it has



not been because Jewish men only marry Jewish women. The infusions from the outside, I mean who knows who caught whose grandmother behind the barn in what progrow? I mean we got everybody in our blood. So what has kept us in tact has not been race. What has kept us in tact has been what is in the head. Not what is in the sperm and the ovum.

COMMENT: Something about Kessler's description of Israel.

. . . to discredit Israel's . . . there has been Jewish presence . . . that led from the land of Israel to the . . . were almost a synthetic religious creation and that gave rise to . . .

HERB: Which people were a synthetic religious creation?

COMMENT: The Czars.

HERB: They were not synthetic. They were quite organic.

COMMENT: Well, in the sence that they were, they did not originally live in Israel with the other tribes, rather they were a bunch of heathen nomads who were converted, and hence there was no link between the Czars, who were according to Kessler, the progenitors of the vast majority of European Jews, it's like putting a link between . . .

HERB: What link? They accepted Judiasm, I stopped you on that word. They accepted Judiasm, not only did they accept the Czars Biblical Judiasm, they accepted rabbinical Judiasm.

COMMENT: I'm not questioning their religious intensity, rather I am bringing up the point that Jews have no right to resale the land of Israel because contrary to what they say, they are not native.

HERB: Who is they? They are not native. A portion of the Jews are Conquords who lived in central Asia.

COMMENT: What about all the people in Europe? The Russian, Polish Jews? . . .

HERB: I don't understand, is he making Kessler's point or his point.

ANOTHER: He is telling you what Kessler said, is that what Kessler says?

HERB: That's not what Kessler said. Kessler never entered into the whole question of whether the Jewish claim to Palestine is viciated and diluded and the fact that some large portion of the Jewish population is the result of conversion and infusion from the outside. He doesn't offer that as a weapon in the hands of the Arabs. He does not give that to them as a weapon.

COMMENT: Whether or not he offered that notion, it is indeed appropriate.

HERB: Not by anybody serious. I mean I'm sure that it figures in Arab propaganda. I'm sure it even figures even in Arab intellectual and academic circles because this is no secret to them. They know it. Nor should it be a secret. But it is not a high item on their agenda.

COMMENT: . . . by drawing other Christian analogies or Bible analogies just as Islam had the claim to the city of Jerusalem because of Mohamad. Even though the majority of Moslems in the entire world have no physical relationship with the land that is under claim, so if the group of Czars who have accepted the Judiasm, rabbinic Judiasm and religious Judiasm that gives them the claim of Israel and . .

ANOTHER: The point you are making is well taken and I think . .

HERB: Andrew is not advocating it. He is quoting . . . no, Kessler's purpose in attributing that much weight to the Czars was to influence Jews to understand that their background is mixed. Jews talk about the phrase THE JEWISH RACE. They don't know what they are talking about. And as a matter of fact, they play into Hitler's hands. Because Hitler's whole premise was there is only one pure race as though the Jews had claimed that they had a pure race and he is saying you Jews are vermin, you are like cancer cells you spread, you contaminate, you have to be cut out surgically. There is only one pure race, we the Arians, we are a pure race. Okay, . .



COMMENT: . . . Contrary to this argument that Jews were mongrelized peoples, that they were the most impurities. . . .

HERB: No, this is what he said, on the surface, what he meant underneath it all was that he was destroying the apparent Jewish claim to ancient consistent stream, and he said no they are mongrels. Why did he feel it necessary to repuniate Judiasm's implicit racial purity? Because he had to establish the claim that there was only one racially pure stock. That's the Arian stock, Indo arian stock, of which we Germans by some peculiar stretch of imagination are the descendants how the hell he got the Germans to be the descendants of the Indo-arians is beyond me. Because there were two seperate continents, the Indo-arians were in Asia. And the Antecetants of the present day Germans were living in northern Europe. In bear skins, they were not connected to them. Anyway, that is one of the interesting peculiarities of that Hitler mind. Even Jews have used the pharase pure race. There are two whom I bring to your attention. If you look under Roman numeral III, even though Martin Buber used the term PURE RACE, he did not mean it in the later Nazi sence of pure blood. The same thing with Moses Hess. And I have something I would like to read here, just one sentence, Do you know who Moses Hess was? I'm introducing another name to you, have you ever heard that name? Moses Hess was a German Jew and a Socialist that Comrad Karl Marx who lived in the eighteen sisties and wrote a book in 1862 called Rome and Jerusalem, this is an important point. . you've got to get a hold of a copy of that and read it. Rome and Jerusalem, Moses Hess. 1862. It is the first book writen in which there is talk about founding a Jewish state. And Rome and Jerusalem means this, Moses Hess was very much impressed by Garibaldi, Kabur, and the researchamento movement in which the Italians were talking about uniting all the provinces fully into one state. There was no modern country of Italy



until 1864. It didn't exist. As you know Italy, do you think that Italy has been on the map forever? Italy is 120 years old. So he says if the Italians can do it, why can't the Jews do it? Rome and Jerusalem, we should copy them. But what did he say? Jews are not a religious group. 1862, remember what has been said in the Sunhedron 1807, 55 years earlier. The Jews are only a religious group. Hess is now saying Jews are not a religious group. But a separate nation because he is stumping for the idea of creating a nation and then he uses the phrase "a special race". And Moses Hess has been quoted over and over again as believing that the Jews are a race. So I am inoculating you in advance if anybody says to you but Moses Hess says that the Jews are a special race. And the answer is he was using it in this sentence: "Jews are not a religious group but a separate nation, a special race, and the modern Jew denies this is not only an apostate, a religious renegade, but a traitor to his people, his tribe, his race." He repeats the word race. Now he just was not using the word in any technical scientific sense. And nobody used the word until Hitler came along. But because Hitler did come along and because Hitler did make this race business the basis for his genocide then it is terribly important that we should understand post Hitler, that the word race never did or should apply to the Jewish people. It is not the category of definition for us. Race anthropologically is caucasian or negroid or oriental. There are five races and that's all there are on this Earth. And the anthropological and socialological scientists cannot find more than five. So Jew is not one. Now the Burbers are another example like the Czars. The Burbers were conquerors of Judaism. As the Jews moved through North Africa, this is a shocking thing which you may or may not have known, in the first century A.D. the Jewish population of the Roman Empire west of Palestine has been put at over 6 million. Of whom a million lived in Egypt. Mostly in Alexandria mind you. The fact



of the matter is cross hatching, which shows the Roman world around the Mediterranean, the fact of the matter is most historians now agree one person in every ten was a Jew. One person in every ten. Had the Jews gone out of fossilizing mold, not to convert a few hundred thousand Burbers, but really gone push, Christianity would have died in the womb. Never been born and never gone very far. Judaism would have become the world religion. We were on the verge.

In the first century A.D. in the year 70 is when the temple was destroyed. So the Romans come in and they plowed the land with salt. They expelled the Jews. The Jews scattered around the whole Mediterranean basin. Christianity didn't become the official religion in the Roman Empire until the fourth century 335, Emperor Constantine was converted the Christianity. Only that late . . . we have 300 years or 250 years in which to conquer the world. What a different world it would have been. I mean, can anybody imagine? 600, 700 million Christians in the world today. Suppose you have 600 to 700 million Jews. Unbelievable, isn't it?

COMMENT: Unintelligible.

HERB: Oh the market was reved off by the competition. You see the whole reason that Christianity spread was because of a basic decision on the part of a very small hand ful of people. This is why I keep saying to you all the time small groups of people decide everything. What are the names of the four gospels?

Matthew, Mark, Luke and John, how many of you have read any of the four gospels of the New Testament. Shocking. These are four biographies of Jesus, who was a Jew. The four biographies don't agree on any basic, important point. They were all written anywhere from 50 to 150 years after his death. So there is nothing strange about the fact that four biographical accounts don't agree. If there were to be four biographical accounts written today about Abraham Lincoln, who lived

125 years ago. It would all be different. They are all different. Did you read Cor Vidal's book on Lincoln? Just finished it. It is one account of the life of the man. You could get other biographies of the man, they'd all be different. So you have four biographies of Jesus, but there are only four in existence. They don't agree on anything. Except a couple of points.

- 1) The fellow who was out there in the field doing the selling was Paul, a converted Jew whose name was Saul.

Saul, and he has a vision. That Jesus really was the messiah.

And he changes his name to the Greek Paul. And he goes around to all the synagogues in Asia Minor, south of the Black Sea, and right across from it Turkey, Southern Italy Sicily, the North African coast, Paul was a travelling

salesman. He went to whom, to whom he could go to preach the message about Jesus. Only Jews. Who the Hell else would understand what he was talking about? So he goes into the synagogue and he starts talking to the Jews

Hey, you know what happened? Read the story by Mark, read this story by Luke, it tells you about a great rabbi Joshua who lived in the Galilee. Had miracles, cured people, illnesses, The Romans were so scared of him that they killed him. The high priest of the Jews was scared of him so they, he joined in the killing of him. This man is the messiah. This man is the Son of God. I mean to whom could he use the word Messiah? Only the Jews. He goes ceaselessly through synogogue to synogogue to synogogue and he is trying to sell to the Jews out there in the Mediterranean world the fact that Jesus is the Messiah and the Son of God. The Jews in the synagogues ain't buying. He couldn't sell it. And the



whole movement was faltering along and nothing much was happening. And he would leave and he would go away and he would write a letter back to the synagogue. If you read the New Testament you would know the letters to the Ephesians. The letters to the Galatians, the letters to the Romans. He was writing letters to every town where he was trying to preach in the synagogue, getting nowhere by a personal appeal. He's getting no where by writing the letters. He suddenly gets a stroke of genius. What is it? He'll quit trying to sell the stubborn Jews on this idea and he'll start selling it to anyone who wants to come and listen. Bingo. That did it. What is he preaching? He's preaching that Jesus will take your sins off your shoulders. That Jesus will come and give you a place in heaven. That if you believe in Jesus as the Son of God then you will be saved and you will not go to hell. You will have eternal salvation not damnation and preaching to the slaves in the Greek and Roman world, millions of them they have nothing to lose, so they grab onto this. They latch onto it. And the comforts to new Christian religion which only formed a hundred years later. Two hundred years later, the converts took place mostly among the Christians. Now that fact that he went to that market and was successful in that market caused the old Jews, the real Jews, to condemn him for one simple fact. He was preaching Judiasm to the uncircumsized. And he was converting them to a form of Judiasm without circumsizing them. Now Abraham had circumsized himself when he was 99 years old. And Moses had circumsized himself after his wife circumsized their two

sons when he was however many years old. Eighty years old. Circumcision was the act of the covenant of God, what the Hebrew word which you pronounce by the oskunashik, bris, you go to the bris. The Hebrew work is \_\_\_\_\_. \_\_\_\_\_ means covenant. B-R-I-T. God made a covenant with the Jewish people. Now you cut that covenant into the flesh of the boy. And the same word is brit. The covenant that God made with the Jewish people is what the father makes with his own son. Now the father doesn't cut his own son any longer. Pediatrution does it. Somebody else does it. There are still fathers who do it. In certain communities. This is the only valid sign of a Jew, a Jew who has been brought into the covenant with God by having the covenant cut into his penis. Okay, now here is Paul daring to go out and teach the message of Judiasm to all the uncircumcized heathens. Well Bingo! That's the greatest sin of all. The Hell with it. We tear it up. We're through. They're one sect. We are a different sect altogether. That's it. COMMENT: . . .

HERB: Had they been circumcized, would the old practicing Jews have accepted them? I'll answer you in a queer way, it would have been hard for them to have refused. They wouldn't have liked it, but they couldn't have refuted it. So you would have had two sects within Judiasm. You would have had those Jews who had not believed Jesus was the Messiah, you would have had those Jews who did believe. In fact you've got them today. The call themselves the Jews for Jesus. You would have had them two thousand years earlier. COMMENT: Surely Paul was aware of that . . .

HERB: You're damn right. He made the choice.

COMMENT: Why didn't he insist that the new converts be circumcized?

HERB: Couldn't care less. He didn't want to gamble that he could make two sales. Don't shake your head, it's a very, very important



thing. If you're out there selling something and you sell the idea of Jesus then don't kill the sell by saying by the way, listen come here, I got a little . . . (laughter)

I mean it is just plain psychology. So he bought it cheap. That's all. He bought their conversion more cheaply than the Jewish religion permitted. But he made a world religion. World population. So it isn't that we were lazy. Or that our ancestors were lazy. It's that they missed the boat. Now, that's one way of putting it. The other way of putting it is thank God. We didn't give in. So we didn't lose the integrity of our religious thinking and our peoplehood and our nationhood. As a matter of fact probably Christianity would disappear from the face of the Earth long before Judiasm will. If you want to take the twenty first century and the twenty second century and the twenty-third century and if you wanted to gamble whether Judiasm would still be alive and whether Christianity would still be alive I think the bet would be better in our favor. Christianity has suffered some body blows in the twentieth century. Don't ever forget that her failure to respond to the Haulocaust represented an authentic failure of intellect, failure of theology, failure of mind, failure of heart. And reputiated many of the cherished doctrines. Turn the other cheek, when you didn't do a damn thing. The pope made a concordad with Hitler in 1933, the first year he was in office. I mean how a hundred years from now if the religion suffers, if Christian religion suffers a lot of radical thinking, how is the church going to answer? Whatit failed to do in the twentieth century?

COMMENT: Unintelligible.

HERB: Oh, no I don't agree to that at all. Among Christians, that's the only place it counts. The enormous shift in the Christians, in the Catholic church particularly, the enormous shift on the part of

the priesthood in South America toward leftist movements and support of the poor people. Going against all church dogma and the pope having a hell of a time keeping them all in line.

COMMENT: Because of this? Was it because of the Halicaust?

HERB: NO, not because of this.

COMMENT: What does it have to do with the Haulicaust?

HERB: When a priest take one individual priest says, I am concerned about the poor people in my country of Peru the church doesn't give a damn, the coopulah is guilded with gold. Inside gold auning, and outside the people are starving. The church doesn't care about people. And look at what the popes did in making the deal with Hitler. The church didn't care about Jews. The church doesn't care about anybody. The church cares about its bureaucracy, it's heirarchy, its money. Now priests are talking like that all over the world and attracking the church for a series of these of which the Haulicaust is one. The lack of concern, coldbloodedness toward the social problem How hard it is for this popeto say anything that sounds anything like concern for the sick, the underpriveledged, the under nourished. He doesn't talk that way. He says to the priests concentrate on matters of abortion and monogamous marriage and this gay revolution is horrible because it is abainst the word of God to be homosexual. These are things that are the real issues. This is the way the pope talks. Priests out in the field, many priests out in the field don't talk that way. The priests in Latin America are on a rampage of rebellion. The priests in Holland are likewise. Priests in Germany to a lesser degree. The priests in France, very docile. That's about where the Catholic world is.

COMMENT: origin of the church . . . theology of liberation. . . unintelligible.

HERB: Yes, I'm not sure I understand what you are asking.



COMMENT: The point is that rather than signalling the demise of the church it could just mean a redefinition of the church. Some of those priests in Israel probably would say that they truer to the roots of religion than the popes are.

HERB: No individual priest has got the right to decide what is the true mission of the church. I decide, I'm the pope. Don't you understand, this is a rebellion. This is a different form than the protestant rebellion of the sixteenth century. It's a rebellion based on what the priests see out in the real world. To which their church is not responding. So they are attacking their central headquarters. Okay, that's a reformation movement again. It's based upon a theology of liberation because of the peculiar socio-political and economic problems of Latin America. But the essence of the matter is they are telling their church and its leader that it is off the track.

COMMENT: That may mean that the demise of the Vatican is arriving. But that doesn't mean that Christianity is going to crumble... .

HERB: What do you mean when you say the Church. If the pope is, becomes an object of ridicule and because he is the leader of the church the rebellion has to be against him. Okay, then the heirarchy crumbles. He can have any number or hundreds of thousands of individual priests and nuns who will be in favor of abortion once the hand of the pope is removed, etc. etc. all out there functioning in their own little cells and you can say therefore Christianity is still alive. But without a central structure there is no life for any organization. All you can say is if I am right in predicting the demise of the Christian heirarchy and its structure maybe what will happen is a new structure will grow up. Like the protestant structure grew up. But you take a look at the protestant structure

after four hundred years again you are looking at total chaos, total anarchy. There is no structure in the protestant world. You can't get Methodists to unite with Baptists to unite to Episcopaleans to unite with God knows what to say nothing at what the hell the Mormans are doing. And whatever is the Protestant world? What is the Protestant world? It has no central structure and it has less and less meaning in the life of the average person. There is no such thing as Protestant team religious loyalty except in the circles of the Evangelicals and the Fundamentalists. They are loyal to their own particular television minister. They are not loyal to any central structure either. Falwell has got X and Roberson has Y and Roberts in Tulsa has got Z and so each one has got a certain number of followers. And each one is worth a buck per envelope per Sunday coming in in response to the team and it's heavy dough. But that's not the makings of a church.

COMMENT: Unintelligible.

HERB: WE meaning we Jews haven't got three sects.

COMMENT: Three denominations.

HERB: Three denominations

COMMENT: How are we different?

HERB: We are really very different. We have no central structure to tear down. We are total independent, autonomous, I mean you can't get two Jews to agree on anything. You know that. There is nobody can control any individual Synagogue. Nobody. The president of the \_\_\_\_\_ is the boss. Nevermind how you get elected president of the Schuel. But if you do, you run it. And there is no governing board, there is no board of Presbyters, there is no nothing. There is no Bishop. Ther is nobody above the rabbi. Nobody can tell him what to do.. Nobody cantell the leader of the religious group or the lay leader of the congregation what to do. Nobody. There is



an absolute, grass-roots, autonomous movement. A couple of books, a couple of books. And of the denominations, each of them has a varying amount of respect for the books. Some guys take the books to be literally the word of G-d and some guys take the books to be myths, legends, poetry. Believe in Noah, the Ark.

COMMENT: Unintelligible.

REPLY: Hey man, I am not telling you what to do. If you think its true, it's true. You don't think it's true, it isn't true.

This is the shocking thing right there. Six million Jews at the time of the destruction of the first temple...second temple. For more than a thousand years before the Arab conquest the Jews lived in flourishing communities throughout the North African coastal area. This is what today is Libya. And over here you are coming to Algeria and over here you are coming to Morocco. The main countries of the North African Lisarel. Sometimes welcome, sometimes merely tolerated, sometimes savagely persecuted, they created trading communities and contributed substantially to the commercial, economic and cultural life of the towns in which they lived.

Now, you have got a bunch of dates here. In 320 B.C. Pharaoh settled 30,000 Jews on Cyprus. To protect Egypt. This is like putting a few batallions up here to the North, your Northern frontier. 73A.D. 73 -- three years after the destruction of the temple and the same year that Masada fell. Masada fell in '73. Three thousand Jews executed following their revolt against Rome. Right here in Sirenaca which as I said is today Libya. 115 A.D., further Jewish revolts. Hundreds of thousands killed. 534 A.D., the anti-Jewish legislation prohibits the practice of Judaism through the Byzantine Empire. The Byzantine empire, by 534, Rome had fallen. Rome was finished. Didn't exist. The Huns and the Gots and the Visigots came



down from the Northern part of Europe, crossed the Alps, crossed the Po River up here, sacked all Rome, the Italian peninsula. Byzantium is the city here that is called today Constantinople. That's right, today it is <sup>Istanbul</sup> ~~Byzantium~~, it used to be called Constantinople a few hundred years ago. It is now called Istanbul but the center of the Byzantine empire, and that was the empire around the Mediterranean. So Jews were not allowed to practice Judaism.

200 B.C. to 200 A.D. -- active Jewish community in Tunis here, next to the city of Carthage, which was right across from Rome which over four centuries was active in overseas trade. Now, all of this cross-hatching, all of this cross-hatching shows areas of Jewish dispersal and settlement between 500 B.C. and 300 A.D., 800 years. At the time of the Greek, Carthaginian and Roman Empires. Here, this dot with the circle towns, with flourishing Jewish communities in Roman time and 300 years before the Arab conquest. The Arab conquest was, you know, in the seventh century. Mohammed was 622. 622, he got started. So the seventh century he came across North Africa like a fire and when he came to here he jumped Gibraltar into Spain, jumped the Pyrenees and got into France -- not he, he was dead. From a start in 622 to a finish in 724 up here in the middle of France, in 100 years, the Arabs, by fire and by sword came across all of North Africa, got into Europe and if they hadn't been stopped by Charles Martel, the grandfather of Charlemagne here, in the year 724, right up into Central Europe and Christianity would be cut and Islam would be the religion of Europe. These are key points, key dates, key battles. Now, in the middle of it all these Jews are going through all these cross-hatching. Earlier this year in January I was in this town of Bukarest in Morocco, a destroyed



Roman town in which there was a large Jewish population. Today it is hear the city of \_\_\_\_\_ which is where the capital of Morocco is, where the king's palace is. In the courts of Livingere during all this time, Jews converted Berbers to Judaism. Berbers later on came down to live only in the Atlas mountains, which are right down here, in the sub-Sahara right down here. Living in these towns, they are not fit in the 1950's or the 1960's, when we finally evacuated all the Jews out of Morocco, you could see Jews living side by side with Berbers who were darker and who painted their faces blue, tattooed them really, tattooed their faces with blue ink, and the Jews and the Berbers are talking the same language, worshipping together and I simply offer this as another piece of evidence of the non-pure race. How many Jews who migrated into Israel today come with Berber blood in them? Scores and scores of thousands! Blood is nonsense. No such thing as pure blood.

I don't want to spend any more time on the question of Ethiopians. That matter has been settled. Our esteemed chief Rabbis twenty years ago decided they were indeed Jews, but then it took our esteemed bureaucracy another twenty years before it would admit them to Israel I mean my G-d, it is one of the black nasty chapters that we have to face down. Everyone makes a big deal of the heroic operation last year, Operation Moses, I think it was called, rescuing the Jews out of Ethiopia. Where the hell were we 30 years ago? We took the Jews from Yemen, from Iraq, from Semenianca, from Tripolatania, we took them from every dirty corner of the Arab-Moslem world. Why didn't we take the Ethiopian Jews? Because of religious bigotry. Now put that in your pipe and smoke it. And for us to make a big deal of it last year that we managed to pull off a smart stunt and rescued 10,000 by getting some pilots to fly clandestinely from the Sudan, get Jews



out of Ethiopia through the Sudan over to Belgium and then back to Tel Aviv, big deal, big deal. So we got eight or ten thousand out of it. Hey, I love Israel, I am a citizen of the country. I have lived there ten years of my life, when I say something as I just said it comes out of what the French called *ecris de peur*. There is a cry in your heart when you know the people you love and the land you love has done something less than noble. And this business of religious bigotry is one of the key issues that you and I could be around long enough to face down and eliminate. From our vocabulary. The religious civil war on the brink of what we now are and through which we will have to live and out the other side of which we will have to come and emerge with a cleaner slate is something you and I are going to have to deal with. We can't deal with all the subjects now at one time, but you put that on the agenda.

Finished with Roman number three. Now Roman numeral four. It is clear that we are a religion, it is clear. Now, it is obviously difficult to summarize in a few words an ancient fate with a vast literature in all of that, but I have made this three M definition for myself which I like and it satisfies me and I let it go at that and since we are not here to talk about Judaism as a religion, I am not going into any more than that. Try that three M little mnemonic device. Our religion is based on a monotheistic sense of G-dhead, that is one M, monotheism. A moral code for advancing civilized life, that is another M, moral, and a mission to spread this light unto all nations, that is another M. Monotheism, morality, mission. These to me, that is kind of a generalized rubric I don't ask you to accept it but it serves me and keeps the main thoughts clear in my head for me to explain to non-Jews and so it is perfectly clear even at the Sunhedrin they said yes, we are a religion, we are not a race,



We are not a nation, but we are a religion. Okay. Now we come, Roman numeral five, to the toughest problem of all. Which is the one of nation or nationality.

A. Even though since the emancipation we are loyal and equal citizens of whatever is our place of residence, and I think we are. I don't think there are any Jews who have been traitors in the last hundred years to countries in which they live. The most notable example of that of course is Dreyfuss. He was accused of being a traitor to France. And I mean they did everything they could do to him, broke the G-ddamn sword over his head. Disgraced him publicly in the plaza in front of the Emvalid. Put him on Devil's Island broke his health, broke his reputation, and later on admitted that they were wrong and it wasn't he at all. That it was some Hungarian Colonel, a Major Esterhaze had sold those documents to the Germans, so he Dreyfuss, the most celebrated case in a hundred years, was not a traitor to his country.

You've got the Rosenberg case in the United States in the 1950's which is a very big <sup>MIXED-UP</sup> ~~see~~ story as to whether they were or they were not traitors, they certainly got the death sentence fast so there was really no way of making a real investigation to it. They did give plans of the atomic bomb to the Russians, yes. The Russians were almost on the verge of reaching that stage of development in their own research anyway.

COMMENT: The Rosenbergs being spies or not being spies is not in my mind the major issue, you can have Catholic spies, Jewish spies, or any other kind of spies...

HERB: Jewish spies are more sensitive than any of them.

COMMENT: I only think that the issue of dual loyalty is raised when you are dealing -- it is raised for me more directly and most importantly when you are dealing with Israel and how Jews feel vis-a-vis Israel and the United States. It is nice to say that dual loyalty isn't really a problem because there hasn't been much of a confrontation between Israel and the United States. As I try to think about how I think under certain circumstances where I would be called for question, probably most things wouldn't involve life or death situations both in the United States and to Israel.

HERB: Would not?.

COMMENT: Would not. I don't see Israel and the United States going to war tomorrow.

HERB: With each other?

COMMENT: With each other.

HERB: No. You can't visualize scenarios? Try, you are very smart. You can.

COMMENT: ...scenarios and decide how I would feel about each individual scenario.

HERB: Let me offer you one and then ask you how you would feel. Go ahead.



COMMENT: Let me offer you a story that is a true story that I think, at least to me, says how...says to me if the University of Michigan were playing Israel in basketball, who would you root for? I thought for a minute, I knew what he was really asking... This is the kid who has grown up in my house...(unintelligible) This dual loyalty...

HERB: Of course it is. It is universal. It is not pervasive. It is universal. It is in every Jews' mind except those people who are so far out of the club I mean, so totally assimilated they never think of anything Jewish. Okay. Aside from them it is in every Jews' mind. Your son has made a leap one generation ahead of you. For him, there is no problem anymore. He wants Israel to win. Now, let's go back. That does not mean he will commit an act of disloyalty against the United States. If he is asked to serve in the Army of the United States, he will do so. If he is asked to defend the United States in anything that does not involve Israel, he will. The conflict comes in only in the Israel question.

You have to think about scenarios as they can well develop over the next quarter century or half century, because your lives will be prolonged much longer by medical means much longer than the seventy years or even eighty years which are quite common. In the course of your lifetime you will see 90 years and 100 years as a common lifespan. And you people are in your thirties. So you are talking about 2/3 of a century to go. And in the course of the 2/3 of a century, it will take you into 2050. It will take you into space colonization. It will take you into things you can't even visualize now. You certainly with your imagination can make up scenarios in which Israel and the United States will come perilously close to colliding if not actually



colliding. All of what you have seen in the first 40 years of the United States of the existence of Israel are periods of deep-freeze and periods of thawing and friendliness. That you have seen. Deep freeze at the time of Carter and Begin was a serious deep freeze. I mean, Carter just didn't like him. He thought Begin lied to him. Begin said I am not going to put any more settlements into the West Bank and Begin said no I didn't say that, I only said I wouldn't do it for three months. And Carter said come on, you said it to me and Begin said no, no. And Carter said the hell with it. But go back to what kind of scenarios can develop where the situation can grow much worse, from deep-freeze and thaw.

AMERICAN JEWISH ARCHIVES

The United States has an ally in Pakistan. The United States praised Pakistan a few days ago for the manner in which it handled that hijacking. The Prime Minister of Pakistan is trashing Pakistan for the manner in which... Right outside the capital of the city of Carachi there is a nuclear reactor coming on stream. You remember what we did in July of 1981 to the nuclear reactor in Baghdad? Okay. You can be assured that if the Carachi reactor comes on stream and infomation, hard information is available to Israel that nuclear weapon material is being produced in that reactor, Israel will destroy it. That is a ally of the United States. There will be a real honest-to-G-d conflict in the United States over that item. Okay? It will take many forms. It will take the form of the United States pulling the plug out from under the Lavie. If that takes place Israel will say my G-d, we can't manufacture our own supersonic aircraft, B, we are not going to find it is so easy to buy them in the United States anymore, now we are going into some kind of deep freeze. So where are we going to get our aircraft from? Stretch out what we got and make it last another ten years before it gets completely obsolescent. But what then? (END OF TAPE)

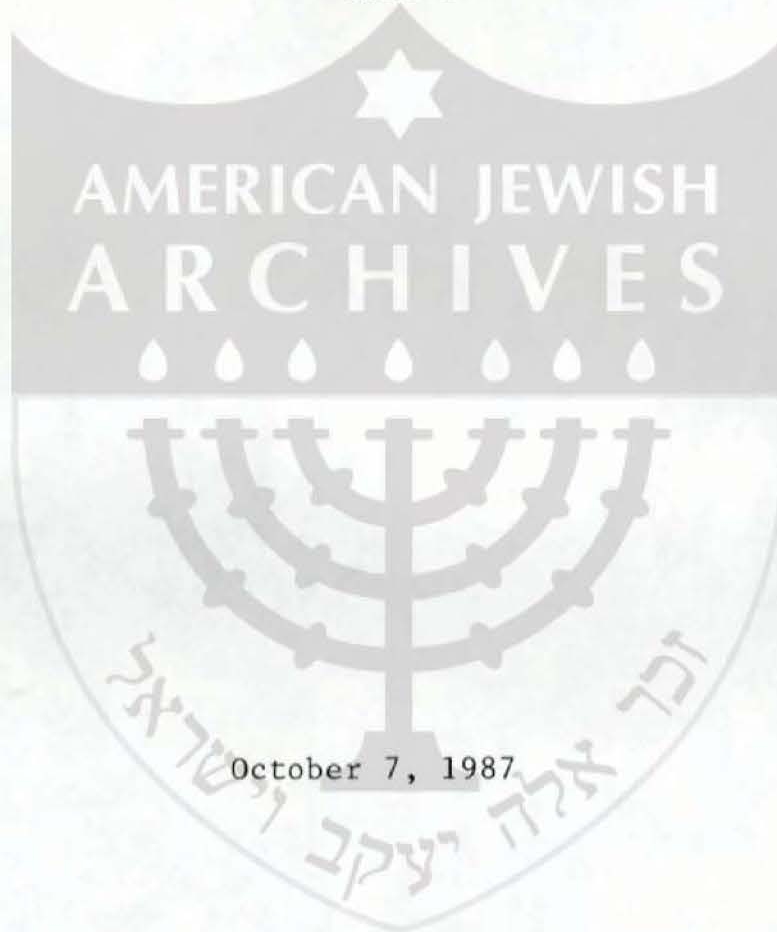


RABBI HERBERT FRIEDMAN

on

JEWISH IDENTITY

Part 2



TAPE ONE, SIDE ONE

HERB: We'll pick up where we stopped last time, which was right before the Ben-Gurion letter. In the outline of my notes which I sent to you it is Roman numeral six, called Conflict in Israel Today. It may not be six, I made it six, I have made it six, but it is on the bottom of page two. It should be six. Conflict in Israel Today item A, Ben-Gurion's letter of 1958. Now you all have it you have all read it the circumstances are all quite clear to you. Just to recapitulate very briefly.

Ben-Gurion is the Prime Minister of the country, the country in 1956, just so you will have background, received a flood of immigrants from Poland, which opened its doors and let almost the entire remainder of the Jews in that country go to Israel and that included lots of Jews who were saved from Hitler by the Russians, and had been hidden out in Siberia and put to work by the Russians there, of course, but the Nazis never got their hands on them. And this was many hundreds of thousands. Some people think as many as a half a million Jews were saved from the Nazis by the Russians. When the war was over in '45, beginning '46, '47, '48, they drifted back from the otherside of the Uroles to Poland, Hungary, Latvis, Lithuania, Estonia, from which they had originally been moved in 1941 eastward they now came back westward and they infiltrated into their original homeland. So you had a large chunk of Jews in Poland and they were pretty well confined there and there was no free emigration. But suddenly in '56, for some obscure reason, the Poles let them out in a great gush and came to Israel. And they came to a large extent with non-Jewish second wives. Their first wives having been killed in the Holocaust and married again to fulfill the commandment of \_\_\_\_\_ which means be fruitful and multiply and rebuild



children, and that is how you keep the Jewish people alive, all the fancy words about the survival of the Jewish people and all the slogans and all the major philosophical declarations all boiled down to have some kids. Survival depends on one generation at a time. You have got no children, there is no next generation, survival of 4,000 years can go up the flue in 50 years. 60 years, two generations. So these people came and they were a great precious asset to building Israel. Israel in '56 also had a war. '56 at the end of that year was a dreadful time I remember it so clearly. There was a war in Israel in October, there was a Hungarian Revolution at the end of October, beginning of November and the Hungarian's fled, the Hungarian Jews among them got out of Hungary when they revolted against the Communist regime, which revolt was put down brutally with tanks in the middle of the city of Budapest. But we got about 16,000 Jews out across the river into Austria. And at the same time in December of '56, most of the Jews were expelled from Egypt. And they came into Naples and into Athens, two ports, on Egyptian ships of the Misr, which is the English way the Jews spelled Mizr, the Hebrew word for Egypt being Mitzryan and the Misr line, which we used to call the "misery line" brought the refugees out of Egypt. So that Fall of '56 was wild. The religious problem that occurred as a result of that influx of thousands of non-Jewish wives and some tens of thousands of their non-Jewish children; therefore, if you say the identity of the child follows the religion of the mother, which is what everybody has been taught to believe, it had to be solved. The Rabbis then were quite liberal in terrible contrast to today, 30 years later. And they converted these women very quickly and they accepted the children without alot of fuss and feathers, and those people blended into the population of Israel.

That is the background behind Ben-Gurion's letter of 1958 in which he wanted to regularize the thing and he wanted to get a law passed by the



Parliament which would be connected with the law of return which had been passed in 1952, it was already on the books. The law of return promising everybody -- every Jew that wanted to come -- that he could have automatic citizenship. And I told you there are today, inside the Soviet Union, inside the Soviet Union, 170 Jews who carry Israeli citizenship which was sent to them by mail so they could walk into the Russian OVIR office which is the office that grants exit visas, and say I am not even a citizen of Russia anymore, I am a citizen of Israel and I want out. It takes a lot of courage to do that. It is easier to do that if you have your Israeli proof of citizenship, or it is easier to wind up in jail. Because that Israeli citizenship is not something the OVIR officers like to look at at all, as you can well imagine. But the law of return in '52, Ben-Gurion wanted to go one step further in '58, and say, and have the Parliament to pass a law saying anybody who says he is a Jew should be registered as a Jew. Finished. If anybody is so eager to put his neck in the Jewish noose and say "I am a Jew", then why the hell should you look a gift horse in the mouth? You accept them. Oh no, said the Rabbis, oh no. And a committee was appointed.

COMMENT: COMMENT(unintelligible) ABOUT NATIONAL SECURITY...

HERB: Oh, that is what he said. You read it. You have got that. Sure, that is a factor, sure, that is a patina he puts on the thing. He tried to think of every way he could to make it palatable. The Orthodox establishment bucked him. The Israeli solution is to appoint a committee, any solution. The committee, you know, that creates an animal. If you create a committee to make a horse you would get a camel. Because committees just manage to destroy everything and distort everything and they are dreadful. A committee was appointed, which Ben-Gurion, with which Ben-Gurion had to consult. And draft a law to present to the Parliamentary



committee of the Ministry of the Interior to study and then bring out on the floor of Parliament for passage. Ben-Gurion, knowing this advisory committee would be stacked against him and knowing that the Parliamentary sub committee would be stacked against him, decided to get some outside opinion. And he wrote a letter to 54 people around the world. And that is what this book is all about. This book is a compilation of his letter to the people and their answers to him. Okay.

COMMENT: I am still unclear as to why he wanted to fix what wasn't broken. It seems to have been working in '56, was it that the Orthodox Rabbis standing up and saying we can't do this anymore?

HERB: Yes, the rumblings began. It wasn't broken but it looked like somebody was going to break it. And he, being a very astute politician, and he, having other things on his mind, including the intention of resigning, wanted to try to get this thing done. The business of resigning had to do with a whole other thing. He was fed up with a scandal called the Lavon Affair, which had been a jumbled-up Mosad operation. The idea had been to send a team of Israeli spies into Egypt, blow up the American Embassy in Egypt and the American Library of Information in Egypt and place the blame on the Egyptians. So that America would then get sore at the Egyptians. That is nifty, that is legitimate. What is the guy who writes those books about that kind of scenario, Ludlow. So it bungled and the Egyptians caught this Jewish team. Several of them were executed, several of them were kept in jail for a long time and released only very many decades later. Ben-Gurion was furious. How in the hell do you do this to the United States of America, my G-d, what stupidity, who was responsible for this. And it became bet nual with him to find out who was responsible. The Minister of Defense was the only man who could order this operation and his name was Pinchas Lavon, and that is why it was called the Lavon Affair. Ben-Gurion tried to get to

the bottom of the Lavon Affair and the question that was in the headlines of the Israeli papers for years was who gave the order? And he tried to get a Judiciary Committee to investigate this and he couldn't and he tried to get...and they wanted him to settle it with a Cabinet Committee and he didn't want to, and finally he got fed up and he said I am going to quit and they said oh, you can't quit, you are the George Washington, you founded the country ten years ago, 1948, and he said well it is 1958 and I am going to quit, then he let those rumblings about his quitting die down, but that timetable was in the back of his head. And he and I -- and I knew him very well -- and we were very good friends and we used to have very long talks. So I am giving you a piece of living oral history as to why it came up now. Yes.

COMMENT: ...I don't fully understand the secular/non-secular relationship and the courts. In the letter they are talking about some of the responses they are talking about these are religious issues...the religious courts should decide this and the state courts should decide that. I don't fully understand...I understand.

HERB: There are two systems in Israel.

COMMENT: Okay. I need that explained to me as how they (interact).

HERB: They don't.

COMMENT: That may be the problem.

HERB: What do you mean, that may be the problem? Dear friend, that is the problem. Again, by law of the Parliament all matters of personal status have been handed over to the Rabbinical courts and bureaucrats. All the employees of the Rabbinical courts are state employees, paid



for by the government. Parliament so authorized it.

COMMENT: Unintelligible.

HERB: Sure, yes.

COMMENT: ...Middle East?

HERB: Well, no. But anyhow, we don't care about...

COMMENT: Its own court paid by the government.

HERB: Correct.

~~COMMENT:~~ Whoa, one at a time. Yes?

COMMENT: ...marriage, divorce, wills, etc. That's all...

HERB: Adoptions.

COMMENT: Citizenship.

HERB: No, citizenship is civil. The religious courts and the religious courts, the Chief Rabbi's office in each city, and yes, the other religions also with their equivalent officers handle all matters of personal status, as Jerry Said. You have a question?

COMMENT: I agree with your answer.

COMMENT: Unintelligible

HERB: Turf question.

COMMENT: Okay, you're from New York, I'm from Minneapolis, an urban question. So what he is really \_\_\_\_\_ is that here is an issue that crosses the boundryline. The first part of this letter Jerry pointed out, and I have picked up on that. He talks about the issue and the practical possibility of a permanent ... For security purposes, for the purposes of the state, we need these identitycards we need to know who is a citizen of the state.

HERB: Nobody disagrees...

COMMENT: Then he goes on and he poses this question that doesn't (seem to) have any relation with citizenship, it has a relationship to...

HERB: No, it does. There are two things. There are two words, they are very complicated concepts and they don't transfer very well from the Hebrew into the English, which makes it even more complicated. A person is defined by two things, his citizenship, synonym for that is nationality. If somebody says to you what is your nationality, you say to him, I am an American. If somebody says to you what is your citizenship you say to him I am an American. Those two words in English are synonymous. In Hebrew, the word for citizenship or nationality is la'am or la'um. Uma is a nation. Co'um'ot all the nations of the world, those of you who know Hebrew. The second word is not nationality or citizenship, the second word is religion. Religion is dat. Dalid taf, dat. So when you fill out -- when the bureaucrat in the Ministry of the Interior, the Ministry of the Interior has the jurisdiction in the civil government -- fills out your identity card there is a line in there that says citizenship, and he can put in there Yisraeli, Israel, Israeli, Israelite,



That is the equivalent of American, and under the line that says religion he can put in Jew or Christian or Moslem or Druse or Ba'chai or whatever we have got in the country. We have lots of citizens of all of those categories. I don't know how many of you have been in Haifa and have seen that Ba'chai church. Okay, we have 100,000 Ba'chai, we have got 100,000 Druse which mostly live up in the Golan Heights. We have a couple hundred thousand Christians, Scottish, Presbyterians, Roman Catholics, Ethiopian Goptics who boom boom boom, we've got it. We have 600,000 citizens of Israel who carry that identity card who are not Jews, they are all these other religions. Citizens, they are all Israeli, we have 4.1 million Israeli citizens, of whom 3.5 million are Jews. 600,000 are non-Jews. So when the clerk says what are you, citizenship is Israeli, so he is only asking religion, so what should I fill in in your identity card as far as religion is concerned? Since it is the Ministry of Interior that fills out these forms, which is a civil government Ministry. Ben-Gurion wanted the civil Parliament to pass a law saying that as far as the religion is concerned, he is not talking about the nationality or the citizenship, as far as the religion is concerned, the clerks should be ordered to fill the forms in as Jew wherever anybody says I am a Jew. Okay? Then when he ran into all the static on the issue he wrote a letter to all these people. And that is the background. So does that make it clearer? Now. The identity card is only one piece of it. The only piece of it is if somebody has to be converted, that is a matter of personal status, that comes under the Rabbinical courts. If somebody has to get divorced that is a matter of personal status, that is under the Rabbinical courts. Married, Rabbinical courts. Adopting children, Rabbinical courts. Distribution of the yevusha, the inheritance from a father to the children, Rabbinical courts. All these things do not go through the civil court system. There is no civil marriage in Israel.

COMMENT: What if you are not a member of a religious group.

HERB: What are you then?

COMMENT: You are an Indian.

HERB: Were you just serious about that? A justice of the Supreme Court in Israel, Chaim Cohen who, by his very name is a Cohane and according to religious law a Cohane is not allowed to marry a divorced woman, his wife died, she was divorced from her husband, he wanted to marry her, the religious court refused to marry her. A justice of the Supreme Court. He got on an airplane, he took her to Cypres, they got married by a Justice of the Peace, they flew back to Israel, the whole thing took one afternoon and he gave an interview to the paper and said if I, a Supreme Court justice in this country have to go out of this country to get married, there is something wrong with our laws.

COMMENT: Unintelligible.

HERB: That's right, you read his answer.

COMMENT: If you are an athiest...

HERB: If you are an athiest, the clerk will put down Jew. Because he will believe you are a Jew because he will look at you and see you are not a Christian. You are not a Droose, you are not a Ba'chai. So he doesn't care what you...when you say you are an athiest what you are saying is you don't believe in G-d. He doesn't care about that, he is not asking you about G-d. He is asking you what was your mother, what was your father, what are you?



COMMENT: What is the problem, though? Suppose I...is the Jewish court going to marry me now?

HERB: Differen't story, different issue. You want to get married? The religious court will then put you through a different set of questions. Were you previously married?

COMMENT: Unintelligible.

HERB: Jeremy, Jeremy, don't be so intolerant. I am sorry. Alright. These are the issues that are burning today. And because they were not solved 30 years ago, they have compounded themselves by a whole new generation of people. The Russian Jews came in in the 1970's, the same problem. We have 170,000 Russian Jews that entered Israel. How many of them do you think are mixed marriages? Scores of thousands. Scores. I mean, we are talking big numbers here. This is not a little tiny unimportant item. Yes, Gil?

GIL: Unintelligible.

HERB: Nobody's jurisdi ction, no. If anybody's, it is civil jurisdiction. The medical examiner or the coroner has the right to conduct autopsies. According to the Halacha, according to the laws in the Mishna, the Orthodox Jew would say that autopsies essentially are forbidden except under the most extreme circumstances, and let's not go into the details of what they are, but there are rare exceptions. The Orthodox establishment in Israel, consisting -- let's understand what that establishment is. It consists of a half a dozen major Hassidic sects, some of whom have their Rabbis living with them in Israel, some of whom don't. Most of the Hassidic Rabbis don't go to Israel, the Lubavature Hassid, the biggest one of them all has never in his life set foot in Israel and he never will.

Nor will his successor nor will his successor.

COMMENT: Unintelligible.

HERB: Not necessarily. Some of them go to be buried there. Rabbi Moshe Feinstein, who was one of the greatest Talmudic scholars of this century died and was taken to Israel to be buried. He was there once before in his life. But he wanted to be buried there so he was buried there. The police estimated that 150,000 people came to his funeral. They made a big procession. It was a happening. It was a Woodstock, it was a festival, because he was being buried in the Holy Land. What happens is in regard to autopsies and things of that sort which are forbidden by Mishnaic Law. When the Orthodox Establishment gets wind of the fact that autopsies are being performed in government hospitals, or under police order, or whoever is the ordering authority they immediately start protesting they will get 1,000 people out on the street in  $\frac{1}{2}$  an hour. So that is a public protest against something they say is against the Torah law and they think Torah law should become the civil law of the land applicable to everybody.

COMMENT: Unintelligible.

HERB: Prevails, yes.

COMMENT: There are so many issues with that right now, the actions of the government are blocking...brain death and transplantation.

HERB: What David is saying the religious elements in the government consist of those religious political parties which have representation in the government and there are four political parties which have between them a total of 12 seats in the Parliament out of 120 seats. So they



represent by actual mathematical vote, 10% of the voting population in the country. Because proportional representation is exactly that. The exact number of seats in the Parliament that you get votes from the people. So it is a very neat thing. They have 10% in the Parliament, they have 4 ministers in the Cabinet. Four ministers in the Cabinet for only 10 seats in the Parliament. That is why we have a cabinet of 23 people, half a dozen of which are ministers without portfolio because there aren't enough jobs to give these guys sitting...there are more ministers in Israel than there are people sitting around this table. And when you have a Cabinet meeting in Israel the room has got to be much bigger than this, the fact of the matter is it isn't much bigger than this. The room holding the Cabinet meeting next door to the Prime Minister's room by the time you finish putting the grapes and the orange juice and the rest of the stuff on the table, the table looks like an unholy mess. And there are people sitting two rows behind because you have aides, it is an unreal, we have an unwieldy government because of that. Now, the politicians inside the government who are there as part of the Coalition and claim that they are the tail that wags the dog and if they are not listened to and if they are not heard they can bring the government down, they are also a nuisance. The protestors out on the street are one type of nuisance, the threatening ministers inside the Cabinet are another type of... let me change the word nuisance, difficulty, making difficulty out of a situation.

COMMENT: Unintelligible.

HERB: They use their power to achieve things they want. Mr. Peres, let me say, as far as the past two years are concerned that he has been the Prime Minister has been terribly sympathetic to them. He is a labor man. We have two conversations going on at the end and it ought to be made public.

Peres has said let's not irritate them needless, we don't have to. There are enough genuine issues on which I am opposed to what they do. Burning down bus stops and then when they burn down the bus stop the secular guys grab some grenades and set fire to a synagogue. It has escalated to that as you know, just by reading the papers. Those are real enough problems for us to deal with. Let's not get nasty with each other. Let's de-escalate the tone, let's de-escalate the tempers, let's de-escalate the verbal violence. The Yom Kippur, the Rosh Hashana speech of the President of Israel to the population, two weeks ago, was down, down with the verbal violence, relax, we are screaming at each other as though we were back in the days of Rome when the Pharisees and the Sadducees cut each other's throats and made it easy for Rome to conquer Jerusalem and destroy the temple. Let's not get into that.

COMMENT: Why can't the current \_\_\_\_\_ government use the power they have to...in their place.

HERB: Where is their place?

COMMENT: 10% of the population verses 20-25% of the population.

HERB: Translate that into whether there should be movies in Petatikhah on Friday night. What does it mean, put them in their place? They are only 10% of the population, they say that is an irrelevant fact.

COMMENT: I suppose the first place, the starting point is to get the Cabinet down to 10% from the religious parties rather than 20-25%.

HERB: That is a deal. We have to make a deal with them, we have to give them what they want in order that we, the labor party, can have a majority.



They are precariously healthy, they are precariously balanced. This is ...you remember what happened in France where the government was practically paralyzed and DeGaulle came along and said we are going to have a strong Presidential system and that is all there is to it and we are not going to let this kind of paralysis in our Parliament and in our Cabinet prevent us from functioning. And DeGaulle took over as a strong President. There are many political theorists in Israel who talk about the fact that the Prime Minister, who is the chief operating executive of the country, the President is only a figurehead, the Prime Minister ~~doesn't have anywhere near the strength of the President of the United States. Nowhere near it. So a stronger President would undoubtedly make for a more efficient government, yes. But you cannot talk about putting the religious block in their place. They say their place is based upon, but now I am getting poetic or metaphysical, their place is based on the Torah and the Mishnah and the Gemorrah, and it says clearly, thou shalt keep the Sabbath day to keep it holy. That means no movies on Friday night. And if the city council of Petatikhah votes to give a license to the local movie house to play on Friday night, which it did do, and the city council of Haifa did similarly, the city council, a democratic, civil institution, and the next door town to Petatikhah is B'nai Brach and from B'nai Brach came 2,000 Hasidic Jews every Friday night, they walked over the few kilometers and they had protest meetings on the square outside the movie house. And sang songs very loudly and hoped, therefore, to interfere with the playing of the movie inside. The guys inside would come storming out of the theater periodically and break up the crowd, which were "praying", or singing or whatever they were doing. That is confrontational violence. Two hundred cops were put on duty in Petatikhah every Friday night, sore as hell because they were taken away from their families on Friday night, breaking the municipality to pay those overtime hours. Straining the police force beyond all belief, there just aren't that many police in Israel where~~

you can put 200 of them out on the street every single Friday night to keep order, and this has gone on now for over a year. And finally the Hassidic guys have pulled back and they don't conduct any more protests meetings. Which means in their consciousness they have lost that fight. So they come back and they lick their wounds and they think of the next time they are going to get even. That is the situation in which we find ourselves.

COMMENT: I was just thinking about the (idea) of sharing the power. For the first time a Coalition government is now relying on the religious parties to (unintelligible)

HERB: Each of them needs it.

COMMENT: But right now, they don't need it...the religious element...

HERB: That's right, they could throw them out. Neither one will do it.

COMMENT: Granted, but why can't, or why haven't they made moves to reduce their power to the representative share that they have in the population.

HERB: That wouldn't make any difference. Supposing they did that, that would not reduce the cause of the irritation and it wouldn't reduce the public manifestations.

COMMENT: Ultimately I think it would, and over a period of time. I agree immediately it wouldn't, but over time as they become less of a political force.

HERB: How will they become less as long as there are two Ministers of religious persuasion in the Cabinet, so long as there is one.



COMMENT: Because you need...if there is four you need to try to get... if they represent 10% of a ...of any cabinet vote and there are only two of them...

HERB: The Cabinet votes are not decided except in matters of war and peace, are never decided by 4-2, 10-3, 11-14, it doesn't work that way.

COMMENT: War and peace is unanimous.

HERB: Oh no, the '67 War, in the '67...

COMMENT: Unintelligible.

HERB: Well, okay, that is a very hard line to distinguish. Offensive war, when you pre-empt...

COMMENT: The crux of the issue is because of the religious representation in the civil body of the government you lose the separation of religion and...

HERB: That is another fact you just understand. There is no separation of church and state in Israel. What is that?

COMMENT: Nor the ideal.

HERB: That is not the concept. It is a, excuse me, one thing at a time. It is a Western concept of separation of church and state (and it) doesn't exist in Israel. It is a Western concept. It is not an ideal to be achieved. It is not something to be thought of. True, Israel is not a theocracy in the sense that religious officers run the civil government. That is the definition of a theocracy. In France and Italy and Spain and in the Holy Roman Empire and so many medieval countries.

An Archbishop who ruled a province was both the religious leader and the political/civil/military leader of that province. That is a theocracy. No, Israel is not a theocracy. But Israel is a very unique, as the Jewish people is unique in everything it does, you have a very unique situation here of no separation of church and state, they are linked in many ways and yet, no theocracy. So again we are walking a tight rope on that issue.

COMMENT: I don't understand what those linkages are. I think there is only one law, there are only two laws I can think of in Israel which distinguish Jews and that is Jews serve in <sup>the Army</sup> ~~harmony~~ and Arabs don't...

HERB: That is no longer true. Arabs now have permission to volunteer. Those Arabs who do volunteer to serve in the Army are very carefully screened. Very carefully screened, but they have got that right now.

COMMENT: In the past, Christians, Druids, could serve anyhow. But the law of return is only distinguishable law that I know of...in what way is Israel really a Jewish state? I mean, if you were to ask effectively in what way, besides it calls itself a Jewish state and it is a Jewish symbol, Jews are in the majority, couldn't anyone of any religion become Prime Minister?

HERB: Theoretically. But you are looking for some very far-out esoteric scenario. I say theoretically because there is nothing in the law which would prevent it. In practice it wouldn't happen. Let's say the largest group of non-Jews are the Christians. Supposing all the Christians united and formed a political party. The Christian Democratic Party. That is the name of many political parties in Europe. CDU, Christian Democratic Union is the name of the big German party. Okay? Supposing they went out and presented their list of Knesset members. Every party



soliciting the votes of the voters does not put up the name of its candidate, the voters in Israel do not vote for a candidate, a person, you vote for a party. You vote for the labor party, the labor party publishes in the newspaper and on pacards so everybody in the country can see it, who their 120 members of Parliament would be theoretically if they were to win 120 seats. Each party makes believe it could win 100% of the vote. So it puts up a list of 120 names. The number one name on its list is the man which that party's Executive Committee and Central Committee, the first is a body of about 100 people, the second is is a body of about 1,000 people, would nominate as the Prime Minister if they only won one seat. Then their number one man would get that seat. If they only won that one seat, the President of that country would not invite them to form a government and would not invite that man to be Prime Minister. But in theory, any party could put up a list of 120 names, show who its number one man is, so while the people don't vote for a person in certain ways they do vote for a person, and, depending on the number of votes they get, the number of seats they get, the President of Israel has the right to invite that party or any other, the President of Israel is not mandated by law to invite the party which got the most seats in Parliament to form a government. The President of Israel can invite any body he wants to form a government and that party and that individual has got 30 days in which to form a government, which means make all the Coalition deals, get a majority of 61. Sixty-one is the magic number out of 120. Well, it is a very thin majority. If one guys goes off to make a speech for the Federation in Minneapolis, one Parliamentarian, the other guys can jump and win a vote of no confidence, can't they? So 61 is a very dicey majority to work with, so you try to work with 65, 67, 70. Because you have always got somebody sick and you have always got somebody out of the country, or somebody who is sore and won't vote on a given issue. Therefore, the Christians could form a party, the President of Israel could invite the leader of their party to form a government, supposing they had four

seats in the Parliament? Supposing they had 10 seats in the parliament? What can they get for their 200,000 votes? It takes about 20,000 votes to win one seat. So if they all voted and they all worked hard, they could take 10 seats.

COMMENT: I am worried about the practicality of it. What about the theory of it.

HERB: No, don't worry about the theory of it.

COMMENT: England is an example. The King and Queen of England are the head of the church. I could see England and a church-related country, but certainly it has got a reputation for being very even-handed as far as religions are concerned, right? I wouldn't think of England as...

HERB: There are no linkages between Church and State except ceremonial linkages.

COMMENT: Okay, the King and Queen have to be the head of the church...

HERB: Purely ceremonial.

COMMENT: Israel is supposedly the Jewish state...

HERB: You asked the question what makes it a Jewish state.

COMMENT: There are two Chief Rabbis. Is there a Chief Imam or a Chief Priest of the Arabs, is there a Chief Christian?

HERB: Sure.

COMMENT: So they have got that too.



HERB: Sure.

UNINTELLIGIBLE COMMENTORS

HERB: Hold it, hold it. Barry, try hard to focus your question because it is vague. I am not quite sure what you are asking, I know what you are saying, but areXXXXXXXXXXXX you asking anything?

COMMENT: Can I ask you a question that might help?

COMMENT: Let me just say my answer to your question. What specific laws are there that make Israel a Jewish state as opposed to...

HERB: For instance, what do you want to do?

COMMENT: \_\_\_\_\_, the only one I can think of.

HERB: Why does that make it..

COMMENT: How about the Torah?

HERB: Is there a law in Israel that says every person in the country must eat kosher food? No. Is there a law in Israel that says every person must put his automobile away in the garage on Shabbat and cannot drive it? No. Is there a law in the country that says any Jew is forbidden to marry a Christian? No. But, but, but, I took that example deliberately. When that Jew goes to the Rabbinate, the office of the Rabbi of whatever city and the Clerk says fill out the form, whom are you marrying? What is her name? What is her religion? She is Christian. Bingo. They will refuse to conduct the marriage.

COMMENT: But Chaim Cohen said the whole separate...if the Rabbis wish to change that.

HERB: You are asking is there law. The law is marriage must be done within the Rabbinical court system. That is the law of the country.

COMMENT: Is there a law that would prevent population explosion and increase to not control the governing body of Israel?

HERB: Is there a law that says Arabs cannot control the...

COMMENT: Become the controlling block in the government of Israel?

HERB: No, how could you possibly pass such a law? That is racist. Mr. Kahane tried to get such a law through the last session of Parliament. They threw him out. There wasn't any debate about it.

COMMENT: Theoretically if the Arab population increased and the Jewish population...END OF TAPE ONE SIDE ONE



BEGINNING OF SIDE TWO, TAPE ONE

COMMENT: That is an argument that...against integrating the West Bank Arabs and the Gaza Strip Arabs and the Golan Arabs. ...they are afraid they will lose the Jewish majority.

HERB: Jim, may I suggest you, in the interest of clarity, change your words, not integrating, it is annexing. If by law you annex the territory, then by law you have to decide whether you keep the citizens of that territory as second-class citizens and do not give them Israeli citizenship, they now hold Jordanian citizenship. Or, if you annex the territory, are you going to count them as first-class citizens and give them Israeli citizenship.

COMMENT: What was the decision in the Golan?

HERB: In the Golan? Most of the inhabitants are Jews who are already Israeli citizens. So the state of Israel annexed the Golan Heights and granted Israeli citizenship to those few Jews who hadn't already claimed it, and...

COMMENT: The Arabs that were in the Golan? Were they also given citizenship?

HERB: No.

COMMENT: So why is annexation a critical question verses integration.

HERB: What does integration mean? We are talking law. Integration is not a legal definition.

COMMENT: By annexation of the Golan you still did not necessarily bring the Arabs into...

HERB: There is quite a difference between 10,000 and 1,000,000.

COMMENT: Theoretically...

COMMENT: Ideally we can...

HERB: No, you cannot do it to a million people. You can do it to ten thousand people and the human rights commission of Unesco criticizes you severely and you have got no answer if the truth be told. It is not very democratic. And Mr. Kahane, when faced with that comment said democracy isn't Judaism, Judaism does not require democracy. Who said so? The Parliament went up in smoke. He was trying to introduce a racist bill, incidentally, he was saying I don't care if it is democratic. Israel is not supposed to be a democracy. Judaism doesn't require a democracy. You can do it to 10,000 people, suffer a certain amount of world criticism. Get away with it. Swallow your morality. Bad enough to do that. You can't do it to a million people. It gets to be a critical mass beyond which you can't do certain things. We are talking about the legality of the situation because that is the context which he brought up this whole discussion. There are very few laws in Israel which define it as a Jewish state. Very few laws. Most of the laws which are passed which govern behavior are passed by local municipal councils, not by the Federal Parliament, and that has to do with things like a municipal swimming pool, which the municipal council of Jerusalem said a few years ago shall be nixed for men and women to use our municipal swimming pool. Everybody in town pays taxes for it. The municipality runs it, it is for men and women, it is for children, it is for all the citizens. The religious folks who are a majority in the city of Jerusalem went in



an uproar and the municipal swimming pool was never built. It is not a federal law, that was a municipal thing. In other towns, in Tel Aviv, the municipal swimming pool is a mixed swimming pool. Because Tel Aviv is a more, not liberal, more melting-pot of a city with a much smaller religious element in it. Less protest about it, so okay. Why do you think the buses in Haifa run on Saturday?

COMMENT: Hard to walk up the mountain.

HERB: Hard to walk up the mountain, right. Labor city. Right. When was the decision made? The decision was made the day after Statehood, which was a Saturday. The state was declared, we always say, the 15th of May, 1948, but that was the Saturday. So Erev Shabbat, on Friday afternoon, the 14th of May, 1948, Sir Allen Cunningham has not yet left the country, the British flag has not yet been pulled down, that happened the following morning. They all gathered in the Rothschild Museum in Tel Aviv and they read the Declaration of Independence and Ben-Gurion revealed the name of the state, which he had held close to his chest until that time, nobody knew it until he read it out that afternoon, and the next day, Saturday, the 15th of May the buses ran in Haifa because the Haifa municipal council passed a law saying in our town which is a labor town and our longshoremen who work in the port have to get home up the hill, our buses are going to run, full speed, try to stop us.

COMMENT: They also legislated for German to be the national language?

HERB: No, that is a joke, that is not a real story. That wasn't Haifa that was Na'haira. There is a great joke told about that. If you understand German you understand the Hebrew there is a gorgeous story about that which reflects the early morays. Up in Na'haira which is way up on the border, on the Lebanese border up near Rosha Nacrat, there



is a town founded completely by Germans. And for decades they just spoke German. From the 1920's to the 1930's and the 1940's. Two Germans are walking along the beach with their hands behind their backs the way they walk, they stride, I don't know if you know that typical posture. There is a guy out in the water and he is drowning, he is obviously having trouble and he is screaming Esra, help, the Hebrew, help help. One of them says to the other one schwinnin hapa elsa elsen zalen, he should learn how to swim, never mind learn Hebrew. No, Haifa was a clear situation where the municipal council took the bit in the teeth, made its own decision. That is a law, but it is a municipal law. It can't work in the other cities. The other cities argue and fight and try it and they get a lot of religious protests so they back off. There are no laws and, the irony of your question is that the religious establishment in Israel says all the time, we would like the law of the Torah to be the law of the land. If that were the case, if the Parliament would agree to that, you wouldn't hear a murmur from this. We know there will be people who will break the law. Just as there are people now who don't observe all of the 613 mitzvot. Those mitzvot are on the law book, they are on the book. Put the law of the Torah on the book as the civil law of the country. That means municipalities can't make their own judgements about the movies and the swimming pools and the transportation and the garbage collecting, etc. etc. The whole land will run the laws of schmita of every seven years allowing the soil to lie fallow and the laws of the yovail, every 50 years, all debts are forgiven and so on and so on. All the laws of the Torah would be the laws of the land. The fact that people will break them is human nature. We are not saying the police should arrest everybody who has a car driving on the Sabbath. But the law of the land is don't drive cars. So in our neighborhoods we can ask the police to put up barriers and no cars will come through our neighborhood and no cars will come near our neighborhood and so we won't have to throw any stones. Why are we throwing stones now? We don't want the cars. You want to ride your



car, keep away from us. Pretty soon you are going to have Belfast, you are going to have Berlin. You are going to have divided cities with walls. Between religious sections and non-religious sections. So the government won't listen to that. The government won't sit still. So what the police do, I must say, is that surround religious neighborhoods with police barriers, wooden sawhorse type things, which say don't drive through here, please. Be respectful of the people who live in this neighborhood. The stone-throwing begins a mile further back. Okay.

COMMENT: I would like to make a statement. Based on what I know, I don't think Israel is a Jewish state. I think about as far as we talk about the divorce laws it is a religious issue and every religion in Israel has the right to decide for itself matters of divorce. Jews are not separated, they are not especially treated. If the Jewish religious establishment decide that is what they want to have that is what they get and Jews have to follow it just like people of any other religion.

HERB: Everybody has to follow...

COMMENT: Everybody has to follow whatever the religion is their identification card says they belong to. So in regard to that I don't think Israel is a Jewish state, and with regard to the right of return, Israel has made a decision, for, perhaps, humanitarian reasons, that Jews can become citizens right away. Perhaps we want Hatians to have immediate citizenship in United States if we thought it was a worthwhile thing to do. We could do that. We could make a law saying some group can have immediate citizenship for whatever reasons. So besides that, except in name only, I don't know how Israel is a Jewish state.

HERB: Except in name only and except that Jews are subservient to



religious law in terms of personal status, and except that Jews get preference in regard to citizenship, and except for all the symbols of the state. I served in the underground before the state was established. I was given this medal which is the only medal the state of Israel gives to civilians, it is not a military order, and what symbol did they pick for the handful of guys who fought to help to get the state of Israel created? They picked this little menorah. That is what this thing is. And there are fewer and fewer guys wearing it because everybody's getting dead because this all happened a long time ago and pretty soon my kids won't remember what the hell this is and they will throw this little piece of tin out. It is a symbolism, the Parliament flying a flag with a Jewish state in front of it. This whole fight that is going on now, terrible fight, about Israel asking to join the International Red Cross, but it will not accept the symbol of the cross. So it is not a member. In the 1973 War, when we had a terrible, terrible number of casualties, thousands of dead and wounded, and we ran out of blood, and we applied to the International Red Cross for blood and the only way we got it was through the intervention of the Shah of Iran, a true story, 1973, after that we tried hard to get into the International Red Cross and they said we reject you because you do not accept the cross, you call it a religious symbol, it is not a religious symbol, it is the Swiss flag reversed. If you look at the Swiss flag it is a white cross on a red background. This is a red cross on a white background. So it is not a religious symbol, it is a national symbol of Switzerland. Switzerland started the International Red Cross, why can't you accept it? This matter of symbolism is so strong with Israel that it doesn't accept it and therefore, in turn, it is not accepted in this international body. There is a meeting in Geneva coming up October 21-23, in which once again, Israel is begging for acceptance into the Red Cross. She is not going to get it? The Red crescent is what is used as an example by the Red Cross for not admitting what they call other extraneous symbols.



They knuckled under, there are 21 countries that use the red crescent, so they knuckled under and they accept that. They have the red cross and the red crescent, they don't want the red star. They don't want it. One exception and they don't want it. I can't think of a more striking example of what we mean when you say symbolism defining the Jewish character of the state. I don't care what flag the President flies on the fender of his car.

COMMENT: If the cross on the Swiss flag is no longer a cross, a religious symbol, but a symbol of a nation....

COMMENT: ...but a national symbol, a menorah could be a national symbol. Some day Israel could be inherited by Gentiles, and what would change?

COMMENT: Jerry, you are talking about thousands and thousands of years... ...your statement in 35 years going back to 1948, is dead wrong. The question is always asked what makes this Jewish dance? What makes this music Jewish? The choreographer is the musician, what is it that makes Jewish uniquely Jewish? Is it corned beef? You can't get a good corned beef sandwich in Tel Aviv? You can. That is what makes us a Jewish state, you are right.

HERB: Jerry, what makes it a Jewish state, and we are going to end the argument, we have to, Barry, we have to because we have to stay on the track come hell or high water, what makes Israel a Jewish state is a combination of...

COMMENT: Good food.

HERB: No. You are dead on time, man. Welcome. What makes Israel a Jewish state is a combination of laws, federal and municipal, self-

consciousness of the majority of its citizens, whether they are practicing or non-practicing. Whether they are athiests or deeply religious, we went through this last time. The definition of the identity of a Jew. We said we are not a race, we are a religion, and we are a world people. That is the summary of what we agreed on last time. This self-consciousness of being a world people. He is right when you are confining the whole thing to the state. The Jews who live in the state of Israel feel themselves to be a part of the Jews in the whole world. What makes you a Jew in the United States? You are a citizen of this country. You are a Jew either by culture, by religion, by language, by sense of history, by a dream the future called the Messiah, by everything that adds up to your identity as a Jew. The Israeli Jew has the same set of factors better than you do. He speaks a Jewish language, you don't. Not Yiddish. Yiddish is dying there. As it is all over the world. One Yiddish newspaper left in the world, two in Buenos Aires. So Israel is a Jewish state by virtue of some laws, some self-identification by its citizens of themselves, what they consider themselves to be. By a set of religious laws and religious machinery, bureacratic machinery to handle all matters of personal status, according to Jewish ancient law, Mishna, by its external symbols and the face it presents to the rest of the world -- it puts the star of David on its airplanes. Does America put an eagle on its airplanes? No. It puts a cross with red white and blue bars through, a star, a five-pointed star with red white and blue bars through it. That is what goes on American airplanes. Does a cross go on French airplanes? Did you know France is a 95% Catholic country? No, a red, white, and blue circle. Israel's airplanes are marked with the star of David. On every single thing you can think of. Attempts to put the stamp of Jewish identity on the country, its apertinances, its officers, its defense force, its laws and the consciousness of its citizens. Yes?



COMMENT: Unintelligible.

HERB: No. It is not tied up with the definition of a Jewish homeland. The whole controversy is who is a Jew? Who can come? Who is a Jew? That is what the problem is all about. That is the argument, that is the Zionist argument in favor of having a homeland, agreed. The law of return is a law that defines who can come to that homeland, and that is what the whole issue is about. Who is a Jew?

COMMENT: That says that if someone is a Jew, however they are defined, they can come back, it doesn't define who is a Jew.

HERB: Of course it does.

COMMENT: How.

HERB: You didn't read the stuff. The definition of a Jew in the law of return, 1952 is: A Jew is someone who is born of a Jewish mother, practices the Jewish religion and has not been converted to any other religion. Or, if converted to the Jewish religion, is acceptable as a Jew. A Jew is one who ~~was~~ either born as a Jew or converted, born of a Jewish mother, practices the Jewish religion, and does not practice any other religion. That is the definition. The Orthodox establishment in Israel has been struggling for a long time to change that definition by inserting one Hebrew word. And that is Alpalacha, and that word applies to the method of conversion. Rabbi Irving Greenberg has written a brilliant satirical article, he himself an Orthodox Rabbi, I sent it to you, in which he says what you said, if it ain't broke, why fix it? Why are they insisting upon putting in the word Alpalacha? The whole law of return is written according to the Halacha. And his analysis of why they are fighting to put it in is for two reasons. It is the

super-Orthodox who are trying to show off they are more Orthodox than the modern Orthodox-Zionist Rabbis who agree to all those easy conversions of the Polish wives and Russian wives in the 60's and 70's, they have to show they are more strict. And this is an internal Orthodox fight. And the second reason is, to give a hit in the head to all the non-Orthodox people who make their conversions too easy. Greenberg said those two reasons are not good enough to warrant splitting the Jewish people. That is what is happening over this fight. Religious civil war is developing in Israel to a lesser extent in the United States. So he, an Orthodox Rabbi, and he is not the only one, a Rabbi by the name of Emanuel Rackman, who is the Chancellor of Bar-Illan University, and the Rabbi in New York by the name of Shlomo Riskin who had the big league in the Center Synagogue and moved to Israel and took with him about two or three hundred young, modern Orthodox Jews and they settled there. He is the only one who has brought a large aliyah of Orthodox, Orthodox, but non-fanatical. Riskin said this is a crazy fight that is going on here. So there are, among modern Orthodox elements, some few voices speaking up. But in this struggle, the fanatics are winning over the moderates. Inside the Orthodox camp. That is where the danger lies.

COMMENT: Unintelligible

HERB: No, that is a break in the Orthodox version of Halacha. Fanatical Orthodox or moderate Orthodox? There is no difference of opinion on that.

COMMENT: My point is that saying the Orthodox...should not tamper with the status quo in regard to the law of return, why should the non-religious establishment in Israel tamper with the status quo when it comes to matters of observing Shabbat and public functions?



COMMENT: It is not that the secular Jew has his way...allows movies to be shown on Shabbat...

COMMENT: Greenberg's argument was that the diversions were done by Orthodox Rabbis and there was an internal battle within the Orthodoxy.

HERB: We have two minutes before the break. I want to finish checking the attendance. Bill Blazer? Okay, and who else didn't I have? Just a minute. Chuck Seltzer? And Joni Sussman? Okay. Attendance is finished, supper is served, we resume at half past seven.

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HERB: Here the test of the operative paragraph in Mr. Ben-Gurion's letter. The question is arisen, how to register under the headings of religion and nationality two separate headings. Children born of mixed marriages, when the father is a Jew and the mother is not a Jewess and has not become convted as a Jew. The opinion has been expressed that since the Register is a civil one, and does not serve for religious purposes (the religious authorities are not obligated to be satisfied with it or to rely upon it, and in general they are not prepared to do so). This registration should not be govoned by purey religious criteria. That is one opinion. Others say that since religion and nationality are inseparable, and since religious allegiance is naturally a religious question, only religious criteria should be followed in registering religion and registering nationality both. So he gives them both opinions. One opinion is that it should only be a civil matter, and one opinion is it has to be a civil and religious matter. The government has decided the religion or nationality of an adult shall be registered as Jewish if he declares in good faith he is a Jew and does not adhere to another religion. According to the law of the equality of women



in force in Israel, both parents are the guardians of their children. That is civil law in Israel. If one of them dies, the survivor is the guardian. You don't have to make that up with your lawyer, that is the law of the land. Generally, therefore, the declaration of both parents is accepted in any case in which the declaration is required from a child who has not yet reached maturity. In regard to the question of registration of children born in mixed marriages, the following question has arisen, and here is the key thing. If the mother is non-Jewish and has not been converted, but both she and the father agree that the child shall be Jewish, should it be registered as Jewish on the basis of this desire of the parents and their declaration in good faith that the child does not belong to another religion? Or is any further ceremony of any kind required in addition to the agreement and declaration of both parents. Is the declaration of both parents enough? Or is something more required in order for the child to be registered as a Jew? On this question, the Cabinet Committee has to make its recommendation to the government after receiving expressions of opinions by Jewish scholars. So, he is asking for the opinions of the Jewish scholars in order to guide him in making his recommendations to the government. The government means Cabinet and Parliament. Now, I tabulated a lot of the answers. I asked you to read specifically a list of the respondents and I tabulated in a couple of sentences each what those answers were and let me save you time by going through it, by reading to you what I wrote down as my summary. A consensus emerges from the answers to the letters.

- 1) The government should not split religion from nationality.
- 2) The government cannot decide matters of religion. Only the Rabbis can.
- 3) One cannot accept as a Jew a person who merely makes a self-declaration for himself or his children.
- 4) Halachic conversion is the only root.

Those were the four summaries I could make from most of the answers, the majority of the answers which permits me to use the word consensus. That was the consensus which emerged. There were many other things



which emerged. There were tactical suggestions as to how to try to handle it. 1) Do not register either religion or nationality on the identity cards. Don't do either one. For the sake of national security, every adult has to have in his pocket an identity booklet, it is not a card, it is a booklet, which has his picture or hers, all the relevant data, a number, which is like in America, like a social security number, it follows you everywhere. It is your number. 1355-139, that is my number. And my wife's number is sequential to that. My wife and two sons. 135339340-341-342. Those are four numbers. The two boys were written into my identity booklet and they were written into my wife's identity booklet. The children were very young when we were there -- five or six, and so we got the two adults were given the identity booklets. The suggestion not to register either religion or nationality isn't a bad one. Most nations don't register these things. There is nothing on your American passport, for example, which indicates what your religion is or what your nationality is.

COMMENT: It says where you were born.

HERB: What is the difference?

COMMENT: It says you were born in the U.S.S.R.? You use an American passport.

HERB: Yes, in Israel...

COMMENT:

COMMENT: You go to the U.S.S.R, it makes a big difference.

HERB: Why take the one exception?

COMMENT: It is a very significant exception.

HERB: Jerry, excuse me. Let's not waste time here arguing American law. We are trying to discuss this matter of Jewish Identity. I made a statement simply that on the basic American identity document which is the passport, there is nothing stated about your religion. You can be a Greek Orthodox born in Latvia and that is written on your passport. Place of birth: Latvia, doesn't say you are a Jew.

COMMENT: Another point, you don't have to have a passport.

HERB: To travel abroad you do, internally, you don't. Let's not get into that. Israel requires every single adult person to have an identity document. So does France, so does many other countries, many countries don't. Nowhere, in any country, does it require you to put religion. In the Soviet Union either. In the Soviet Union there are 21 nationalities, your nationality is put into your identity document. According to the Soviet Union, Jew is a national identity. The fact that they won't let you learn the religion or the history or anything about that, or the language of that religion is an internal Russian anomaly. But one of the nationalities in the Soviet Union is evre, Jew. So, inside the Soviet Union, every person carries an identity document, inside Israel every person carries an identity document, in most countries there is no mention of religion. In some countries there is a mention of nationality. If, on the Israeli identity document they wanted to put nationality, it would be Israeli for everybody. There is only



one nationality in Israel; there are not twenty-one. So the idea of not having religion listed solves the problem. That is a practical suggestion made by several of the respondents. It hasn't been adopted. Another suggestion was to register the ethnic origin, which really means the national origin. Put down that the person is of Polish origin. Father: Polish, Mother: Polish. That also helps for security purposes, perhaps, because one of the ways foreign countries recruit people to work for them is by pressure on them, so if you have a rash of Russian spies working around Israel, you have got to realize that some of them may be Jews who have been blackmailed into serving the Soviet Union. So you could say it is a good idea to put ethnic origin either from a security point of view. Another suggestion has been made, don't use the word Jew, if that creates all kinds of religious difficulties, use the word Hebrew. You could say that the nationality of this people is Hebrew from its earliest beginnings. What did Abraham answer when G-d called him? Henane was one answer, the other answer was evrie anohie, I am a Hebrew, he says it in the Passover Hagadah. I am a Hebrew. So that title is very honorable, it goes back a very long time. So why should we call ourselves Israelis? Call ourselves Hebrews when it comes to nationality and that saves the whole business. My identity card is typical of everybody's in the country. The illiterate clerk who filled it out filled it out wrong. Where it says nationality, he writes Yehudi, Jew. My nationality is not Jew. My religion is Jewish. My nationality is Israeli, or at best, Hebrew. The fact that these identity booklets are filled out so terribly badly is only the reflection of the confusion in the law and the lack of education in our clerks. There is another suggestion (that has been) made. Use the term gale toshav, a resident stranger, that is literally what those two Hebrew words mean, resident stranger, which registers neither your nationality nor your religion, calls you a stranger because you are not yet a convert, but you are a



resident, you are a resident. It is a halfway point between a gale sedek who is a completely accepted convert, a righteous stranger, gale sedek righteous stranger is somebody who has been properly converted. Gale toshav is half way there. A resident stranger who is admittedly, who has been admitted to your country and resides there, has the right to reside there when you go there you can only stay 90 days. Your passport is stamped as you enter the country, that is a visa, you don't know it but you have been given a visa when you get off the bus. The bus takes you from the airplane into the hall, the police there stamp your passport, you are in. You have just gotten the visa, 90 days. If you stay in the country longer than 90 days the police can pick you up and ask you to go down to the Ministry of the Interior and fill out a form for prolongation of your visa. They will give you another 90 days, they will give you six months, they will give you 12 months, they will give you whatever you want. Up to three years.

COMMENT: Didn't they just use that to expel some black Americans who had overstayed their visa?

HERB: Yeah, by 20 years. They call themselves Black Hebrews, they are there for 20 years and the government finally decided to get this thing regularized so they are starting to deport them in small bunches. Back to Chicago where most of them came from. So all these practical suggestions have been made as to how to solve it. Let me give you a quick run-down on what some of the answers were and some of the interesting sidelines. Goren, the former Chief Chaplain of the Army says on page 33, I am giving you the page citations for your book. You don't have to look for it now. Goren on page 33 quotes a passage in Kiddushin from the Talmud which says the child of a Gentile woman is a Gentile. But nowhere does it say explicitly that the child of a Jewish mother is Jewish. It doesn't say it anywhere. And that is the amazing thing.



All of you have been taught to believe that a child is Jewish because it follows the religion of the mother. And I am sure all of you who ask the reason why that is so have been given the explanation that you always know who the mother is, you don't always know who the father is. Let me tell you something, you don't always know who the mother is either. Because alot of kids get dumped on doorsteps and alot of kids wind up in fondling hospitals and alot of kids are farmed out to foster parents and you never know who the mother is. That is not the reason at all, that is just an old folks' tale. In Leviticus Chapter 24, Goren says: It is obvious but not explicitly stated that the son of a Jewish mother is considered an Israelite. So he is telling you, two citations where it is not stated. There is nobody more Orthodox than Chief Chaplain Goren. But he is admitting right up front that he can't give you a citation where it says the child follows the religion of the mother. Friehef, Page 126. The leading responsa writer among the Reform Movement. He comes from Pittsburgh and is quite old now, 90-something. He has written 10 books of responsa shalo da chevot. He makes a suggestion to divide religion and nationality, to give the state jurisdiction over nationality, and give the Rabbinical authority jurisdiction over religion. He is the one who made the suggestion of aga sedek which is the full convert and agale toshav which is a half convert. Bergman, famous physicist, Israel's leading physicist, Hugo Bergman, from the Hebrew University. He agrees with Friehef that the State should abandon religious registration and adopt only national registration. Ernst Simon, which is another professor at the Hebrew University agrees with Ben-Gurion. A Jew is who he says he is a Jew. On page 154-155. Fraim Orbach, President of the National Academy of Sciences in Israel, an Orthodox Jew, good Talmudist. Agrees with Ernst Simon, page 162, that there should be no registration of religion or nationality. He doesn't agree, however, that registration should be based on your declaration.



That is not good enough, he says. Non-Jews must be converted, including minors. So he is a strict...he says you have got to convert, children, even babies, three years old, three months old, they have got to be converted. And you can't take the parents' word for it. I am Jewish, you have to probe the background you have to get witnesses and testimony and you have to ask them to fill out forms with his fathers, or her father's name, mother's name, grandfather's name, town, where they come from. Once you have done all that, that information should be put in the archives, that is all. It should not be put on the identity card. A man whom I did not ask you to read, his name is Baruch, a French neuropsychiatrist of great intellect whom Ben-Gurion consulted on page 202-205, he is in favor of the patrilinear as well as the matrilinear descent, and I am going to go into that now in great depth. To that question, patrilinear/matrilinear. He is in favor of both. The child is Jewish if either parent, patrilinear, father, as well as mother, is Jewish. He said the criteria of only a Jewish mother determining the child's religion can't be found anywhere in the Torah, it is disputable and we have seen it. Rabbi Goren agrees with that. He said there should be no registration of religion on the identity booklet, and the state of Israel should study each candidate to whom it grants citizenship. don't be so loose with that. Without bringing up the religious question. He wants stricter, and here he is right. He wants a stricter look at the citizenship question. You are talking about security. Here, all the strictness is going into the religious question. One of the people whom he consulted was another Frenchman, Andre Naeel, from the University of Strassbourg, who is a great great personality who says the only way to solve this problem is to separate church and state, church and religion, but this would destroy the Jewish...END OF SIDE TWO



BEGINNING OF TAPE TWO, SIDE ONE

HERB: It was a very bold move, very bold move, but he said I am not going to be locked in by the opinion inside of Israel. He consulted... deeply inside Israel. All Israeli Rabbis of any prominence, professors of any prominence, writers, literary people, what's-his-name, Agnone, who got the Nobel Prize. He consulted probably 25 or 30 people, out of the 50, maybe 30, from Israel. More from Israel than from any place else but he did go abroad. And his belief is we are one Jewish people. And this fellow Andrenair, the one I am quoting now, said the real trick would be to separate church and state, but if you did that you might destroy the Jewish nature of the state, you certainly would divide the state from the Diaspora outside. If you separate church from state inside Israel. Then the Diaspora has no connection with Israel because the Jews in the Diaspora are not citizens of that state. And the only thing that connects the Jews of the outside with the religious Jews of the inside is religion. But that isn't enough to hold their loyalty. And so you would destroy the link between Israel and the Diaspora if you separated the church from the state inside Israel. I am not sure it is a totally ~~new~~ defensible thesis, but it is his thesis. He asked a certain man from London by the name of Leon Simon, a great historian. Simon wrote back and said, page 216, government cannot make this decision contrary to Halacha. on the other hand, the government must find a solution for the registration of such children. Therefore, his suggestion is, make a provisional registration for three years, stating on the identity card that the father is a Jew. And if you say the father is a Jew, obviously you are saying the mother is not. During the period of three years a decision can be made by the family for the child regarding Halachic conversion. So he is saying the state should take the initiative, make a provisional registration, then give the kid or ~~the family~~ <sup>years</sup> three ~~years~~ in which

to make their mind up. Very humane, very sensible, and therefore rejected. It might be unworkable. What if in three years the person wants to leave the country? And the other is easy too. You want to get married? Then you can't get married by religious authority. You go abroad and get married civilly. Thousands of Israelis do. There is no way the civil authority of Israel can declare invalid the legal marriages which are contracted abroad. No way they can reject those. If you want to go to visit Israel and you bring your wife and you are married in Minneapolis, it doesn't matter by whom, a judge, a justice of the peace, a captain of a boat or a Jewish Rabbi.

COMMENT: Unintelligible.

HERB: What is the it compounds? What is the compounds? The civil marriage abroad?

COMMENT: Then you have the children who are not legitimize children.

HERB: Of course they are.

COMMENT: They are not Jewish children.

HERB: Of course they are.

COMMENT: You could say that the partner to this marriage is the male, what if it is his daughter?

HERB: I was talking in this last sentence about two Israeli Jews who can't get married inside Israel for some reason religious. Maybe she was divorced and she didn't get a get. There are a hundred



religious reasons, obstacles, in the way. So many many young Israeli couples, two Jews, go abroad to get married. Because there is no way the government of Israel can refuse to recognize such marriages. It must.

COMMENT: Then are the children then considered by the Jewish court, the religious court, to be Jews?

HERB: When, 22 years later when the children are grown up and the children want to get married, and the kid goes to the Rabbinical court and has to fill out the form and the question there, what was his a Jew? Was his mother a Jew? What was the maiden name of his mother, where did she live what was her mother's name? They go back two generations. Where was your mother and father married? Who married them? And he puts down that they were married in Rome by a justice of the peace. The worst scenario that can happen is that the Rabbinical authorities decide that since there is what is called a pagam, some sort of a doubt on whether the child is Jewish, they will require the child to be converted.

COMMENT: Unintelligible.

HERB: That is correct. So they will say. No, the child is not a momser, that is not a momser. Whoa, one at a time. I don't care what makes you mad. Take a number. We are talking about, you asked the question, doesn't the kid have trouble later? No, the kid doesn't have trouble, the kid has got to go through the formality. Come on, come on, it depends on what you call trouble. It is much less trouble. It is much less trouble. It is an annoyance. Keep the level of your annoyance down. This is what causes this terrible religious tension. I don't like it but there is nothing to be annoyed about. You asked me trouble, trouble

means if the religious authorities will refuse to marry the kid. Then the kid says stuff it and he leaves Israel altogether. We have hundreds of thousands of people who have left Israel, some of them for these religious reasons, others for economic reasons, others because they have had enough of war. One of the reasons is a religious bloc somewhere that prevents them from doing something. The majority of the cases there is no trouble. They will say we are not sure we don't like the idea that your mother and father were married by a justice of the peace in Rome. Yes, we believe you, that your father was Jewish, yes we believe that your mother was Jewish but it really wasn't a Jewish marriage it was a civil marriage. Now the kid has got two choices. He can say what do you want me to do? And they can say, we want you to convert. Have you been circumcised? Yes. Alright, that is done already. We want you to go into the Nikvah and that will take two minutes and then it is all over and you are converted. It is only formality. In some places by the way, in parenthesis, some municipalities depending on the strictness of the Rabbi, they may want to do what they call tipakdom, which is a drop of blood, even though you have been circumcised, you take a needle, draw a drop of blood from the penis and that is a symbolic circumcision and...

COMMENT: That is all they are talking about.

HERB: That is all they are talking about. So that is no trouble. On the other hand, there are kids who dig their heels in and they say to the Rabbinical clerk, I am going to file a claim in the court to force you to marry me. Because I don't want to be converted, I am a good Jew. And there are people who have fought it through the court, and the court, the civil court, where he enters a claim as a plaintiff, against



the Rabbinical court.

COMMENT: That is handled through the civil system?

HERB: He goes through a civil court system, enters a claim against a Rabbinical court. And most of the time wins the case. So he doesn't bother with that because that takes time and that costs money and so he gives in and he says okay, let's get this conversion over with.

COMMENT: ...all the marriages that have occurred where the partners in the marriage (unintelligible)...a Halachic Jew, where the woman has converted to Judaism, but has not been converted by an Orthodox Rabbi, and the children have grown up and all this time thought themselves to be Jewish and they go to Israel and now have to go through all this.

HERB: A lot of anguish, I choose that word because that is the best word.

COMMENT: ...unintelligible...since I am a lawyer I deal with the law, and 200 years ago some people got together and wrote the Constitution, but that Constitution never contemplated a telephone and wire tapping, but the interpretation of the Constitution is flexible enough to adopt to modern technology. The question I have which is a real personal question. You look at Halachic law and you have Goren's interpretation which I thought was nice because it was right at the front because that was probably the most extreme interpretation, or the most strict interpretation of Halachic law, and there are a lot of people who have followed it. The question I have is, without dismembering the religion, how do you decide when the religion should be flexible? How do you decide?

HERB: When the law should be flexible.

COMMENT: When do you lose the chicken?

HERB: Okay. You have got to keep the level down, Neil. Because this problem can be so irritating that it can cause you to lose your cool and do and say dangerous things. I am deliberately talking about caution and restraint. I do not want to add fuel to what I see as a forthcoming religious civil war. I am dead serious about it. One of the things we have to do is keep the level down. Your question is a legitimate question. It is, if I may rephrase it, why is it that Halachic law isn't flexible and how can Halacha be changed and what is the process for amending and all versions thereof? That is his question. Okay.

COMMENT: It is not quite the issue because I had a Halachic conversion, it just wasn't by the right people. Neil's wife had a Halachic conversion, it wasn't by the right people. So it isn't a question of Halacha, it is who is in power. Who is saying our interpretation is the interpretation?

HERB: What was Halachically invalid about your conversion?

COMMENT: It was \_\_\_\_\_.

HERB: It was performed by a Conservative Rabbi? And what, and did you confront any rabbinical authorities in Israel on the matter?

COMMENT: No, I have not.

HERB: What you will find when you go to confront them, let's make believe a scenario, preface, back up one sentence. If you remain in Minneapolis Minnesota or the United States of America for the rest of your life you have no problem. There is nobody who is going to challenge that conversion. Now take the imaginary scenario that you want to go and <sup>live</sup> ~~be~~ in... what?



COMMENT: Her children may be challenged.

HERB: Not in the United States.

So make any scenario that either you are going to go and live in Israel, make that scenario first, we'll leave your kids out. Next year you decide you want to go and live in Israel. Let's say you are a very orderly person. You want to regularize your status immediately, you don't want to have any trouble later on for your kids. So you go to the Rabbinical court in Netanyu or wherever you are living and you will check in and you will say, I would like to inform you that I was converted by a Conservative Rabbi. I gather that is not going to be acceptable to you therefore, what do you want me to do? Okay? What will they say to you? One of two things, if indeed it is Netanyu. The Chief Rabbi there whose name is Lau, Nathan Lau, a very liberal guy, Orthodox, but very liberal. If you are married, forget it, do me a favor forget it. Goodbye, go home, go to the beach. If it's someplace else you are going to get a different answer and the answer is you must be reconverted according to the Halacha. And you will say fine, what do I have to do? I am Jewish, my husband considers me Jewish, my children are Jewish, my boy is circumcised. My daughter has gone to the Mikvah, both children are receiving a Jewish religious education, now we have moved to Israel, the children will go into an Israeli school, they will learn the Hebrew language, they will be Jews by nationality as well as by religion, so, what would you like me to do? You want to re-convert me? You don't have to teach me much, I think I know a lot about the religion. You want me to go to the Mikvah again? Fine. I will go to the Mikvah. Do you think the former Conservative Rabbi didn't ask me to? Fine, you want to make sure? Fine, let's go to the Mikvah. What else would you like me to do? And with that soft, sweet gentle way you disarm that beast.

There is nothing, according to the Halacha, that he can impose upon you which you haven't already done. Okay? She likes to read Torah. So what? Hold the phone. She wants to have an aliya to get called up to read the Torah? That is up to the Rabbi in whatever synagogue she joins. It has nothing to do with the bureaucrats, nothing at all. It doesn't come into it. You become re-converted according to their definition. You pay him the 25 bucks. And by the way, parenthesis, it sometimes becomes fifty dollars. If you think there is discrimination in Israel against Reform and Conservative and REconstructionist Rabbis, let me tell you something. There is greater discrimination against Orthodox Rabbis because it is like a little internal Mafia. How many guys do you think are on the list? I mean it is like a Referral. Whom will the Rabbinical court refer her to to perform Halachic, in quotation mark, conversion, somebody who is on their list? A couple hundred guys are on his list, that is all. That dough gets split among a very small bunch of guys. There is discrimination against hundreds of Orthodox Rabbis in the country who are not on the list. So it won't be very inconvenient and it isn't very messy and it isn't very difficult. Well, now, you can take that position and say it is wrong and you can fight it. It is a free country, and I told you what your recourse is. You can go to the civil court.

COMMENT: Unintelligible.

COMMENT: What if the civil court, like you described, says okay, fine, we believe even with the idea the parents being married in Rome, okay, that is fine. Does the Rabbinic court have to \_\_\_\_\_ with that?

HERB: If there is a ruling from the civil court, surely.

COMMENT: ...married or whatever it is.



HERB: Whatever the ruling that is handed down by the civil court, these government employees have to follow. Hold it, hold it. I want to get people who haven't spoken yet. Go ahead.

COMMENT: Why not, when you go to the Rabbi and he says why don't you say I am Jewish?

HERB: We have already knocked that out of the box. Self-declaration is not valid.

COMMENT: You feel your conversion here was appropriate, sufficient, and you are Jewish.

COMMENT: Unintelligible.

HERB: All I can say is thank G-d we have got some new blood coming in.

COMMENT: ...anybody who goes to put their papers in order, they want to stay longer, then...

HERB: No, two separate things. You want to extend your...

COMMENT: Let's say you want residency, citizenship.

HERB: Nothing to do with the religious court.

COMMENT: So if you come and you are married and you bring your children, what would cause this to come about?

UNINTELLIGIBLE COMMENTORS

HERB: This is what I meant, my good friend, when I said you decide you want to regularize your status. So in order to regularize your status you take the initiative to go into the Rabbinic court, they will suggest their remedy which is <sup>another</sup> ~~other~~ conversion for your wife, if they are not satisfied she would have done properly the first time.

COMMENT: (unintelligible) ...when do we bend to Halacha and when does Halachic law bend to us.

HERB: You bend to Halacha, my dear man, in all matters of personal status because that is the civil law of the land. I explained that before. And if you cannot bend to the law of Halacha because that is the civil law of the land, in regard to marriage, divorce, abortion, adoption, etc., then you can't live in Israel.

COMMENT: One of the writers we read talked about the interpretation of the law was such a dynamic force many years ago and suddenly became crystallized and in cement.

HERB: The frozen Halachic approach of today is something which is almost unknown in 4,000 years of history. We have never been in a period like this

COMMENT: How do you get the chisen to the block?

HERB: Well, you get the chisel to the block I think, this is now, everybody can give you his own personal opinion, don't think there aren't dozens of guys agonizing over this thing for a living in Israel? The leader of the Reform Movement in Israel is a Rabbi by the name of Richard Hirsch, sweetheart of a guy, congregations in Chicago, Denver, he knows America, he knows Israel, he knows Hebrew fluently. And he is a very sensitive guy and he is not interested in sticking it to the Orthodox. But he



is interested in getting rights in Israel for the non-Orthodox. The same can be said for Rabbi Theodore Friedman of the Conservative Movement. These two guys are against the wall, scrapping tooth and nail every single day of every single year, for decades now, to try to get the chisel into this cement. The one thing they have succeeded in doing is to prevent the passage of the phrase Alpi Halacha. In the definition of who is a Jew. They have prevented that. Were they to fail, and the law of return to be amended by putting in the phrase Alpi Halacha, the old conversions in America by Conservative, Reform, Reconstructionists and even some Orthodox would be thrown out the window in Israel and you could have no recourse to the civil court system because the Parliament would be that conversion must be according to Halacha. So that little tiny window has been kept open. That is not getting the chisel into the block of cement the way you want. The first Minister of Religion -- I will give you the answer that I know -- the first Minister of Israel, Minister of Religion in the State of Israel was a Rabbi Maimon, like Maimonides. I had one long conversation with him on this subject in 1949, and he said the only way that Halacha can be changed today is by reconvening the Sunheddrin. The Sunheddrin is 71 persons. I said fine, Rabbi Maimon, we have a free, independent, sovereign state, the War of Independence is over, why don't you put your brain to this, you are the Minister of Religion, find the 71 most learned men in the world, find them who know the disciplines of chemistry, physics and biology, because these are all the questions that are coming up. Is electricity fire or not? This same Rabbi Goren, when he was Chief Chaplain in the Army wrote a monograph saying electricity is not fire, therefore, in the army, I shall permit electricity on the Sabbath to run the air conditioning machines and run the radios and give the soldiers hot food and it was like a breath of fresh air. The civilian Chief Rabbi of the country called him in, read the riot act to him, banged him over the head, almost shot him dead,



and said hey, you are the Rabbi in the Army, so you certainly can't legislate and you can't make Halacha for the whole country, B, even in the Army you come under my jurisdiction, I am the Chief Rabbi of the whole Country and the Army is only part of the country, so tear up your paper, I don't agree with you. Electricity is fire. Okay? You get a breath of fresh air, you get a breath of cold air extinguishing. The Halacha today is more inflexible than it has ever been. The Halacha, all through the centuries and the ages, found legal fictions to avoid complicated problems. The Halacha says you cannot till the soil<sup>1</sup> every seventh year. How does Israel get around that? How do you get around that in a modern country? That is right, you sell it to a non-Jew for one buck and he owns the entire land of the whole state of Israel for one whole year. He can't run away with it. What is he going to do?

COMMENT: Why do you think that is? Why is it so inflexible right now?

HERB: I think the Jewish fundamentalism is going through the same phase in the world as Khomeni fundamentalism and all religions are afflicted by it. I think there is a certain tolerance which has taken place in regard to Jewish fundamentalism for which we tolerant people are paying a price for now because the intolerant, the fanatics,<sup>1</sup> keep distinguishing all the time, there are two kinds of Orthodox people, organizations, groups and establishments. One is flexible. One is not. The Orthodox flexible people are just as pain ed by this as we non-Orthodox people are, because they see the danger in it and they see it in a different light even because there is no way in the world you are going to get secular people, non-religious to be tempted to become religious when they see this kind of rigidity. 80% of the people in Israel are non-religious they are secular. You are going to tempt them into a religious framework when they look at it and they see



this kind of absolute -- worst than medieval, it is not even medieval all through the middle ages and all before the middle ages legal fictions were adopted. You are not supposed to charge anybody interest. If you don't charge anybody interest he is not going to make a loan to you. How do you borrow money? How does commerce and industry work? You pay the interest to a court, not to a person. The law says you shall not pay interest to another person so you don't pay it to a person you pay it to a court, objective, external body. The legal fictions, Judaism and Halacha abound with legal fictions and today, nobody wants to invent one, today there is withdrawal, pull back. And I can't account for it any way except to say we are suffering from our fad of fundamentalism and the second thing we are suffering from is a political mistake which Mr. Ben-Gurion made 38 years ago, when he invited into the first government three religious ministers having, as he put it, because he was a terrible cynic, he was a complete atheist, and a real hater of the religious establishment, but, he said, I am a politician before I am anything and I have to form a coalition government so I bought, that was the word he used, I bought their votes by giving them three unimportant, lousy posts in the government. Positions in the government. One, Minister of Posts, two, Minister of Religions, three, Minister of the Interior. Bingo. He didn't realize what he was doing by giving away the Ministry of the Interior because that Ministry determines all matters of civilian status just as the Rabbinical courts have all matters of personal status as we have said before. Now, that deal that he made with him. Goodbye, She has got an airplane to catch. Forget it, forget it. In Hebrew it is called -- that deal which Ben-Gurion made right at the beginning is called Habrit Hahistorit, the historic covenant, brit means covenant. What you called a bris. The covenant of Abraham is a circumcision. The historic covenant. I made it with the religious parties in order to have a coalition majority in order to do what I had to do to build up the Army, build up the Treasury, build up the country,



I had to do it. He didn't have to do it. He could have bit the bullet right from the beginning. Should've. He made a terrible mistake. For 39 years now the life of Israel, every successive government has taken the religious parties into the coalition whether it needed them or whether it didn't need them. And the religious parties say we have, what is called,

In Hebrew, Hazaka Hazuka, we have got a right. One man, by the name of Joseph Bourg, has been in the government for 38 years now, either as Minister of Religion or Minister of the Interior. The Minister of the Interior even had the control of the police. Until they split it away from him. And they made a separate Ministry of the Police. The former chief of staff Chaim Balev is the Minister of Police. So there are two things to account for this frozen cement attitude now. General religious fundamentalism in the world which has afflicted Jews like it has afflicted everyone else, Moslems and Christians. And B, a political error that was made which introduced into the government this religious coalition of parties. Now, Number three, having said that, those first two things are easily validated if you are willing to call the Sunheddrin and introduce the system of reviewing the entire structure of Jewish law and see what things need amending in the 21st and 22nd century. And the Rabbi Maimon fudged the question with me because his bottom line answer was I can't find seventy-one people who know Jewish law and all the other disciplines you are talking about. Social psychology and humanism and natural science and the hard sciences and mathematics and space and all of, who knows what all we are going to have to come up with when we start taking a hard look at this. What does he say about space travel? What do you do on Shabbat when you are halfway to Mars? So better, don't open the can of worms which is the most reactionary thing you can say. It is a dreadful reactionary conclusion to come to. But that was his answer. There are a lot more answers



COMMENT: The major mistake, I think, the major mistake in this whole business is that the Orthodox are allowed to get away with the monopoly of definitions.

HERB: Do me a favor Barry. Don't use phrases like they are allowed to get away with. We are talking about a situation of law. It is not a matter of enemies. They are allowed to get away with. I want that... You have got to want to work very hard to subdue the passion. You have no idea how hard it is to try to explain these things to non-Jews who like Israel, they like the image of a fighting country, a secure country, a democratic country, a powerful country. A little country that makes things work. With all these negative things we have to say about what is wrong there, don't ever forget what is right there. It is a phenomenon. On this issue, when I have to explain it to non-Jews, and I move in a lot of non-Jewish circles, politicians in Washington, academicians and Christian ministers in inter-faith organizations and G-d knows what, and this is a dreadful, dreadful problem we have got here which appears to be insoluble. If I let my temper get away with me I would be totally negative so I keep fighting it all the time, so I am sorry to keep loading on you, but we have got to watch the way we talk ourselves. You have to hold your passion down and try to figure out a way through this thing. I believe that the real way through this thing, since the Orthodox establishment will not convene a Sanheddrin, is, and since there are not Chief Rabbis. Every Chief Rabbi we have had since Rabbi Cooke, who was the Chief Rabbi before there was a State of Israel, and there hasn't been one since without any kind of flexibility. Possible exception of Goren. So we are not going to get the solution from the side of creating a Sanheddrin or from the side of getting a courageous Chief Rabbi. The only recourse we have is the court system in Israel, the court system. Every time an issue comes up that has to be fought through we have to fight it through the courts and that is where we usually win. And I don't

know any route to go. And it is along and laborious but so would be the route of creating a Sunheddrin, is a 25-year route. Okay.

COMMENT: If I have an issue of personal status I take to a Rabbinic court and I didn't agree with the Rabbinic court answer or I will not accept their decision, I then, my route is then to go to the civil court.

HERB: If you have a cause in action. You may not have.

COMMENT: That leads up to my question. In Israel today to what extent does the civil court...to what extent can it enforce its decision on the religious word?

HERB: I told you the answer to that before. It can. The question is, do you have an actionable matter that the court will even deal with? That is a different question.

COMMENT: What matters are...

HERB: How do I know? I am not a lawyer. You give me a real question and I will tell you whether I think the court will handle it.

COMMENT: I am talking about areas.

HERB: No, it is too vague, too general, meaningless.

comment: I have got a real question. I read about this, I don't know how it resolved itself...The Ethiopian Jews they marched into Jerusalem and said forget it we are not converting. ...(Unintelligible)...



HERB: There was no request that they convert en masse. Mass conversions are not acceptable in Judaism, everything is individual. In the Christian Church you can convert by mass. You can convert a whole country. The Emperor Cosntantine became Christian and everybody in the city of Constantinople became Christian, automatically. They protested, the resolution of the matter was that every individual case will be handled by the Rabbinical court. In other words, there was no different solution than before the protest. The only slight little bit of difference is that the Rabbinical courts are now very much on the alert to the fact that if they are ruling too rigidly, those black boys are going back on the street again and if they go back on the street again the government is going to view their case very sympathetically because Peres, when he finally settled the matter in a meeting between the delegation of the Ethiopians and between the Chief Rabbis' office he said you must deal with this flexibly, you Rabbis. And they got the message. Now each individual Ethiopian goes through his own individual process. Just as I described to Mary before. Obediah Mogadisho who lives in Dimono wants to marry Nellie Jones who lives someplace else and they go to the Rabbinical court for a wedding and they fill out the forms and the Rabbinical clerk looks at him and he says are you one of our new citizens? And the man says yeah, and if that clerk has got the message from the Federal government he says that's fine. And he signs the marriage license. Public protest always works, it lightens the atmosphere, decreases the tension, sends the right message. Yes sir.

Back you against the window, I saw your hand up before. I can't see who's sitting there. I have the wrong glasses on. Yes, Alan?

ALAN: Unintelligible phrase. Say that the Israelis or American Jews are turned off by the Orthodox...The fact is there are people who come from



non-religious backgrounds and have been attracted by the Jewish religious lifestyles.

HERB: That is right, there sure are.

ALAN: The examples you gave about the lack of flexibility to me sounds ...are examples that come out of how you...and the discussion we are having now is not how do you adopt Talmud to everyday \_\_\_\_\_, how do you adopt Talmud to other issues and it is not clear to me what are the changes people are looking for in Halacha and whether you can derive those in a Halachic framework. I think it is incorrect to say that Halacha is frozen and does not address the modern issues of today, because I can point you to responsa on heart transplants and the use of electricity in a modern society, and any number of other things. I am looking for some clarification of what would you change about Halacha that has not been changed already.

HERB: I don't think it is a question of what's being changed. I think what we are talking about, what the whole world is talking about, is a process. Is a process for change which is not glacial, and doesn't take decades and decades to get effective. I mean, you talk about the use of electricity, for instance, that is an important issue. So after a long time somebody invents the Shabbat elevator in hotels that just run constantly for 25 hours. Okay. Somebody else says my G-d, what a waste, and somebody else says it is like kosher meat, kosher meat is more expensive than non-kosher meat. A little bit of waste, so what, Halacha is being serviced. And somebody else says, can't Halacha be re-interpreted some other way? When the Orthodox, when Salavichik and Feinstein and Co. Don't come up with an answer to process, I think that is the essential failure and that is the cause of the dissatisfaction. It isn't specific issues, it isn't the great protests against autopsies, it is a process



by which Halacha has to decide whether it does or it does not wish to authorize much broader categories of autopsies to be permitted. Without all the sturman drong over every single case. Process. When you had a sitting Sunheddrin and you had a, whether it was in Tiberius or Yavna, or wherever it was in Babylonia for the next 500 years. When you had a sitting Sunheddrin you had a process by which Halachic authorities could deal with questions of public policy and give Halachic answers. And the thrust always was to try to find some answer to enable the public to be served. So to speak, in quotation marks. That is what is absent today. The whole Halachic world has been in turmoil for 200 years since the emancipation. The inventiveness, the creative inventiveness of the Halachic world in the past hasn't been manifested for the past two centuries. That is the problem, that is the problem.

COMMENT: I think there is a <sup>other</sup> problem and I think the problem is different. I think there is a monopoly on definition and that the Orthodox seem to have a monopoly on definition and every one else in this room ~~think that~~ <sup>seems to be</sup> allowing ~~everybody~~ the Orthodox to have that monopoly. There are a lot of people who are considered Rabbis. By a lot of people, I consider to be Jewish. And those people who are considered to be Rabbis are not considered to be Rabbis by the Orthodox.

HERB: They are not considered to be Halachic authorities.

END OF TAPE TWO, SIDE ONE

BEGINNING OF TAPE TWO, SIDE TWO

COMMENT: ...Reform Rabbi says that patrilineal descent of lineages is okay. Who is to say that the Orthodox Rabbi who says no that is wrong, who is to say that the Orthodox Rabbi has the authority?

HERB: He says he has the authority and the world grants him the authority. And the only one who can challenge him is someone who is Halachically as learned as he is because it is all a matter of knowledge, and most Reform and Conservative Rabbis don't have the depth of Halacha that most Orthodox Rabbis do who have spent decades in the Yeshiva and many Orthodox Rabbis haven't done that so they are not qualified either.

COMMENT: What about power in numbers and representation there. Isn't it true that...

HERB: Power in numbers...I am not sure.

COMMENT: In terms of the Reform and Conservative vs the Orthodox.

HERB: I am not sure what you are trying to say.

UNINTELLIGIBLE COMMENTORS

COMMENT: I guess I need clarification first of all, on how it is determined that the Orthodox Rabbis are the Rabbis that are...on interpretation.

HERB: I am not sure I understand the question.

Excuse me, I am going to rule the discussion out of order because it has gone way the hell down the road. Now, stop. Back on the track. You



are trying to solve all the political problems and the social problems. You can't. So take the discipline of study, let's stay with it. I have given the privilege of extensive, wide questioning and I would like to do that, but not at the expense of not getting the work done. We have got to finish this patrilinear/matrilinear, because it is a crucial matter here. And it is something which is in the throes now of shaping the future. And I would like to move to it immediately.

COMMENT: Unintelligible. ...letting them convert you again in order to minimize the conflict that is going to be created in the community or in Israel, whatever...

HERB: Or for your own children.

COMMENT: Or for your own children. If you can give a little, sometimes maybe it can mean alot in other areas...

HERB: It is a very smart tactical suggestion.

COMMENT: Unintelligible.

HERB: I don't think it has, Jerry. That is what you hear. I would like to suggest that you tune your ear differently just as I have been suggesting to other people that they tune down the vocabulary. Tune your ear differently. You are hearing it maybe because that is what you expect to hear or that is what you hear elsewhere. Around this table there has to be just as much objectivity as it is possible to achieve. We have to be kindof superhuman and not indulge ourselves in the ordinary human passions. From my point of view, and don't ever forget, I was trained and functioned all my life as a Reform Rabbi. And you

hear me making what might appear to be defenses of the Orthodox. Now, that is not a posture that comes naturally, that is a posture that comes only after a lot of cultivating, I cultivate that posture on purpose in order not to be palinical and not to be inflammatory and not to add fuel to the fire but to try to quiet it down.

COMMENT: In my case I was defending the Reform and Conservative...

HERB: That is right, that is correct. Now, let's go to this patrilinear/matrilinear. The business of who is a Jew starts from that law of return which starts to define who is a Jew. Who is admissible to the country and who requires conversion to be admitted to the country and what kind of conversion and who is qualified to give the right conversion and all that is based on the accepted premise that the child follows the religion of the mother. So that is the rule. If the mother is Jewish you have got no problem, the mother doesn't have to convert, the kid doesn't have to convert, the non-Jewish father is out of it anyway, if he wants to convert, fine. If he doesn't, it is irrelevant. All of it is based on the premise of matrilinear descent. Okay. Now. In 1968 the Reconstructionist movement challenged that, 1968, almost 20 years ago. You never heard anything about it, there was no publicity about it. It was a quiet thing. I don't know whether you have a Reconstructionist Rabbi in this town. You have a Havari? The association of Reconstructionist Havarot and Congregations passed a resolution in which they said a child of one Jewish parent, whether it is father or mother, counts. A child is Jewish. In 1983, three years ago, the Reform Association of Rabbis passed a similar resolution. The basis which they gave, let's forget about the early wisdom of the Reconstructionist movement in looking for a solution. They are tiny, they didn't influence very much, they didn't get much publicity, nobody knew what they said. But in '83, when the Central Conference of American Rabbis, the big Reform body with



almost 1,000 Rabbis in it and with a couple million American Jews members of those congregations, that attracted attention. They said, our logic is very simple, by what right do we exclude anybody? Are we so rich in numbers? We don't remember what happened in the Holocaust, we wouldn't like to make up some of that? Why do we turn people off instead of welcoming people in? That was their whole psychological approach. Then came their theological justification and that is what I want you to learn. that is what you have to learn. They are not just taking something out of the air and saying we believe in patrilinear descent and that is what we vote and that is our position and please accept it. No. They have to rationalize and justify the position too. Okay. The justification begins with the whole Biblical period. In the Biblical period the child followed the religion of the father. Father. That was the status of things for a thousand years. To this day there are some remnants of that. Number one: The passage of title Cohane of Levy goes down from Father to son, not mother. Mother has nothing to do with it, father. And that is the most telling of all factors because this derives back from the time of Moses and Aaron. Two. There is the clear statement in numbers. And repeated again in the Talmud in Babatra and in Yeramos and in other places. Mishbakat Av Kivua Mishbaka, Mishbakat Aim Anakuya Mishbaka. The family or the tribe or the line, the lineage of the father determines the family. The lineage of the mother does not determine the family. Crystal clear in the Hebrew language, no equivocation at all. When you look at all of the early ancestors, Rachels lineage is traced through her father, Labane. No mention of the mother. Pharoah gives Joseph in Egypt Asnat, the daughter of Potapara, a priest for a wife and Asnat bore Joseph two sons. Who are they? Minasha and Ephraim and every religious Jew to this day on Friday night blesses his sons that they may be like Minasha and Ephraim whose mother was an Egyptian Priestess. She certainly wasn't Jewish. Moses wife was whom? Zipporah. Who was she? A Mideonite, Beduin from



the Sinai desert. His second wife was an Ethiopian lady. And his sons were whom? \_\_\_\_\_, high priests. Their mother wasn't Jewish. I can take you all the way down to Samson who married a Philistine girl and Gideon whose wife was a concubine and she bore him a son Avinelle and the kings, the father of, the mother of, Ahab was not Jewish and he married Jezebel who was a foreigner and her son became the king even though the mother was not, etcetera, etcetera. You just take it without my having to give you any more citations that for a thousand years that's what it was. When did it change? It changed when Ezra and Nehemia came back from Babylonia after the destruction of the first temple and they got a few remnants of Jews still living there in the Holy Land and Ezra was a very strict guy and he drove out the foreign wives of the Jewish men and their children withhim. This was the beginning of the concept that the children follow the religion of the mother. The very beginning, the first episode. It didn't become permanent, yet, but it was the first sign, the first swallow. If the mothers have...and there were only 113 of them, 113 foreign wives were thrown out by Ezra and their children. The children go with the mother. By the way, in parenthesis, in regard to this matter of polygamy and monogamy, polygamy was permitted until the Takanav Rabegersha in the 10th century where he said because of the Mores in the rest of the world already in the 10th century, already in the Christian world, it was not nice for the Jews to have two or three wives so he said it is out. Monogamy is the rule. Put aside all your second wives, all your third wives, and their children. So again, the same thing. If you put aside a wife whom you are not allowed to have anymore, and she takes her children with her, that gives rise to the concept that the children follow the religion of the mother. So that if you want to break it down, roughly, into periods of time you say that for 1,000 years, patrilinear descent was the norm. Children took their descent from their father. By the time you got down



to, let's say, the Rabbinic period, Mishnah, or the Gomorrah, second, third, fourth century C.E., after Jesus, children were following the religion of the mother. Therefore, both traditions are valid. Both traditions are valid. The rigidity down through the middle ages to today, the frozen in cement attitude that only the mother counts, obviously has no basis in our past. Therefore, the push is on in both the Reform and the Reconstructionist movement and I would like to be a prophet for one moment and I will say that inside ten or twenty years the Conservative movement which will be heavily <sup>af</sup> ~~conflicted~~ by intermarriage and will again see the same light the Reform movement saw when it will try to save people and bring them in instead of rejecting them and pushing them out because again you are talking about very large numbers. You are talking about scores of thousands of marriages that take place every year where you have an option of pushing the people away or welcoming them in. So we are talking very heavy numbers. Even Irving Greenberg who made the prediction about will we be one Jewish people by the year 2000, I don't know whether you heard that or not. He had a big seminar conference on that a few years ago. He says if things go the way they are today we will be two Jewish people by the year 2000 and our kids won't marry each other. That is how bad it could get. So that the Conservative movement is already afflicted by many intermarriages, it isn't that this just takes place within Reform ranks, and they will see that they have to try to pull a saving act as well and they will come along and join this patrilinear decision and from the other side the very fanatically Orthodox point of view is this is a sin, this is a tragedy, this is a horrible <sup>exist</sup> ~~area~~ and as a matter of fact those Reform people are doing it only to dig the needle into us. That is how they look at it is it is an act of retribution, it is an act of paying back because the Orthodox discriminate against the Reform and Conservative, now the Reform, and also soon the Conservative, are finding a way to dig back at



the Orthodox. So it is a war. A war of nerves, tit for tat. I don't think that was the motivation of the Reform movement at all. And the proof of the sentence I just said in the Presidential address which was made by the President of the Reform Rabbinical Conference, a Rabbi by the name of Jack Stern who is pleading for tolerance and understanding and toleration on both sides and said we have to walk carefully with each other and if we come to issue which are irreconcilable, then we have to skirt around them, that is all. We have to agree to disagree and not call each other names. And he said from my point of view I am not going to back off this patrilineal thing, no way, I won't back off it. It is a way of bringing tens of thousands of people a year -- good people like you into the Jewish fold and what right do we have to push them off? If a Jewish father marries a non-Jewish girl and even if the non-Jewish girl doesn't want to convert and they have children and both parents agree to bring the children up as Jews and educate them as Jews and they take public acts as Jews and the boy is bar mitzvahed and the girl is confirmed when she comes to be 15 years old, they are publicly taking a position of being good Jews and educated Jews, you should get down on your knees and thank them. If that is not acceptable to an Orthodox Rabbi, I the President of the Reform Group, would have no objection if 20 years from now they insist that child has to be converted. Let the child be converted 20 years from now. It is a small price to pay. It is no insult, it is no crime, it is no hassle, I think it is stupid, I think it is redundant, I think it is unnecessary, I think it is foolish, I think it is all of that, but what the hell is the difference? If that is the only way they will be satisfied, do it. The important thing is, agree that the child, if the father is Jewish, the child is Jewish. And if later on you super-Orthodox want to rectify that by converting the child go ahead, I don't care.

COMMENT: Then they are not agreeing, I don't understand...



HERB: They are not agreeing. They have found a way. He has found a way to get around the G-damn clash.

COMMENT: In other words, it is not that Jews will be converted...

HERB: Maybe, maybe. You don't know what will happen 20 years from now.

COMMENT: I have got a major problem...and the relationship of a person with his G-d in Judaism, and to me all this is obstructionist and ritualistic...

HERB: It is law.

COMMENT: It is maxa-paganism to me. It isn't that far from...

HERB: David, it is not paganism, it is law. We are talking law, don't you understand?

DAVID: We are talking about law as interpreted ~~by~~ somebody I don't agree with. That is a problem.

HERB: You may not agree, you don't have to agree with Justice Rehnquist, I think he is a reactionary, but he is the Chief Justice of the Supreme Court. And when the Supreme Court issues law, it is the law of the land, whether I agree with it or not.

DAVID: He is appointed according to a process by which I agree. There is no Orthodox Rabbi that is appointed by your admission by a process that I had...

HERB: I never said that. There is a process by which Orthodox Rabbis are appointed to their posts.

COMMENT: Whether you agree or disagree on how Rehnquist is approved you still have to observe his law.

HERB: That is correct. I don't care whether you agree. The law of the land is the law. Orthodox Rabbis who spend 20 years in a Yeshiva specializing in -- like you spent 8 years in medical school -- they spend 20 years specializing in the Minushei of the law. I may think it is obscurantist, I may think it is medieval, I may think it is without imagination and flexibility. I may think a lot of things about it, and I do. However, they are in their positions by virtue of the specialized training they have had which I have not had. I would not in a thousand years set myself up as a specialist in Halacha. I wouldn't do it. I haven't read enough Talmud, I haven't read enough Mishna.

COMMENT: What is the criteria in determining who is appointable to the high court? Rabbinical?

HERB: There is no Rabbinical high court. There are Rabbinical courts, plural. I am trying to make it clear for you. I will try again. They are regional, they are local. They are municipal. There is a Rabbinical court in almost every city in the country in Israel except in some very tiny villages. Those courts have jurisdiction over matters of personal status. When you want to get married here in the United States you go to city hall and apply for a license. When you want to get married in Israel you go to the Rabbinical court and you apply for a license. The court consists of three rooms in a building or 20 rooms in a building if it is in Tel Aviv or 2 rooms in a building if it is in a little town, and there will be one Rabbi there and one Rabbinical



judge, a Dayan he is called, and one clerk, okay? They sit there and they receive the public. And you walk in and you want a marriage license and there are forms to fill out, just like when you go to city hall. These people are appointed by higher Rabbinic authorities. The two Chief Rabbis of the country, one Ashkenazik one Sephardic are elected by a Rabbinical council of about 60 Rabbis from the whole country. Those guys are elected by the Rabbis down below them who are the lower clerks. I am calling the Rabbi a clerk because that is the capacity in which he really serves the public. He is an ordained Rabbi, ordained in an official Rabbinic Seminary, has a degree, has a diploma on the wall like the dentist and the doctor and the lawyer and he has gone through a process through which he has achieved his physician.

COMMENT: Can he be a Rabbi, a Reform, Conservative or Orthodox?

HERB: He can only be a Rabbi approved by the Rabbinical Council of Israel and they approve very few men, all Orthodox, many Orthodox men don't meet the qualifications.

COMMENT: What are the beginning qualifications? This is truly...I don't...

HERB: Oh, really it is a very technical thing for me. Twenty years of reading, twenty mesectov of the Talmud. As I say, what are the qualifications for the Board? If you start to explain...

COMMENT: I don't think the analogy holds. To me, religion, I don't remember which author stated it but he stated it best when he said even the Torah, our holiest of holy books, should not, the interpretation of the Torah should not interfere with one's relationship with one's G-d. That is one's Judaism, the rest is commentary.

HERB: No. That is not the sense the rest is commentary. Hillel said the rest is commentary. Love your neighbor as yourself and the rest is commentary. Fellows, listen. Do not try to confuse this matter. The system which is in place in the 20th century in the State of Israel is a derivative of the system which has been in place in the shtetl for three or four hundred years because the people who created the state of Israel came from Russia, Poland, from the shtetl. They brought with them that which they were familiar. Ben-Gurion, the atheist, agreed to the institution of that system because he knew no other and he was blind. Any more than it makes any sense to question who gives the medical board the authority to license certain kinds of doctors who keep looking for higher status all the time. They take their boards, as I heard them say. The AMA gives them, somebody gives them. In Israel the Supreme Rabbinical Council authorizes this. It is a valid body. It has its criteria of how much material it wants its students to learn. It picks those who have learned the most. You think there is only one way to decide whether a chicken is kosher? Every local Rabbi down to the lowest level gets every housewife coming to him is this chicken kosher? He looks her in the eye and he tries to make a decision on whether she can afford to buy another one if he says this is no good. Or shall he be humane and say this is fine. Go ahead and use it. Human beings are human beings even though they work in structures and strictures. The system is in place. The people who occupy the positions in the system are no less venal or corrupt, no more rigid or inflexible, no more nasty or less decent than any other human beings are. The system is rigid. The decisions are tough. You are used to easy permissiveness in this country. It is one of the reasons why it is so hard for Americans to learn to live in Israel and to adjust. The average lifespan of an American older is three years. When questioned about all the reasons about why he leaves Israel he says, among other things, if he had a nasty



experience with the religious authorities, I can't take this business of church and state. If he hasn't, that isn't one of his reasons so he says I don't like the rough toilet paper. People have a lot of reasons for leaving. For many people this is a reason for leaving. The penalty Israel pays. But there is a system in place. Patrilinear descent...go ahead.

COMMENT: With the exception of principle which I don't want to belittle, what are the major objections to ritual conversion...from those people that are opposed to conversion, either Reform Conservative or Orthodox. Principles are very important.

HERB: I don't know what your question is. What is the objection in principle of the Reform movement to Halachic conversion?

COMMENT: What is the objection of those individuals who claim to be Jewish and are asked to go to a conversion when in doubt and refuse to be converted because of the symbolic act is insignificant compared to their own confession?

HERB: There aren't very many who refuse. They do it. They knuckle under. There are many who walk...

COMMENT: Like Rabbi Stern said, in 20 years, a conversion is required, we will do it. Why not do it at the beginning?

HERB: No, no, no. That is when it will come up. It comes up only in the next generation of children.

COMMENT: Twenty years from now the emotions may be much different. So what are you saying, let's buy some time. Let's bring these people into

Judaism before we lose them...and 20 years from now we will roll into it that time. If we wait another 20 years maybe the people will say look, I am Jewish I want to be Jewish...

COMMENT: Rabbi Schindler is facing the realities of inter-marriages. ..why should we demand that they undergo a formal conversion when their Jewish identities are already secure by far more than a symbolic act.

HERB: And the difference between Schindler and Stern is that Schindler is a Reform hard-liner and Stern is not. That is all.

COMMENT: I am not talking about the Reform, I am talking about those people that oppose Ethiopian Jews...who took the position, I don't have to go through a conversion. I say that I am Jewish and it is only a symbolic act. These are a minority but they are very very vehement in their opposition in doing it on principle.

HERB: And so the issue is diffused and they will do it not ~~until~~ the on principle they will do it in specificity if they are called upon to do it when they go to the Rabbinat for whatever reason they go. If you are never going to get married you don't ever have to go near the Rabbinat. If you are never going to get divorced you are never going to have to go near the Rabbinat. So I keep saying, in case you have to go near the Rabbinat, the decision on the Ethiopian thing as typical of every Jewish decision, it is a compromise it is ...

COMMENT: Unintelligible

HERB: I don't know what you are talking about. The issue is not in America. The issue is not in America, Jerry.



COMMENT: Unintelligible.

#### UNINTELLIGIBLE COMMENTORS

COMMENT: The issue is in America too if you extend the discussion beyond the concept of patrilinear or matrilinear descent, if you look at it as tolerance between the various Jewish groups. Are we going to go through the ... in America and have that kind of religious war among the religious groups?

HERB: Who knows?

COMMENT: Each trying to dominate. As you said earlier, are we going to wind up in a situation where we have the children of one religious group one Jewish religious group not marrying children of another Jewish religious group because maybe they are not Jewish.

HERB: The only way you can avoid that is by two processes, one is a process of tolerance, the other way is a process of agreeing upon, we are talking now inside the United States, if you visualize some kind of problem in the United States which I, frankly, do not. Because you do not have the power of the state putting authority in the hands of a religious establishment. That is a purely Israeli phenomenon. It does not occur in the United States. However, if you insist upon theorizing that there can be problems, then the only solution here in the United States besides mutual tolerance is an agreed upon conversion ceremony between all three or four denominations in America. If you could get all four -- Orthodox, Conservative, Reform, and Reconstructionist, if you could get all of them to agree to a common, a common conversion procedure that everybody would be satisfied with you would have no

conflicts. This is what this Rabbi Greenberg advocates as an Orthodox Rabbi. Stern says from his point of view, his Reform point of view that he would go along with that. The issue at stake is very simple, very simple, it has to do with Mikvah Vilah. Dipping, literally, vila means dipping. Immersion of the woman in the Mikvah or for the man, circumcision and immersion, that is what is required from a ritual point of view. What is required from an educational point of view depends with the degree of seriousness each Rabbinical court or body or committee, let's not use the word court in the United States. There was an experiment in Denver, Colorado which worked for quite awhile, three or four years, and now has disbanded, unfortunately, under the acid erosion of mistrust and mutual fighting, but for four years it worked where the Conservative, all four groups in Denver had a common baitbin, and all problems of divorce requiring a get, the Reform people get divorced and they don't think necessarily of getting a get, this Rabbinical Board in Denver said everybody ought to get a get. There is no problem in it. You get a divorce, a civil divorce, you sign a get. There are some men who refuse to do it, so they took punitive sanctions against the men. Everybody converting gets converted by this common procedure, there is one Mikvah in time, there is one Board of Examiners in town, every Rabbi sits on it of every denomination, every Jew in town knows it is a universal umbrella board, and it looked like the kind of dream situation. I don't know what busted it up. I use the phrase acid nastiness. Something eroded it. Something must have happened, I don't know what it was. It doesn't exist anymore. Busted up last year. Too bad. Inside the United States, if a Conservative Rabbi conducts the conversion and some Reform Rabbi doesn't accept it, what is the difference? No difference at all because the worse case scenario is the child of that marriage 20 years from now wants to marry an Orthodox person and the Orthodox person's Rabbi says oh, well your mother was converted, fine. And who did



it? Rabbi so and so. Listen, oy oy oy, he is not as strict as he ought to be. I don't know what to do. And he will plutz around a little bit and nine times out of ten he will accept it, and the one case out of ten where he won't accept it he might say would you mind if we went to the Mikvah together and I will sign this conversion certificate for you and you will never have any trouble for any of your kids because you have got three oungeer ones yet and he is solving it for you and he is doing you a favor and he will be friendly and warm and seductive and he will seduce you into letting him do another conversion again so all the rest of your kids won't have the problem. So in your head you can say on principle, no or you can say to your kid, why did you fall in love with an Orthodox girlfor? That is a mistake, go get a Conservative girl. You are not going to get into the same kind of buzz saw in America as you do in Israel because you can go shopping in America and you will find an Orthodox Rabbi who will accept your conversion by a Conservative Rabbi whereas in Israel there is no shopping, you can't go shopping anywhere. There is a monopoly. So that is why I don't visualize the problem becoming as acute in the United States. I don't know what kind of an Orthodox Rabbi you have in Minneapolis, but I can't believe that in Minneapolis if somebody has been converted by a Conservative Rabbi, or even a Reform Rabbi, and a long time later one of their kids wants to get married, that an Orthodox Rabbi would question it and refuse to conduct it because the child's mother was "incorrectly" converted way back when. I just don't visualize it as a frequent case in the United States It just doesn't to along with the American tradition of tolerance and mutual respect.

COMMENT: Unintelligible.

HERB: No, it won't be a problem in America. It would be a problem, again, in Israel.

COMMENT: Emotionally I think it would be a problem.

HERB: Well, emotionally. Your use of the word suddenly. It takes time for a new ruling to sink down, permeate the ranks, begin to be accepted up and down the line. When this resolution was passed in 1983 by the Reform Rabbis, which is a professional body, it was then taken to the floor of a meeting of the reform congregation, the lay members, Union of American Hebrew Congregations, I think it was in Los Angeles in 1985, three thousand delegates there, it was a massive floor debate that went on. Hundreds of people wanted to speak, and they did and when all the whole shturman drunde was over with, the floor the Plenary Session on the floor voted overwhelmingly to accept this decision which meant people got used to it. I can't hear you.

COMMENT: Unintelligible.

HERB: So it is in effect in the Reform movement. It is in effect. Don't forget, in the whole point of this discussion tonight is to let you understand that the patrilinear suggestion is a very old one. We began our history that way. We shifted to matrilinear, we are shifting back now to both. It is not saying one or the other. It is saying matrilinear, fine, but how about patrilinear, because the fact of the matter is the largest number of cases is non-Jewish man marrying a Jewish woman -- Jewish man marrying non-Jewish woman. The number of cases of the non-Jewish woman converting is constantly on the increase. In case non-Jewish woman doesn't want to convert, you can't force her, you shouldn't force her. It is enough if the children are brought up as Jews. So if you have a Jewish father and a non-Jewish mother who agrees the children



should be brought up as Jews even though she can't quite bring herself to convert for whatever reasons, doesn't want to hurt her own mother and father who knows what, she is entitled to her own reasons. But she is providing Jewish children for the future of the Jewish people and she is providing it happily and willingly and gladly and she is, in many cases, dragging the father along, in many cases. Apparently it hit close to the mark with that one. So alright, great, so be it. And it is not as though we are inventing a brand new wheel. That is all. He did what Moses did. The whole difference is that she converted. If she hadn't, he did what Moses did. He wants his kids to be Jewish and she says fine. So what is wrong with that, what is in there that you see wrong with that? Therefore, because basically, there isn't anything wrong with it, it will slowly get to be accepted, that's all.

COMMENT: Unintelligible.

HERB: If he wanted it and she agreed to it...

COMMENT: ...practical...

HERB: What do you mean, is it practical?

UNINTELLIGIBLE COMMENTORS

HERB: In the world today who say s the mother is the only one responsible for bringing up the kid in general? Where are you people? Fathers are taking care...

COMMENT: It hasn't gotten that far.

HERB: You are getting there, boy, you would be surprised how fast you

are going to get there. You would be surprised. Louise has got the...

LOUISE: Unintelligible.

UNINTELLIGIBLE COMMENTORS

HERB: I would like to...

UNINTELLIGIBLE COMMENTORS

END OF TAPE

